



THE EXECUTIVE - INDIVIDUAL EXECUTIVE DECISIONS

Date: Friday, 14 June 2024

PART 1

1. Community Right to Bid – Nomination of a Community Asset - Hayfield Library
(Pages 3 - 14)

MARK TRILLO
EXECUTIVE DIRECTOR & MONITORING OFFICER

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HIGH PEAK BOROUGH COUNCIL

The Executive - Individual Executive Decisions

14th June 2024

TITLE:	Community Right to Bid – Nomination of a Community Asset - Hayfield Library (and the site on which it stands), Hayfield, High Peak
EXECUTIVE COUNCILLOR:	Councillor McKeown - Council Leader HPBC
CONTACT OFFICER:	Kim Gilmore - Community Project Officer
WARDS INVOLVED:	Hayfield

Appendices Attached:

Appendix 1: Assets of Community Value Assessment form

Appendix 2: Location Map

1. Reason for the Report

- 1.1 The Council has received a nomination for Hayfield Library (and the site on which it stands) Kinder Road, Hayfield, High Peak, Derbyshire SK22 2HS to be registered as an asset of community value and in accordance with the Council's Policy must decide whether to approve or refuse the nomination.

2. Recommendation

- 2.1 That the nomination for Hayfield Library (and the site on which it stands) Kinder Road, Hayfield, High Peak, Derbyshire SK22 2HS be approved for the reasons as set out in the report.

3. Executive Summary

- 3.1 A nomination has been made by Hayfield Parish Council, under the Localism Act 2011 (provisions relating to the Community Right to Bid), for Hayfield Library (and the site on which it stands) Kinder Road, Hayfield, High Peak, Derbyshire SK22 2HS to be listed as an asset of community value.
- 3.2 In line with the Council's Policy, the application has been assessed using the agreed criteria (Appendix 1). As the application meets the criteria it is recommended for approval.

4. How this report links to Corporate Priorities

- 4.1 The community rights measures, from the Localism Act 2011, have the potential to support the delivery of the Council's corporate aims and priorities.
- 4.2 This report supports the Borough Plan's objective under Aim 1: Develop a positive relationship with communities.

5. Alternative Options

- 5.1 That the application is approved (recommended)
- 5.2 That the application is not approved (not recommended)

6. Implications

6.1	<u>Community safety, including safeguarding and prevention of terrorism</u> None
6.2	<u>Workforce</u> None
6.3	<u>Equality and Diversity/Equality Impact Assessment</u> None
6.4	<u>Financial Considerations</u> Regulation 14.2 (Assets of Community Value (England) Regulations 2012) An owner of a registered asset can claim financial compensation in respect of incurred losses and/or expenses in relation to the asset that would not have been incurred had the property/land not been registered as an Asset of Community Value. Compensation is fully payable by the listing authority
6.5	<u>Legal</u> The Council is required under the Localism Act 2011 to consider nominations from eligible organisations to register land/property as an asset of community value. The Council has a Community Right to Bid Policy (approved in June 2018) which sets out the process the Council will follow
6.6	<u>Climate Change and Sustainability</u> None

6.7	<u>Conservation and Enhancement of Biodiversity</u> None
6.8	<u>Consultation</u> The Parish Council are the nominator and therefore support the application The Ward Councillor has been informed and is in support of the application
6.9	<u>Risk Assessment</u> Owners of properties registered with the Council, as an asset of community value, can appeal against the decision of the Council to list their property and, if successful, recover their costs. There is a risk of compensation claims from owners of land/ Buildings, registered as an asset of community value, incurring loss as a result of the sale moratorium being triggered in accordance with the legislation

ANDREW P STOKES
Chief Executive

Web Links and
Background Papers

Contact details

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7. Introduction & Background

7.1 The Community Right to Bid provides a mechanism for parish councils and voluntary bodies to request that buildings and/or land in their community are registered with the Council as an 'Asset of Community Value'. The owner of any land/buildings registered as an Asset of Community Value are then required to inform the Council of their intention to dispose of these assets.

