

**NOMINATION OF AN ASSET OF COMMUNITY VALUE**

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

**1. SUMMARY OF PROPOSALS**

To consider a request to list The Cross Inn , Finstall, 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 Cross, Finstall as an Asset of Community Value; or**
- (b) Not support the listing of The Cross, Finstall 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 In November 2013 Cabinet did not support the nomination from CAMRA of the listing of the Cross Inn, Finstall, as an asset of community value. This recommendation was also not supported by the Head of Planning and Regeneration and therefore the nomination was rejected. The main reasons for the rejection was due to the pub having limited community use and there being other public houses in the vicinity. Officers have received a further nomination for the pub and therefore, within the current Council policy, members are asked to consider the nomination again. 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 Enterprise Breweries and the local ward Councillors have been consulted as part of the process. There have been no responses received from the owners during the consultation period. The Ward Councillor is supportive of the application. It is worth noting that any sale of a 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 Cross Inn provides a number of services that they believe further the social wellbeing and interests of the local community. These are detailed in the nomination form attached at Appendix 1 and include:
- The only pub in the village of Finstall
  - Local Beer Festival
  - Local Community Groups meet regularly – Sports teams
  - Good transport links
  - Advertising for local events
  - Fundraising events
- 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.”

3.10 The legislation and guidance are silent on the issue of repeat applications. Research by officers has established that some Councils specifically limit the ability of unsuccessful applicants to re-apply, for example by not allowing a repeat application within a specified period of time, or unless there have been significant changes. However the Bromsgrove policy does not include any such restrictions.

**Service/Operational Implications**

3.11 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**

3.12 The approval of the nomination of The Cross 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. 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 – Current Nomination Form

Appendix 2 – November 2013 Nomination Form

**AUTHOR OF REPORT**

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