**Notice under Section 91 of the Localism Act 2011**

**15th June 2016**

**Entry of High Littleton Methodist Church and Church Hall, New Road, High Littleton, Bristol BS39 6JD, into Bath & North East Somerset Council’s list of Assets of Community Value**

1. **Background**

On 20th April 2016 Bath & North East Somerset Council (‘the Council’) received a nomination under Section 89 of the Localism Act 2011 (‘the Act’) to list High Littleton Methodist Church and Church Hall as an Asset of Community Value. The nomination was made by High Littleton Parish Council. A map setting out the boundaries of the asset nominated to be listed (‘The Asset’) is provided as an Appendix to this notice.

Under Section 87 of the Act the Council must maintain a list of Assets of Community Value.

Section 88 of the Act states that

(1) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority’s area is land of community value if in the opinion of the authority—

(a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and

(b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

(2) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority’s area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority—

(a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and

(b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

Under Section 89 of the Act, the Council can only enter assets into the list of Assets of Community Value in response to community nomination.

1. **Decision-Making Process**

The Council’s Cabinet on October 10th 2012 resolved to agree that:

2.1 Decision-making in response to nominations for entry into the List of Assets of Community Value under the Localism Act 2011 be delegated to the Director of Strategy and Performance (and, in the event of this Divisional Director having a conflict of interest, to a Divisional Director nominated by the Strategic Director - Resources), drawing on the decision-making guidance as set out in Appendix One (of the report)

2.2 The Director of Strategy and Performance be delegated decision-making with regard to updating this guidance, in consultation with the Council Leader, in response to experience of implementing the provisions, new regulations and emerging case law

2.3 The internal review process in relation to listing be undertaken by a Divisional Director not involved in the initial decision

2.4 The Divisional Director Property Services be delegated to make arrangements relating to the procedures following listing, including moratorium and compensation provisions, as set out in Appendix Two (of the report)

In accordance with this decision, the Director of Strategy and Performance has now fully considered the nomination in light of the Act and the Assets of Community Value (England) Regulations 2012 (‘the Regulations’). Following this consideration, the Director of Strategy and Performance has decided to enter the property into the Council’s list of Assets of Community Value.

This decision has been taken because:

(1)

a) The Asset lies within the administrative boundaries of Bath & North East Somerset Council and High Littleton Ward

b) High Littleton Parish Council is entitled under 89(2)(b)(i) of the Act to make a community nomination in respect of the Asset

c) The nomination from High Littleton Parish Council includes the matters required under Regulation 6 of the Regulations

(d) The Asset does not fall within a description of land which may not be listed as specified in Schedule 1 of the Regulations

(e) The nomination form sets out the reason for nominating the Asset, explaining why the nominator believes the Asset meets the definition in the Act

and

(2) in the opinion of the Authority,

(a) The actual current use of the Asset that is not an ancillary use furthers the social wellbeing and interests of the local community;

(b) Given that the Asset remains fit for purpose to further the social interest and social wellbeing of the local community, and considering also that there are examples of similar and comparable assets serving these interests, it is realistic to think that the current non-ancillary use of the Asset will continue to further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

The detailed assessment on which this decision is based, following the criteria adopted by the Council Cabinet on 10th October 2012, and fully considering information supplied by the nominee and other parties (including the owner), is set out in 4 below.

1. **What Happens Next**

The Asset will now be placed on the list of Assets of Community Value which the Council is required to maintain under Section 87 of the Act.

In accordance with Section 91 of the Localism Act the Council will send this notice to:

The owners of the property

High Littleton Parish Council

The information will also be published on the Council’s website. The Asset will remain on the Council’s List of Assets of Community Value for a period of five years from the date of this notice unless removed with effect from some earlier time in accordance with the provisions of the Regulations.

The Localism Act 2011 requires that the Council draw particular attention to the following:

(a) the consequences for the land and its owner of the land’s inclusion in the list, and

(b) the right to ask for review

The consequences for the land and its owner of the land’s inclusion in the list

Inclusion of assets on the List of Assets of Community Value is a local land charge under the Local Land Charges Act 1975. The Council is required under Schedule 4 of the Regulations to apply to the Land Registry for a restriction to be added to the registered title of the land that “no transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene Section 95(1) of the Localism Act 2011”.

