

Report No. 8

Report to Town Council 21<sup>st</sup> April 2015

Community Asset Listing

1. Purpose of the report

1.1 To request that Council notes the current status of Community Asset Listing.

2. Background

2.1 At Council on 27<sup>th</sup> January 2015, I was tasked with taking forward and investigating Councillors' recommendations for possible properties and land in the Town to be put forward to Wiltshire Council for listing as Community Assets.

2.2 The work is still in progress and this report's Appendix provides a status update.

3. Recommendation

5.1 Council is recommended to note the contents of this report.

Councillor John Gundry

14<sup>th</sup> April 2015

## APPENDIX

### STATUS REPORT

#### MALMESBURY COMMUNITY ASSET LISTING

14<sup>th</sup> April 2015 - Cllr John Gundry

The following is a list of properties submitted by Councillors in January 2015 for consideration to be forwarded to Wiltshire Council for consideration to be included on the register of Community Asset Right to Bid. I have assessed each property and recommend the way forward.

#### Notes

1. The Community Asset Right to Bid (listing for 5 years) provides for a six-month moratorium on any sale of the property to allow a Community Bid to be prepared to buy the property, which the property-owner is under no compunction to accept.
2. Of the 50-or-so approved Assets of Community Value in Wiltshire the great majority are single pubs and shops in villages. Nationally, pubs are the largest type (31%) of listed Community Assets. The Government is promising new legislation to preclude Change of Use or demolition of asset-listed pubs.
3. Private residences and their contiguous lands are not eligible for listing, neither are C of E properties.

<b>Property (Properties recommended for further investigation at date of report are underlined)</b>	<b>Assessment and Recommendation at date of report</b>
Air Training Corps Building and Land	Owned by the MoD and unlikely to be sold without notice. <u>Not a priority to investigate immediately.</u>
Athelstan Players' Club House	On Town Council-owned land protected under a lease and Fields in Trust status. <u>No further action.</u>
<u>Bowls Cub Building and Land</u>	Nothing currently known about ownership. <u>Enquiry letter sent, no reply.</u>
Boxing Club Building	On Town Council-owned land protected under a lease and Fields in Trust status. <u>No further action.</u>
Cloister Gardens	Town Council has 85 years of a lease left to run. Not vulnerable. <u>No further action.</u>

Cricket Club Building and Land	The Club is on privately-owned land. The Neighbourhood Plan precludes major building in Malmesbury Town until 2026. Is it realistic that the community could find the money to buy this large area of land? <u>Not a priority to investigate immediately.</u>
Cross Hayes Car Park	A highway. <u>No further action.</u>
Field(s) around Daniel's Well	The land is privately-owned. The Neighbourhood Plan precludes major building in Malmesbury Town until 2026. Is it realistic that the community could find the money to buy this land? <u>Not a priority to investigate immediately.</u>
<u>Fire Station</u>	Ownership unknown. <u>Enquiry email sent and acknowledged.</u>
Football Club Building and Land	On Town Council-owned land protected under a lease and Fields in Trust status. <u>No further action.</u>
<u>King's Church Hall, Abbey Row</u>	Ownership unknown. <u>Enquiry email sent, no reply.</u>
Library	Could be a Community Asset Transfer from Wiltshire Council to the Town Council but this would be a separate and well-publicised process. <u>No immediate listing action.</u>
Long Stay Car Park	Could be a Community Asset Transfer from Wiltshire Council to the Town Council but this would be a separate and well-publicised process. <u>No immediate listing action.</u>
Malmesbury Abbey	C of E building cannot be listed. <u>No further action.</u>
Malmesbury Rivers Valley Trust Lands	Lands are held by a charitable trust and must maintain that status on any change of ownership. <u>No further action.</u>
Market Cross	Owned by Town Council. <u>No further action.</u>
Parks and public spaces owned by Malmesbury Town Council	Owned by Town Council and many protected under Fields in Trust. <u>No further action.</u>
Parks owned by Wiltshire Council	Could be a Community Asset Transfer from Wiltshire Council to the Town Council but this would be a separate and well-publicised process. <u>No immediate listing action.</u>

<p>Pubs</p> <ul style="list-style-type: none"> <li>- Kings Arms</li> <li>- Rose and Crown</li> <li>- Smoking Dog</li> <li>- Three Cups</li> <li>- Whole Hog</li> </ul>	<p>Wiltshire Council has in the past judged, as far as I understand it, that to be listed as an Asset of Community Value a pub should (a) be the sole such premises in a location (b) show evidence of community use beyond its role as a drinking establishment.</p> <p>However, promised new legislation may mean that in addition to providing for a Community Right to Bid, listing gives protection against demolition or change of use. Thus the likelihood of a successful Community Bid would be less of a factor in judging whether a pub should be listed.</p> <p><u>Wait for new legislation and / or evidence of changed rules at Wiltshire Council, then assess.</u></p>
<p>St Mary's Hall</p>	<p>Owned by the Scouts Association, a charitable trust. Any change of ownership would (a) revert to the Abbey (b) the use must remain for charitable purpose. <u>No further action.</u></p>
<p>Tennis Club Building and Land</p>	<p>The Neighbourhood Plan precludes major building in Malmesbury Town until 2026. Further, substantial building works are underway which underlines the intention to be permanent. Is it realistic that the community could find the money to buy this land?</p> <p><u>Not a priority to investigate immediately.</u></p>
<p>Town Hall</p>	<p>Owned by Town Council. <u>No further action.</u></p>
<p>United Reformed Church and Hall</p>	<p>Owned by the United Reformed Church organisation. Very unlikely to be sold.</p> <p><u>No further action.</u></p>