

## **COMMUNITY RIGHT TO BID LYDNEY LIBRARY - LYDNEY**

### **1. BACKGROUND AND REASONS FOR RECOMMENDATION**

- 1.1.** The Community Right to Bid provides communities with an opportunity to ensure that buildings and amenities of community value remain in public use. The power was conceived for use in relation to assets such as the local pub, village shop, community centre, library building, etc. The aim of the Act is to help the community keep assets in community use and it should not be seen as a tool to block and/or delay developments.
- 1.2.** The list of assets of community value is maintained by the Council and land may be entered onto the list in response to community nominations. The Council is obliged to place nominations on the list if it is within the Council's area and if it is, in the opinion of the Council, of community value. The Council must determine nominations within 8 weeks.
- 1.3.** The legislation provides two possible constructions of community value:  
either:

(a) the land and buildings have an actual current use that is more than ancillary and furthers the social wellbeing or interests of the local community and it is realistic to think that there can continue to be a more than ancillary use that furthers the social wellbeing or interests of the local community, be this in the same or another way.

or:

(b) the land or buildings were in the recent past used (and that use was more than ancillary) to further the social wellbeing or interests of the local community and it is realistic to think that there is a time in the next 5 years when the land and buildings could be put to a more than ancillary use that would further the social wellbeing or interests of the local community, be this in the same or another way.

In this context 'social interests' includes cultural, recreational and sporting interests.

- 1.4.** To meet the test applicants should be able to demonstrate the community use by way of examples, e.g. shopping, sports, community clubs etc. They should also be able to identify how the community use would continue in the future e.g. will the asset continue to be a pub or will be it developed into a pub with a shop and library element.

- 1.5. If the Head of Paid Service determines that the nominated land or buildings should be entered onto the community assets register, the owner of the land or buildings will be notified and a statutory procedure will apply before the owner is able to make a 'relevant disposal' of the land. A relevant disposal includes a sale of the freehold or in certain circumstances, the grant of a lease. The owner is required to notify the Council of their intention to make a relevant disposal; there will then be a 6 week interim moratorium in which community interest groups can request to be treated as a potential bidder for the asset. If such a request is received, there will be a 6 month moratorium to allow the group to raise funds.
- 1.6. If the Head of Paid Service decides that the community value test has not been met, the nomination must be rejected and the land will be entered onto the list of unsuccessful community nominations. Land will remain so listed for 5 years.

## **2. LYDNEY TOWN COUNCIL NOMINATION**

- 2.1. Lydney Town Council's nomination is attached at Annex A.
- 2.2. The Library provides library and other facilities for the general public.
- 2.3. Lydney Town Council have not provided any details of how they intend to use the property for the benefit of the community should it become listed and they were in a position to acquire it.

## **3. OWNERS' RESPONSE**

- 3.1. The site is owned by Gloucestershire County Council. They have not provided any response to the nomination.

## **4. ANALYSIS OF THE STATUTORY TEST**

- 4.1. The library is currently in use and therefore, the relevant test to be considered is as set out in paragraph 1.3 (a) above. This means that there are two key elements which need to be met:
  - the land and buildings have an actual current use that is more than ancillary and furthers the social wellbeing or interests of the local community and
  - it is realistic to think that there can continue to be a more than ancillary use that furthers the social wellbeing or interests of the local community, be this in the same or another way.
- 4.2. Addressing the first part of the test it is clear that the library is operational and furthers the social wellbeing of the community.
- 4.3. It is clear that the first part of the test has been satisfied.
- 4.4. Turning to the second part of the test, Lydney Town Council have not provided any details on what community use it intends to use the building for, should it become available as a community asset. However, it is realistic that Lydney Council Town would wish to see the library and other facilities continue to be available for use by the community.

**5. COMPENSATION**

Private owners of land are able to claim compensation for any loss or expense that they would not have incurred, but for the listing of the land. In most cases where the land is in private ownership, they would be entitled to claim compensation from the Council if the land was listed.

