

Community Right To Bid Determination Form
Localism Act 2011
The Assets of Community Value (England) Regulations 2012
Determination by Head of Service (Planning & Transport)

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| Nomination Reference: BL/2016/ENQ/06787 | |
| Date of Nomination: 2 nd February 2016 | |
| Site Address: | Lime Park, Corner of Lime Street & Bicknell Street, Blackburn |
| Land/Property Description | Play area |

Asset Owners:

| Name & Address of Asset Owner | Connection to the asset |
|---|--------------------------------|
| Blackburn With Darwen Borough Council, Growth & Prosperity Department, Property & Development, Town Hall, Blackburn | Owner |

Nominating Organisation:

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| Name of Organisation: Masjid E Tauheedul Islam (Registered Charity 700817) | Proof of eligibility to make a community nomination: |
| Type of Organisation: Registered Charity 700817 | Copy of entry in Central Register of Charities, Minutes of meeting – 5 th January 2016 |

Reasons why the asset should be identified to qualify as an asset of community value:

Below is an extract from the nominator's submission.

THE LIME STREE PLAY HAS BEEN PART OF THE COMMUNITY FOR A LONG TIME, IT IS ONE OF THE FEW AREA WHERE COMMUNITY CAN USE IT FOR ITS OWN PURPOSE SUCH AS PARKING FACALITY FOR PEOPLE WHO COME TO PRAY AT MASJID E TAUHEDUL. THIS WILL BE A GREAT BENEFIT TO THE COMMUNITY AND WILL EASE THE PROBLEM OF PARKING IN SURROUNDING STREETS AT PRAYER TIMES AND MADRASSA TIME.

- Chair also informed Lime park area and council's decision to sell this piece of land.
- Committee members expressed view that this land belongs to community and should be used for communities need.
- Chair suggested to register interest to council and see if council will allocate this land to Masjid to convert this space in to car park.
- Committee members asked who would be responsible for the cost to convert the play area in to car park.
- Chair proposed if council assigns the land to Masjid, the Masjid will bear the cost of conversion of park to car park, committee member agreed.
- Committee members asserted the fact that it has to be lockable secure car park only used at prayer time and madrassah time.
- **It was resolved to approach council with a request to allocate the Lime street play area to Masjid E Tauheedul Islam to convert it in to secure car park for used of general public who come to pray at masjid and for parents who come to drop off and pick up their children to Madrassah.**

Response to the Consultation:

The Executive Member for Growth & Prosperity commented this site is the Council's asset which the Council is looking to sell, – the ACV simply freezes the moment and, when the 6 months moratorium period is over, the sale process will start again.

Assessment:

The Nomination has been considered by the Head of Service (Planning & Transport).

The Council (as Listing Authority) may under section 89 (1) of the Localism Act 2011("the Act") include land/property in its area on its list of community value in response to a "community nomination". Under section 89(2) of the Act a "Community Nomination" includes a nomination which nominates land in the local authority's area for inclusion in the local authority's list of assets of community value and "*by a person that is a voluntary or community body with a local connection*". Regulation 5(1) of The Assets of Community Value (England) (Regulations) 2012 ("the Regulations") a "voluntary or community body" includes a community interest company (CIC). Under Regulation 4, a body has a "local

connection” with land in a local authority’s area if the body’s activities are wholly or partly concerned with the local authority’s area.

The nomination has been submitted by the Masjid-E-Tauheedel Islam Charity.

Under Regulation 6(d) a community nomination must include evidence that the nominator is eligible to make a community nomination. The Charity has provided a copy of its entry in the Central Register of Charities. It is evident from the information that the nominator is a registered charity as prescribed in the Act and the Regulations which has a “local connection”. In addition, the Charity has provided a copy of the minutes dated 5th January 2016, where it was agreed a nomination for the site to be placed on the ACV register.

In the circumstances, the Council, acting reasonable has considered the information submitted and is satisfied that the nomination submitted is a “community nomination” made by a voluntary or community body with a local connection.

The Council must consider whether Lime Park meets the definition of an Assets of Community Value as set out in Section 88 of the Localism Act 2011 i.e in this case that it is currently is use that furthers the social well-being and interests of the local community, or a use in the recent past has done so, and also that it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further the social well-being or social interests of the local community (whether or not in the same way).

Whether the current use furthers the social well-being and interests of the local community?

Under S88(2) of the Act, it is considered that the site does further the social well-being of the local community by virtue of its authorised use as a play area for the local community. It is acknowledged that the site is currently not in use, but the site is still accessible by the general public.

Whether 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.?

In summary, the Council considers that for the reasons stated, the nomination is a “community nomination”, the current use furthers the social well-being of the community, and it is realistic to consider that the use of the building as proposed will further the social well-being of the community for the foreseeable future in accordance with the Regulations.

Under S88(2)(a) &(b) of the Act, is it realistic for the site to further the social well-being of the local community for the next five years. It is considered that there is a realistic chance the site could be used in a way not to dissimilar to the existing use to further the social well-being of the local community. The submitted nomination does refer to the land being used as a car park the nearby mosque. The nominating group have been informed this will require a change of use planning application, which will be assessed in accordance with Policy 35 of the Local Plan Part 2 (December 2015). A car park for use by visitors to the mosque is considered to serve the needs of the local community, and as such satisfies the requirements of S88(2) of the Act.

In reaching this decision, the owner and the nomination group should be aware of the following. Under S95(2) of the Act, where a land is being disposed of, the owner will notify the Local Authority that they wish to enter into the process for the relevant disposal of the land, in this case the Head of Property & Development notifies the Head of Planning & Transport. This then triggers under S95(3) of the Act, the interim moratorium period (6 weeks), where the local authority notifies the nominating group, and any community interest group by publication in the area for the group(s) to be treated as a potential bidder in relation to the land. If the group(s) notify the local authority within this 6 week period, this will trigger the full moratorium period of 6 months, in which the group(s) must submit a bid to the local authority to purchase the land.

Decision:

I can confirm that,

Nominated Asset: Lime Park, corner of Lime Street/Bicknell Street, Blackburn

Should be an Asset of Community Value and included on the City Council's Local Assets of Community Value Register and placed on the Local Land Charge Register.



David Proctor
Head of Service (Planning & Transport)

Date:

Background Papers: Nomination application
Contact Officer: Gavin Prescott, Planning Manager
Telephone: (01254) 585694
Date: 21st March 2016