

Property / Regeneration Briefing

Dear Member,

You are invited to attend the meeting of the Property / Regeneration Briefing to be held as follows for the transaction of the business indicated.

Miranda Carruthers-Watt
Proper Officer

DATE: Monday, 25 November 2019

TIME: 11.00 am

VENUE: Salford Suite, Salford Civic Centre, Chorley Road, Swinton

In accordance with 'The Openness of Local Government Bodies Regulations 2014,' the press and public have the right to film, video, photograph or record this meeting.

AGENDA

- 1 **Apologies for absence**
 - 2 **Declarations of interest**
 - 3 **Items for Decision - Part 1 (Open to the Public)**
 - 3a **Asset of Community Value (ACV) Application - Swinton Park Golf Course** (Pages 1 - 8)
 - 4 **Exclusion of the Public**
 - 5 **Items for Decision - Part 2 (Closed to the Public)**
- No Items*
- 6 **Any other business**

Contact Officer:
Mike Relph, Senior Democratic Services Advisor

Tel No: 0161 793 3013
E-Mail: mike.relph@salford.gov.uk

This page is intentionally left blank

REPORT OF THE STRATEGIC DIRECTOR PLACE

TO: THE PROPERTY AND REGENERATION BRIEFING FOR DECISION ON: 25th November 2019

SUBJECT: Application to list Swinton Park Golf Club, East Lancashire Road, Swinton as an Asset of Community Value pursuant to Part 5, Chapter 3 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012

RECOMMENDATION:

That Swinton Park Golf Club is an Asset of Community Value and should be included on the council's list.

PURPOSE OF THE REPORT:

In August 2019 the Council received two nominations from:-
Local members supported by local residents and the Save Swinton Park group who both nominated Swinton park Golf Club for inclusion in Salford City Council's List of Assets of Community Value. The nominations were accepted as valid on 23rd August.

The nominations were in the form of two separate applications:

- 19/74068/ACV - (Councillors Fletcher , Bentham and Pevitt on behalf of the residents of Swinton south and Claremont) – Received on 19th August
- 19/74086/ACV – Community Interest Company (Save Swinton Park)- Received on 23rd August

Both the above nominating groups are separate legal entities for the purpose of the legislation and they have been treated as such notwithstanding this joint report.

The purpose of this report is for the City Mayor to determine whether Swinton Park Golf Club is land of community value.

If the City Mayor decides that the site is land of community value, to instruct Salford City Council and Joint Legal Services to:

- a) Include the listing of Swinton Park Golf Club, East Lancashire Road, Swinton in the City Council's List of Assets of Community Value.
- b) Enter a restriction on the title in accordance with the Land Registration Rules 2003 as amended by the Assets of Community Value (England) Regulations 2012.
- c) Include the listing of Swinton Park Golf Club, East Lancashire Road, Swinton in the Local Land Charges Register.

If the decision is made that Swinton Park Golf Club, East Lancashire Road, Swinton is not land of community value to instruct Salford City Council and Joint Legal Services to:

- a) Provide written reasons for the decision to the applicant.

- b) Include Swinton Park Golf Club, East Lancashire Road, Swinton in the City Council's list of land nominated by unsuccessful community nominations for a period of five years from the date of entry on the register.

BACKGROUND DOCUMENTS:

(Available for public inspection)

Localism Act 2011 ("the Act")

Assets of Community Value (England) Regulations 2012

Community Right to Bid: Non-statutory advice note for Local Authorities

KEY DECISION: No

1. INTRODUCTION

Part 5 Chapter 3 of the Localism Act, and the Assets of Community Value (England) Regulations, which together deliver the "Community Right to Bid", aim to encourage communities to become more active in joining together to save and take over assets which are significant to them. The scheme gives communities the opportunity to identify assets of community value and have them listed on a List of Assets of Community Value that every council is required to maintain.

