

COMMUNITY RIGHT TO BID

THE VICTORIA CENTRE - 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 Victoria Centre provides an active community lunch club serving Lydney and the surrounding areas. A list of opening times, activities and other community services the centre supports is given in Annex B.
- 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 and occupied by a charity providing the lunch club. The County Council has not provided a response to the nomination. The charity would wish to see the asset retained, providing the same facilities for the community.

4. ANALYSIS OF THE STATUTORY TEST

- 4.1. The Victoria Centre 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 the Victoria Centre is operational and furthers the social wellbeing of the community. This is particular for the elderly, older people, retired people and pensioners within Lydney and surrounding area.
- 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 lunch club and other facilities provided by the charity to continue for the benefit of 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 Victoria Centre 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.

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

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

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

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

Property 1: Lydney & District Hospital

Grove Road
Lydney
GL15 5JE

Property 2: Freedom Leisure Centre – Lydney

Church Road
Lydney
GL15 5DZ

Property 3: Lydney Library

Hill Street
Lydney
GL15 5HW

Property 4: The Victoria Centre

Victoria Road
Lydney
GL15 5DG

Property 5: Lydney Methodist Church

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

Name of owner(s)

The hospital is managed by Gloucestershire Care Services NHS Trust

Address and postcode

1010, Gloucester Business Park,
Pioneer Ave,
Brockworth,
Gloucester GL3 4AW

Phone number (if known)

0300 421 8100

Email (if known)

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

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

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

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

9. Details of anyone we are aware of who have a legal interest in any one of the asset.

None

Demonstrating the community value of the asset

10. Listed are the Town Council's reasons for nominating the aforementioned community buildings as assets of community value?

Lydney Town Council believe that all of the aforementioned buildings:

- are primarily being used to further the social well-being or social interests of the local community; and
- 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.

Declaration

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

Signed	<i>Jayne Smailes</i>
Print name	Jayne Smailes
Position in organisation	CEO – Lydney Town Council
Date	2/10/18