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Direct tel	+44 (0)333 006 0740	Date	28 November 2016
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Dear Sirs

**The Hanbury Turn, 44 Hanbury Road, Stoke Heath, Bromsgrove, B60 4LU**  
**Chapter 3 Localism Act 2011**  
**Objection to the proposed nomination as an Asset of Community Value**

We act for Punch Partnerships (PML) Limited. Our client is the registered owner of the property known as The Hanbury Turn, 44 Hanbury Road, Stoke Heath, Bromsgrove (the **Property**). The Property is registered under title HW148935.

The Property is the subject of an Asset of Community Value (**ACV**) nomination (**the Nomination**) made by Redditch & Bromsgrove CAMRA (**CAMRA**) under section 90 of the Localism Act 2011 (the **Act**) and received by the Council on 11 November 2016.

Our client, for the reasons set out below, considers it would be unreasonable for the Council to accept the Nomination under section 90(3). The Property should not therefore be added to the ACV list provided for by section 87(1) of the Act.

**Pertinent statutory requirements for an ACV nomination**

- 1        Where the use of the nominated land or building is continuing then the test for an ACV is set out in section 88(1) of the Act. The test is that the Council must be of the reasonably formed opinion that:
  - 1.1      an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community; and
  - 1.2      that it is realistic for the Council to think 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 wellbeing or social interests of the local community.
- 2        The Council must of course act reasonably in the exercise of its judgement in the second limb of this test i.e. in determining what is realistic. In the absence of a

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statutory definition or case law to the contrary, the Council should adopt the ordinary meaning of the word 'realistic'. Therefore the second limb of the test can only be passed if future use is a practical rather than fanciful or aspirational use.

- 3 In both parts of the ACV test the use in question that is a social interest or wellbeing use must not be an ancillary use. What amounts to an 'ancillary use' is not defined by the legislation. Taking its ordinary meaning ancillary must require the social wellbeing or interest use identified in the Nomination to be the main use to which the land or building is put. If it is not the main use then it cannot amount to an ACV.
- 4 Social interests are defined (section 88(6)) to include each of the following: cultural interests, recreational interests and sporting interests.
- 5 There are also specific statutory requirements regarding nomination (regulation 6 of the Assets of Community Value (England) Regulations 2012 (the **Regulations**)). To amount to a nomination the nominator must include
  - 5.1 a description of the nominated land including its proposed boundaries;
  - 5.2 a statement of all the information the nominator has with regard to the owner and occupier of the land;
  - 5.3 the nominator's reasons for thinking that the responsible authority should conclude that the land is of community value; and
  - 5.4 evidence that the nominator is eligible to make the community nomination.
- 6 If any of these elements are missing then a submission by a voluntary or community body cannot amount to a nomination for the purposes of the Regulations and cannot be a submission which the Council must consider under section 90 of the Act.

#### **Objection to the Nomination**

- 7 Two critical elements of the nomination are missing. CAMRA does not describe an actual or current use which furthers the social wellbeing or interests of the local community. Nor does CAMRA describe, substantiate or evidence an ACV use that suggests it is realistic for the Council to think there can continue to be non-ancillary use of the Property which will further the social wellbeing or social interests of the local community. In their combined absence the Nomination cannot amount to a nomination for the purposes of the Regulations and the Council cannot reasonably or otherwise accept the nomination and add the Property to the ACV list.
- 8 In accordance with the Regulations, the nominator is required to expressly state the reasons for thinking that the Council should conclude that the Property is of community value (regulation 6(c)). By section 88(2) the use identified as furthering the social wellbeing or interest of the community must not be an ancillary use.
- 9 In its Nomination CAMRA fails to state which aspect of the list in box B4 amounts to a social or cultural wellbeing use, nor does CAMRA provide any evidence to support its assertions.
- 10 The Property is a public house. That is its main use. That The Hanbury Turn provides a number of facilities does not amount to the identification of a social or cultural use.

Nor does the nominator substantiate with evidence why it considers the Property's main use furthers the social or cultural wellbeing of the community.

- 11 It is not enough to merely assert, the nominator is required to provide reasons as to why the Property furthers the social wellbeing or interests of the local community and why it is reasonable to think that it will continued to do so. Without that evidence little or no weight can be given to the Nomination.
- 12 That The Hanbury Turn is a pub is not disputed, but a public house use in and of itself does not amount to an ACV use. If it was Parliament's intention that every public house was an ACV, then that would have been made clear in the legislation. It was not. Without more details of the use or evidence to support the Nomination, the Council cannot reasonably conclude that the Property should be listed.
- 13 In the supporting statement to section B4 of the Council's nomination form CAMRA states the following, none of which are of relevance to the Council's ACV determination because they are all clearly ancillary uses to the Property's main public house use, which therefore fail to meet the tests set out in section 88 of the Act:
  - 13.1.1 The pub hosts advertising for local events;
  - 13.1.2 The pub hosts quiz nights;
  - 13.1.3 Free wifi is available for customers;
  - 13.1.4 This pub is a member of CAMRA's LocAle scheme;
  - 13.1.5 There are good transport links available to/from the pub;
  - 13.1.6 Local sports teams meet in this pub;
  - 13.1.7 The pub sponsors a team;
  - 13.1.8 There is good access for disabled people;
  - 13.1.9 Meeting spaces are available for local community groups and charities to use;
  - 13.1.10 The pub offers employment opportunities for young people; and
  - 13.1.11 The pub offers a dart board and quiz machine.
- 14 No evidence has been provided to support these assertions no explanation given as to how such factors promote the social wellbeing and social interests of the local community. As such they should be disregarded.
- 15 The provision of such facilities is not uncommon. In fact, there are no less than 13 other public houses within 2 miles of the Property (see attached printout from the Campaign for Real Ale run website [whatpub.com](http://whatpub.com)). Given the high number of other public houses in the vicinity, it cannot be argued that the provision of such facilities can have any discernible impact on the social wellbeing or social interests of the local community.