Under Section 95 of the Act an owner must notify the Council (at the following address: Divisional Director, Property Services, Lewis House, Manvers Street, Bath BA1 1JG) if they wish to enter into a relevant disposal (as defined in Section 96 of the Act) of that asset. Some types of disposal of listed assets are exempt and these are set out in full in Annex A of the document Community Right to Bid: Non-statutory advice note for local authorities. Annex A also identifies circumstances where, although there is no requirement in the legislation that the owner has to explain to the local authority that the disposal is exempt, it would be helpful for them to do so.

A moratorium period is triggered by notification under Section 95 to allow a Community Interest Group to submit a written request to be treated as a potential bidder for the asset. The owner is advised to refer to Part 5 Chapter 3 of the Act and the Regulations in full and to seek legal advice if they wish to dispose of the asset. A disposal of listed land which contravenes the Regulations and Act will be ineffective.

The owner of the asset does not have to sell the asset to the Community Interest Group. There is also a ‘protected period’ (18 months from the time that the owner notified the local authority of their intention to dispose of the asset) and during this time there can be no further moratoriums on sale and the owner is free to dispose of the property as they see fit.

The right to ask for review

Asset owners have the opportunity to request a review of the decision to enter an asset on the List of Assets of Community Value, within 8 weeks of listing. The internal review process in relation to listing will be undertaken by a Divisional Director not involved in the initial decision.

Landowners wishing to request a review of the decision should do so in writing to the above address or to assets@bathnes.gov.uk by 9th August 2016, setting out the grounds for review and whether they are requesting an oral hearing.

Private owners may claim compensation for loss and expense incurred through the asset being listed including a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period. Regulation 14 of the Regulations contains more detail on this.

Part 5, Chapter 3 of the Localism Act 2011 and the [Assets of Community Value (England) Regulations](http://www.legislation.gov.uk/ukdsi/2012/9780111526293/contents) provide further detailed information.

1. **Detailed Assessment of the Nomination of High Littleton Methodist Church and Church Hall as an Asset of Community Value**

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| **Assets of Community Value Nomination – Assessment** | | | |
| DATE OF SUBMISSION: | **20th April 2016** | DATE DECISION TO BE MADE BY: | 15th June 2016 |
| NOMINATED ASSET: | The boundary of the asset is set out in the boundary map attached as an Appendix | | |
| NOMINATION SUBMITTED BY: | **High Littleton Parish Council** | | |

**STEP A: This section considers the eligibility of the nominating body to make a nomination and of the asset to be an Asset of Community Value. It does this through a series of YES/NO answers.**

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| **A1.** Is the nominating organisation an eligible body to nominate? | |
| Evidence supplied by nominee: | High Littleton Parish Council Standing Orders |
| Feedback from other parties and other information gained in relation to this criterion: | None |
| Score (YES/NO) and any comments: | **YES** - The Council is satisfied that the nominating body is an eligible body to nominate. |

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| **A2.** Does the nominating body have a local connection to the asset nominated? | |
| Evidence supplied by nominee: | The submitted map shows that the Asset is sited wholly within the boundaries of Bath and North East Somerset and the Parish of High Littleton. |
| Feedback from other parties and other information gained in relation to this criterion | None |
| Score (YES/NO) and any comments: | **YES**- The Council is satisfied that the nominating organisation has a local connection to the nominated asset. |

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| **A3.** Does the nomination include the required information about the asset?   * Description of the nominated land including its proposed boundaries * Names of current occupants of the land * Names and current or last-known addresses of all those holding a freehold or leasehold estate in the land | |
| Evidence supplied by nominee: | A plan of the nominated land including proposed boundaries;  The name and address of the current owners of the nominated asset. |
| Feedback from other parties and other information gained in relation to this criterion: | None |
| Score (YES/NO) and any comments: | **YES**- the Council is satisfied that the nomination has included the required information about the asset. |

