

NOMINATION OF ASSET OF COMMUNITY VALUE: BROMSGROVE MUSEUM

Relevant Portfolio Holder	Cllr Mike Webb
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford – Head of Planning & Regeneration
Wards Affected	St Johns
Ward Councillor Consulted	Yes
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To consider a request to list the Bromsgrove Museum building (26 Birmingham Road Bromsgrove B61 0DD) as an Asset of Community Value.

2. RECOMMENDATIONS

- 2.1 **That Cabinet consider the contents of the report and decide to either:-**

(a) Support the listing of the Bromsgrove Museum building as an Asset of Community Value; or

(b) Not support the listing of the Bromsgrove Museum building as an Asset of Community Value.

3. KEY ISSUES

Financial Implications

- 3.1 The museum building is owned by the Council. Members will be aware of the recent history concerning the building. To summarise, following the closure of the museum in 2008 the Council was involved in protracted negotiations with the Norton Collection Museum Trust (formerly known as “The Friends of the Norton Collection”) and with Denis Norton in relation to the future of the building and the Norton Collection (museum artefacts). The Museum Trust wanted to re-open the Museum in the original building and discussions took place as to the purchase price for the building and the transfer of the collection. It was not possible for the detailed negotiations to be concluded. Subsequently in July 2013 the Council approved acceptance of the offer put forward by the Museum Trust to purchase the building for the

sum of £200k, to include completion of the purchase within a 6 month period. At the time the Museum Trust was involved in fund raising and the additional time was built in to the arrangement to allow for further fund raising to take place.

3.2 In January 2014 the Museum Trust wrote to the Council indicating that they had secured alternative premises to purchase and therefore did not wish to proceed with the Option to Purchase the Museum building. On 2nd April 2014 Cabinet considered a further report in relation to the museum. On that occasion the Museum Trust put forward two further alternative proposals to acquire the building. However, Members decided to proceed with options of either leasing the building on a commercial basis or selling the building to generate the best return for the Council. For reference a copy of the Cabinet report of 2nd April and a copy of the minutes are attached at Appendix1 of this report.

3.3 Following the Cabinet decision on 2nd April officers started to pursue the option of marketing the building. Shortly thereafter the application to list the Museum building was received and at this stage no formal marketing of the property has been progressed pending consideration of the ACV application.

3.5 From a financial point of view the running costs of the building for 13/14 were £12506.38. This included the following:-

Business rates	£6941.55
Insurance	£440.33
Repairs and maintenance	£3389.68

3.6 Delay in the sale of the building is going to lead to the Council having to continue to fund the running costs possibly for up to an additional period of 6 months. It will also delay the receipt of any monies raised by the sale or letting out of the building.

3.7 In terms of process, Members are reminded that upon sale of a building listed as an asset of community value, the land owner is required to notify the Local Authority. The Local Authority must publicise the sale of the building including notifying the nominating community group. The sale cannot proceed until an Interim Moratorium period of 6 weeks has passed without the Local Authority receiving a written expression of interest from a community interest group to be treated as a potential bidder, or if an expression of interest is received, the Full Moratorium period of 6 months has ended.

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- 3.8 During the Interim Moratorium a community group may request in writing to be treated as a potential bidder; the community group does not have to provide any evidence of intention or financial resources to make such a bid. At the end of the Full Moratorium a sale to a third party other than a community group which has submitted an expression of interest may proceed. In other words, the community group have six months to purchase the property, and if this does not occur, at the end of the six month period the land owner is free to sell the property to any purchaser.

Legal Implications

- 3.9 The Localism Act 2011 made provision for a new system of listing of assets of community value, giving community groups the right to make nominations, and requiring local authorities to maintain local registers. Further more detailed rules around the operation of assets of community value are set out in the Assets of Community Value Regulations 2012.

- 3.10 The test for listing an Asset of Community Value as set out in Section 88 (1) of the Localism Act 2011 is as follows:-

“A building or other land in a Local Authority’s area is land of community value if in the opinion of the authority:-

- (a) an actual current use of the building or other land that is not an ancillary user further s the social well-being 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 well-being or social interests of the local community.”

