

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

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

### **Entry of known as Trinity Methodist Church and Church Hall, Westfield, into Bath & North East Somerset Council's List of Assets of Community Value**

#### **1. Background**

On **5<sup>th</sup> May 2021**, Bath & North East Somerset Council received a nomination under Section 89 of the Localism Act 2011 ("the Act") to list Westfield **Trinity Methodist Church and Church Hall, 27 Wesley Rd, Westfield BA3 3XA** as an Asset of Community Value. The nomination was made by **Westfield 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 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) **Westfield Parish 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 **Westfield 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 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**
- **Westfield 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: 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 and Church Hall, 27 Wesley Rd, Westfield BA3 3XA**

<b>Assets of Community Value Nomination – Assessment</b>			
DATE OF SUBMISSION:	<b>05/05/2021</b>	DATE DECISION TO BE MADE BY:	<b>09/07/2021</b>
NOMINATED ASSET:	<b>Trinity Methodist Church and Church Hall, Westfield</b> The boundary of the asset is set out in the boundary map attached as an Appendix		
NOMINATION SUBMITTED BY:	<b>Westfield Parish 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:	Lesley Close, Clerk to the Parish Council Westfield Parish Council The Oval Office, Cobblers Way, Westfield BA3 4XS
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.

**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.
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.

<p><b>A3. Does the nomination include the required information about the asset?</b></p> <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:	<p>A plan of the nominated land including proposed boundaries.</p> <p>The name and address of the current owners of the nominated asset have been provided.</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 Council is satisfied that the nomination has included the required information about the asset.

<p><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></p> <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
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**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>The current use of the building is a Methodist Church and the church hall and car park support activities of the church and it is hired out for activities by the local community. The following activities are held at the Church Hall, giving access to activities to an estimated 55 people per week, going up to an estimated 85 per week if pre-pandemic levels resume.</p> <p>The Church is used by a congregation of approximately 51 members baptised/received into membership and with voting rights. However, there are about an equal number of people who worship from time to time, or even weekly. Most come from the mining families in the area. Two members have Downs syndrome, and there are very close links with Swallows, the Westfield charity who have programmes in Chilcompton and Radstock (the Swallows café).</p> <p>On a wider scale, people consider it ‘their’ church although they never go except for weddings, funerals, and festivals. Once a month in normal times there is a joint service with St Peter’s, Westfield, whose congregation are drawn more from the Midsomer Norton, the Fosseyway and the Nightingale Way estate.</p> <p>There is also an ecumenical Christian service in the car park on Good Fridays which is very well attended, and the silver band plays.</p> <p>Under covid rules, there is now only seating for 35 in the church.</p>

	<p>To put the building into its historical context, the first church was completed in 1869 built by the miners with their own hands on Sunday afternoons. It was a so-called 'primitive' Methodist Church i.e., with stricter rules like the Early or 'primitive' Church of New Testament times, so was more democratic, with women being allowed to preach, serve as deacons and vote in elections. It was overwhelmingly working class. A real 'people's church'. Nevertheless, it was part of the 1932 Union. Because of the Evangelical revivals from 1854 onwards and the growth of the mines, the church, which is now the church hall, was too small. So, the present worship area was added in the 1890s. There are some interesting plaques commemorating the leadership then, and an organ was purchased. It is still played regularly.</p> <p>Funerals always used to be packed out. 100 easily for well-known community figures. There used to be a 'school room' but after a lorry crashed into it, it was demolished, and the area is now the car park. There is a large 'vestry' used for evening meetings, a new disabled toilet and a modern style kitchen used for breakfasts and lunches. The church would like to have a breakfast club for children there, given the amount of poverty in the area. This had to wait until they had a strict safeguarding procedure in place.</p> <p>The normal church services are on Sundays 10.30 – 11.30, with a variety of other services according to the church calendar.</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</li> </ul>	Evidence provided by nominee	<p>The building meets the social interests of the local community in a variety of ways.</p> <ol style="list-style-type: none"> <li>Normally there are two important meetings per week for lonely people, mainly OAPs, a</li> </ol>
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community as a whole and not simply the users/customers of the specific service?

- Who will lose if the usage ceases?

'knit and natter' and a drop in cup of tea session, both 2-4pm with about 12-20 people, not the same people every week Saturday mornings see massive fund-raising events both for the church and for charities like Swallows, Julian House and Cancer UK. It is estimated that well over 70 people per fund raiser. The amounts raised are very considerable. Cllr Eleanor Jackson holds her surgeries there where anyone in the community can raise items of concern.

2. Slimming World used to meet in the hall. The youth club met regularly and wants to come back in when current regulations allow.
3. It is used as part of the Christmas Lights switch on and often refreshments are served there after the switch on, and it is well attended on Remembrance Sunday There is also usually a Christmas tree festival or similar for a week in early December.
4. Other events taking place during the year include film and supper nights, skittles evenings, visitor talks and presentations, musical concerts, picnics, kurling (with a difference), meals together, social clubs, cake stalls.
5. Hire of the rooms is very reasonable prices for small groups. Mendip Trade Union Council meets there once a year. Various levels/ parts of the Labour party also. The fact that there is no alcohol allowed restricts hiring the hall out for weddings but means the Labour Party and other groups which may not meet anywhere with a bar (like Prattens or Mardons) can meet. B&NES Council uses it occasionally for consultations.
6. There is a community project to help an orphanage/school in Guatemala and community fund raising to support Operation Christmas Child Shoebox appeal, Bibles for Children, and the Local Foodbank project.
7. The new accessible toilet has meant that



