

**COMMUNITY RIGHT TO BID
LYDNEY BAPTIST CHAPEL**

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 application states that the Chapel has been used to improve the social well-being and interests of the local community. The building is listed Grade II and was constructed mid. 19th century.
- 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, were it to be listed and they were in a position to acquire it.

3. OWNERS' RESPONSE

- 3.1. The Chapel is currently owned by the Baptist Union of Great Britain. They have not provided any response to the nomination.
- 3.2. A planning application for change of use from an ecclesiastical building to mixed use residential and ecclesiastical was refused. This is currently subject to an appeal.
- 3.3. It is the view of the Baptist Union of Great Britain that, if the application to develop the building as a mixed-use property is refused, the members of Lydney Baptist Church would no longer be able to continue as a church. There would be a strong possibility that the church building would be lost as a community space used to support the wider community. If the planning application is successful, it would allow the building to be used for regular worship again

4. ANALYSIS OF THE STATUTORY TEST

- 4.1. The Baptist Chapel is currently boarded up as the Church do not have the funds to make the necessary repairs and refurbishment to a grade II listed building. Prior to this, the building was used for regular worship and other activities supporting the local community. Therefore, the relevant test to be considered is as set out in paragraph 1.3 (b) above. This means that there are two key elements which need to be met:
 - 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.

4.2. Addressing the first part of the test it is clear that the Chapel was operational until the lack of maintenance and repairs resulted in it being taken out of use. Without funding to instigate repairs it is likely that the current church building will be lost as a community space used to support the wider local 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, they do regard it as a place that is 'dear to the heart of the local community' and wish to see it reinstated in its original condition and available to the community,

4.5. It is realistic to think that Lydney Council Town would be able to retain the Chapel for the social wellbeing of the wider community if they were in the position to acquire the property and identify sufficient funding to repair and reinstate the property to its listed status.

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 Baptist Chapel 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.
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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	<input checked="" type="checkbox"/>
Unincorporated community group with at least 21 members registered to vote locally and which does not distribute any profits it makes to its members	<input type="checkbox"/>
Neighbourhood forum set up in accordance with section 61F of the Town and County Planning Act 1990	<input type="checkbox"/>
Charity	<input type="checkbox"/>
Community interest company which does not distribute any profits it makes to its members	<input type="checkbox"/>
Company limited by guarantee which does not distribute any profits it makes to its members	<input type="checkbox"/>
Industrial and provident society which does not distribute any profits it makes to its members	<input type="checkbox"/>
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)

Former Baptist Chapel

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

Name of asset, Address and postcode	Lydney Baptist Chapel 41 High St, Lydney GL15 5DD
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7. Boundary of Properties

Please note: This property does not appear to be registered with Land Registry, we are therefore unable to attach an accurate map detailing the property boundary however we wish to nominate the Listed building, namely the Baptist Chapel and all associated land currently owned by the same organisation.

8. Current owners and occupiers

Name of owner(s)	Not Known
Address and postcode	
Phone number (if known)	
Email (if known)	
Current occupier's name (if different from owner)	

Demonstrating the community value of the asset

10. Listed are the Town Council's reasons for nominating the building as an asset of community value:

Lydney Baptist Chapel has been used to improve the social well-being and interests of the local community for many years and remains a place dear to the heart of our local community.

Located on the NW side of Lydney High Street between Stanford Road and Oxford Street. The chapel, built in the mid-19th century, was Grade II listed in March 1988.

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	Mrs Jayne Smailes
Position in organisation	CEO – Lydney Town Council.