**6. RECOMMENDATION**

**6.1.** It is recommended that the statutory test has been met and therefore the Library at Lydney should be listed on the Register of Community Assets.

**7. ALTERNATIVE OPTIONS**

None- The Council has a duty to determine the nomination by reference to the statutory test of Community Value.

Legal implications	It is a requirement under the Localism Act 2011 for the Council to have in place a Register of Assets of Community Value and determine nominations to include land on this Register.  Should the nominated land be included on the Register of Community Assets, before the owner is able to make a disposal of the land a statutory procedure will apply. This procedure allows community interest groups to notify the owner that they wish to be treated as a potential bidder for the community asset. Following which there is a 6 month moratorium period to allow the group time to raise funds.
Financial Implications	Private owners of land are able to claim compensation for any loss or expense that they would not have incurred, but for the listing of the land. As this land is in private ownership the right to compensation would apply.



# Assets of community value - Nomination Form

This form is for nominating an asset of community value under the Community Right to Bid.

## About your organisation

The name and address of nominating organisation will be published on the LPA's website and may be shared by them with the owner of the asset being nominating.

<b>1. Organisation name and address</b>	
<b>Organisation name</b>	<b>Lydney Town Council</b>
<b>Address and postcode</b>	<b>Council Chambers Claremont House High Street Lydney GL15 5DX</b>

<b>2. Type of organisation</b>	
<b>Category</b>	<b>Tick one ✓</b>
<b>Parish or town council</b>	✓
<b>Unincorporated community group</b> with at least 21 members registered to vote locally and which does not distribute any profits it makes to its members	
<b>Neighbourhood forum</b> set up in accordance with section 61F of the Town and County Planning Act 1990	
<b>Charity</b>	
<b>Community interest company</b> which does not distribute any profits it makes to its members	
<b>Company limited by guarantee</b> which does not distribute any profits it makes to its members	
<b>Industrial and provident society</b> which does not distribute any profits it makes to its members	
<b>Registration number</b> (if you are a charitable organisation or company)	

<b>4. Who can we contact to discuss this nomination?</b>	
<b>Name</b>	<b>Mrs Jayne Smailes</b>
<b>Role in your organisation</b>	<b>CEO – Lydney Town Council</b>
<b>Address and postcode</b>	<b>As above</b>
<b>Phone number</b>	<b>01594 842234</b>
<b>Email</b>	<b>ceo@lydneytowncouncil.co.uk</b>

## About the assets we want to nominate

### 5. What type of assets are they? (E.g. pub, shop, community hall, piece of land)

1. Lydney & District Hospital
2. Freedom Leisure Centre - Lydney
3. Lydney Library
4. Lydney Methodist Church

### 6. Location of the land or building the council are nominating

Name of asset, Address and postcode	
	<b>Property 1: Lydney &amp; District Hospital</b> Grove Road Lydney GL15 5JE
	<b>Property 2: Freedom Leisure Centre - Lydney</b> Church Road Lydney GL15 5DZ
	<b>Property 3: Lydney Library</b> Mill Street Lydney GL15 5HW
	<b>Property 4: The Victoria Centre</b> Victoria Road Lydney GL15 5DQ
	<b>Property 5: Lydney Methodist Church</b> Springfield Rd Lydney GL15 5LQ

### 7. Boundary of Properties

**Please see the attached map.**

The red boundary lines identify the areas the Council are interested in nominating; this is broken down further into the actual property/ownership details (where known) below.