The council has a requirement to consider each application to have an asset listed against criteria set out in the legislation.

The criteria are essentially;

- a) The application comes from a Qualifying Group (as defined in the Act)
- b) That the asset to which the application refers does, or has in the recent past, have a principle use which furthers the communities' social wellbeing or social interests
- c) The asset is realistically likely to further the communities' social wellbeing or social interests in the future.

Further detail of the definitions and application of these criteria is set out below.

The impact of an asset being listed as an Asset of Community Value is that, if it is put out for disposal, there are certain time restrictions and delays which have to be considered in the process. However the owner is not restricted as to whom it can dispose, and what value it accepts for the disposal.

2. CONSIDERATION OF THIS APPLICATION

2.1 Site details

This application relates to Swinton park Golf Club. The site extends to approximately 100 acres (40.50 hectares) and sits to the south of the East Lancashire Road. The site is bounded to the east by residential dwellings, to the south by residential dwellings and Chatsworth High School. Folly brook also runs along the southern boundary of the site. To the west is an area of green space, Eccles College, residential dwellings and the former sewage works site which is currently being re-development for 241 houses and a community park. Vehicular access to the site is currently taken from the East Lancashire Road with access also available from Runnymede to the eastern side of the site. The site accommodates a club house and car parking area which sits at the north east corner of the site and further within the site is a green keepers store.

Site owner/interested parties

Owner:

Swinton Park Golf and Country Club

Castlefield House,
Liverpool Road,
Manchester
M3 4SB

and of:

Swinton Park Golf Club,
East Lancashire Road,
Swinton,
Manchester

The clubs website sets out that the club accepts visitors as well as members and that in addition to the golf course the clubhouse shows sporting events, has quality entertainment and provides a function suite to hold events such as weddings and parties.

2.2 Community Nomination

The applications were submitted by local members supported by local residents (Ref: 19/74068/ACV) and Save Swinton Park (Ref: 19/74086/ACV) on 19th August and 23rd August 2019 respectively .

Application 19/74068/ACV is supported by a document entitled: 'Community Right to Bid Nomination Form' as well as a document providing signatures from 22 individuals. The applicants have also confirmed that the group does not distribute any surplus it makes to its members.

The applicant, is an un-incorporated body within the meaning of Regulations 4 and 5 of the Assets of Community Value (England) Regulations 2012. Therefore the application constitutes a valid community nomination.

Application 19/74086/ACV is supported by a document entitled: 'Community Right to Bid

Nomination Form' as well as a 'Certificate of Incorporation of a Community Interest Company' dated 19th August which certifies that Save Swinton Park CIC is incorporated under the Companies Act 2006 as a Community Interest Company; is a private company and that the company is limited by guarantee and the situation of its registered office is in England and Wales.

The applicant, is a registered Community Interest Company within the meaning of Regulations 4 and 5 of the Assets of Community Value (England) Regulations 2012. Therefore the application constitutes a valid nomination.

2.3 The Procedure and Comments on the Nomination

The owner of the site is Swinton Park Golf and Country Club. A letter notification was sent on 4th September 2019 to advise the owners of the submitted ACV applications. On 25th September 2019 a copy of a draft report was sent to Joint Legal Services, Salford City Council finance team and Ward Councillors to ask for any comments they may have.

2.4 The Use and Future Use of the Property

"Furthering Social Wellbeing or Social Interests" test;

The site continues to operate as a golf club with the club house also providing entertainment and being available to hire for functions such as weddings.

The Localism Act provides that 'social interests' include (in particular) each of the following: cultural interests; recreational interests and sporting interests. However, the list is not exhaustive and the terms should be considered broadly.

