

NOMINATION OF AN ASSET OF COMMUNITY VALUE

Relevant Portfolio Holder	Cllr Roger Hollingworth
Portfolio Holder Consulted	√
Relevant Head of Service	Ruth Bamford – Head of Planning & Regeneration
Wards Affected	Woodvale
Key Decision – N/A	

1. SUMMARY OF PROPOSALS

To consider a request to list the Dodford Inn as an Asset of Community Value

2. RECOMMENDATIONS

That Cabinet consider the contents of the report and decides to either:-

- (a) Support the listing of the Dodford Inn as an Asset of Community Value; or**
- (b) Not support the listing of the Dodford as an Asset of Community Value**

3. KEY ISSUES

3.1 As Members are aware from previous reports the Localism Act included the 'Community Right to Bid' which gave communities a right to identify a building or other land that they believe to be of importance to their community's social well-being so that if it comes up for sale there is a six month period within which they can prepare their bid to buy the asset. The property in question can then be sold on the open market. Community groups have the same rights as any other bidders but there is no preference given to the local community bid.

3.2 Officers have received a nomination for the Dodford Inn of which the freehold is owned by GRS Pubs Ltd and currently tenanted. The nomination has been made by the Dodford with Grafton Parish Council. The Parish has requested that the asset be nominated to give the ability for it to remain as a community asset in the future. The nomination and plan of the land is attached at Appendix 1 and 2.

- 3.3 GRS Pubs Ltd and the Local ward Councillor have been consulted as part of the process. There have been a number of concerns raised by GRS Pubs Ltd in relation to the nomination and the impact of the registration of the asset as one of community value. The responses received are :
- Possible detrimental effect on Market Value should the Dodford Public House and adjoining land be put on the market for sale.
 - Unnecessary and costly delay in allowing the site to be sold, particularly if the site was to be included as part of a package.
 - Proposed nomination appears to include adjoining land to the public house. Possible detrimental effect on market value and unnecessary and costly delay if the adjoining land were to be sold separately from the public house.
- 3.4 The nomination from the Parish Council supports the inclusion of the asset due to the fact that the Dodford Inn is the sole public house in the village and provides a community meeting facility for various local organisations. In addition the adjoining land is used as a venue for local community events and functions.
- 3.5 Members will recall that when the matter was last considered by Cabinet on 03 July 2013 questions were raised as to the mandate of the Parish Council to seek the nomination and whether it would be their intention to purchase the pub if it were sold as a going concern. In response to these matters officers can now advise as follows:-
- 3.5.1 The Parish Council has provided a copy of the minutes of it's meeting when the decision to seek nomination was taken. A copy is attached at Appendix 3.
- 3.5.2 The Chairman of the Parish Council has also provided some comments to further explain the reasons for seeking the nomination. A copy of the document is attached at Appendix 4. Members will note that the main issue of concern for the local community is to be able to prevent a repeat of an incident a few years ago when the pub ceased trading and there were plans for it to be converted for residential use. In those circumstances the Parish Council would want to be able to step in and try to organise a bid for the pub to be purchased and for it to continue to function as a pub for the benefit of local residents.
- 3.5.3 Officers have clarified the position relating to the sale of an on-going concern. It has been confirmed by DCLG that the sale of a business to business transaction is exempt from the moratorium. Legislation states that exempt disposals include:

sale of land on which a business is carried on, together with sale of that business as a going concern (in such circumstances there would normally be payment separately for the business as a going concern, e.g. the value of equipment, stock and goodwill)

- 3.6 In conclusion therefore it would seem that the registration would be valid to allow the Parish Council to proceed with an offer to buy the pub if it had ceased trading. However, the registration would not prevent the pub from being able to change hands if the sale was on the basis of a business to business transaction with the pub being sold as a going concern.
- 3.7 Consideration of the nomination has been undertaken by Head of Planning and Regeneration. Taking into account the new information that has come to light since the last meeting, the Head of Planning and Regeneration remains of the view that approval of the nomination would support the provision of community activities within the District should the property be for sale, other than as a going concern, and a community group were able to purchase the property. The recommendation from the Head of Planning and Regeneration to Cabinet is therefore to support the proposal for the Dodford Inn to be listed. Members are reminded that under the new process for assets of community value introduced in November 2012 the final decision regarding whether to list an asset rests with the Head of Planning and Regeneration in consultation with the Portfolio Holder for Planning and Regeneration.

Financial Implications

- 3.8 Property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. As previously reported to Council, Government recognises this as a potential risk to local authorities and will provide a safety net whereby any verified claims of over £20,000 will be met by Government. The owners also have a right to appeal the decision made by the Council in agreeing that the building be included on the Assets of Community Value.

Legal Implications

- 3.9 There is a legal requirement within the Localism Act 2011 to implement the provisions as defined for Assets of Community Value regulations 2012.

Service/Operational Implications

- 3.9 There are no specific operational implications for the District. The list of nominated assets will be maintained by Land Charges officers and will be available on the Councils Website.

Customer / Equalities and Diversity Implications

- 3.10 The approval of the nomination of Dodford Inn will ensure that should the property be declared for sale any community group would be able to express an interest in purchasing the asset. This would result in up to 6 months of moratorium whereby any sale could only be to a community group. Following this the owner can sell to any purchaser.

4. RISK MANAGEMENT

- 4.1 The register will be maintained to ensure that all assets nominated are included to mitigate any risks associated with assets not being included on the register. Consideration by officers and members will be undertaken at each nomination to ensure a consistent approach is taken.

APPENDICES

Appendix 1 – Nomination Form

Appendix 2 – Plan of site / asset

Appendix 3 – Minutes of Parish Council Meeting held on 28 February 2013

Appendix 4 – Comments in support of the application from the Chairman of the Parish Council

AUTHOR OF REPORT

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