



Author/Lead Officer of Report: Dawn Shaw,
Head of Libraries and Community Services

Tel: 0114 2734486

Report of: *John Macilwraith, Executive Director, People Services*

Report to: *Councillor Paul Wood, Cabinet Member for Neighbourhoods and Community Safety*

Date of Decision: *16th April 2021*

Subject: *Asset of Community Value Nomination – Knowle Top Chapel and School Room, Stannington Road, Stannington, S6 6AN*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? Neighbourhoods and Community Safety		
Which Scrutiny and Policy Development Committee does this relate to? Safer and Stronger Communities Scrutiny and Policy Development Committee		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given?		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		

Purpose of Report:

This report is to provide the Cabinet Member with sufficient information to enable him to make a decision as to whether Knowle Top Chapel and School Room, Stannington Road, Stannington, S6 6AN should be listed as an Asset of Community Value pursuant to Part 5, Chapter 3 of the Localism Act 2011.

Recommendations:

To accept the registration of Knowle Top Chapel and School Room, Stannington Road, Stannington, S6 6AN as an Asset of Community Value.

Background Papers:

(Insert details of any background papers used in the compilation of the report.)

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: <i>Tim Hardie</i>
	Legal: <i>Victoria Clayton</i>
	Equalities: <i>Ed Sexton</i>
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	EMT member who approved submission: <i>John Macilwraith (once it's been to PLT)</i>
3	Cabinet Member consulted: <i>Cabinet Member for Neighbourhoods and Community Safety</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	Lead Officer Name: <i>(Insert name)</i>
	Job Title: <i>(Insert job title)</i>
	Date: <i>(Insert date)</i>

1. PROPOSAL

- 1.1 To accept the nomination of Knowle Top Chapel and School Room as an Asset of Community Value

2. HOW DOES THIS DECISION CONTRIBUTE ?

- 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.

An application has been received and assessed against the statutory criteria.

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

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.

The essence of the legislation is that land is of community value if in the opinion of the local authority an actual current 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 can continue to 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.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 The ACV Panel considered the nomination and the representations from interested parties. The panel noted that no representations had been received from the owner of the property.

The legislation and the guidance issued by the Government do not provide a clear definition of what an asset of community value should be. The view taken by the City Council is that where the relevant use is ongoing the property should be a hub or focal point for a significant proportion of an identifiable community, in order to justify registration as an asset of community value. That usage should also have been more than ancillary to the principle use of the property.

Knowle Top Chapel and School Room is in use by a wide range of community groups. The nominator advises that the current owner has decided to sell the property in late 2021.

The panel of officers considered the requirements in Section 88(1) of the Localism Act 2011.

Broadly, the two elements of the test are:

- an actual non-ancillary use of the building furthers the social wellbeing or interests of the local community.
- It is realistic to think that there can continue to be use of the building which will further (whether or not in the same way) the social wellbeing or interests of the local community.

It is clear that there is a local community for the purpose of this nomination.

Both elements of the test require there to be a local community. This nomination has been made by a local community-based charity which is sufficient for the purposes of the legislation. Charities are eligible to nominate under Section 89(2)(b)(iii) of the Localism Act 2011 and Regulation 5(1)(d) of the Assets of Community Value (England) Regulations 2012.

The nomination has provided details to demonstrate that Knowle Top Chapel and School Room acts as a focal point or hub for the community.

The nominator has provided evidence of a variety of uses of the building by the local community such as Stannington Brass Band using the building for storage and twice weekly practices in addition to a range of other community uses including other music groups, toddler groups and fitness classes. The panel were confident that the uses detailed furthered the social well-being and interests of the local community.

The panel also considered whether these uses were ancillary uses. They were directed to consider the General Conference of the New Church v Bristol City Council¹ case and concluded that in their view the facts of this nomination could be distinguished from that case. In that case the uses other than religious worship were said to be '*largely adhoc*' and had '*dwindled to the point where only one group was using the church on a regular basis.*' The community-based uses which this nomination relies upon use the building 7 days a week in accordance with the provided Regular Schedule, with over 20 occasions each week. This was contrasted with the one weekly religious event listed on the Schedule. The panel agreed that in their view, these community uses of the building were non-ancillary uses. Therefore, the first part of the test was met.

¹ CR/2014/0013

Realistic to think test

The panel went on to consider the second limb of the Section 88(1) test - whether it is realistic to think that the community uses will continue.

The panel noted that the building's future was uncertain because the owner is planning to sell the site. However, it is clear that the community uses that the nomination is based on will continue (subject to the national restrictions) for some time to come.

The panel noted that even if the owner proceeded to sell the property it is realistic to think that it could be bought by someone wanting to use the premises for community uses and the nominator advises this is being actively pursued.

In conclusion, it appears that this property's actual current use (the cessation of those due to national restrictions aside) furthers the social wellbeing and interests of the local community and it is realistic to think that there can continue to be use of the building which will further (whether or not in the same way) the social wellbeing or interests of the local community. It therefore satisfies the statutory tests set out in section 88(1) of the Localism Act 2011 such that the property should be listed as an Asset of Community Value.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

4.1.1 There are no equality of opportunity implications of this decision.

4.2 Financial and Commercial Implications

4.2.1 There are no relevant financial implications of the decision.

4.3 Legal Implications

4.3.1 The Council needs to comply with the provisions of the Localism Act 2011 and Assets of Community Value (England) Regulations 2012 when processing a nomination for an Asset of Community Value. Once it has been determined that the nomination has been properly made in accordance with the legislation the authority needs to consider whether the tests in Section 88 of the Localism Act 2011 are met.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 To refuse the registration of Knowle Top Chapel and School Room as an Asset of Community Value

6. REASONS FOR RECOMMENDATIONS

- 6.1 It appears that this property's actual current use furthers the social wellbeing and interests of the local community and it is realistic to think that there can continue to be use of the building which will further (whether or not in the same way) the social wellbeing or interests of the local community therefore satisfying the statutory tests set out in section 88(2) of the Localism Act 2011 such that the property should be listed as an Asset of Community Value.