### 8. Current owner and occupier

#### Property - 1 Lydney & District Hospital

<b>Name of owner(s)</b>	<b>The hospital is managed by Gloucestershire Care Services NHS Trust</b>
<b>Address and postcode</b>	1010, Gloucester Business Park, Pioneer Ave, Brockworth, Gloucester GL3 4AW
<b>Phone number (if known)</b>	0300 421 8100
<b>Email (if known)</b>	

<b>8. Current owner and occupier</b>	
<b>Property - 2 Freedom Leisure Centre - Lydney</b>	
<b>Name of owner(s)</b>	<b>Managed by Wealden Leisure Ltd, trading as Freedom Leisure on behalf of Forest of Dean District Council.</b>
<b>Address and postcode</b>	High Street, Coleford, Glos, GL16 8HG
<b>Phone number (if known)</b>	01594 810000
<b>Email (if known)</b>	<a href="mailto:council@fdean.gov.uk">council@fdean.gov.uk</a>
<b>Current occupier's name (if different from owner)</b>	Wealden Leisure Ltd, trading as Freedom Leisure

<b>8. Current owner and occupier</b>	
<b>Property 3 - Lydney Library</b>	
<b>Name of owner(s)</b>	<b>Gloucestershire County Council</b>
<b>Address and postcode</b>	Shire Hall Westgate Street Gloucester GL1 2TG
<b>Phone number (if known)</b>	Library Service - 01452 426973
<b>Email (if known)</b>	<a href="mailto:libraryhelpline@gloucestershire.gov.uk">libraryhelpline@gloucestershire.gov.uk</a>
<b>Current occupier's name (if different from owner)</b>	N/A

<b>8. Current owner and occupier</b>	
<b>Property 4 - The Victoria Centre, Library</b>	
<b>Name of owner(s)</b>	<b>Gloucestershire County Council</b>
<b>Address and postcode</b>	Shire Hall Westgate Street Gloucester GL1 2TG
<b>Phone number (if known)</b>	01594 843418
<b>Email (if known)</b>	<a href="mailto:vclydney@gmail.com">vclydney@gmail.com</a>
<b>Current occupier's name (if different from owner)</b>	A registered charity (No. 272726)

<b>8. Current owner and occupier</b>	
<b>Property 5 - Lydney Methodist Church</b>	
<b>Name of owner(s)</b>	Gloucestershire Methodist Circuit
<b>Address and postcode</b>	18 College Green Gloucester GL1 2LR
<b>Phone number (if known)</b>	01452 415769
<b>Email (if known)</b>	<a href="mailto:office@glosccircuit.co.uk">office@glosccircuit.co.uk</a>
<b>Current occupier's name (if different from owner)</b>	Not Known

<b>9. Details of anyone we are aware of who have a legal interest in any one of the asset.</b>
None

### Demonstrating the community value of the asset

<b>10. Listed are the Town Council's reasons for nominating the aforementioned community buildings as assets of community value?</b>
<p>Lydney Town Council believe that all of the aforementioned buildings:</p> <ul style="list-style-type: none"> <li>are primarily being used to further the social well-being or social interests of the local community; and</li> <li>it is realistic to think, can continue to be used (whether or not the same use) to further the social well-being or social interests of the local community.</li> </ul>

### Declaration

<b>I confirm that to the best of my knowledge the information contained in this form is complete and accurate.</b>	
<b>Signed</b>	<i>Jayne Smailes</i>
<b>Print name</b>	<b>Jayne Smailes</b>
<b>Position in organisation</b>	<b>CEO – Lydney Town Council</b>
<b>Date</b>	<b>2/10/18</b>



