

**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 New Inn , Bournheath, 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 New Inn, Bournheath as an Asset of Community Value; or**
- (b) Not support the listing of The New Inn, Bournheath 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 Two nominations have been received for The New Inn, Bournheath. Initially one was submitted by CAMRA (Campaign for Real Ale) , Bromsgrove and Redditch Branch and more recently one from the Bournheath Parish Council. The nomination of an asset does not give any organisation an advantage in any future purchase. Both organisations have requested that the asset be nominated to give the ability for it to remain as a community asset in the future. The nominations are attached at Appendix 1 & 2.

- 3.3 Punch Taverns and the local ward Councillors have been consulted as part of the process. The landlord has raised two concerns in relation to the listing:
- They have advised that there is an alternative public house in close proximity to the New Inn and they are of the view that this is more popular and successful venue than the New Inn and therefore this has been the reason for the trade struggling and the frequency of turnover of licensee at the New Inn. On the basis of the alternative amenity they of the belief that the pub, in itself, does not further the social wellbeing or social interest of the community as a whole
  - In addition they have stated that during the period of them marketing the freehold of the site, no community group has come forward to put an offer to purchase the building. It is of the landlords view that listing the pub would not have the desired intention of allowing a community group to purchase the pub as they have not taken this opportunity during the marketing
- 3.4 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.
- 3.5 The nominations supports the inclusion of the asset due to the fact that The New 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 forms attached at Appendix 1 & 2 and include:
- Pub is used by walkers and is part of the Hunters Walk
  - Meetings held by Bromsgrove Olympic Cycling Club & Dominoes Club
  - Folk Club every month is well attended
  - Charitable night held for fundraising
  - Live Music events hosted at the Pub & summer barbeques
  - Historical notoriety
  - Childrens play area
  - Free car parking used by the local community
  - Local Beer Festival
  - Good transport links
  - Easy to access for the elderly
  - Only pub showing live sporting TV events
  - Community Phone

- 3.6 Both organisations have provided officers with the relevant documentation in support of the nomination.
- 3.7 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**

- 3.8 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 –Nomination Form

**AUTHOR OF REPORT**

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