

For publication

Consideration of the Community Right to Bid (Assets of Community Value) nomination of the Monkey Park Community Hub (EG660D)

Meeting: Cabinet Member for Economic Growth

Date: *15.01.18*

Cabinet portfolio: Economic Growth

Report by: Assistant Director – Policy and Communications

Background papers:

Non-statutory Advice Note –

<http://www.communities.gov.uk/publications/communities/righttobidadvice>

Impact Assessment -

<http://communities.gov.uk/publications/communities/righttobidia>

1.0 Purpose of report

1.1 To consider the nomination of the Monkey Park community hub by the Monkey Park community interest company as an Asset of Community Value.

2.0 Recommendation

2.1 That the Chesterfield Borough Council lists the Monkey Park community hub as an asset of community value.

3.0 Background

- 3.1 The Localism Act 2011 created the Community Right to Bid (Assets of Community Value). The Assets of Community Value regulations introduce a new right for community or voluntary bodies to request that a local asset (buildings or land) should be listed as an "Asset of Community Value).
- 3.2 This new right covers both public and private assets and is designed to facilitate a "Community Right to Bid" for assets deemed to be of community value.
- 3.3 The regulations also set out new duties and responsibilities for local authorities including keeping a list of assets of community value, scheme operation and regulation and payment of compensation.
- 3.4 The regulations came into force on the 20th September 2012, with a non-statutory advice note being issued to local authorities in October 2012. This legislation applies to district and unitary authorities.
- 3.5 Chesterfield Borough Council received its fourth nomination for listing under the right on the 24th November 2017. This nomination relates to the Monkey Park community hub on Chester Street, Chesterfield.

4.0 Nominator and asset qualification for the right

- 4.1 The right to make a nomination and subsequently to bid can be used by:
 - A local voluntary or community group that is not incorporated but has at least 21 members who are locally registered to vote in Chesterfield Borough or a neighbouring authority.
 - A Parish or Town council
 - A Charity
 - A neighbourhood forum designated as such for planning purposes under the Town and Country Planning Act 1990
 - A company limited by guarantee or an industrial or provident society which does not distribute any surplus it makes to its members
 - A community interest company.

- 4.2 The nomination of the Monkey Park community hub was made by a community interest company – the Monkey Park community interest company. The group therefore qualifies for the right.
- 4.3 Under the Community Right to Bid some categories of land and buildings are exempt. These include:
- Residential premises, including sites for mobile homes and boats. For a building which is or includes residential premises this will include land held with the residence owned by a single owner. This could go beyond immediate gardens, outbuildings, yards etc. and extend to all land held by that owner. Every part of the land must be able to be reached from the residence without having to cross land which is not held by the single owner unless the intervening land is a railway, road, canal or river.
 - Caravan sites - Land for which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960.
 - Operational land - as defined in Part 11 of the Town and Country Planning Act 1990. This is land used for transport infrastructure and some other related purposes by specified bodies with statutory powers. For example land held by railways or highway authorities.
- 4.4 The Monkey Park community hub does not meet the criteria for exemption from the right.

5.0 Asset of community value criteria

- 5.1 Chapter Three of the Localism Act 2011 states that land or buildings within the local authority's area are of community value if in the opinion of the authority it is:
- (a) An actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests (which include cultural, sporting or recreational interests) of the local community, and
 - (b) It is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

6.0 Location of the asset and availability of facilities and amenities

- 6.1 The Monkey Park community hub is located in the Holmebrook ward in the west of the borough. The hubs address is 128A Chester Street and it is directly opposite the Monkey Park public open space and play area.
- 6.2 Consideration of other facilities and amenities within the local area suggests that there are no other similar facilities within a reasonable walking distance of the site.

7.0 The Monkey Park community hub nomination

- 7.1 The completed Community Right to Bid nomination form for the Monkey Park community hub is attached at Appendix A.
- 7.2 Below is a summary of how the Monkey Park community interest company believe that the Monkey Park community hub meets the asset of community value criteria:
- The facility is a community hub, led by local people providing many cultural, economic and social benefits to the area
 - There is a community café providing affordable refreshments baked by a volunteer baking club
 - A range of social clubs and volunteer led courses help to reduce isolation and build friendship networks
 - The community interest company intend to extend social, cultural and service provision over the next few years by enabling and empowering local people.
- 7.3 As part of the Community Right to Bid procedures, Chesterfield Borough Council contacted the owner of the Monkey Park community hub for comments. In this case the nominator of the facility is also the owner and they are fully supportive of the proposal to list the facility as a community asset.

8.0 Asset consideration

- 8.1 In order to assist with the consideration of the Community Right to Bid nomination an officer site visit took place on 20th December.

8.2 During the site visit officers were able to view the community usage identified within the nomination form and confirm that there are no other similar facilities within the local area.

8.3 The information provided by the Monkey Park community interest company and via the officer site visit indicate that the Monkey Park community hub does meet section A "*An actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests (which include cultural, sporting or recreational interests) of the local community*" of the Asset of Community Value criteria.

9.0 Risk Management

9.1 The nominator of the Monkey Park community hub is also the owner of the hub therefore the usual risk considerations around owner appeals, first tier tribunal proceedings and owner compensation do not apply in this case.

10.0 Equality considerations

10.1 The Department for Communities and Local Government impact assessed the Community Right to Bid proposals. This included equalities impact screening. No significant impact has so far been identified for any of the protected groups identified in the Equality Act 2010, however the equalities impacts of this right will be kept under review.

10.2 Equality analysis was undertaken for the nomination with issues including accessibility, use by protected groups and social inclusion issues forming part of the asset consideration. The loss of the Monkey Park community hub could disproportionality affect several protected groups who use the facilities regularly including older people and people with disabilities due to the range of cultural and social activities available within the hub which help to reduce social isolation.

11.0 Recommendation

11.1 That the Chesterfield Borough Council lists the Monkey Park community hub as an asset of community value.

12.0 Reasons for recommendations

12.1 The Monkey Park community hub is considered to meet the Asset of Community Value criteria.

Decision information

Key decision number	Non key 75
Wards affected	ALL

Document information

Report author	Contact number/email
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Appendices to the report	
Appendix A	Community Right to Bid nomination