

RECORD OF URGENT CABINET DECISION

The following is a record of an urgent cabinet decision which cannot be delayed until the next meeting of the Cabinet (as set out in Rule 12 of the Cabinet Procedure Rules):

Officer: Stuart Sugarman	Signature: 
I can confirm that consultation has taken place with the following:	
• Leader	Date Consulted: 13/09/2013
• Deputy Leader	Date Consulted: 13/09/2013
• Relevant Portfolio Holder plus one of the following:	Date Consulted: 13/09/2013
• Chief Executive or	Date Consulted: 13/09/2013
• Monitoring Officer in the absence of the Chief Executive	Date Consulted: 13/09/2013
In the absence of the Leader, Deputy Leader or Portfolio Holder (if any) the consent of another Cabinet Member will be required. If so, please give details here:	N/A

Details of Decision and Reasoning:	To determine whether to list the following as Assets of Community Value: <ul style="list-style-type: none"> • The Old Market Hall, Bacup. OL13 8GW • Bacup Conservative Club, Irwell Terrace, Bacup. OL13 9AW
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Details of the reason for the use of the urgency procedure:	The Council has received 2 nominations under Community Right to Bid – Assets of Community Value. The Council's policy has not yet been approved: it is going before Corporate Overview and Scrutiny on 23 rd September and Cabinet on 23 rd October for formal approval. The two nominations require a formal decision to be made whilst the policy is under development, this will ensure that the Council is not subject to any challenge which may result in financial penalties.
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Decision to be taken by:	Leader of the Council
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Impact on Corporate Priorities:	These matters impact directly on the following corporate priority: <ul style="list-style-type: none"> • Regenerating Rossendale: This priority focuses on regeneration in its broadest sense, so it means supporting
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	communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
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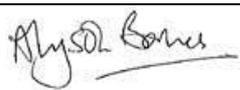
Consultees and Method(s) of Consultation:	Committee and Member Services Manager, Legal, Monitoring Officer, Cabinet members. The information listed below will be considered.
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Documents to be considered by the decision taker:	Application forms and supplementary information submitted by the nominee. The Assets of Community Value (England) Regulations 2012.
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Implications:	<p>Risk considerations are set out below:</p> <ul style="list-style-type: none"> • Not carrying out local authority responsibilities from the Localism Act 2011. • Reputational risks. • Not being able to deal with Community Right to Bid nominations whilst the policy is under development. • Potential financial risks for the Council in relation to challenge, as well as appeals and compensation. • Cost of additional staff time to implement the associated processes. • Additional costs to the Council for land searches and land registry requirements associated with the process.
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<p>Status: Please indicate if this is “for publication” or “not for publication”.</p> <p>For advice please contact the Committee and Member Services Manager</p>	For publication
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Leader of the Council Councillor Alyson Barnes	
Date:	13/09/2013

Signature of decision taker


Publication Date: 13/09/2013

NOMINATION FORM
for inclusion in the
Rossendale Assets of Community Value Register

Details of person & organisation making the nomination:

Organisation: Community Assets Standing Tall (CAST) Registered Charity and CIO

Name of Asset: The Old Market Hall, Bacup. OL13 8GW

Asset Listing Details:

Grade: II

Date Listed: 30 November 1984

English Heritage Building ID: 185582

Brief description of Asset:

The first Bacup Market Hall, Built 1867, with later addition to west side, now timber warehouse. Rock-faced sandstone with ashlar bands and dressings, 3-span slated and glazed roof with side-wall chimneys. Rectangular plan, 3x8 bays. On sloping site, 3-storey east side and 2 2-storey west side, "in the Italian style of architecture" (Newbigging). Projecting cornice to front and sides. Three-bay front to Bank Street has rusticated ashlar centre bay containing giant entrance arch with coved surround, flanked by dentilled panels framed by pilaster strips and pedimented above the cornice, and the outer bays have coupled round-headed windows on each floor, the lower with keystones. After similar return bay, left side wall has basement of 8 fireproof shops in arcade of wide segmental arches carried by segmental-headed cast iron beams, each supported by iron columns framing a door and a low wall with windows (some sashed, some altered, others blocked); floor above has 2 dentilled panels in each bay, and top floor has coupled segmental-headed windows. Interior: 8-bay nave and aisles formed of slim iron columns carrying segmental-arched lattice girders; light-weight roof trusses secured by slender tie-rods. (Brief reference in Thomas Newbigging History of the Forest of Rossendale p.230). See website link <http://www.britishlistedbuildings.co.uk/en-185582-old-market-hall-lancashire>

Statement of Significance:

1. Condition

Currently vacant and dilapidated in need of restoration/refurbishment. Requires significant investment to achieve a suitable redevelopment.

