

COMMUNITY RIGHT TO BID

JOYS GREEN PRIMARY SCHOOL

1. BACKGROUND AND REASONS FOR RECOMMENDATION

- 1.1.** The Localism Act 2011 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 school or will be developed into a school with a hall 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, then the nominated land or buildings will be entered onto the list of unsuccessful community nominations.

2. LYDBROOK PARISH COUNCIL NOMINATION

- 2.1. Lydbrook Parish Council ("the Parish Council") nomination is attached at Annex A.
- 2.2. The application states that Joys Green Primary School comprises the buildings, surrounding lands / recreation ground and playground used by children as a school, centre for alternative learning and PRU (Pupil Referral Unit), and as community space.
- 2.3. The application states that the whole site had been occupied since 1883 by the Joys Green Infant and Primary School (formerly Joys Green Board School) until its closure during September 2008. After this it was used by the Gloucester and Forest Centre for Alternative Provisional School / PRU, however the educational facility remained closed after being relocated to a new base during September 2021. The application states the children's playground and recreation ground are still used by local residents for community space.
- 2.4. The application states when the site was open as a school they were well supported and used for community activities at different times of the year such as Luncheon Club and classes. The Parish Council also used the building for monthly meetings and as a polling station.
- 2.5. The application suggests many local residents have asked whether the buildings, recreation grounds, and playground could now become a "local hub" for the whole community to use as there is nowhere for them to meet. There is a suggestion that the building could be used as a playgroup, a mother and toddler group, youth club, garden club, men's club, craft group and holiday club. The Parish Council feel the building, surrounding site and playground could be used for various different activities. There is a stated concern within the application there would be a loss to the community if the site was sold for redevelopment. This is not a relevant representation.

3. OWNERS' RESPONSE

- 3.1. Representatives of the owner of the site, Gloucestershire County Council, have been contacted regarding the nomination. The owner has confirmed they do not wish to object to the application.

4. ANALYSIS OF THE STATUTORY TEST

- 4.1. Joys Green Primary School is regarded as a community asset by the community. The Parish Council states within the application there is a current use of the playground and recreation ground, but that buildings currently remain closed to the public.
- 4.2. Therefore, in this case it is necessary to apply the tests set out in Paragraph 1.3(a) and (b) (if applicable) to the playground and recreation grounds and the test set out in Paragraph 1.3(b) to the buildings.
- 4.3. There is no statutory definition as to what is meant by “recent past”. Tribunal decisions have indicated that the expression is a relative concept and what constitutes the recent past will depend on all the circumstances in a particular case. Therefore, if a public house has been used as a public house for 200 years then the “recent past” might be a longer period than if for a public house that has been used as such for 20 years.
- 4.4. Guidance provided by the Ministry of Housing, Communities and Local Government states that it will “leave it to the local authority to decide, since “recent” can be viewed differently in different circumstances”.
- 4.5. The nomination states that the buildings were used by the community between 1883 and 2008 serving the local community in many different ways. The buildings were then used between 2008 and September 2021 as Alternative Provisional School / PRU. The buildings then remained closed to the community until after this date.
- 4.6. The playground and recreation grounds were also used by the community between 1883 and 2008 as a school. Again, the application states the playground and recreation grounds were also used by the community as community space.
- 4.7. The effects Covid19 pandemic should also be noted.
- 4.8. The buildings at Joys Green Primary School have been used, for many years, as a school. I consider there was a time in the recent past used, which was more than ancillary, where the buildings at the school furthered the social wellbeing and 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.
- 4.9. The playground and recreation grounds have an actual current use, namely a use as a community space, that is more than ancillary, which I consider furthers the social wellbeing and 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.

5. COMPENSATION

- 5.1. 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 buildings, playground and recreation grounds should be listed on the Register of Community Assets.