# Lydney Town Council

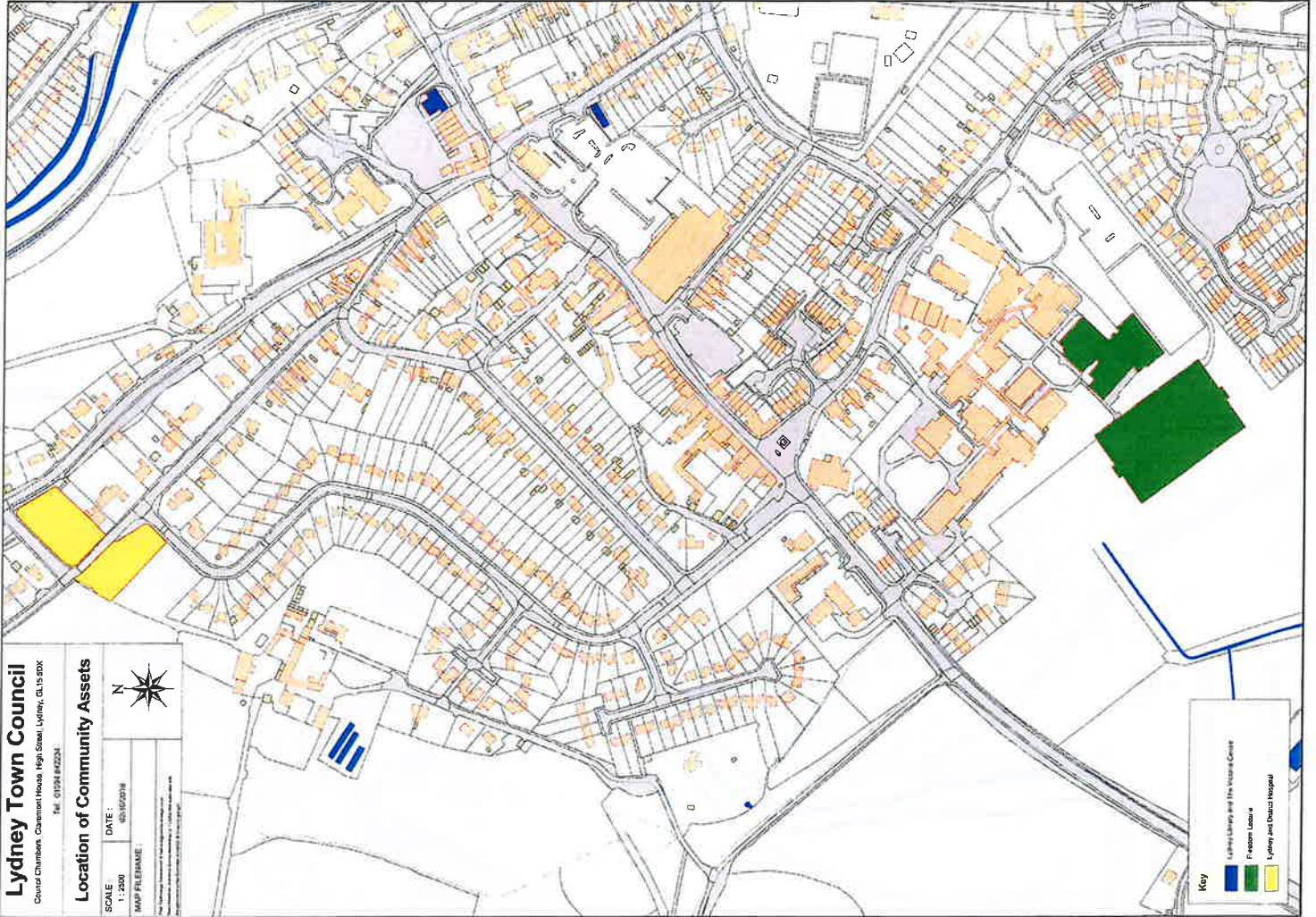
Council Chambers, Claverton House, High Street, Lydney, GL15 5DX

Tel: 01294 842242

## Location of Community Assets

SCALE: 1:2500  
DATE: 05/10/2018  
MAP FILENAME:

