

COMMUNITY RIGHT TO BID CINDERFORD METHODIST CHURCH

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 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. CINDERFORD TOWN COUNCIL NOMINATION

- 2.1. Cinderford Town Council's nomination is attached at Annex A.
- 2.2. The application states that the Methodist Church is currently used as a place of worship by the local congregation. It is also used by the local community, providing meeting space for various groups and also as storage point for the Forest Foodbank.
- 2.3. Cinderford Town Council would like to see the building continue to be used as at present, as well as exploring other opportunities such as space for a future youth association.

3. OWNERS' RESPONSE

- 3.1. The Methodist Church have been contacted regarding the nomination.
- 3.2. The local Church are concerned about the future burden of maintaining the building and have already entered into constructive discussions with the Town Council. Therefore, they have no objection to the building being nominated as an asset of community value.

4. ANALYSIS OF THE STATUTORY TEST

- 4.1. The Methodist Church is currently used as a place of worship by the local congregation. It is also regarded as a community asset, providing facilities for local clubs and also a food store for the Forest Foodbank. 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 Church is used both as a place of worship and also for the wider 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, Cinderford Town Council would be looking to retain the building as a place of worship for the Methodist congregation, retain the

existing community use and explore other possible uses such as a Youth Association.

- 4.5. It is realistic to think that Cinderford Town Council would be able to retain the Church for the social wellbeing of the wider community if they were in the position to acquire the property.

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 Cinderford Methodist Church 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

1. Details of organisation submitting the nomination form:-

Contact Details	
Name of organisation	CINDERFORD TOWN COUNCIL
Contact name	MRS LYUDA THOMAS
Address of contact	ST. ANNAL'S HOUSE, BELLE VUE CENTRE, CINDERFORD
Post code	GL14 2AB
Phone number[s]	01594 822599
e-mail address	clerk@cinderfordtowncouncil.gov.uk

Please indicate which type of eligible organisation you are	
A Neighbourhood Forum	
A Parish Council	✓
An Unincorporated Body [see appendix 1 for names and addresses]	
A Charity	
A Company Limited by Guarantee	
An Industrial & Provident Society	
A Community Interest Company	

2. Details of nominated asset:-

What is your local connection to the nominated asset?
LOCAL AUTHORITY and NEIGHBOURING PROPERTY

Please provide details of the land and/or building you wish to nominate
WESLEY METHODIST CHURCH

Please confirm that the nominated asset is outside one of the categories that cannot be assets of community value

CONFIRMED

What is the current or recent non-ancillary use of the land and/or building?

PLACE OF WORSHIP

3. Is the asset of community value?

Why do you believe the asset is of community value?

- What is the 'local community' of the building/property/land as defined by the geographical area? This could be the local ward, city or a wider geographical area.

CINDERFORD

- What is the current/recent use of the building/property/land?

PLACE OF WORSHIP, VARIOUS CLUBS ie BROWNIES, BABY GROUPS etc. FOODBANK STORAGE

- How well is/was the building/property/land used?

VERY WELL USED

- What will the impact be if the usage ceases? If usage has ceased already, what has the impact been?

CONGREGATION LOSES PLACE OF WORSHIP,
CLUBS WILL NEED TO FIND NEW PREMISES.

- Does it/did it meet the social interests of the community as a whole and not the users/customers of a specific service?

VERY MUCH A COMMUNITY BLDG, WITH TWO
KITCHENS & TWO DISABLED TOILETS AVAILABLE

- How is the building/property/land regarded by the community?

IN HIGH REGARD - BEAUTIFUL BUILDING, WITH
STONE WORK RECENTLY RESTORED.

4. Future usage

Why do you believe the asset will continue to be of community value?

- What is the proposed future use of the building/property/land and will it meet the social interests of the community as a whole and not the users/customers of a specific service?

THE VARIOUS USERS WILL BE ABLE TO REMAIN,
CONGREGATION WOULD CONTINUE TO USE IT
FOR THEIR PLACE OF WORSHIP.
POSSIBLE FUTURE YOUTH ASSOC USE.
COULD BE AN INVALUABLE COMMUNITY RESOURCE

Appendix 1

Lists of names and addresses of the Unincorporated Body [as registered on the electoral roll of the local authority]

<i>No.</i>	<i>Name</i>	<i>Address</i>

Appendix 2

Map of the property/property/building

SITE PLAN ATTACHED