7.2 Should eligible organisations express an interest in acquiring the land/buildings a moratorium on the sale is triggered during which time community groups or parish councils can seek to raise funds to make a bid to purchase the asset. Once listed, land/buildings remain on the register of assets of community value for 5 years from the date of entry unless it is appropriately disposed of.

7.3 The moratorium period operates to prevent certain proposed disposals of buildings/land being made until specified conditions are met:

Notification - The owner must firstly notify the local authority that it wishes to enter into a relevant disposal.

Interim moratorium period - The community interest group then has six weeks to notify the local authority that it wishes to be treated as a potential bidder (express an interest). If no such request is made, then, the owner can proceed with disposal of the land and no further moratorium period will apply for a protected period lasting 18 months.

Full moratorium period - If the community interest group requests to be treated as a potential bidder, within the 6 week interim moratorium period, then the moratorium on disposal runs for 6 months. As before, no further moratorium period will apply for a protected period lasting 18 months.

7.4 The right does not restrict, in any way, decisions by the owner of a listed asset over whom they can sell their property too, or at what price, and they do not confer with parish councils or voluntary bodies a right to buy. It is important to note that:

- The Right granted on registration is NOT a right-to-buy. It does not create a right of first refusal, any preferential pricing or a right-to-buy of any kind.
- The price for land remains its open market value even if a moratorium is triggered.
- The owner may continue to market the property and negotiate potential sales during the moratorium period.
- The prohibition during the moratorium period is only on entering into a binding contract to dispose of the land (unless the disposal is to a community interest group)

- Registration does not compel the owner to enter into any negotiations with a community interest group or to engage with them in any other way.
- At the end of the moratorium period, the owner can sell to anyone it chooses at whatever price it is able to obtain.

7.5 In 2015 the Government provided additional protection for properties, registered as an asset of community value, by removing permitted development rights such that planning permission is required if an owner wishes to demolish or change the use of a registered property.

8. The Application

8.1 The Council received a nomination on 16th April 2024 from Hayfield Parish Council requesting that Hayfield Library (and the site on which it stands) Kinder Road, Hayfield, High Peak, Derbyshire SK22 2HS; should be listed as an Asset of Community Value under the community right to bid measure of the Localism Act 2011 (Part 5 Chapter 3: Assets of Community Value).

8.2 The property and land are identified on the attached map (appendix 2).

8.3 The nomination has been assessed (Appendix 1) and it is confirmed that:

1. Hayfield Parish Council are eligible, as an appropriate body, to nominate.
2. The land and buildings are not exempt from listing
3. The building has been used in the recent past by the local community to further the social wellbeing and social interests of the local community, as defined in the Localism Act 2011, and this use is not ancillary.

8.4 Accordingly as the criteria for the listing have been met it is recommend that the nomination for the listing as an Asset for Community Value is **approved**.

8.5 The assessment is based on the following:

- a) The building is currently used as a branch of DCCs libraries with parts of the land being used by Sustainable Hayfield for a garden project; both of which support the social well-being and social interests of the local community .
- b) A previous application to nominate the property was accepted in 2019 and was registered as an Asset of Community Value by High Peak Borough Council for a 5 year period ending on 10 June 2024
- c) Hayfield Parish Council see the listing of Hayfield Library, as an ACV, as a necessary provision in their aim of maintaining and developing a civic presence in Hayfield, as a focus for the community and as a means of delivering public services to residents and visitors.
- d) The application notes that there is no guarantee that the Hayfield Library building and its usage would not be removed partially or entirely from the

public realm in the foreseeable future, nor that its public character and function would be preserved as part of Derbyshire County Council's Library Strategy Refresh Framework. The Parish Council see the listing as part of a strategy for the Asset that might also pave the way for Community Asset Transfer or Community Right to Bid initiatives.

