

COMMUNITY RIGHT TO BID BUS STATION, LYDNEY

1. BACKGROUND AND REASONS FOR RECOMMENDATION

- 1.1.** The Community Right to Bid provides communities with an opportunity to ensure that buildings and amenities of community value remain in public use. The power was conceived for use in relation to assets such as the local pub, village shop, community centre, library building, etc. The aim of the Act is to help the community keep assets in community use and it should not be seen as a tool to block and/or delay developments.
- 1.2.** The list of assets of community value is maintained by the Council and land may be entered onto the list in response to community nominations. The Council is obliged to place nominations on the list if it is within the Council's area and if it is, in the opinion of the Council, of community value. The Council must determine nominations within 8 weeks.
- 1.3.** The legislation provides two possible constructions of community value:
either:

(a) the land and buildings have an actual current use that is more than ancillary and furthers the social wellbeing or interests of the local community and it is realistic to think that there can continue to be a more than ancillary use that furthers the social wellbeing or interests of the local community, be this in the same or another way.

or:

(b) the land or buildings were in the recent past used (and that use was more than ancillary) to further the social wellbeing or interests of the local community and it is realistic to think that there is a time in the next 5 years when the land and buildings could be put to a more than ancillary use that would further the social wellbeing or interests of the local community, be this in the same or another way.

In this context 'social interests' includes cultural, recreational and sporting interests.

- 1.4.** To meet the test applicants should be able to demonstrate the community use by way of examples, e.g. shopping, sports, community clubs etc. They should also be able to identify how the community use would continue in the future e.g. will the asset continue to be a pub or will be it developed into a pub with a shop and library element.

- 1.5. If the Head of Paid Service determines that the nominated land or buildings should be entered onto the community assets register, the owner of the land or buildings will be notified and a statutory procedure will apply before the owner is able to make a 'relevant disposal' of the land. A relevant disposal includes a sale of the freehold or in certain circumstances, the grant of a lease. The owner is required to notify the Council of their intention to make a relevant disposal; there will then be a 6 week interim moratorium in which community interest groups can request to be treated as a potential bidder for the asset. If such a request is received, there will be a 6 month moratorium to allow the group to raise funds.
- 1.6. If the Head of Paid Service decides that the community value test has not been met, the nomination must be rejected and the land will be entered onto the list of unsuccessful community nominations. Land will remain so listed for 5 years.

2. LYDNEY TOWN COUNCIL NOMINATION

- 2.1. The current listing for the Bus Station expired on the 14 February 2018 and was removed from the listing of assets of Community Value. The Town Council has requested that the property is placed on the list again (Annex A).
- 2.2. The original nomination is attached at Annex B. The bus station was just one of several properties nominated by the Town Council that was successful in meeting the criteria and becoming listed.

3. OWNERS' RESPONSE

- 3.1. The current owners are Gloucestershire County Council with Lydney Dial-a-Ride and Community Transport being the leaseholder of part of the site. Although both organisations have been contacted, neither have responded to the nomination on this occasion.
- 3.2. In 2013 the County Council submitted a response, stating that they considered the land to be of community value and therefore did not object it being listed (Annex C).

4. ANALYSIS OF THE STATUTORY TEST

- 4.1. The bus station is operational with part of the premises leased to Lydney Dial-a-Ride. Therefore the relevant test to be considered is as set out in paragraph 1.3 (a) above. This means that there are two key elements which need to be met:
 - 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 that a use (whether the same as the existing use of otherwise) that furthers the social wellbeing or interests of the local community can continue.
- 4.2. Addressing the first part of the test it is clear the bus station provides an off-street bus stop area and as such its current use furthers the social wellbeing of the community. Lydney Dial-a-Ride and Community Transport is also providing a service that furthers the Social Wellbeing of the Community. Although this could be located at other premises, there is an additional benefit to the Community with

the Dial-a-Ride and Community Transport being located at the same site as the Bus Station. This satisfies part 1 of the test.

- 4.3. Turning to the second part of the test the Town Council would wish to ensure the site remains as a transport hub which benefits the local community. On this basis the second part of the test is also satisfied.

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.

