

# North Yorkshire Council

26 January 2024

## Assessment of Assets of Community Value Nomination *Leyburn Community Leisure Club NYACV0035*

### Report to Head of Localities

#### 1.0 PURPOSE OF REPORT

- 1.1 To determine whether Leyburn Community Leisure Club should be placed on the Council's List of Assets of Community Value (ACVs)

#### 2.0 SUMMARY

- 2.1 Leyburn Leisure Club was opened in 1978 and has been run by a community organisation since 2016. Leyburn is an important service centre in the former Richmondshire District lying on the edge of the Yorkshire Dales National Park. The club contains the only publicly accessible squash courts available in the whole of Richmondshire.
- 2.2 The nomination is made by the organisation which runs the Club an unincorporated body accompanied by 21 signatures of people who are registered to vote in the area.
- 2.3 The Club has over 200 Members and their Management Committee has successfully run the club since August 2016 and in that time has refurbished all three squash courts.
- 2.4 The owner wishes to sell the premises and the Club is in negotiations for its purchase.

#### 3.0 BACKGROUND

- 3.1 [The Localism Act 2011](#) requires the Council to consider all valid nominations for properties and/or land to be placed on the List of Assets of Community Value. This is also known as the 'community right to bid'. Land or property considered of community value can be nominated by a voluntary or community body that complies with [regulation 5](#)

When a listed asset comes up for sale a community interest group can trigger a delay (moratorium) in any sale process. The purpose is to create a "window of opportunity" to secure funding and bid for the property on the open market. The owner is not obliged to accept a bid from a community interest group and can sell to whomever they choose

The Assets of Community Value (England) Regulations 2012 provide a mechanism for the owner of land listed as an ACV to request an internal review and also appeal to the first-tier tribunal against the listing. Although first-tier tribunal decisions are not binding precedents any appeal decisions provide judicial guidance to the operation of the legislation. The guidance provided by these decisions is becoming increasingly useful to local authorities in the assessment of Assets of Community Value nominations

Private owners may claim compensation from the Council for loss and expenses incurred through their property being listed. More details are provided in the 2012 Regulations

This report ensures that the Council considers the nomination for Leyburn Community Leisure Club as required by the Act.

#### 4.0 **DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE**

##### **Description of asset**

- 4.1 The nominated premises were purpose built as a Leisure and Squash Club in 1978 and are still used as such. The club comprises three squash courts, a gym and lounge and bar facilities which are also used by local groups and businesses for meetings. The squash courts are the only publicly accessible ones in former Richmondshire District.

##### **Nomination**

- 4.2 The nomination was made by the Leyburn Community Leisure Club, an unincorporated body with 21 signatures to the nomination all of whom are residents of the area.

##### **Comments received**

- 4.3 No comments have been received apart from the Ward Member, Cllr Sedgwick, who supported the nomination. The Nomination includes a statement that

##### **Assessment**

- 4.4 Evidence provided by the nominator clearly demonstrated that the existing use of the building provides for the social wellbeing and interest of the community. The Club has operated for 35 years and will continue to do so if it is successful in purchasing the premises from the current owner.
- 4.5 The current owner of the premises wishes to dispose of the premises and is willing to allow the Club an opportunity to purchase it before going onto the open market or be converted into another use.

#### ***Localism Act 2011 Section 88 if current use:***

- (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community,

##### **Evidence**

- 4.6 As described in paragraph 4.4 above, evidence provided by the nominator clearly demonstrates that the existing use of the building provides for the social wellbeing and interest of the community. The Club has operated for 35 years offering squash and other leisure activities and will continue to do so if it is successful in purchasing the premises from the current owner.

##### **Conclusion**

- 4.7 The current use of the building provides for the social wellbeing and social interests of the community as required by the Localism Act.

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.

### **Evidence**

- 4.8 The premises were originally built as a squash and leisure club in 1978 and the use has continued as such. There is an active management committee and membership which is already in negotiations to purchase from the current owner.

### **Conclusion**

- 4.9 The current use of the building provides for the social wellbeing and social interests of the community as required by the Localism Act.

### ***Localism Act 2011 Section 88 (2) If there is no current use:***

- (a) There is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community
- 4.10 The premises are used for their original primary purpose
- (b) It is 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 wellbeing or social interests of the local community
- 4.11 The premises are used for their original primary purpose and there is no reason to assume this or another social wellbeing interest could not continue.

