

# **CABINET**

4<sup>th</sup> NOVEMBER 2014

## **NOMINATION OF AN ASSET OF COMMUNITY VALUE**

Relevant Portfolio Holder	Cllr Kit Taylor
Portfolio Holder Consulted	√
Relevant Head of Service	Ruth Bamford – Head of Planning & Regeneration
Wards Affected	Lowes Hill
Key Decision – N/A	

### **1. SUMMARY OF PROPOSALS**

To consider a request to list the Hop Pole, Bromsgrove 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 Hop Pole, Bromsgrove as an Asset of Community Value; or**
- (b) Not support the listing of the Hop Pole, Bromsgrove 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 Hop Pole, Bromsgrove of which the freehold is owned by Punch Partnerships and currently tenanted. The nomination has been made by CAMRA ( Campaign for real Ale) , Bromsgrove and Redditch Branch. CAMRA has requested that the asset be nominated to give the ability for it to remain as a community asset in the future. The nomination is attached at Appendix 1.
- 3.3 Punch Partnerships and the local ward Councillors have been consulted as part of the process. There have been no responses received from the Brewery during the consultation period. As members are aware from a previous nomination the sale of the going concern business would be exempt from the legislation relating to assets of

community value. Therefore if the pub was to be sold on as a going concern the 6 month moratorium would not apply.

3.4 The nomination from CAMRA supports the inclusion of the asset due to the fact that the Hop Pole provides a number of services that further the social wellbeing and interests of the local community. These are detailed in the nomination form attached at Appendix 1 and include:

- Live Music Events – the Hop Pole is one of the last pubs in Bromsgrove to showcase free, live entertainment with a mixture of both national and local acts
- Regular Quiz night
- Annual Cider festival
- Winner of the 2014 Cider Pub of the Year award

3.5 CAMRA have provided officers with the constitution of the organisation.

3.6 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**

3.7 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**

3.8 The Localism Act 2011 made provision for a new system of listing of assets of community value, giving community groups the right to make nominations, and requiring local authorities to maintain local registers. Further more detailed rules around the operation of assets of community value are set out in the Assets of Community Value Regulations 2012.

3.9 The test for listing an Asset of Community Value as set out in Section 88 (1) of the Localism Act 2011 is as follows:-

“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 user furthers the social well-being 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 or not in the same way) the social well-being or social interests of the local community.”

**Service/Operational Implications**

- 3.10 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**

- 3.11 The approval of the nomination of the Hop Pole 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. This excludes the sale as a going concern.

**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 including plan of asset

**AUTHOR OF REPORT**

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