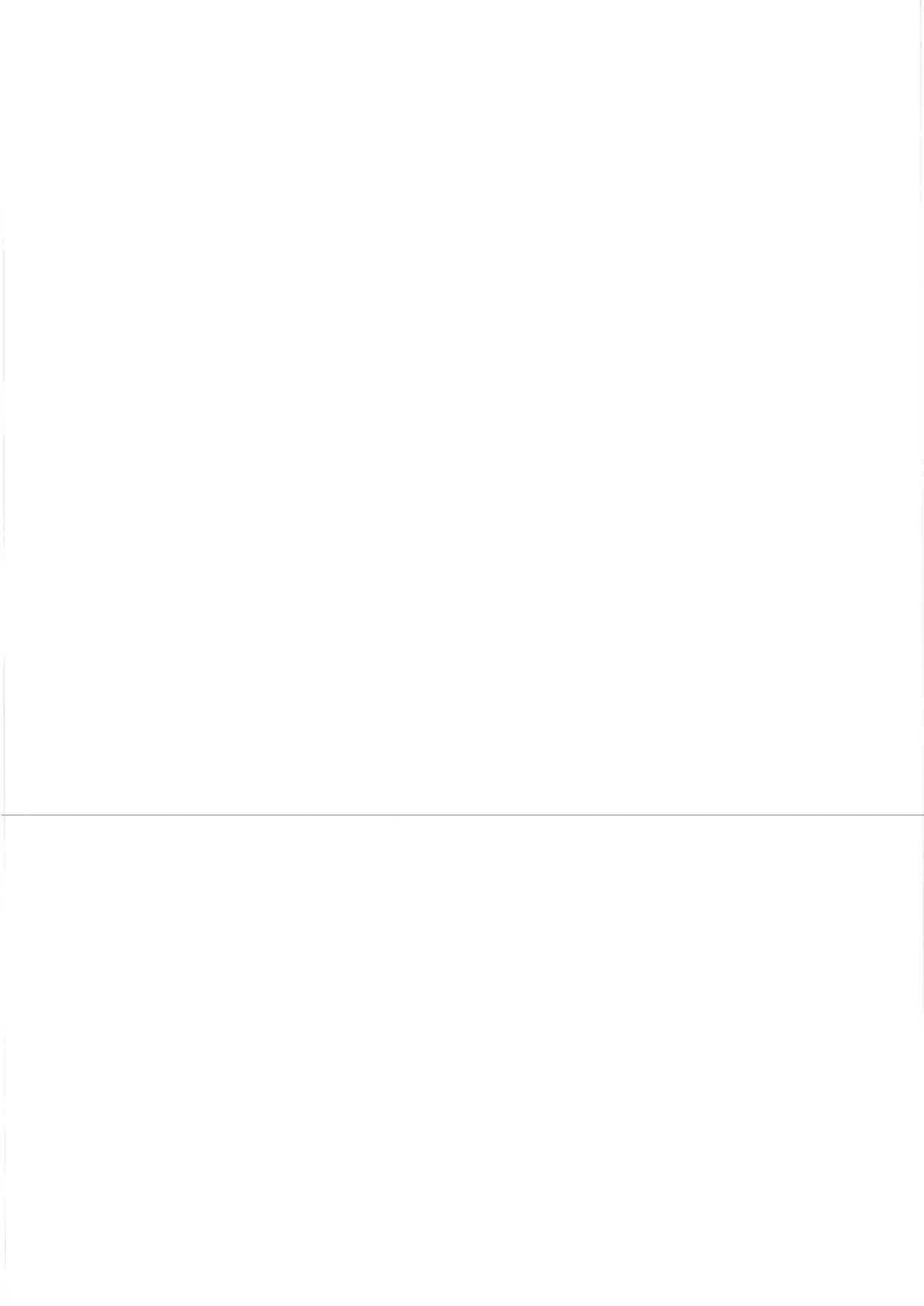
6. **RECOMMENDATION**

- 6.1. It is recommended that the statutory test has been met and therefore Lydney Bus Station 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.