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| **A4.** Is the nominated asset outside of one of the categories that cannot be assets of community value (as set out in Schedule 1 of the Assets of Community Value (England) Regulations 2012):   * A residence together with land connected with that residence * Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960 * Operational land as defined in section 263 of the Town and Country Planning Act 1990. | |
| Evidence supplied by nominee: | Nomination and supporting evidence sufficiently demonstrates that the asset is outside of the categories of assets within Schedule 1 of the Regulations, as the nominated asset is a public house. |
| Feedback from other parties and other information gained in relation to this criterion: | None |
| Score (YES/NO) and any comments | **YES**- the Council is satisfied that the nomination is outside of one of the categories that cannot be Assets of Community Value |

**If YES to all of Part A, move on to Step B. If NO to one or more parts, please inform the nominator that the nomination is ineligible. Place nomination on list of unsuccessful nominations.**

**STEP B: This section considers the current or recent usage of the asset. It does this through a YES/NO answer and an identification as to whether the use is current or in the “recent past”**

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| **B1.** Is the current or recent usage which is the subject of the nomination an actual and non-ancillary usage?   * NOTE 1: A working definition of “recent past” is “within the past three years” * NOTE 2: A working definition of “non-ancillary” is that the usage is not providing necessary support (e.g. cleaning) to the primary activities carried out in the asset, but is itself a primary, additional or complementary use. | |
| Evidence supplied by nominee: | The nomination form states that the asset was built in 1909, and has been used since then as a place of Christian worship. It has also become the centre of community activities in High Littleton. |
| Feedback from other parties and other information gained in relation to this criterion: | None |
| Score (YES/NO) and any comments: | **YES**- the **current** usage which is the subject of the nomination is an actual and non-ancillary usage. |

**If the current or recent usage that is the subject of the nomination is actual and non-ancillary, go to Step C. If not, place on the list of unsuccessful nominations.**

**STEP C: This section considers whether the use furthers (for current uses) or furthered (for uses in the recent past) the social interests or social wellbeing of the local community. It does this through a series of questions scored on the basis of evidence.**