## **5.0 CONSULTATION UNDERTAKEN AND RESPONSES**

- Planning – no planning issues relevant at this time
- Ward Member – supports the nomination
- Parish Council – no comments submitted
- Owner – no comments submitted
- Occupier – is the nominator

## **6.0 CONTRIBUTION TO COUNCIL PRIORITIES**

- 6.1 Assets of Community Value crosscut the themes within the Council Plan 2023 – 2027 including Place and Environment, Economy, Health and Wellbeing, and People.

## **7.0 ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 None. Not to consider the nomination for Leyburn Community Leisure Club would not fulfil the Council's responsibilities required by the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012.

## **8.0 IMPACT ON OTHER SERVICES/ORGANISATIONS**

- 8.1 If successful the fact that land/property is listed as an Asset of community Value may be taken into account as a material consideration for any future planning application.

## **9.0 FINANCIAL IMPLICATIONS**

- 9.1 If the decision is to list the property the owner can make a claim for compensation for which the Council is liable.

## **10.0 LEGAL IMPLICATIONS**

- 10.1 If the property/land is listed the council is required to apply to the Land Registry for entry of a restriction on the Land Register. This restriction will be in a form of wording in Schedule 4 to the Rules, as Form QQ. This is "No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011". An owner of previously unregistered listed land, who applies to the Land Registry for first registration (or a mortgagee who applies for first registration on behalf of the owner), is required at the same time to apply for a restriction against their own title. The local authority is also required to apply to the Land Registry for cancellation of the restriction when it removes an asset from its list.

- 10.2 If the property/land is listed and the owner/leaseholder wishes to dispose of it, he must notify the council. Once this has taken place an interim moratorium period (6 weeks) will apply where disposal of the property may not take place (except if sold to a community interest group which can take place at any time). If, before the end of the interim moratorium period the council receives a written request from a community interest group to be treated as a potential bidder then a full moratorium period applies. Disposal may then not take place within 6 months from the date the Council receives notification from the owner (except if sold to a community interest group).

- 10.3 When a listed asset is disposed of, and a new owner applies to the Land Registry to register change of ownership of a listed asset, they will therefore need to provide the Land Registry with a certificate from a conveyancer that the disposal (and any previous disposals if this is the first registration) did not contravene section 95(1) of the Localism Act (the moratorium requirements).

## **11.0 EQUALITIES IMPLICATIONS**

- 11.1 Consideration has been given to make the decisions fairly and take into account the 'protected characteristics' of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 11.2 If the nomination is unsuccessful then the local community would have to travel a substantial distance to access similar facilities.

## **12.0 CLIMATE CHANGE IMPLICATIONS**

- None

## **13.0 PERFORMANCE IMPLICATIONS**

- None

#### **14.0 POLICY IMPLICATIONS**

- None

#### **15.0 RISK MANAGEMENT IMPLICATIONS**

- None

#### **16.0 HUMAN RESOURCES IMPLICATIONS**

- None

#### **17.0 ICT IMPLICATIONS**

- None

#### **18.0 COMMUNITY SAFETY IMPLICATIONS**

- None

#### **19.0 CONCLUSIONS**

- The nomination has provided sufficient evidence to meet the tests of listing under the Localism Act.
- All parties will be advised of the outcome of the decision, and the Council's reasoning for it.
- The owner will be informed of the decision review process and the nominating group will be advised that there is no provision within The Regulations (The Asset of Community Value (England) Regulations 2012) for them to seek a review of the Council's decision.

#### **20.0 REASONS FOR RECOMMENDATIONS**

20.1 The evidence demonstrates that the nomination for Leyburn Community Leisure Club meets the definition of community value as detailed in the Localism Act 2011.

#### **21.0 RECOMMENDATION(S)**

It is recommended that the Assistant Chief Executive Local Engagement:

- (i) Determines that the nomination for Leyburn Community Leisure Club is successful and meets the definition of community value as detailed in the Localism Act 2011
- (ii) It should be placed on the North Yorkshire Council Assets of Community Value List of Successful Nominations

#### **APPENDICES:**

- None

**BACKGROUND DOCUMENTS:**

- None

Head of Localities  
County Hall  
Northallerton

Report Author – *Mark Robson Principal Policy Officer (Richmondshire Office)*  
Presenter of Report – *As above*