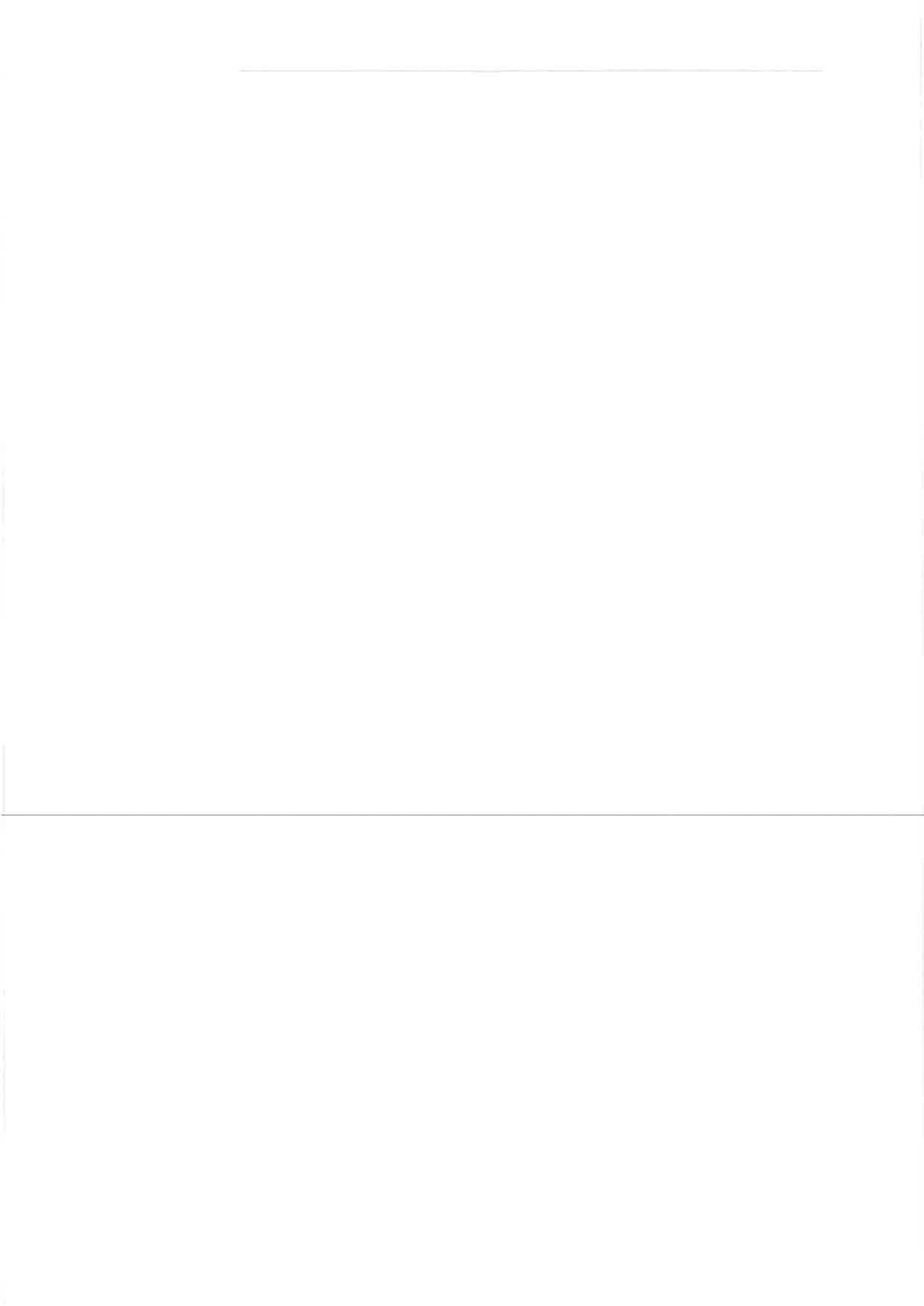


Dear Mike

Council would like to request that the Bus Station be relisted - can you please use the same paperwork as that submitted to you prior?

Kind regards

Jayne Smailes MSc/FSLCC/SIIRSM
Chief Executive Officer/RFO
Lydney Town Council
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Lydney
Gloucestershire. GL15 5DX
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Website:
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FOREST OF DEAN D.C.
POST ROOM
RECD 12 DEC 2012

Chief Executive Officer: Mrs J Smailes

Executive Officer: Miss C Wheeler

Lydney's NDP Steering Group

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Mrs M Rosenthal
Forest of Dean District Council
Council Offices
High Street
Coleford
Glos
GL16 8HG

11/12/12

Dear Marie,

Re. Community Right to Bid

Following the Neighbourhood Development Plan meeting and also the Town Council meeting convened on 10th December 2012, I have been instructed to contact you on behalf of the NDP Steering Group and Town Council in order that the following list of business premises (which play a fundamental part in the makeup of Lydney's Town Centre) may be considered by FODDC/added to the 'list of assets of community value'.