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| **C1.** Who benefits from the use?   * Does it meet the social interests of the community as a whole and not simply the users/customers of the specific service? * Who will lose if the usage ceases? | Evidence provided by nominee | The nomination form states that  The Methodist Church buildings are used for community based activities every day of the week, throughout the year. As such this is an important village facility which if lost would have a devastating effect on community cohesiveness as there are no alternative facilities available for these activities within the village. The building is fully disability access enabled and provides disabled bathroom facilities. The way in which these facilities are used and the impact of their loss is outlined below:  **High Littleton Scouts:** provide a broad range of activities for children and young people within the village. There is little organised youth service within the village and the Scouts provide a very important service to our young people. They have in excess of 80 members who are supported by 20 volunteers. They operate over 4 days each week from the Methodist Church and there are no other suitable premises available to them within the village. The loss of this facility would directly affect the young people, their parents and the volunteers themselves; some 240 members of the community. However, the loss of such an important and focused youth service could impact the community as a whole. If the young people lost the focus and guidance provided by scouting we could well see a rise in anti-social behaviour which would affect the village as a whole. If the church buildings are lost to community use the Scout Group would more likely than not have to close.  **Bo-Peep Pre-School:** provides the onlypre-school facility within the village. Pre-school education cannot be offered by High Littleton C of E Primary School due to the constrains of space on their site which cannot be extended. Bo-Peep is a charitable trust and has been running from this site since 1976. It provides pre-school facilities to 45 children and employs 10 members of staff. The school is supported by a volunteer management committee of five people. The school has been recognised for its ability to support children with special educational needs. If the school were to close, the impact would be far greater than the current children and their families as it would impact future children and their families as well. The village would be without and important facility and the impact would be especially great on those in lower income groups as they would be less able to travel to another pre-school centre because they may not have their own transport. Currently Bo-Peep provides special help to lower income families. In addition to the pre-school activities Bo Peep provide a toddler group once per week which serves an additional 8 or more families. We estimate that the direct effect of the loss of this facility would affect around 150 residents; however this impact is likely to be much larger when one takes into account the ongoing impact of the loss of the facility as each year another 75 or so residents are affected  **Conductive Education Bristol**: provides outreach services to between 4-8 children and teenagers weekly with Neurological Movement disorders within High Littleton itself and those living in surrounding towns and villages. Without a base in or around High Littleton we would not be able to provide these vital specialist services for these local families. The Methodist church hall itself gives us the use of the rooms themselves, the kitchen and accessible bathroom facilities and storage for our specialist equipment. The loss of this facility would be devastating for the families of these severely disabled young people.  **Coffee mornings and Luncheon Club:** The weekly coffee mornings and monthly luncheon club are well supported Activities which bring together a number of elderly residents of the village, most of whom live alone. These activities provide important contact and socialisation for this group, it enables the community to support them should the need arise and goes far beyond the provision of just a cup of coffee or a meal. This is the only building available in High Littleton to support such activities. The average attendance is around 25 people.  **Divine Worship:** The building currently provides a centre for divine worship on at least two Sundays per week and is attended by around 15 people. This activity could continue if the building were to be community owned even though the Methodist Church circuit has decided to cease worship at the church.  **Other Activities:** The church provides the polling station for High Littleton Ward. Additionally, the church hall is used by other groups from time to time for activities such as: children’s parties; Cam Valley Arts Trail; sales of work; public meetings and similar activities.  Currently the facility is fully funded by the income from High Littleton Scouts and Bo-Peep Pre-School. A change in ownership from the Methodist Church to the Community would increase community involvement in the facility, but would not place an undue strain on the community apart from the need to raise acquisition funding. |
| Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council) | The Ward Councillor for High Littleton, has stated that the Methodist Church in the village of High Littleton has through many years become an important and necessary community facility. As the local Councillor representing High Littleton, he strongly supports any effort in ensuring that this building remains as a Community Asset for the people of High Littleton and the surrounding area.  He adds that it is most important for the care and education of the young children who currently use the hall as an early learning centre and for the Scouting Movement who are responsible for the wellbeing of the youth of today and the adults of tomorrow.  He states that church and church hall are also important meeting places for all the other organisation within the village, for the people for their personal uses such as anniversaries and weddings, for the use as a meeting place for committees and Institutions.  For these reasons he supports wholeheartedly the ongoing uses of the building and maintain that this is and should always be a major community asset for the village. |
| Enter score out of 25 and rationale | **25** – The nomination and the evidence from the Ward Councillor comprehensively demonstrate that the asset meets the social interests of the community as a whole, and that its loss would have a very significant detrimental effect on the community. |
| **C2.** Is any aspect of the usage actively discouraged by the Council’s Policy and Budget Framework? | Evidence provided by nominee | There is no evidence that the usage is actively discouraged by the Council’s Policy and Budget framework and it is not contrary to existing planning policies. |
| Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council) | None |
| Enter score out of 25 and rationale | **25** - No active discouragement by the Council’s Policy and Budget Framework has been identified. |
| **C3.** Why is the usage seen as having social value in the context of the community on whose behalf the nomination is being made? | Evidence provided by nominee | The nomination states that the activities in the buildings provide important educational and youth development work for the community, and that these activities are highly regarded by the community, as they help to develop social well-being and pride in the locality.  Furthermore, it states that the activities support particular aspects of the community and add to social cohesion of those groups which may be more vulnerable: families with young children; families on low income; disabled children; the elderly living alone, etc.  Additionally, the youth work provided by the High Littleton Scout Group is of great importance to the village, being the only organised youth activity for children and young people between the age of 6 and 18. It provides them with a sense of pride in themselves, helps them to understand good citizenship and to develop their own skills and abilities. They support elderly residents and help them in terms sustainable living. Overall the activities undertaken at this facility, which would be lost if the facility were to close and be sold for redevelopment, address important areas of need within this rural community. |
| Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council) | The Ward Councillor has stated that many new developments have taken place in High Littleton and in Hallatrow over the last 20 years, so the buildings are essential for the vitality of the village and for the service they provide for children as a care centre and other uses whilst their parents are at work  and for all the other activities previously mentioned in the application.  In his opinion, the use for the local Scout group is paramount, as without this facility they will cease operations and that would be  calamity for the children, both boys and girls, of both villages.  Hallatrow itself is detached from High Littleton, yet within the same Ward; it has no facilities at all and is dependent on all the facilities within the village of High Littleton. |
| Enter score out of 25 and rationale | **20** - The nomination emphasises the importance of the buildings to the social life of both High Littleton and Hallatrow. However, it would have been helpful to have more detailed information showing the numbers and types of users of the asset. |
| **C4.** How strongly does the local community feel about the usage as furthering their social interests? | Evidence provided by nominee | The nomination form states that the current users of the facility strongly support the continued availability of the facility. Representatives of the Parish Council have met with the interested parties, all of whom support the retention of the property for community use. At its meeting on 9th March 2016, the Parish Council heard strong representations on behalf of all users of the facility to take action to ensure that the facilities are retained by the community.  The Parish Council voted unanimously to support this application. |
| Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council) | The nomination quotes supportive emails from 13 users of the buildings, including the Group Scout Leader, who states that they ‘currently have 76 young people attending on a weekly basis’. |
| Enter score out of 25 and rationale | **20** – There is strong evidence that the local community, including the Ward Councillor and the Parish Council, places a high value on the social use of the buildings . |
| **Total score:** | **90** | |

