

**Scarborough Borough Council**

**Re: Community nomination in respect of:-**

South Cliff Bowls Club, Filey Road, Scarborough, North Yorkshire, YO11 2PT

(hereinafter referred to as 'the Property')

**Notice under section 91 of the Localism Act 2011**

**1. The Nomination**

On 24<sup>th</sup> September 2017 Scarborough Borough Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list the Property as an asset of community value. The nomination was made by South Cliff Bowls Club c/o Flat 4,1 Weaponness Park, Scarborough, North Yorkshire, YO11 2UB. A copy of the nomination, including a plan showing the boundaries of the Property edged in red, is attached at Appendix 1.

**2. The Law and Statutory Guidance**

Under section 87 of the Act the Council must maintain a list of assets of community value in its area.

A building or other land is of community value if, in the Council's opinion, an actual current use of the building or land, that is not an ancillary use, furthers the social wellbeing or social interests of the local community, and 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.

Alternatively, where a building or land is not currently being used for a purpose that furthers the social wellbeing or social interest of the local community, it is still land of community value if in the Council's opinion 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 wellbeing or interest of the local community, and it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land which would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

Under section 89 the Council can only include land in its list of assets of community value in response to a community nomination or where permitted by regulations. A community nomination in England can only be made by either a parish council in respect of land within its area or by a voluntary or community body with a local connection. Where a valid community nomination is made the Council must consider it and must accept the nomination if the land is within its area and is of community value.

### **3. Decision and Reasons**

The Council accepts the nomination of the Property by South Cliff Bowls Club and includes the Property in its list of assets of community value.

Reasons:

- (a) The Property lies within the administrative area of Scarborough Borough Council
- (b) The South Cliff Bowls Club is eligible under section 89(2)(b)(i) to make a community nomination in respect of the Property
- (c) The community nomination made by the South Cliff Bowls Club includes the matters required under regulation 6 of the Assets of Community Value (England) Regulations 2012
- (d) The Property does not fall within a description of land which may not be listed as specified in Schedule 1 of the Assets of Community Value (England) Regulations 2012 (the Regulations)
- (e) The current use of the Property is as a base for the South Cliff Bowls Club. The Property comprises the bowling green and a pavilion and is used as a sporting facility from which Club members participate in bowling matches and at which touring matches are hosted. Matches are open to the public to attend as spectators and the green is also used by the local community for recreational purposes such as walking.

Social wellbeing is furthered by the provision of events and social activities such as Sunday lunch clubs, indoor games, jigsaw clubs, barbeques and Christmas celebrations. Opportunities for volunteering in painting groups, green maintenance, gardening and catering groups are provided.

The Council therefore considers that the current use of the Property as a Bowls Club is not an ancillary use, that this use furthers the social wellbeing and social interests of the local community and that the Property is of community value.

- (f) The Council also considers it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the Property that would further (whether or not in the same way as before) the social wellbeing and social interests of the local community.

#### **4. Next Steps**

The Property will be included in the list of assets of community value maintained by the Council under section 87 of the Act.

In accordance with section 91 of the Act the Council will send this notice to:-

- (a) the owners, freehold and leasehold, of the Property
- (b) any occupier of the Property if that occupier is not an owner
- (c) South Cliff Bowls Club as the nominating body.

#### **5. Consequences of Listing**

The Property will remain on the list of assets of community value for a period of 5 years from the date of this notice unless removed with effect from some earlier time in accordance with the provision of the Regulations.

Inclusion of the Property in the list of community assets is a local land charge under the Local Land Charges Act 1975.

The Council is required under Schedule 4 of the Regulations to apply to the Land Registry for a restriction to be added to the registered title of the Property that "No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011".

Under section 95 of the Act an owner must notify the Council by writing to the Legal Services Manager at Scarborough Borough Council, Town Hall, St Nicholas Street, Scarborough YO11 2HG if they wish to enter into a relevant disposal of the Property. Relevant disposal is defined in section 96 and (subject to exemptions in section 95(5) and Schedule 3 of the Regulations), means a freehold disposal or the grant or assignment of a qualifying leasehold interest, (a lease of at least 25 years), with vacant possession.