As a Community Group/Town Council our understanding, under the Localism Act 2011 is that we are eligible to apply.

The reason for submitting this Community Right to Bid is because we believe the following identified 'commercial' premises (which provide for individual town shops/sports club/bus station) to be important to the fabric of our community and to also be instrumental if there were to be a redevelopment plan for Lydney's Town Centre.

The areas in which we wish to express our interest are;

LYDNEY CAR CENTRE
Newerne Street
Lydney GL15 5RF

Land Owner
Mr J Thurston/Watts Group

ETB EXHAUST CENTRE
Newerne Street
Lydney GL15 5RF

Mr J Thurston/Watts Group

HARRY TUFFINS
Hams Road
Lydney
Gloucestershire
GL15 5PE

Mr H Tuffins

CLUB GINGER
The Archway
Newerne Street
Lydney GL15 5RF

Mr S Hardacre

RICHARD BUTLERS ESTATE AGENTS
The Archway
Newerne Street
Lydney GL15 5RF

Mr S Hardacre

SCOTTS SHOES
2-3 Hylton Court Shopping Centre
Newerne Street
Lydney GL15 5RF

Mr J Thurston/Watts Group

4-8 Hylton Court Shopping Centre
Newerne Street
Lydney GL15 5RF

Mr J Thurston/Watts Group

LYDNEY BUS STATION
postcode is not listed but have assumed same as the old Somerfield site
GL15 5PE

Glos County Council/Dial a Ride

The NDP Steering Group is keen to support such a redevelopment project in order to ensure the economic viability/sustainability of our town centre. It is also important to the aforementioned parties that such a project is effectively addressed in our community's best interest, also ensuring the town centre remains in its current location, a point echoed by local traders.

We look forward to receiving your response/confirmation that the land identified has been included on the list of community assets in due course.

Yours sincerely

Jayne Smailes

Jayne Smailes – MLCM
Chief Executive Officer

C.C
Mr P Williams - Planning
Mr P Hibbert/Mrs S Pangbourne

B. Berryman

Cllr B Berryman (Mayor)
Lydney Town Council

B. Pearman

Cllr B Pearman
NDP Steering Chairman

Ms Marie Rosenthal
Monitoring Officer
Forest of Dean District Council
Council Offices
High Street
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GL16 8HG

Neil Corbett MCIQB
Head of Corporate Services
Asset Management & Property Services
Enabling & Transition
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Fax: (01452) 427129
email: neil.corbett@gloucestershire.gov.uk

Please ask for: Neil Corbett

Phone: (01452) 425786

Our Ref: NC/LA

Your Ref:

Date: 1st February 2013

Dear Marie

**NOTIFICATION TO OWNERS
RIGHT TO BID - LOCALISM ACT (2011)
ASSETS OF COMMUNITY VALUE (ENGLAND) REGULATIONS 2012 -
REGULATION 8**

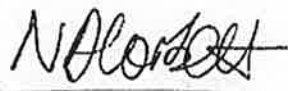
I am writing in response to your letter dated 21st January 2013, in which you correctly identified Gloucestershire County Council as the owner of Lydney Bus Station, Lydney, Gloucestershire, GL15 5PE and brought to our attention the nomination from Lydney Town Council for the site to be placed on the Register of Assets of Community Value.

Gloucestershire County Council does consider this land to be of community value, and therefore do not object to the land being entered onto the Register.

We are currently refurbishing the property in partnership with Lydney Dial-a-Ride and anticipate the works being completed and them taking occupation from the 1st April 2013. As Landlord, we will ensure they are informed of this nomination.

If you require any further information please do not hesitate to contact me. I will wait for confirmation that the land has been placed on the Register following consideration at your Cabinet meeting on the 14th February 2013.

Yours sincerely



Neil Corbett MCIQB
Head of Corporate Property Services

