

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

**9<sup>th</sup> July 2021**

### **Entry of known as Trinity Methodist Church & Centre – Radstock, into Bath & North East Somerset Council’s List of Assets of Community Value**

#### **1. Background**

On **1<sup>st</sup> June 2021**, Bath & North East Somerset Council received a nomination under Section 89 of the Localism Act 2011 (“the Act”) to list **Trinity Methodist Church & Centre – Radstock**. **The area includes the Church, Hall, Rooms and gardens The Street, Radstock BA3 3PL** as an Asset of Community Value. The nomination was made by **Radstock Town 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 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.

## 2. Decision-Making Process

The Council's Cabinet on October 10<sup>th</sup> 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 for Partnerships and Corporate Services (and, in the event of this Director having a conflict of interest, to a Director nominated by the Corporate Director), drawing on the decision-making guidance as set out in Appendix One (of the report)

2.2 The Director for Partnerships and Corporate Services 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 Director not involved in the initial decision

2.4 The Director for 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 for Partnerships and Corporate Services 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 for Partnerships and Corporate Services has decided to enter the property into its 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 the parish of Compton Martin
- b) **Radstock Town Council** is entitled under 89(2)b)(iii) of the Act to make a community nomination in respect of the Asset
- c) The nomination from **Radstock Town 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 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 10<sup>th</sup> October 2012, and fully considering information supplied by the nominee and other parties (including the owner), is set out in 4 below.

### 3. 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 owner of the property**
- **Radstock Town 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: 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 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](mailto:assets@bathnes.gov.uk) by **3<sup>rd</sup> September 2021**, 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 provide further detailed information.

#### **4. Detailed Assessment of the Nomination of Trinity Methodist Church & Centre – Radstock. The area includes the Church, Hall, Rooms and gardens The Street, Radstock BA3 3PL, as an Asset of Community Value**

<b>Assets of Community Value Nomination – Assessment</b>			
DATE OF SUBMISSION:	<b>01/06/2021</b>	DATE DECISION TO BE MADE BY:	<b>09/07/2021</b>
NOMINATED ASSET:	<b>Trinity Methodist Church &amp; Centre – Radstock</b> The boundary of the asset is set out in the boundary map attached as an Appendix		
NOMINATION SUBMITTED BY:	<b>Radstock Town Council</b>		

**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**

<b>A1. Is the nominating organisation an eligible body to nominate?</b>	
Evidence supplied by nominee:	Georgina Clutton , Clerk to the Parish Council Radstock Town Council The Community Hub & Library, The Street, Radstock BA3 3PR
Feedback from other parties and other information gained in relation to this criterion:	None

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

<b>A3. Does the nomination include the required information about the asset?</b>	
<ul style="list-style-type: none"> <li>• Description of the nominated land including its proposed boundaries</li> <li>• Names of current occupants of the land</li> <li>• Names and current or last-known addresses of all those holding a freehold or leasehold estate in the land</li> </ul>	
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 have been provided.
Feedback from other parties and other information gained in relation to this criterion:	None
Score (YES/NO) and any comments:	<b>YES-</b> the Council is satisfied that the nomination has included the required information about the asset.

<b>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):</b>	
<ul style="list-style-type: none"> <li>• A residence together with land connected with that residence</li> <li>• Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960</li> <li>• Operational land as defined in section 263 of the Town and Country Planning Act 1990.</li> </ul>	
Evidence supplied by nominee:	Nomination and supporting evidence sufficiently demonstrate that the asset is outside of the categories of assets within

	Schedule 1 of the Regulations
Feedback from other parties and other information gained in relation to this criterion:	None
Score (YES/NO) and any comments	<b>YES-</b> 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”**