2. Heritage Value

Located within the Bacup Conservation Area and adjacent to the Township Heritage Initiative (THI) boundary and a Grade 11 Listed building, Seen as a building of significant heritage value and being of concern to the local Community and is confirmed at risk.

3. Contribution to place

A prominent property with distinctive architecture within the town the Old Market Hall was the centre of the then thriving economic heart of the town. Last used as a market hall some 48 years previous, this building has been the subject of several proposals to develop the property for community use but which for one reason or another did not come to fruition. The time is now right for the local community to put forward new and exciting proposals that will see this building as a key location in any plan for economic regeneration of the town.

Described within the Bacup Town Centre Conservation Area Character Appraisal and Management Proposals Plan. (adopted for development control purposes from 2nd

December 2011) as:

“The Old Market Hall dates to 1867 with a later addition to the west side. It is built on a slope with three bays one side and eight bays the other in a simple rectangular shape. The walls are rock-faced sandstone with sandstone ashlar bands and dressings, in a vaguely Italianate style. A large portico adds definition to the Bank Street elevation. On the lower ground floor there are eight shops, with some original shop fronts, now in a very poor state of repair. The building has been empty for some time and is at risk*.

The main part of the building was built between 1840-1914.

As stated above the date is confirmed as 1867.

This information is confirmed within the listing details.

The building whilst derelict and unoccupied is in a recognisable form, retaining historic features and layout.

It is a building, that is it a rare example of its type, displaying a notable level of architectural, technological innovation and virtuosity as stated within the listing detail previously mentioned.

The building relates to the development of the area having historic association with the surrounding built environment. It strongly aligns itself with surrounding architecture but with its size provides an additional impressive visual experience.

Ownership:

Currently in private ownership, up for sale at Auction September 2013.

Why the applicant and asset meets the definition in the Act:

The applicant has local connection as the organisation’s activities are wholly concerned with the local authority’s area of Rossendale. The Charity is registered at offices located at 21 Market Street, Bacup, OL13 8EX. Members are registered on the electoral register.

The asset has community value within the definition of the act in that the property has:

(a) Cultural interests; in that the property is significant in the historic context of the town and its development, it is sited within the conservation area and has the potential for development to enhance cultural activity within the town for the benefit of local people, local business. economic and social regeneration

(b) Recreational interests; activities that can be delivered following redevelopment has the potential to provide significant additional recreational benefits for the community and boost visitor levels through tourism and the arts.

The Charity is named Community Assets Standing Tall. The objects of the Charity are to act as a catalyst for economic regeneration. We are concerned with buildings that can be brought back into use providing venues and opportunities for the Community. In doing this we aim to create new local employment opportunities and social activity.

The Old Market Hall is a key building in terms of the heritage of the town. Currently it has planning permission for a residential development. The present owner has however come to the conclusion such a development is not commercially viable. In discussions with Regeneration the opportunity was likened to that of creating a mini Halifax Piece Hall. To achieve this will require significant funding which we believe we can secure from Heritage Lottery Fund. The building is considered at risk and if it cannot be brought into community ownership will in all likelihood deteriorate over time. The same considerations apply

regarding the Community Right to bid.

With regard to the Old Market Hall the proposals for development and usage fulfil the criteria for registration as an asset of community value in that: 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.

With regard to Bacup Old Market Hall:

- it ceased operating as Market Hall some 40+ years ago
- since then several commercial enterprises have operated from the premises.
- the building has been considered as a suitable premises for a one stop shop for health and a community bid was developed during 2001-2004 but it never became a reality
- the building has remained vacant and derelict for at least five years if not ten
- planning permission for 25 dwellings was approved about 2011 but the property was sold at auction in 2012 and to date there has been no commencement of the development
- the current owner placed the property back into auction
- the community value is therefore in it's future potential use being within the Conservation area and adjacent and complimentary to the THI (Township Heritage Initiative) as confirmed in discussions with Regeneration
- we believe the space lends itself to being of community value as a venue which could provide, exhibition performance space, small business units and training and enterprise activity. Given our knowledge of the funding available we are confident in securing funds to purchase and redevelop so that within five years the building will become a valuable community resource enhancing the well being of the wider local community.