A moratorium period is triggered by notification under section 95 to allow any community interest group to submit a written request to be treated as a potential bidder for the Property. Owners are advised to refer to Part 5 Chapter 3 of the Act and the Regulations in full and to seek legal advice if they wish to dispose of the Property. **A disposal of listed land which contravenes the requirements of Act and Regulations will be ineffective.**

## **6. Right of Review**

In accordance with section 92 of the Act the owner of the Property is entitled to request a review of this decision. This review will be carried out by a Director of the Council. A request must be made in writing and received by the Council within 56 days of the date of the date of this notice or such longer period as the Council may agree in writing. Please ensure that the request explains on what grounds the decision should be reviewed, with reference to the appropriate parts of the legislation to support such grounds.

If a request is made, the Council will complete the review within 56 days of receiving the request or such longer period as is agreed with the owner in writing. A request must be addressed to the Legal Services Manager, Town Hall, St Nicholas Street, Scarborough YO11 2HG.

## **7. Right to Compensation**

In accordance with paragraph 14 of the Regulations an owner or former owner of the Property is entitled to claim compensation from the Council of such amount as the Council may determine, where they have incurred loss or expense in relation to the Property which would be likely not to have been incurred if the Property had not been listed.

A claim for compensation must be made in writing within 91 days of the date the loss or expense is incurred or (as the case may be) finishes being incurred; must state the amount of compensation sought for each part of the claim and be accompanied by supporting evidence for each part of the claim.

If a claim is made, the Council will consider the claim as expeditiously as possible. A request must be addressed to the Legal Services Manager at Scarborough Borough Council, Town Hall, St Nicholas Street, Scarborough, YO11 2HG.

**8. Additional Help**

Further information about assets of community value is available from the website <http://mycommunityrights.org.uk/community-right-to-bid/> If you need any additional support in relation disposal of the Property, the right of review or right to compensation you are advised to seek independent legal advice.

Signed:



Rebecca Jackson  
Legal Services Manager

Dated: 14<sup>th</sup> November 2017





## Asset of Community Value Nomination Form

If you need assistance completing this form please refer to the guidance notes.

### Section 1 About the property to be nominated

Name of Property: South Cliff Bowls Club

Address of Property: Filey Road

Postcode: YO11 2TP

Property owner's name Scarborough Borough Council

Land Registry Title Number (if applicable) part of NYK386090

Address: Town Hall, St Nicholas St, Scarborough,

Postcode: YO11 2HG

Tel: 01723 232323

Current occupiers name: South Cliff Bowls Club

### Section 2 About your Community Organisation

Name of Organisation: South Cliff Bowls Club

Contact name: A J Campbell

Position in Organisation: Chairman

Email address/contact number: ajcampbe@tiscali.co.uk

Address: Flat 4, 1 Weaponness Park, Scarborough YO11 2UB

Organisation type Unincorporated Community Group

How many members do you have (this is particularly important for unincorporated community groups)

### Section 3 Supporting information for nomination

***Any information entered in this section only may be copied and passed onto the owner of the property you are nominating.*** Definition of an asset of community value can be found in the guidance document

Why do you feel the property is an asset of community value? Please give as much information as possible

(The current main use of the building or land furthers the social interests or social well being of the local community, and it is realistic to think that there can continue to be a main use of the building or land which will further the social interests or social wellbeing of the local community, although not necessarily in the same way.)

The Club has existed on this site for over 100 years; in 2015 the Club was faced with winding up due to falling numbers (membership was in the region of 22). Following a number of strategies - flyers, open days - encouraging beginners, the Club has undergone a transformation and numbers now stand in excess of 50 - which means we are able to put teams out in four Leagues and in one League we field two teams. The success over the past two years - including winning the Open League Cup - has been highlighted in both the Scarborough News and the Scarborough Review, in addition Bowls England have featured the transformation on their website and Facebook pages. Thanks to our efforts at providing playing opportunities and gaining new members we have recently been awarded £250 by Bowls England as part of the Play Bowls strategy.

