

Richard Bennet, Chair  
Reading Civic Society

By email only  
bennettbaker@msn.com

Your contact is: Charan Dhillon - Property and Asset Management

Dear Mr. Bennet,

COMMUNITY NOMINATION AS AN ASSET OF COMMUNITY VALUE - Reading Cemetery, London Road, Reading, RG1 3AQ

## **DETERMINATION UNDER SECTION 90 OF THE LOCALISM ACT 2011**

I acknowledge receipt of your form dated 22 March 2021 nominating Reading Cemetery, London, Road, Reading, RG1 3AQ, for inclusion on the Council's List of Assets of Community Value under the Community Right to Bid provisions of Chapter 3 of the Localism Act 2011.

I am responding to you as the Officer to whom the Council has delegated authority to consider and determine Community nominations under Section 90 of the Localism Act 2011.

I would like to apologise for the delay caused by the complexity of this nomination however, I can confirm the delay does not invalidate the Listing decision.

In considering and determining your Community nomination, the Council is required under Section 89 to consider whether the nomination has been made by a body listed under Section 89(2)(b), i.e. a local parish council or a voluntary or a community body with a local connection.

The Council is also required under Section 90(3) to consider whether the land nominated (a) is in the Authority's area and (b) is of community value.

I am satisfied that the Reading Civic Society was entitled to make a Community nomination because:

- It is a voluntary or community body which is a charity

The site you have nominated (Reading Cemetery) is in the Local Authority's area.

Section 88 of the Localism Act 2011 defines land of Community Value. This is land and buildings where, in the opinion of the Local Authority, its actual current use furthers the social wellbeing or social interests of the local community and it is realistic to think that the same, or another such use,

will continue; or where there was such a use in the recent past which, it is realistic to think, could exist within the next five years.

**The council has considered the nomination carefully but has taken the decision not to list the asset.** The reasons for this decision are set out below:

#### ELIGIBILITY OF NOMINATED LAND

The nominated land, in its entirety, is not land of Community Value under paragraph 1 of Schedule 1 to the Regulations, as it comprises land connected with Bereavement services and legislation governing the management of burial grounds and cemeteries.

<https://www.legislation.gov.uk/ukxi/1977/204/contents/made>.

<https://www.reading.gov.uk/life-events/deaths/crematorium-and-cemeteries/rules-regulations-and-policies/cemeteries-and-crematorium-regulations/>

<https://historicengland.org.uk/images-books/publications/list-of-registered-cemeteries/registered-cemeteries-list-jan18/>

It is therefore not eligible for listing as an ACV.

#### LACK OF EVIDENCE FOR CURRENT USE

For the Council to consider ACV nominations, it needs to see strong evidence to support claims of social and community value, whether that is current use or in the recent past.

Your nomination mentioned several activities currently taking place which highlighted a degree of social and community value, but this is ancillary to the property's main use as a cemetery.

#### LACK OF EVIDENCE FOR FUTURE USE

The ACV legislation exists to provide a tool for communities looking to take over and run local assets. There needs to be a realistic plan for the future management and acquisition of an asset to justify a pause in the sale of one.

In the opinion of the Council, there is no realistic prospect that the cemetery will cease being operated as a cemetery in the care of Bereavement services.

No alternative propositions for the site were presented in your nomination, nor did it provide enough detail or evidence to suggest there was a realistic prospect of a Community bid to acquire the property in the unlikely event that the cemetery should be put up for sale. The gatehouse has not been in community use for some considerable time so, therefore, does not constitute a Community asset.

I realise this decision may come as a disappointment. Officers have learnt a great deal from owners challenging our Listing decisions in the past which has highlighted the need for robust evidence and eligibility checks which often take time and delay prompt responses.

If there is NEW additional information to support your claims of Social and Community value, you are welcome to submit a new ACV nomination.

**Therefore the decision of the Council on your Community nomination is that it is unsuccessful.**

Under Section 93(1) of the Localism Act 2011, the Council is required to maintain a separate list of Unsuccessful Community nominations and the reasons for not including the land in the Authority's list of Assets of Community Value. Reading cemetery will appear on the Council's website, with this letter attached to the entry.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'CD' with a flourish.

Charan Dhillon  
Assistant Director for Property & Asset Management