Images



Site Map



NOMINATION FORM
for inclusion in the
Rossendale Assets of Community Value Register

Details of person & organisation making the nomination:**Organisation:** Community Assets Standing Tall (CAST) Registered Charity and CIO**Name of Asset:** Bacup Conservative Club, Irwell Terrace, Bacup. OL13 9AW
Address:**Asset Listing Details:** Not listed**Brief description of Asset:**

A prominent large two storey property built circa 1890's. The building forms a significant element in the built environment of the town centre of Bacup. Set back from the main road the property was built to house the activities of the local Conservative Club. Date stones are sited on the front elevation. Currently unoccupied the building is in the hands of the official receiver and is to come up for auction in September 2013 with a reserve guide price of £100,000. A habitable building, the building could, with the required investment, prove to be a significant community asset for the future.

The front elevation is impressive and built of stone. The upper floor provides four large windows and a balcony located over the main entrance. Windows to the side are currently blocked up but could easily be reinstated to that of the original building. The roof is apex in structure and built of slate.

Views of the property can be found at

<http://www.flickr.com/photos/rossendalewadey/6026113368/>**Statement of Significance:****Situation****1. Condition**

Currently vacant the building looks to be structurally sound except for the need for roof repairs and replacement of guttering and pipe work to the rear of the property. Window frames may need replacement and other openings would need to be reinstated to provide the amount of natural light afforded within the original design.

2. Heritage Value

Located within the Bacup Conservation Area and within the Township Heritage Initiative (THI) boundary the building is part of the impressive architecture that comprises the heritage of the town centre. Built in the 1890's it is identified as an unlisted building of special but local interest.

3. Contribution to place

A prominent property with distinctive architecture within the town, the Conservative Club has been a part of community life for over One hundred years. Firstly as a headquarters for the Conservatives and more recently as a public house.

The time is now right for the local community to put forward new and exciting proposals that will see this building as a key location in any plan for economic regeneration of the town.

Described within the Bacup Town Centre Conservation Area Character Appraisal and

Management Proposals Plan.(adopted for development control purposes from 2nd December 2011) at:

3,7 (Pages 63/64) Unlisted buildings of special but local interest

As recommended in PPS5, preparation of a 'Local List' for the Borough should be a priority. The first action should be the drawing-up of a set of criteria, based on English Heritage guidance and local building types. All of the important 'positive' buildings in the Character Appraisal (section 5.3 *Positive Buildings*) should be included as a basic minimum.

The Conservative Club is identified with the list supplied as one that could be considered for local or even statutory listing.

The building relates to the development of the area having historic association with the surrounding built environment. It strongly aligns itself with surrounding architecture and has itself impressive visual impact.

Ownership:

Currently in the hands of the official receiver up for sale at auction September 2013

Why the applicant and asset meets the definition in the Act:

The applicant has local connection as the organisation's activities are wholly concerned with the local authority's area of Rossendale. The Charity is registered at offices located at 21 Market Street, Bacup, OL13 8EX. Members are registered on the electoral register.

The asset has community value within the definition of the act in that the property has:

(a) Cultural interests; in that the property is significant in the historic context of the town and its development, it is sited within the conservation area and has the potential for development to enhance cultural activity within the town for the benefit of local people, local business. economic and social regeneration

(b) Recreational interests; activities that can be delivered following redevelopment has the potential to provide significant additional recreational benefits for the community and boost visitor levels through tourism and the arts.

The Charity is named Community Assets Standing Tall. The objects of the Charity are to act as a catalyst for economic regeneration. We are concerned with buildings that can be brought back into use providing venues and opportunities for the Community. In doing this we aim to create new local employment opportunities and social activity.

In identifying the Bacup Conservative Club we have identified a property that has already failed to sell at auction. It is a building that as confirmed by a site visit is a suitable location for our purposes, located in the town centre and easily accessible by public transport. The Insolvency Practice recognises it will be difficult to sell due to it's size and we recognise it's heritage value. Whilst it is not certain it will sell at auction at present this is still a possibility. The listing would provide a time frame in which the Charity will have a window to make a bid on a level playing field with commercial companies. There are no certainties in life and we fully understand this does not give us first refusal but it is consistent with aims of the legislation relating to the Community Right to Bid and this application has been made following advice from Community Matters.

With regard to the Conservative Club the proposals for development and usage fulfil the criteria for registration as an asset of community value in that: it is realistic to think that there can continue to be non-ancillary use of the building which will further (whether or not in the

same way) the social wellbeing or social interests of the local community.

