

Decision Notice

Delegated Decision

Decision No:	DD19
Subject:	APPLICATION TO INCLUDE THE FORMER REGENT BINGO HALL, DEAL ON THE COUNCIL'S LIST OF ASSETS OF COMMUNITY VALUE
Notification Date:	5 November 2015
Implementation Date:	5 November 2015
Decision taken by:	Director of Environment and Corporate Assets
Delegated Authority:	Delegation 281 of the Scheme of Officer Delegations (Section 6 of Part 3 (Responsibility for Functions) of the Constitution)
Decision Type:	Executive Non-Key Decision
Call-In to Apply?	No (<i>Call-in does not apply to Non-Key Officer Decisions</i>)
Classification:	Unrestricted

Reason for the Decision:	An application has been received to include the former Regent Bingo Hall, Deal within the Council's list of Assets of Community Value
Decision:	To include the former Regent Bingo Hall, Deal within the District Council's list of Assets of Community Value (ACV).

1. Consideration and Alternatives

1.1 Introduction

In determining this application I have been mindful that I need to determine:

Whether the actual current use (not an ancillary use) of the building or other land is one that furthers the social wellbeing or social interests of the local community; AND whether it is realistic to think that there can continue to be non-ancillary use of the building or other land that will further the social wellbeing or social interests of the local community (whether or not in the same way as the current use).

1.2 Matters considered in reaching the decision

In reaching a decision on these matters I have taken account of the submission made by the 'Reopen the Regent' Group who, within their application for the property to be included on the Council's list of Assets of Community Value, have provided a detailed history of the property and its use since its construction in 1928, noting that the "*Regent Cinema opened for business on 9th June 1933 with a seating capacity of 911 and that until the Odeon was built three years later, it was the largest cinema in Deal.*"

The nomination also notes that: "*In the mid 1940s the Regent was taken over by ASER cinemas but as attendances fell in the 1950s, and despite an injection of X-rated films, The Regent Cinema closed in 1963 and later became a bingo hall. The bingo club at the Regent Cinema building was closed on 9th January 2009.*"

The nomination then records in error that: *“in 2010, the council proposed the idea of converting the building into a twin screen cinema, each with 140 seats, with the remainder of the building becoming a community centre or multi-purpose performing arts venue”*, but correctly records that the Council sold the property in 2011 noting that the sale included a *“condition that the building be preserved and reinstated as a cinema to serve the community”*, which is actually a restrictive covenant on the condition that the building be preserved and reinstated as a cinema to serve the community. These errors do not materially affect the nomination.

With regard to the future use of the premises, the nomination makes it clear that should the Regent become available for purchase, the applicant envisages *“not only restoring the building to its former glory but also creating the cinema that forms an important part of the town's character and its economy”*, noting that: *“the site could offer ample space for arts activities as well as a venue for community groups to meet, a space for training and engagement programmes and even as a corporate venue creating multiple streams of income to ensure a sustainable future for the cinema. In time, it could be an established and renowned venue for a rich arts programme that attracts artists, filmmakers, thought leaders and facilitators from across the country.”*

1.3 Review of application and submissions

In reviewing the application the key point to consider, given that the building is currently closed to the public, is whether the test at Paragraph 88 (2) of the Localism Act 2011 is met:

- (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 wellbeing 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 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.

With regard to (a) there is clear evidence that the building has previously been used for activities which furthered the social wellbeing or interests of the local community.

As regards whether this can be considered to be ‘in the recent past’ given that the property has been closed for 6 years, I note that some authorities have sought to restrict this to 5 years, but that such an approach has not found favour with the court as for example in the case of *Scott .v. South Norfolk DC and Worthy Developments .v. Forest of Dean DC*. The effect of this case law is such that the concept of recent is to be a relative one and, in answering the question, it is appropriate for me to have regard to the period of closure relative to the period of use. In this instance, the property had been in use for a period of more than 80 years.

As regards (b) I am content that there is evidence within the nomination to accept that 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 that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

My assessment of the application as submitted is therefore that:

- The ‘Reopen the Regent’ Group is an unincorporated body and meets the definition of a voluntary or community body with a local connection as set out in Paragraph 89 (2) (b) (iii) of the Localism Act 2011 and Paragraph 5 of the Assets of Community Value (England) Regulations 2012.

- The nomination provides clear evidence that the property has a long history of supporting community activities within Deal and has in the recent past furthered the social wellbeing or social interests of the local community.
- The nomination also provides clear evidence that 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 that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

1.4 Conclusion

Taking all these points into account I am satisfied:

- That the application meets the definition of a community nomination as set out in Section 89 (2) (b) of the Localism Act 2011.
- That the applicant has provided reasonable justification to satisfy the test set out in sections 88 (2) (a) of the Localism Act 2011, which requires the applicant to demonstrate that 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 social interests of the local community.
- That the applicant has provided reasonable justification to satisfy the test set out in sections 88 (2) (b) of the Localism Act 2011 as to whether 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 that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

I have therefore decided that the property should be included within the District Council's list of Assets of Community Value.

2. Any Conflicts of Interest Declared?

None.

3. Supporting Information

None.