		<p>this venue is now accessible.</p> <p>8. The Westfield Methodist Church and Church Hall therefore have a positive impact on the health and wellbeing of the community and are vital for recreational activities.</p>
	<p>Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&amp;NES Council)</p>	<p><a href="https://www.radstockwestfieldmethodists.co.uk/">https://www.radstockwestfieldmethodists.co.uk/</a></p> <p>Will Radstock lose a Church at the heart of its community? A heartbroken congregation in the centre of Radstock say a review of the Trinity Methodist group locally, which consists of two Churches in Westfield and Radstock, could mean the potential loss of one.</p> <p><a href="http://www.mnrjournal.co.uk/article.cfm?id=119626">http://www.mnrjournal.co.uk/article.cfm?id=119626</a></p>
	<p>Enter score out of 25 and rationale</p>	<p><b>15/25</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 number of uses that have been set out in the application.</p> <p>The application sets out that numerous activities that benefit in use of the property. The application shows that the asset benefits a wide range of community groups.</p>
<p><b>C2.</b> Is any aspect of the usage actively discouraged by the Council's Policy and Budget Framework?</p>	<p>Evidence provided by nominee</p>	<p>There is no aspect of the land or building which is actively discouraged by the B&amp;NES Policy and Budget framework.</p>
	<p>Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&amp;NES Council)</p>	<p>None</p>
	<p>Enter score out of 25 and</p>	<p><b>25/25</b></p>

	rationale	No aspect of the land or buildings usage is actively discouraged by B&NES Council's Policy & Budget Framework.
<b>C3.</b> 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 church building and land have social value for the local community because they promote community cohesion in a parish where there are not many options for those requiring a full-sized hall for their activities.
	Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council)	
	Enter score out of 25 and rationale	<b>5/25</b> The application falls short in detail around how social value is measured or defined for the community. There is however several uses that can be seen as activities that would provide social value.
<b>C4.</b> How strongly does the local community feel about the usage as furthering their social interests?	Evidence provided by nominee	Evidence pointing towards the importance of this building to the community can be found in the Westfield Neighbourhood Plan. The Plan came to fruition in 2018 following three years of consultations with the public focussing on what they valued in the community and aspirations for the future. Chapter 7 of the Neighbourhood Plan highlighted the buildings which are important for preserving heritage. The Westfield Methodist Chapel featured strongly, underpinning its role for the past 150 in serving the needs of the people of Westfield, especially those at the edge of society.  <a href="https://www.westfieldparishcouncil.co.uk/wp-content/uploads/2020/09/Westfield-Neighbourhood-Plan.pdf">https://www.westfieldparishcouncil.co.uk/wp-content/uploads/2020/09/Westfield-Neighbourhood-Plan.pdf</a>

	<p>Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&amp;NES Council)</p>	<p><b>Cllr Eleanor Jackson, B&amp;NES Councillors for Westfield states</b></p> <p>“Since Westfield Parish Council was created in 2011, strenuous (and most admirable) efforts have been made not only to create a sense of community identity, but to make it a reality. Trinity Methodist Church, Westfield, is key to this because it is in the Elm Tree Avenue area, the only viable centre for the community. It embodies both the legacy of the mining community being built by the miners themselves from Westfield white lias, and its future, being the meeting place for the youth club, and many other self-improvement groups such as Slimming World, Knit and Natter, and local charities.</p> <p>It was my privilege to join Westfield Parish Council in 2015 and be elected a B&amp;NES councillor for Westfield ward. Having somewhere to meet residents has been invaluable, whether individuals with urgent practical problems, representatives of residents’ campaign groups, or just residents with a good idea for improving life in Westfield. It is surrounded by housing association properties and is especially important for those in ‘sheltered’ accommodation who can easily walk into coffee mornings, the film evenings, and the festivals.</p> <p>Work surveying young people in Westfield by the then senior B&amp;NES youth worker and his team revealed that young people do not like crossing the A367 to activities on the opposite side. The Church, being directly on the Fosseway, provides an acceptable meeting place for all, and I suspect for their parents as well. It is the heart of the community and needs to remain so. It might be argued that as Secretary of the Church Council, I have a vested interest, but it is an administrative post, and I am not involved in the practical running of the building”.</p> <p><b>Cllr Robin Moss, B&amp;NES Councillor for Westfield states</b></p> <p>“The historic Trinity Methodist Church Westfield is a meeting point for people of all ages and backgrounds. The church hall is a vital resource for Westfield and provides much needed community cohesion and support. I have no hesitation in recommending that this building is</p>
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		nominated as an asset of Community Value.”
	Enter score out of 25 and rationale	<p><b>15/25</b></p> <p>The parish have cited evidence that the assets importance is included in the Neighbourhood Plan.</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 by other community members.</p>
<b>Total score:</b>	<b>60 /100</b>	

**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
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 information gained in relation to this criteria:	Not applicable
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> <p>a) The Asset lies within the administrative boundaries of Bath &amp; North East Somerset and Westfield Parish.</p> <p>b) Westfield Parish Council is entitled under 89(2)b(iii) of the Act to make a community nomination in respect of the Asset</p> <p>c) The nomination from Westfield Parish Council includes the matters required under regulation 6 of the Regulations</p> <p>(d) The Asset does not fall within a description of land which may not be listed as specified in Schedule 1 of the Regulations</p> <p>and</p> <p>(2) in the opinion of the authority,</p> <p>(a) The current and recent use of the Asset that is not an ancillary use furthers the social</p>

	<p>wellbeing and interests of the local community</p> <p>(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.</p>
<p><b>Decision Taken by</b></p>	 <p>David Trethewey Director Partnerships and Corporate Services Bath &amp; North East Somerset Council</p>
<p><b>Date</b></p>	<p>9<sup>th</sup> July 2021</p>