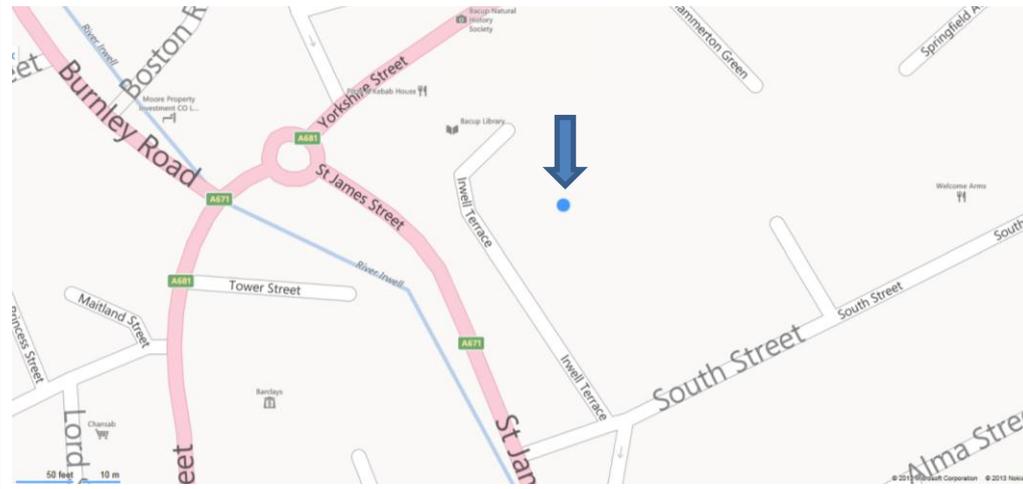
With regard to the Bacup Conservative Club:

- it was purpose built as a Conservative Club and bears date stones confirming a date of 1892
- for over 100 years it continued as a Conservative Club providing a valuable service to the community
- in recent times the Conservatives relocated to Pioneer Buildings and the building was sold to a company
- they operated the building for a couple of years as a public house
- the building is currently unoccupied and is up for auction for the second time this month
- given that the aim to establish a commercially viable public house failed and it has already failed to sell, both the receivers and ourselves believe there are limited commercial uses it could be used for. It is however ideal for our proposed purpose which would see the building brought back into use as a community resource and social enterprise. This would in our belief enhance the community value and help to improve the wellbeing of the local community
- as you are aware the property is located within the conservation area and TH1 and has been identified as a building within Council documents that could be considered for local or even statutory listing
- given current funding opportunities we believe our proposal could be achievable within 12-18 months having first secured the purchase of the building. Critical to this thinking is the time to raise the funding for the purchase.

Images



Site Map



Background context

As part of the Government's Localism Act 2011 a number new Community Rights were introduced. The Community Right to Bid (also known as 'Assets of Community Value') is one of these rights. The Right to Bid gives communities a right to identify 'up front' a building or other land that they believe to be of importance to their community's social well-being. Parishes and community organisation (must meet criteria) can nominate a building or land to be listed on an the Assets of Community Value Register. Nominations may not be made by individuals or principal local authorities themselves. The Right covers private as well as public assets.

Nominations must be considered by the Council to determine whether or not it is of 'community value.'

Successful listings will remain on the register for 5 years and puts certain restrictions on the owner of the asset which are documented on the Land Registry database.

If the owner of a listed asset wishes to dispose of that asset, and it is a 'relevant disposal' according to the regulations, the owner is required to inform the Council before it goes on the open market, the Council will then notify the nominating group, who must advise whether or not they wish to be treated as a potential bidder. If they do, there is a protected 'window' of up to six months (Moratorium) to allow the community to prepare their bid. If the group does not wish to bid, the owner is free to sell the asset straight away.

Current situation

We have received two nominations under the community right to bid to be considered for listing on the assets of community value register, which the council is required to maintain.

Our formal local policy in dealing with this is not yet 'live' and is scheduled to be reviewed by O&S on 23rd September and Cabinet on 23rd October for implementation. The daily management and administration of this policy will be undertaken by Committee and Member Services. Within this Policy it is proposed that a member 'consultation working group' is established, one of their roles would be to consider any nominations under the community right to bid, however in the interim of a local policy /procedure being in place, we are still required to deal with nominations in line with the regulations. Therefore it is proposed that Cabinet review and make a decision on the current nominations. Below is some guidance in relation to what the community right to bid is and what the regulations set out as general guidance on what an 'asset of community value' is.

Members should note the added complexity with these particular nominations. The regulations state that the council must make a decision with 8 weeks. The assets in question are going up for sale on approx. 20th September. The initial moratorium (protected period) cannot be enacted until the asset is successfully listed on the assets of community value register.