**If STEP C meets a minimum scoring of 55%, go to Step D**

**STEP D: This section considers whether it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.**

For assets such as this where the actual non-ancillary usage is a **current** one (see Step B above), 88(1) (b) of the Localism Act requires the Council to consider whether in the opinion of the local authority **it is realistic to think that there can continue to be non-ancillary use of the building or other land that will further (whether or not in the same way) the social wellbeing or social interests of the local community**.

This will be considered through the following tests:

* If the asset is considered to remain fit for purpose (under D1 below), then this is considered to be sufficient grounds for thinking that it is realistic to think that continuing use of the asset will further the social wellbeing or social interests of the local community identified in Step C above.
* If the building is not considered to remain fit for purpose under D1, then an additional Test (under D2 below) will be applied to determine whether the asset could be made fit for purpose practically and within reasonable resource requirements and within timescales. The timescales to be applied for this to take place for assets with “recent usage” will be “within the next five years”.

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| **D1.** Has the building/land-take/space/legal requirement for this usage changed significantly since its initial use so that the asset is not fit for purpose? | |
| Evidence supplied by nominee: | No. The church and church hall continue to be used as a place of worship and social activity. |
| Feedback from other parties and other information gained in relation to this criterion: | None |
| Score (YES/NO) and rationale | NO – the asset currently functions as a church and associated meeting hall, and it is realistic to believe that it will continue to do so in the near future. |

**If No to D1, place on register of Assets of Community Value, and do not go to D2. If Yes to D1, go to D2.**

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| **D2.** Could the asset be made fit for purpose practically and within reasonable resource requirements and within timescales? | |
| Evidence supplied by nominee: | Not applicable |
| Feedback from other parties and other information gained in relation to this criteria: | Not applicable |
| Score (YES/NO) and Rationale: | Not applicable |

**If yes to D2, place on register of Assets of Community Value. If no to D2, place on list of unsuccessful nominations.**

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| **RECOMMENDATION:** | **THAT THIS ASSET BE PLACED ON THE ASSETS OF COMMUNITY VALUE** |
| **REASON FOR DECISION** | (1)  a) The Asset lies within the administrative boundaries of Bath & North East Somerset and High Littleton Ward.  b) High Littleton Parish Council is entitled under 89(2)(b)(i) of the Act to make a community nomination in respect of the Asset  c) The nomination from High Littleton Parish Council includes the matters required under Regulation 6 of the Regulations  (d) The Asset does not fall within a description of land which may not be listed as specified in Schedule 1 of the Regulations  and  (2) in the opinion of the authority,  (a) The current and recent use of the Asset that is not an ancillary use furthers the social wellbeing and interests of the local community  (b) Given that the Asset remains fit for purpose to further the social interest and social wellbeing of the local community, and considering that there are examples of similar and comparable assets serving these uses, it is realistic to think that the current non-ancillary use of the Asset will continue to further (whether or not in the same way as before) the social wellbeing or social interests of the local community. |
| **Decision Taken by** | David Trethewey  Divisional Director  Strategy and Performance  Bath & North East Somerset Council |
| **Date** | 15th June 2016 |