<p><b>B1. Is the current or recent usage which is the subject of the nomination an actual and non-ancillary usage?</b></p> <ul style="list-style-type: none"> <li>NOTE 1: A working definition of “recent past” is “within the past three years”</li> <li>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.</li> </ul>	
Evidence supplied by nominee:	<p>Trinity Methodist Church &amp; Centre is currently used by and for the Methodist Church, for activities of the Church and it is regularly hired by local groups for activities.</p> <p>Pre-Covid, up to 20 groups used Trinity Methodist Church on a regular basis for many activities; this included the</p> <ul style="list-style-type: none"> <li>Brownies,</li> <li>puppy training,</li> <li>Girls and Boys Brigades,</li> <li>Radstock In Bloom,</li> <li>Radstock Knitters</li> <li>and the Silver Band to name a few.</li> </ul> <p>The Church have strong links with the local schools and St Mary’s Primary School regularly hold events including Easter and Christmas celebrations.</p> <p>The Church is considered a part of the community and many residents use the coffee mornings and café as their social engagement and interaction, meeting friends or taking part in the community. A safe and welcoming place to rest and have an affordable cup of tea.</p> <p>The Church is used by a congregation of over 50 members baptised /received into membership and with voting rights.</p>

	<p>However, there are many local families who also come to worship within the church from time to time or regularly. Due to Covid-19 the Church has been holding services bi-weekly between Radstock and Westfield Methodist Churches. Last attendance was 31 members as some are still shielding.</p> <p>The Church was built at the turn of the century in 1902 and has been at the heart of the community. After a small fire in 2004 the roof was repaired through grants supported by B&amp;NES and the Norton-Radstock Regeneration Group. Although the Building is not listed the Church and building sits within the Radstock Conservation area.</p> <p>Many local funerals, weddings and baptisms have taken place at the site for residents and well-loved prominent figures within the area.</p>
Feedback from other parties and other information gained in relation to this criterion:	None
Score (YES/NO) and any comments:	<b>YES-</b> the <b>current</b> 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.**

<p><b>C1. Who benefits from the use?</b></p> <ul style="list-style-type: none"> <li>Does it meet the social interests of the community as a whole and not simply the users/customers of the specific service?</li> <li>Who will lose if the usage ceases?</li> </ul>	Evidence provided by nominee	<p>The building is used by the local community of various ages and different needs. Many residents of Radstock attend the coffee mornings for affordably priced tea and refreshments. Many groups use the variety of rooms available for hire at reasonable prices (Knitters, Radstock In Bloom, Girls and Boys Brigades and Brownies). Radstock Town Council holds its council meetings and there have also been local consultations held at</p> <p>Trinity Methodist Church as the site is central to the area. Trinity have a team of Volunteers who pride themselves on maintaining, enhancing, preserving, and cleaning the building and gardens as well as running the coffee mornings and dressing the church for events</p>
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		<p>The location of Trinity gives great accessibility to users to be able to travel by bus, walk or car as well as being able to provide access to those with physical needs with disability ramps and toilets available when needed.</p> <p>Trinity currently provides hire of the rooms at a reasonable cost, making it affordable to local groups of all sizes.</p> <p>Trinity Methodist Church pride itself on support of others and have raised vital funds for local as well as international charities and needs. Regular events are held to raise funds and support the local community. The Christmas Tree competition sees many local businesses, groups and organisations participate and the scrumptious cupcake event is well received.</p> <p>The venue supports health and wellbeing through the support groups and welcoming ethos and approach. Coffee mornings that see regulars and visitors alike, the knitters and the groups that meet regularly to support all ages (In Bloom, Brigades, Slimming world).</p> <p>A tranquil and beautifully maintained garden area is enjoyed by those wishing to sit and rest and enjoy nature within the centre</p>
	<p>Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&amp;NES Council)</p>	
	<p>Enter score out of 25 and rationale</p>	<p><b>22/25</b></p> <p>The evidence provides a clear explanation of the way that the asset provided community use which goes beyond simply a place of worship.</p> <p>The Local Authority has considered the large number of uses that have been set out in the application.</p> <p>The application sets out that numerous activities that benefit the community in use of the property.</p>

