

# SHEFFIELD CITY COUNCIL



## Individual Cabinet Member Report

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**Report of:** Laraine Manley

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**Report to:** Acting Cabinet Member for Neighbourhoods

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**Date:** 8<sup>th</sup> February 2016

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**Subject:** Asset of Community Value Nomination – Heeley People’s Park, Sheffield (“The Property”)

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**Author of Report:** Laura Pattman Director of Neighbourhoods

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**Summary:** This report is to provide the Cabinet Member with sufficient information to enable them to make a decision as to whether Heeley’s People Park Sheffield should be listed as an Asset of Community Value pursuant to Part 5, Chapter 3 of the Localism Act 2011.

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### Reasons for Recommendations:

The nomination form states the area of operation encompasses 4,500 households that are within the Heeley, Meersbrook and Lowfields areas of Sheffield although users of the Property do come from across Sheffield as well.

The nominators distribute and deliver a community newspaper called “The Heeley Voice”. The paper includes news and updates regarding the Property and the nominator’s events programme. Based on this information it would be reasonable to conclude that the local community served by the Property are Heeley, Meersbrook and Lowfields.

The Property is described as former housing land that was cleared in the late 1970’s or early 1980’s and left undeveloped and neglected. The nominator holds the Property on a 125 year lease from Sheffield City Council. Since taking the Property from the Council the nominator has undertaken a significant

improvements including cultivation and landscaping. They have also constructed a length of BMX track, a length of mountain bike track, an outdoor climbing boulder, a multi- use games area, picnic benches and the construction and improvement of a number of paths.

The nominator states that the Property is used extensively both formally and informally. On a formal level it is used for organised community events such as festivals, music events and environmental and family activities. A detailed programme of events is included on the nomination form. The Property also hosts the Heeley Festival which attracts more than 5000 people according to the nominator. Annual visitor numbers based on audience counts are estimated to be in excess of 10,000 but this does not take into account informal use which is likely to increase the figure substantially.

Should there be a cessation of use the nominator lists a number of adverse effects being:

1. The loss of a valuable community asset and venue for the activities held there.
2. The impact on local business due to the loss of visitors.
3. The potential for anti-social behaviour occurring the Property if it were left vacant.
4. General impact on the community of the loss of amenity land and habitat.

Points 2, 3 and 4 are not quantified or quantifiable. However, point 1 given the activities listed it is reasonable to suggest would be of relevance.

The test set out in section 88(1)(a) of the Act provides that the use should benefit the "local community". There is no specific definition of local community in either the Act or the Regulations. The concept of local connection for the purposes of section 89(2)(b)(iii) of the Act in accordance with the criteria set out in paragraph 4 of the Regulations as being concerned with the Council's area, suggests that this is capable of a fairly wide interpretation.

The Sheffield administrative area is very large and the nature of the Property and the type of use needs to be taken into account in determining what the local community for the Property is. The local community for the People's Park as in this case will be smaller area than perhaps a major outdoor entertainment venue.

The evidence provided in the nomination form suggests a number of uses that could benefit the local community. There is sufficient evidence to determine what the local community is and the degree use as taken up by those that use the Property indicates a well- used and by the amount of use well regarded Property. The evidence provided indicates the Property and its stated uses attract the local community who consider the Property as their local park as well as users from further afield.

In conclusion, there is sufficient evidence provided to show that the Property's actual and current use furthers the social wellbeing and interests of the local community sufficiently to satisfy the statutory tests set out in sections 88 a) to d) of the Act

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**Recommendations:**

To allow the registration of Heeley People's Park as an Asset of Community Value.

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**Background Papers:** File held in the Community Buildings team

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**Category of Report:** OPEN

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\* Delete as appropriate

## Statutory and Council Policy Checklist

<b>Financial Implications</b>
YES/NO
<b>Legal Implications</b>
YES    Cleared by: David Sellars
<b>Equality of Opportunity Implications</b>
YES/NO
<b>Tackling Health Inequalities Implications</b>
YES/NO
<b>Human rights Implications</b>
YES/NO:
<b>Environmental and Sustainability implications</b>
YES/NO
<b>Economic impact</b>
YES/NO
<b>Community safety implications</b>
YES/NO
<b>Human resources implications</b>
YES/NO
<b>Property implications</b>
YES/NO
<b>Area(s) affected</b>
<b>Relevant Cabinet Portfolio Leader</b>
<b>Relevant Scrutiny Committee if decision called in</b>
<b>Is the item a matter which is reserved for approval by the City Council?</b>
YES/NO
<b>Press release</b>
YES/NO

## **Report to the Cabinet Member for Communities and Inclusion**

### **REPORT TITLE**

#### **1.0 SUMMARY**

**1.1** This report is to provide the cabinet member with sufficient information to enable him to make a decision as to whether The Red Deer Public House 18 Pitt Street should be listed as an Asset of Community Value pursuant to Part 5, Chapter 3 of the Localism Act 2011.

#### **2.0 MAIN BODY OF THE REPORT**

**2.1** The Localism Act 2011 gave Local Authorities a statutory duty to receive and determine nominations for land and buildings in the local authority area to be classified as an Asset of Community Value

**2.2** An application has been received and assessed against the statutory criteria

**2.3** In order for an asset to be listed certain statutory criteria must be fulfilled.

**2.4** The initial part of the assessment assesses whether the group nominating the asset and the asset itself meet the statutory criteria of eligibility. Once this has been established there needs to be consideration of the community value of the land or buildings.

**2.5** The essence of the legislation is that land is of community value if in the opinion of the local authority an actual current use or recent past use, that is not an ancillary use, furthers the social well-being or social interests of the local community and its realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social well-being or social interests of the local community.

**2.6** Appended to this report is Part 1 and Part 2 of the assessment form, based on the Council's interpretation of the statutory criteria for listing, completed by the AOCV officer panel to support the recommendations below

#### **3.0 REASONS FOR RECOMMENDATIONS**

**3.1** The nomination form states the area of operation encompasses 4,500 households that are within the Heeley, Meersbrook and Lowfields areas of Sheffield although users of the Property do come from across Sheffield as well.

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The evidence provided in the nomination form suggests a number of uses that could benefit the local community. There is sufficient evidence to determine what the local community is and the degree use as taken up by those that use the Property indicates a well- used and by the amount of use well regarded Property. The evidence provided indicates the Property and its stated uses attract the local community who consider the Property as their local park as well as users from further afield.

In conclusion, there is sufficient evidence provided to show that the Property's actual and current use furthers the social wellbeing and interests of the local community sufficiently to satisfy the statutory tests set out in sections 88 a) to d) of the Act

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## **4.0 RECOMMENDATIONS**

- 4.1 To allow the registration of Heeley People's Park as an Asset of Community Value.

Laura Pattman  
Director of Business Strategy for Communities  
8<sup>th</sup> February 2016