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**Key**

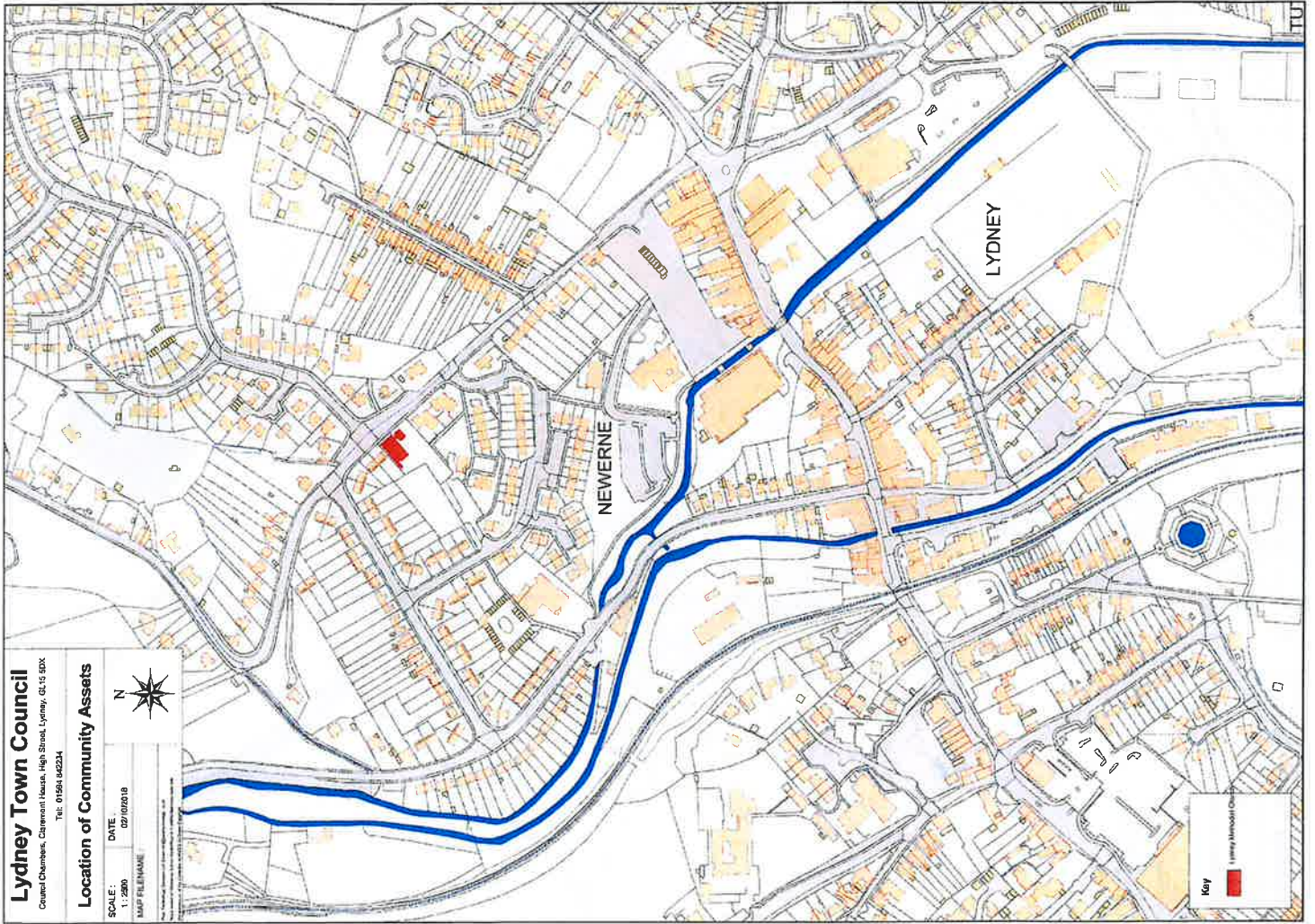
- Lydney Library and The Victoria Centre
- Freeson Lane
- Lydney and District Hospital

**Lydney Town Council**

Central Chambers, Claverton House, High Street, Lydney, GL15 9BX  
Tel: 01592 642334

**Location of Community Assets**

SCALE: 1:2500  
DATE: 02/10/2018  
MAP FILE NAME:



Key

- Lydney Methodist Church