

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	<b>Meeting:</b>	<b>Cabinet</b>
2.	<b>Date:</b>	<b>18 December 2013</b>
3.	<b>Title:</b>	<b>Community Right to Bid – Doncaster Gate Hospital Site</b>
4.	<b>Directorate</b>	<b>Environment and Development Services</b>

### 5. Summary

This report refers to a recently received application under the Localism Act Community Right to Bid legislation, to have the former Doncaster Gate Offices listed as an asset of community value.

The application does not fulfil the requirements of the legislation to have the site listed and it is recommended, therefore, that the application be rejected.

Following Cabinet's decision on 16 October 2013 to demolish the building, there has been a degree of Public interest in preserving the Doncaster Gate building itself. It should be noted that successful registration of any community asset does not, in any event, prevent demolition as the legislation applies only to the disposal of any site.

Demolition is scheduled to commence in February 2014. In view of the Public interest, and in order to give those parties interested in putting together any proposals for the future use of the building, it is proposed to allow until 24 January for any proposals to be brought forward for consideration.

### 6. Recommendations

**Cabinet is asked:**

- **to confirm the application to have the former Doncaster Gate Offices listed as an asset of community value be rejected and the asset be added to the unsuccessful register.**
- **to agree to allowing any interested parties until 24 January 2014 to bring forward to the Council any re-development proposals which retain all or a significant part of the building.**

## 7. Proposals and Details

The Community Right to Bid, introduced as part of the Localism Act 2011, enables town and parish councils and local voluntary and community organisations to nominate local land or buildings to be included in lists of community assets maintained by local authorities.

Local authorities are required to keep two registers; a register of successful applications and a register of unsuccessful applications.

Councils have 8 weeks to make a decision on any application received.

In the event of any proposed disposal of any asset on the successful register of assets of community value, a process will be triggered that allows the community interest group(s) to express an interest in bidding to purchase the property. Where a community group wants to submit a bid, the legislation requires the owner of the asset to allow the community group up to six months to submit a bid. This is known as the **Moratorium**.

An application was received on 14 November 2013 requesting that the former Council offices at Doncaster Gate be added to the successful register of assets of community value (Application CRTB10005). The application is attached at **Appendix 1**. Key details are noted below:

Description: Former Hospital & vacant Council Offices.

Property Owner: RMBC

Nominating Group: Rotherham District Civic Society, 43 Scholes Lane, Scholes, Rotherham

Date nomination received: 14 November 2013

Date decision to be made by: 9 January 2014

Evaluation: When a nomination for an asset of community value is received, Rotherham Metropolitan Borough Council will consider the nomination using a 2-stage process which is set out in the standard RMBC Community Right to Bid evaluation criteria form.

Stage 1 of the process deals specifically with assessing whether the nominating group is eligible to nominate and if the application has been completed in full, in order to make a decision on listing (in accordance with that set out in the Assets of Community Value (England) Regulations 2012). The nominating group was successful at this stage of the process and was considered eligible to nominate the property asset as an Asset of Community Value.

It should be noted that the nominating group stated on the nomination application form that they have no local connection to the asset being nominated. The nominating group's ability to demonstrating a local connection to the nominated asset forms part of the assessment criteria which is set out in the legislation. All eligible nominating groups must demonstrate a local connection by showing that their activities are wholly or partly concerned with the local authority area. A decision was made to progress the application at this stage (rather than rejecting it on a technicality), as the nominating group can demonstrate a local connection by having 68 individual members who are registered to vote locally within the borough of Rotherham.

The nomination application was therefore progressed to stage 2 of the evaluation criteria form.

Stage 2 criteria for assessing whether an asset is of community value is based on Part 5, Chapter 3, Section 88 of the Localism Act 2011. There are four questions that all need to be answered positively for any application to be successful. The questions are highlighted in the table below, along with a summary of the assessment conclusions. The full evaluation is attached at **Appendix 2**.