Evidence for furthering the social interests or well being of the local community is outlined below:

Social opportunities are evidenced by many of the Clubs activities. In addition to bowling which has known **physical benefits** - in matches players are expected to perform for over two hours without a break. During these games they can walk over a mile and bend up and down more than a 100 times. Add to that the concentration and effort required during a match (enhancing mental faculties) then it is obvious that this recreation is of immense value to the well-being of the participants. As the population ages most medical practitioners would applaud the efforts of individuals. With the closure of the Sports Centre on Filey Road we are the only provider of physical activity on the South Cliff.

**Social benefits** of participating are obvious, the local area has many inhabitants at the older end of the age spectrum, many live alone and have little opportunities for social interaction locally. We have a number of widowed members for whom the friendship and support can be immensely valuable and might move beyond the Club setting - in that members might have skills which they use to help other members in their homes. Of our membership, some 52% live within half a mile of the Green.

In addition to members, the area of the Green is well used by dog walkers and others - including our most senior citizens living in supported housing etc - walk around the Green, just having a stroll on one of the few level green spaces along Filey Road and is an oasis of calm. Many take a break and watch the action, have a chat and might pop in for a cup of tea. Some see the notices outside the Green and pop in to try their hand at bowls.

We are very mindful of the fact that the season runs from late April to September and made a conscious decision to sustain a Club feel during the closed season. To this end the twice a week Social Bowling (Wed and Sat afternoon - where most new members started) ends in September and we then meet on a Saturday afternoon for indoor games, jigsaws, chats, in house maintenance, short mat. This has kept a strong nucleus of members and the social benefits are obvious in such a disparate community. Numerous events have been organised which entertain and raise funds - Safari Suppers, Quizzes, Race Evening, Burns Bash, Christmas celebrations, BBQs - keeping the members together for the winter months. The latest initiative is a Sunday Lunch Club.

Communication with members is an important aspect keeping everyone in touch and in the picture. To this end email is used extensively (regular newsletters and Committee Notes) and we have recently set up a Facebook page.



For the more practically minded there are many opportunities to help and gain social benefits - over the past two years we have developed Green teams, painting groups, gardening, catering which have all enhanced the look of the pavilion and with increased finances and grants we have been able to replace worn backboards and significantly improve the paved area around the green - at our expense.

**Economically**, the town benefits from our existence and development and we have hosted touring teams from Chelmsford, Gateshead, Bedfordshire, and enjoyed county matches including Yorkshire v Durham. Local hotels and businesses benefit from these tours and we are looking forward to hosting touring teams from across the county in subsequent years. The Club co-hosts the Scarborough Open Bowls Week with Scalby & Newby. A long-standing tradition.

We are looking to the future and are hoping to gain some sponsorship which will allow us to buy some woods suitable for youngsters and we would like to be able to offer taster sessions with some coaching to local schools - we have Wheacraft, St Martin's and Scarborough College within a short distance of the Club.

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#### **Section 4 Boundary of the Property**

What do you consider to be the boundary of the property? Please give as much detail/be descriptive as possible (Please include Land Registry Plan where the property is registered).

See the Land Registry Map - The Bowling Green is part of the Title number - NYK386090 the area bounded by green shading on the attached

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#### **Section 5 Attachment checklist**

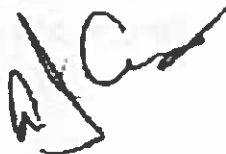
- ✓ Copy of group constitution (if you are a constituted group)
- ✓ Name and home addresses of 21 members registered to vote in nomination area (if group is not incorporated)
- ✓ Land Registry Register of title and plan (where property is Registered) - part of NYK386090

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#### **Section 6 Declaration**

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

Signed:

A handwritten signature in black ink, appearing to be 'A.C.' or similar, written over a light grey rectangular background.

Dated: 24th September 2017

**Data protection statement**

We will process the information provided in accordance with the data protection Act 1998 and in line with the council's data protection policy. Information is stored securely for six years after which time it will be destroyed.

The information supplied will be subject to the freedom of information act, but personal information (names and contact details) will not be released in response to these requests

# HM Land Registry

Official copy of  
title plan

Title number NYK388090

Ordnance Survey map reference TA0386NE

Scale 1:2500

Administrative area North Yorkshire: Scarborough

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The land tinted green is not included in this title.