The asset owners also have the right of appeal should the listing be approved. However, the listing will remain in force while this appeal process is undertaken. Therefore the moratorium period can still be enacted.

Guidance:

The Community Right to Bid

This gives communities and community groups a chance to prepare and bid for a community asset (building/facility or land) that is considered, and can demonstrated to be, of community value.

Under the Community Right to Bid (also known as 'Assets of Community Value') process, relevant community groups (which must meet the relevant regulation criteria) can submit a nomination for an asset to be listed on the 'Assets of Community Value Register'. In line with the regulations, the Council will then review the nomination request within 8 weeks and advise the nominating body of the outcome – the Council's role will be to determine whether or not it meets the definition of 'an asset of community value' set out in the Localism Act.

The owner of the asset will be notified as soon as a nomination is received and will then be notified of the decision made as to whether the asset will be listed on the register or not. If the nomination is successful, the owner of the asset also has the right to appeal a listing decision as part of this process.

If an asset is successfully listed nothing further will happen unless and until the owner decides to dispose of it, in which case they must notify the Council. In turn the Council will then notify the nominating interested parties. Should they be interested in buying the asset they have 6 weeks to make a written request to be treated as a potential bidder to the Council. If not done so in this 6 week period or they do not wish to be treated as a bidder, the owner is free to sell the asset straightaway. If a request is made, the relevant community group has 6 months (from the original date notified of the intention to dispose) to prepare a bid to buy the asset before this goes on sale on the open market. This is called the 'moratorium period'.

Clarification on the Right:

The Right to Bid only applies when the asset's owner decides to dispose of it. There is no compulsion on the owner to sell the asset. The scheme does not give first refusal rights to the interested community groups and it is not a community right to buy the asset, just to bid. This means that in some instances the local community bid may not be the successful one.

What is Land of community value?

Localism Act 2011 Section 88:

An asset of community value is an asset that furthers the social well-being or social interests of the local community (or has done in the recent past). Social interests can include cultural, recreational and sporting interests.

If a local authority receives a valid nomination, it must determine whether the land or building nominated meets the definition of an asset of community value as set out in section 88 of the Act. A building or land is deemed to be of community value if, in the opinion of the Council:

(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, 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.

(Section 88(1) Localism Act 2011)

Section 88(2) of the Act extends this definition to land which has furthered the social wellbeing or social interests of the local community in the recent past, and which it is realistic to consider will do so again during the next five years.

- It is at least partly within the local authority's area:
- Its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so
- That use is not an ancillary one - e.g. a space used for an annual village fete
- For land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past)
- It does not fall within one of the exemptions (Schedule 1). For example, resident property, land and building used for statutory undertakings.

Rossendale Borough Council's Core Strategy [Policy 7 Social Infrastructure] defines "Community Facilities" as "Provide for the social, educational, spiritual, recreational, leisure and cultural needs of the community".

Links:

Community nominations may be made at any time, including after an asset has been put onto the market. However no restrictions on sale arise from nomination - it is only listing which brings the statutory provisions into play.

Assets of Community Value Regulations 2012 -

<http://www.legislation.gov.uk/uksi/2012/2421/contents/made> and
Section 88 of Localism Act <http://www.legislation.gov.uk/ukpga/2011/20/section/88>

Department for Communities and Local Government: Community Right to Bid Non-Statutory Guidance <https://www.gov.uk/government/publications/community-right-to-bid-non-statutory-advice-note-for-local-authorities>

The issues to be determined by members for both applications:

Q. Is it a valid application?

A. In the Monitoring Officer's view they are valid applications

Q. Does the nomination meet the definition under s.88 of the Localism Act

A building or land is deemed to be of community value if, in the opinion of the Council:

(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, and;

A. Members need to consider whether the buildings are currently in use and will it further the social wellbeing or social interests of the local community?

(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.

A. If the buildings are currently not in use then this question isn't relevant. If they are in use then members need to consider if it's realistic to think the social wellbeing or social interests of the local community will continue

Section 88(2) of the Act extends this definition to land which has furthered the social wellbeing or social interests of the local community in the recent past, and which it is realistic to consider will do so again during the next five years.

- **It is at least partly within the local authority's area:**

A. Yes

- **Its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so**

A. Members need to consider are the buildings in current use or have they been recently?

- **That use is not an ancillary one - e.g. a space used for an annual village fete**

A. Not relevant

- **For land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past)**

A. Members must first consider whether the buildings are in current use? If yes then is it realistic to think it will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years

- **It does not fall within one of the exemptions (Schedule 1). For example, resident property, land and building used for statutory undertakings.**

A. No exemptions seem to apply here