HIGH PEAK BOROUGH COUNCIL

<h3 style="margin: 0;">ASSETS OF COMMUNITY VALUE ASSESSMENT FORM</h3>

Application reference number	Received date	Has all the relevant detail been provided by the applicant?	Listing recommended?
22. Hay-Lib	16/04/2024	Y	Y

Details	
Nominating organisation	Hayfield Parish Council
Nominated Land/buildings Brief description and location of land/buildings nominated	Hayfield Library, Kinder Rd, Hayfield, High Peak, Derbyshire, SK22 2HS The nomination is in regard to Hayfield Library and the site on which it stands. The building houses Hayfield Library and Information Centre with part of the grounds being used for a community garden project by a local group (Sustainable Hayfield). The library is funded via Derbyshire County Council (DCC)
Is the applicant authorised to act? (Evidence)	

Organisational eligibility assessment	
Type of Organisation Eligible organisations are: <ul style="list-style-type: none"> Neighbourhood Forums (section 61F of the Town & Country Planning Act 1990 – added by the Localism Act 2011) Parish Councils in respect of land in the parish council's area Unincorporated bodies (that has at least 21 individual members of 21 who are on the local electoral register) A Charity Company Limited by Guarantee (where profits are not distributed to members) Industrial or Provident Society Community Interest Company 	Eligible: YES - The nominator is the local Parish Council (Hayfield PC)

Local Connection: (Description/evidence) This nomination is made by the local Parish Council – Hayfield PC	
Eligible: YES	
Is the organisation eligible to nominate?	Eligible: YES

Exemption	
Is the land or building exempt from listing? (Description/evidence)	Exempt: NO This property and land has been listed as an ACV since 2019. This application is a renewal request to continue listing the asset for a further 5 years – None of the exemptions apply

Community Value Assessment	
Is there an actual current use of the building or land?	YES
Does the current use of the building or land, or its use in the recent past, further the social well-being or social interests of the local community? The Localism Act 2011 'social interest' includes (in particular) each of the following: cultural interests, recreational interests, sporting interests.	Yes – the building is currently used as a branch of DCCs libraries with parts of the land being used by Sustainable Hayfield for a garden project both of which support the social well-being and social interests of the local community.
The use above is the main one and not ancillary?	YES
Is it realistic to think that the building or land will continue to be used, or could be used, in a way which will further the social well-being and social interests of the community within the next 5 years?	If it continues as a library, yes. The application notes that: "A new Library Strategy Refresh Framework is due to be presented to DCC's Cabinet in June 2024 and it is anticipated that funding for Library Services will be reduced. Whatever the details of the new strategy for libraries, there is no guarantee that the Hayfield Library building and its usage would not be removed partially or entirely from the public realm in the foreseeable future, nor that its public character and function would be preserved. The Parish Council see the listing of Hayfield Library as an ACV as a necessary provision in their aim of maintaining and developing a civic presence in

	<p>Hayfield, as a focus for the community and a means of delivering public services to residents and visitors. Were DCC to withdraw, the building would become useful for a number of other community activities (including maintaining library services), and there is a continuing desire within the village that this should happen. Hayfield PC see the listing as part of a strategy for the Asset that might also pave the way for Community Asset Transfer or Community Right to Bid initiatives.</p>
<p>Should the land /buildings be listed? (Summary)</p>	<p>YES</p> <ul style="list-style-type: none"> • The property/land has previously been listed as an ACV between 2019 and 2024 • The nominator is eligible to submit the application • The property/land is not exempt from listing • Evidence of formal agreement to submit has been received • A site map of the location has been received • The building/land is currently in use and should continue to be in use if DCC continue funding the library. • Hayfield PC see the listing as part of a strategy for the Asset that might also pave the way for Community Asset Transfer

Assessment undertaken by:	Signed	Date
Kimberly Gilmore	<i>K Gilmore</i>	19/04/2024

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Appendix 2: Location Map, Hayfield Library

Current Location of Hayfield Library



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