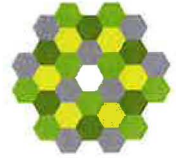
7. ALTERNATIVE OPTIONS

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

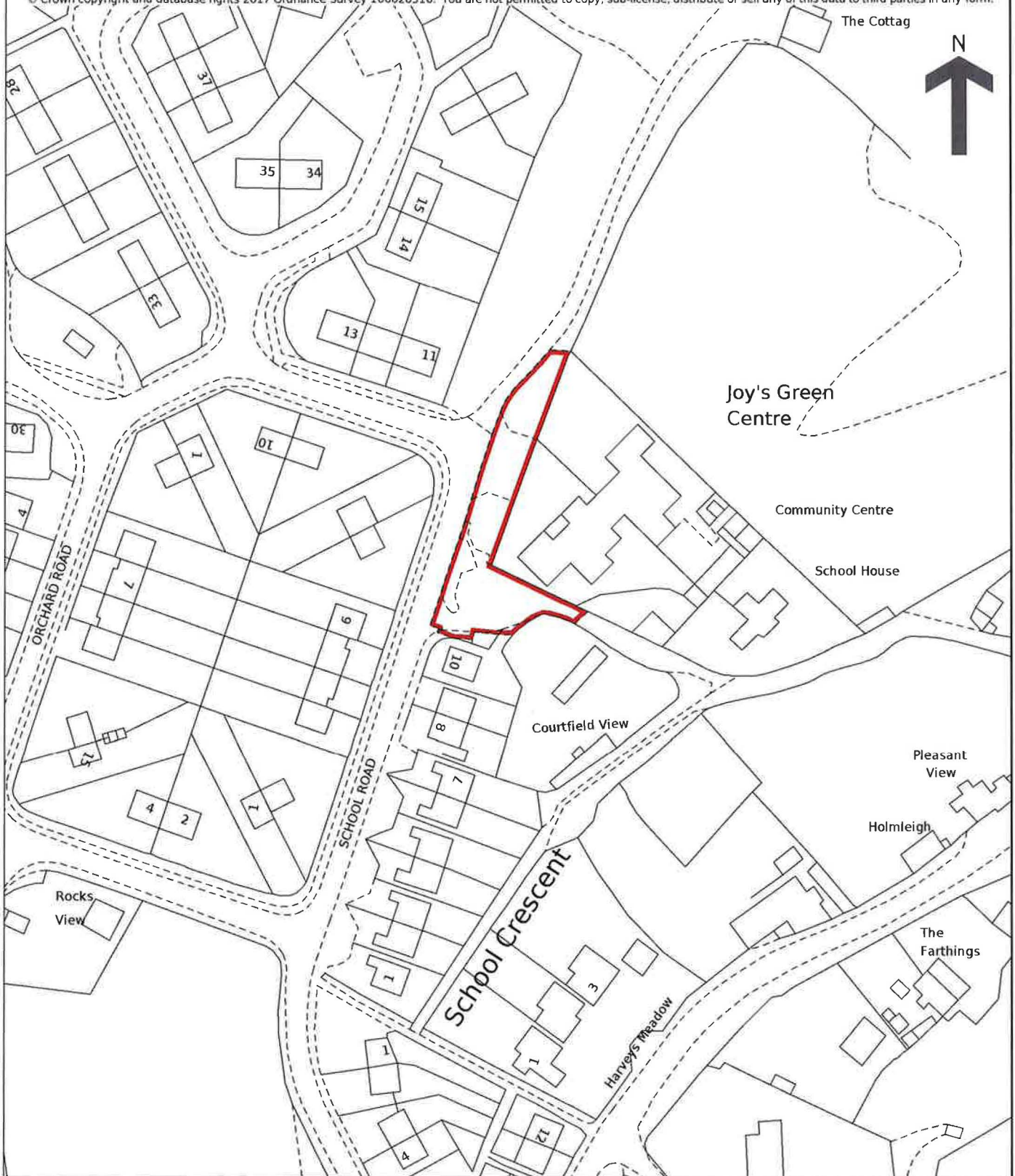
Legal implications	It is a requirement under the Localism Act 2011 for the Council to have in place a Register of Assets of Community Value and determine nominations to include land on this Register. Should the nominated land be included on the Register of Community Assets, before the owner is able to 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.

HM Land Registry
Official copy of
title plan

Title number **GR410472**
Ordnance Survey map reference **SO6016SW**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Gloucestershire :**
Forest of Dean



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HM Land Registry
Official copy of
title plan

Title number **GR410411**
Ordnance Survey map reference **SO6016SW**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Gloucestershire :**
Forest of Dean



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