There is no statutory definition of "local community" nor any guidance as to how it is to be determined. In an appeal concerning allotments it was concluded that "there is nothing in the 2011 Act which suggests that a facility has to be equally valuable or equally accessible to all sectors of the local community." It was also accepted that "local community" should be interpreted in accordance with the Oxford English Dictionary as "a body of people viewed collectively". Given this, it is considered that whilst the use of the golf club is only used by a limited proportion of the community, in order to further the social wellbeing or interests of the local community it does not have to be the whole of the local community that will benefit, but can be groups with specific cultural, recreational or sporting interests as is the case here.

It is considered, therefore, that the past and current use of the property does further the social interests of the community.

"Future Use" test;

As detailed above, the current use of the site is considered to be of community value. Section 88 (1)(b) of the Localism Act also requires Local Authorities to consider whether it is realistic to think that there can continue to be non-ancillary use of the building or land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

There are no reasons why the current use of the site cannot continue to operate from the site and in addition given the sites sustainable location, the size of the site etc. it is realistic to think that should the current use cease then the site could (subject to receiving the necessary permissions) be used for an alternative use which would further the social

wellbeing or social interests of the local community as required by Section 88 (1) (b) of the Localism Act.

2.5 Conclusion

Therefore it is concluded that the 3 criteria set out in the Introduction to the report have been met through the application and that the council accepts that Swinton Park Golf Club is an asset of community value.

3. IMPLICATIONS OF LISTING

If the Council accepts that the land is of community value (as concluded above) then the authority must cause the land to be included in its list of assets of community value.

Land that is listed as an asset of community value will remain on the list for a period of five years beginning with the date of the entry unless the owner enters into a 'relevant disposal' of the land in accordance with the requirements of the Act.

A 'relevant disposal' means a disposal of the freehold with vacant possession or the grant or assignment of a qualifying leasehold estate with vacant possession. A qualifying leasehold estate is one which, when granted, had at least 25 years to run.

For the avoidance of doubt, the Act does not provide community interest groups with a right to purchase assets, entitle them to a discount or give them first refusal on any purchase.

Councillor Comments:

Ward Councillors have been consulted on the application.

Councillor Cammell - No response has been received to date **(see addendum)**

Councillor Dickman - No response has been received to date **(see addendum)**

Councillor Fletcher – “ I fully support the application and cannot think of anywhere else in Swinton that is more worthy of the title asset of community value “ **(see addendum)**

SOURCE OF FUNDING: N/A

LEGAL IMPLICATIONS supplied by Helen Chapman, Solicitor, Joint Legal Service are discussed throughout the body of the report.

FINANCIAL IMPLICATIONS supplied by Alex Archer of Salford City Council

No financial implications.

OTHER DIRECTORATES CONSULTED: N/a

CONTACT OFFICER: Adele Stewart **TEL. NO.** 0161 604 7792

WARD(S) TO WHICH REPORT RELATE(S): Swinton South

ADDENDUM

The following statements/comments of the Swinton South ward councillors, respectively indicated, in support of the application, were submitted at the Property/Regeneration Briefing held on Monday, 25th November, 2019:-

Councillor Stuart Dickman

“Swinton Park is an historic 18 hole golf club, serving the community of Swinton for almost a century. I welcome the application that has been submitted on behalf of the residents of Swinton and Claremont, and see no reason why the club should not be given status as an asset of community value.”

Councillor Jim Cammell

“Swinton Park Golf Club had been at its current location since 1926, pre-dating most of the surrounding residential areas, along with the vast majority of the residents of Swinton.

I have spoken to many residents in Swinton South who have been members of the club for decades and lots of others that have fond memories of social events held there.

The Swinton Park Golf Club is a real asset to the local community. It will be fantastic for the residents of Swinton for it to officially be recognised as an ‘Asset of Community Value’ by Salford City Council.”

Councillor Heather Fletcher

“I can’t think of anywhere in Swinton that is more worthy of being made an Asset of Community value than Swinton Park Golf club as it is embedded into Swinton’s history and has brought much pleasure and considerable benefits to the people of Swinton in the past 99 years.”

This page is intentionally left blank