- 3.11 In this case the building is no longer used as a museum, and therefore it is necessary to consider how the definition applies to buildings that are no longer in use. Sub-section 2 of Section 88 goes on to state that such land can be listed if in the Local Authority’s opinion:-

- (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 well-being or interests of the local community, and
- (b) it is realistic to think that there is a time in the next five years when there could be a 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.

There is no definition of “recent past”. However, in applying the definitions set out in the Act the general approach of most Local Authorities have been to give the definitions a wide interpretation. Officers are of the opinion that having closed in 2008 and since then not having been used for any other purpose, it would not be unreasonable to reach the view that the Museum building does meet the test under Section 88 (2)(a). The second limb of the test under subsection (b) looks at likelihood of the land being used again for the social well-being of the community within the next five years.

Service / Operational Implications

- 3.12 As Members are aware from previous reports the Localism Act included the ‘Community Right to Bid’ which gave communities a right to identify a building or other land that they believe to be of importance to their community’s social well-being so that if it comes up for sale there is a six month period within which they can prepare their bid to buy the asset. The property in question can then be sold on the open market. Community groups have the same rights as any other bidders but there is no preference given to the local community bid.
- 3.13 Officers have received a nomination (Appendix 2) for the Bromsgrove Museum building to be listed as an asset of community value. The nomination has been made by The Norton Collection Museum Trust (formerly known as the Friends of the Norton Collection” which is a registered charity. On their application form the Trust state that they would hope to re-open the museum to enable people of all ages to visit and learn more about Bromsgrove’s Heritage. The building has been out of use since the Council took the decision to close the Museum due to lack of visitor numbers in 2008. The majority of the artefacts are in storage at the Council’s depot, whilst those displays/exhibits that constituted fixtures and fittings remain in situ at the site.
- 3.14 Consideration of the nomination has been undertaken. It is noted that the building is currently not in use as a museum. Historically the Council has voluntarily afforded opportunities to the Museum Trust to purchase the building, although such arrangements have never resulted in a sale. The Museum Trust is now making a formal application for the building to be listed as an asset of community value. This is against the back drop of Members having formally agreed to dispose of the building by sale or lease in April 2014.
- 3.15 For the purposes of this decision, the Council is required to consider the application in light of the statutory tests. Applying those tests, officers

— recommend that the building be listed as an asset of community value based upon the following:-

- the building has been used in the recent past to further the social interests of the community;
- were the Museum Trust able to raise the relevant funding it is conceivable that the Museum could be re-opened to provide a venue of social interest to the District.

3.15 Members are reminded that the final decision on registration sits with the Head of Planning and Regeneration. A copy of the flow chart for the process of listing assets of community value is attached for information at Appendix 3.

Customer / Equalities and Diversity Implications

3.16 There are no direct implications under this heading. The Council has put in place a process to ensure that applications for assets of community value to be listed are considered properly and in accordance with the relevant legislation and guidance. It is open to all sectors of the community to present nominations.

4. RISK MANAGEMENT

4.1 The register will be maintained to ensure that all assets nominated are included to mitigate any risks associated with assets not being included on the register. Consideration by officers and members will be undertaken at each nomination to ensure a consistent approach is taken.

5. APPENDICES

Appendix 1 – Cabinet report of 04 April 2014 together with Minutes

Appendix 2 – Application

Appendix 3 - Flow chart for process for nominating ACVs

6. BACKGROUND PAPERS

Included as Appendices save for the Localism Act 2011, Assets of Community Value (England) Regulations 2012 and guidance issued by DCLG copies of which are available publically.

7. KEY

AUTHOR OF REPORT

Name: Ruth Bamford
E Mail: r.bamford@bromsgroveandredditch.gov.uk
Tel: (01527) 881202

Name: Sarah Sellers
E Mail: s.sellers@bromsgroveandredditch.gov.uk
Tel: 01527 881397