		The application shows that the asset benefits a wide range of community groups.
<b>C2. Is any aspect of the usage actively discouraged by the Council's Policy and Budget Framework?</b>	Evidence provided by nominee	There is no aspect of the land or building which is actively discouraged by the B&NES Policy and Budget framework.
	Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council)	None
	Enter score out of 25 and rationale	<b>25/25</b> No aspect of the land or buildings usage is actively discouraged by B&NES Council's Policy & Budget Framework.
<b>C3. Why is the usage seen as having social value in the context of the community on whose behalf the nomination is being made?</b>	Evidence provided by nominee	<p>The venue has a great social value, in particular the regular coffee mornings are popular with many residents.</p> <p>Radstock does not have many venues that are able to facilitate so many users at one time as well as being adaptable to a variety of uses.</p> <p>The 7 rooms in addition to the church hall and additional 2 halls make the building an adaptable asset to the community. The 20 groups of users as well as one off events and celebrations held within the centre of Radstock.</p> <p>The cohesion between Trinity Methodist Church, the many local traders, groups organisations and individuals are clear to be an integral part of the Radstock community</p>
	Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council)	
	Enter score out of 25 and rationale	<b>15/25</b> The application focuses in on the pivotal role the asset plays in providing valuable meeting

		<p>space that is used by many groups in the wider community.</p> <p>The application needed more detail around how social value is measured or defined for the community. However, the number of uses that care demonstrated would be considered as activities that would provide social value.</p>
<p><b>C4.</b> How strongly does the local community feel about the usage as furthering their social interests?</p>	<p>Evidence provided by nominee</p>	<p>This nomination is supported by both B&amp;NES councillors for Radstock Bruce Shearn and Chris Dando.</p>
	<p>Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&amp;NES Council)</p>	<p><b>Cllr Chris Dando</b> (Radstock Ward Councillor and B&amp;NES Councillor) would also like to add "Radstock Methodist church has been at the heart of our community since it opened in 1902. Used by a wide range of community groups, as well as a much-loved place of worship, it has been ever present in the lives of generations of Radstock residents and its loss as a community asset would be devastating.</p> <p>The building is an important feature in the urban core of the Radstock conservation area, having a dual aspect onto both Fortescue Road and the Street, and is a genuine point of interest in the town.</p> <p>I therefore strongly support the application for the church to become an asset of community value."</p> <p><b>Cllr Bruce Shearn</b> (Clandown Ward Councillor and B&amp;NES Councillor) fully supports the need to protect Trinity Methodist Church as an Asset of Community Value</p>
	<p>Enter score out of 25 and rationale</p>	<p><b>15/25</b></p> <p>Both Ward Councillors have submitted strong responses that support the listing of the asset</p> <p>The application would have been stronger if some individual submissions had been included as evidence from other community members.</p>
<p><b>Total score:</b></p>	<p><b>77 /100</b></p>	

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”.

<b>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?</b>	
Evidence supplied by nominee:	No. Trinity Methodist Church and Centre have supported the local community and are at the heart of the community
Feedback from other parties and other information gained in relation to this criterion:	None
Score (YES/NO) and rationale	<b>NO</b>

**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.**

<b>D2. Could the asset be made fit for purpose practically and within reasonable resource requirements and within timescales?</b>	
Evidence supplied by nominee:	Not applicable
Feedback from other parties and other	Not applicable

information gained in relation to this criteria:	
Score (YES/NO) and Rationale:	Not scored as NO answer to D1 above

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

<b>RECOMMENDATION:</b>	<b>THAT THIS ASSET BE PLACED ON THE ASSETS OF COMMUNITY VALUE</b>
<b>REASON FOR DECISION</b>	<p>(1)</p> <ul style="list-style-type: none"> <li>a) The Asset lies within the administrative boundaries of Bath &amp; North East Somerset and Westfield Parish.</li> <li>b) Westfield Parish Council is entitled under 89(2)b(iii) of the Act to make a community nomination in respect of the Asset</li> <li>c) The nomination from Westfield Parish Council includes the matters required under regulation 6 of the Regulations</li> <li>(d) The Asset does not fall within a description of land which may not be listed as specified in Schedule 1 of the Regulations</li> </ul> <p>and</p> <p>(2) in the opinion of the authority,</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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.</li> </ul>
<b>Decision Taken by</b>	 <p>David Trethewey Director Partnerships and Corporate Services Bath &amp; North East Somerset Council</p>

Date

9<sup>th</sup> July 2021