<b>Requirement</b>	<b>Conclusion</b>
(a) The asset's current use furthers the social wellbeing or social interests of the local community, or a use in the recent past has done so	<p><b>FAIL</b> – the building was used as a Council support services office between 2009 and 2011. It has been vacant since January 2012.</p> <p>English Heritage rejected an application for listed status in 2009, concluding that the building was “<i>not of sufficient special architectural or historic interest to merit listing</i>”.</p>
(b) That use is not an ancillary use	<b>Not applicable</b> as the test at (a) is failed.
(c) It is realistic to think that there will continue to be a use which furthers social wellbeing or social interests of the local community, or for land that has been in community use in the recent past, it is realistic to think that there will be use of the building within the next five years that would further the social wellbeing or social interests of the local community (in either case, whether or not that use is exactly the same as the present or past)	<b>FAIL</b> – Although there has been some Public interest in the future of the building, at this stage no firm proposals have been presented to the Council that would enable it to conclude it is realistic to believe the property could be brought back into use as a community asset.
(d) It does not fall within one of the exemptions	<b>PASS</b>

In conclusion, the application does not provide sufficient evidence in support of the nominated asset furthering the social wellbeing or social interests of the local community either currently or in the future. Therefore, subject to approval of this evaluation, the application to nominate the property as an Asset of Community Value will be unsuccessful and the application will be registered on the unsuccessful register.

### **Demolition and other interest in the building**

On 16 October 2013 Cabinet approved the demolition of Doncaster Gate Offices and arrangements have been put in place to implement Cabinet's decision.

The building is currently being 'soft-stripped' internally (i.e. all asbestos is being removed as are obsolete electrical and heating systems and other internal materials).

It is thought that the main aim of the application for inclusion of Doncaster Gate on the successful register of community assets is to preserve the building itself.

**Crucially, it should be noted that the Community Right to Bid legislation does not protect buildings from demolition; the legislation applies only to disposals.** An extract from the relevant Government Guidance is provided below.

#### ***“Moratorium***

*9.1 The moratorium requirements, as set out in section 95 of the Act, apply only to relevant disposals. “Relevant disposal” is defined in section 96. It means a transfer of the freehold or grant or assignment of a qualifying lease which gives vacant possession of the buildings and other land in question. However they will not apply to all relevant disposals, as some types of relevant disposal are exempt. These exemptions are partly in the Act and partly in the Regulations; the full combined list is set out in Annex A below. The moratorium provisions apply only to disposals, so for example if a building listed as an asset of community value is to be demolished without being sold, the moratorium rules in section 95 do not apply” \*<sup>1</sup>.*

In addition to the application for registered status received, the Council has been approached by one other party expressing an interest in the future of the site. A meeting has recently taken place with this party and although their interest has been confirmed, the Council cannot at this stage regard this as providing any certainty over the future of the building. There needs to be a fully prepared and detailed / costed plan for the site in place before any recommendation could be

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<sup>1</sup> (source: Department for Communities and Local Government: Community Right to Bid: Non-statutory advice note for local authorities - Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Regulations 2012)

made to halt the demolition of the building. Plans will also need to include provision for purchasing the site from the Council at its market value.

The actual demolition itself is scheduled to commence in February 2014, after the completion of the 'soft-strip'.

In view of this and the Public interest in the building, the Council could allow any interested parties to bring forward any proposals for the building by 24 January 2014, the latest date on which demolition could be halted.

## **8. Finance**

Registering the application as being unsuccessful will have no financial implications other than officer time in dealing with the application.

## **9. Risks and Uncertainties**

The Community Right to Bid process deals with a new area of legislation and relies upon regulations for interpretation and the considering of applications.

The risk exists that the applicant may challenge the Council's decision.

## **10. Policy and Performance Agenda Implications**

Operation of the Register of Community Assets under the provisions of the Community Right to Bid contributes towards priorities set out in the Council's Corporate Plan. Where appropriate it assists to reinforce Rotherham neighbourhoods and communities and ensure community cohesion.

## **11. Background Papers and Consultation**

Cabinet, 16 October 2013 (exempt)

Copy of application attached in Appendix 1 – see below

### **Appendices:**

**Appendix 1** – Copy of application

**Appendix 2** – Completed evaluation criteria form.

### **Contact Names:**

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