

Borough of Weymouth and Portland - List of Successful Nominations of Assets of Community Value: Notes / Updates

Name of Asset	Address Of Asset	Notes / Updates
Weymouth Pavilion and Complex	The Pavilion Theatre, The Esplanade, Weymouth Dorset DT4 8ED	Listed as an asset of community value because, in the opinion of the Authority, it satisfies the terms of Section 88 (1) (a) and (b) of The Localism Act, 2011. The main use of the asset through the Weymouth Pavilion CIC, furthers the social interests and social wellbeing through the delivery of cultural, recreational and sporting interests and is key to the future of culture and arts in the area and can continue to do so.
Greenhill Gardens and Play Gardens	Greenhill Gardens and Play Gardens	<p>The Council has determined that it will partially list the area defined in the map accompanying your nomination excluding the chalets and a Council store. The area excluding the chalets and a Council store is to be listed as assets of community value under Section 88 (1) of The Localism Act 2011 on the grounds that,</p> <p>(a) An actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interest of the local community, and</p> <p>(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 wellbeing or social interests of the local community.</p> <p>The Council is also satisfied that the nominated area excluding the chalets and store complies with Section .88 (6) (b) which sets out that “social interests” includes (in particular) each of the following:</p> <p>(a) Cultural interests; (b) Recreational interests; (c) Sporting interests.</p> <p>The Council has excluded the chalets because of the terms of clause 1.9 in the First Schedule of the current chalet owner’s licence which states that, “The use of the Chalet is restricted to the Licensee and their personal guests.”</p> <p>The Council has therefore concluded that the non-ancillary, (main), use of the chalets is not in the interests of the social wellbeing or social interests of the local community because their use is confined to the benefit of chalet users and their invited guests only. This means that, in the view of the Council, the chalets do not satisfy the requirements of Section 88 of the Localism Act as outlined on the previous page of this letter. The Council store is also excluded because there is no public access and its historical use does not satisfy the statutory requirements. A map defining the area included as an asset of community value and the areas excluded is available to interested parties for purposes of clarity.</p> <p>The Council considers that under Section 95 (5) (e) of The Localism Act 2011, the community right to bid moratorium does not apply if the relevant disposal is a part-listed disposal, that is, part of the land to be disposed of is listed and part of it is not listed.</p> <p>The land to be disposed of here is in the Council’s view a part-disposal because some of it is listed and some is not listed. The chalets were expressly excluded as assets of community value because the terms of their lease restrict their use to the benefit of the leaseholder and invited guests. The council has already made an in principle decision to the open marketing by formal tender of a 125 year lease of the Greenhill Gardens chalets, Esplanade chalets, the Greenhill Play Gardens and chalets, the Greenhill Public Conveniences and the associated facilities subject to consultation. However the Council treated this disposal as if the moratorium did apply and invited any interested community groups to confirm their interest in bidding for the assets in writing to the Council between 7 April to 16 May.</p>
The Kimberlin Social Club and Westcliffe Community Centre	Blacknor Road, Portland, DT5 2HU	<p>Listed as an asset of community value because in, the opinion of the Authority, The Kimberlin Club and Westcliffe Community Centre satisfies the requirements of Section 88 (1) of the Localism Act 2011 in that the building is land of community value because:</p> <p>(a) an actual current use of the building that is not an ancillary use, furthers the social wellbeing or social interests of the local community, and</p> <p>(b) it is realistic to think that there can continue to be non-ancillary use of the building which will further (whether or not in the same way) the social wellbeing or social interests of the local community.</p> <p>A 6 week interim moratorium period commenced on 11 August 2014 because the Kimberlin Club was up for sale prior to the nomination. This period will end on 22 September 2014. Portland Parochial Church Council gave notice of their intention to bid on 30 September which invoked the full moratorium period which will end on 11 February 2015. As no community bid was received the owner was free to sell to any potential purchaser after this date. In accordance with section 95 of The Localism Act, 2011, no further moratorium will apply to a sale on the Kimberlin Club for the remainder of a protected period lasting 18 months (running from the same start date of when the owner notified the local authority of wishing to sell), that is until 11 February 2016.</p>