- 16 The Nomination simply states that "the pub can further the social wellbeing and interest of the local community in the future by continuing to provide the above mentioned services". No substantiated evidence or rationale is provided to support this statement. This is simply an assertion and with no evidence to explain why or how this might be the case, it must be concluded that this cannot satisfy the test in section 88(1)(b) of the Act.
- 17 The Nomination does not therefore meet the requirements in regulation 6 and therefore the Council is not obliged to accept the Nomination or to go on to consider the ACV status of the Property. The Council has no discretion to accept nominations that do not comply with the requirements. Nor is it under any obligation to perfect nominations. In short it would be unlawful for the Council to place the Property to determine this Nomination.

### **Intention to bid**

- 18 The purpose of Part 5, Chapter 3 of the Act is to give community interest groups time to raise finance in the event that the owner of an ACV makes a relevant disposal. CAMRA clearly have no intention to raise any finance should the Property be disposed of as a relevant disposal. CAMRA are therefore arguably abusing the ACV listing process.
- 19 It is also important to note the blasé approach which CAMRA has taken to the Nomination. The reasons for the Nomination are taken, almost verbatim from the Campaign for Real Ales 'what to include in ACV nominations' document on their website <http://www.camra.org.uk/additional-resources>. Attached is a copy of this document showing the phrases which have, by and large, been copied and pasted save that the Nomination does not in fact go as far as the template document to explain how or why various facilities and services add value to the local community.
- 20 We do in fact have numerous other examples of nominations of other properties by CAMRA which have adopted the same tactic and cite almost identical grounds in support of the nomination.
- 21 This approach suggests that little or no care or attention has been given to this Nomination and again indicates that the purpose of this Nomination is simply to have the Property listed because it is a pub, rather than applying the relevant tests set out in the Act.
- 22 The only indication that any consideration has been given to the Property in question in reference to some local community groups who allegedly use meeting spaces at the Property (though no evidence has been provided to substantiate this) and reference to a quiz which allegedly takes place on Wednesdays. Both of these uses are clearly ancillary and are therefore irrelevant.

### **Conclusion**

- 23 The Council must apply to correct test set out in section 88(1) of the Act.

- 24 Once all non-ancillary uses which CAMRA have cited are disregarded, the Nomination simply proposes the listing of the Property because it is a pub. This does not satisfy the requirements on the Act.
- 25 The failure to provide any supporting evidence, along with the failure to satisfy the tests set out in section 88 of the Act mean that it cannot be concluded that the Property is of community value. The Council should not therefore continue with its determination of the Nomination under section 90(2) of the Act.
- 26 We respectfully request therefore that the Council add this Nomination to the list of unsuccessful nominations.

Please acknowledge receipt of these representations.

Yours faithfully

**TLT LLP**

Encs.



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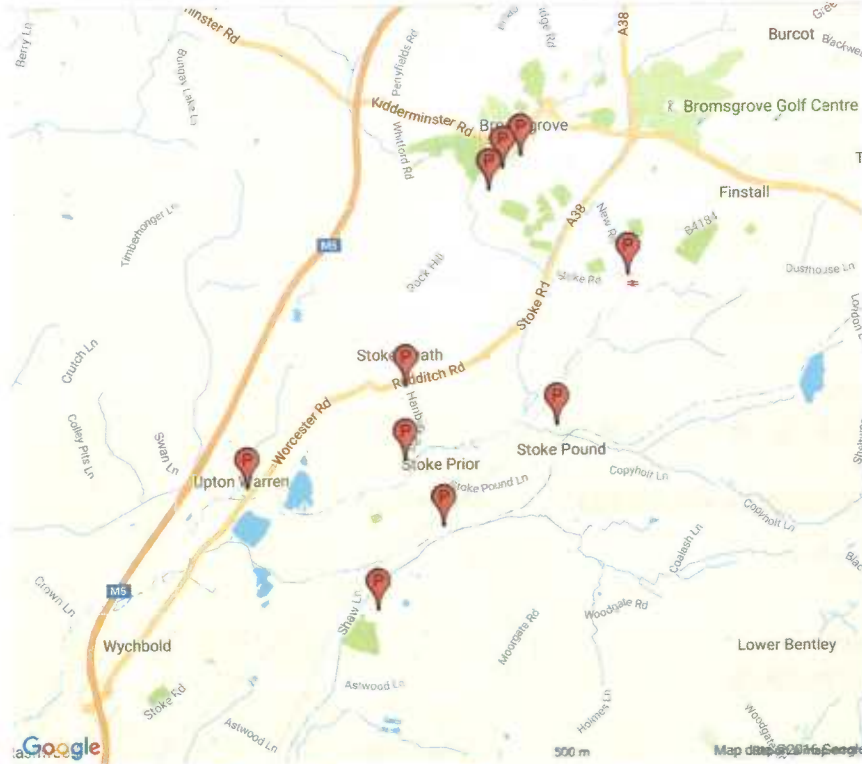
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- Family Friendly
- Accommodation
- Camping Nearby
- Events
- Function Room
- Traditional Pub Games
- Lined Glasses
- Music

- Pub
- Club
- Hotel
- Off Licence
- Restaurant
- Other

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**Hanbury Turn**  
44 Hanbury Road, Stoke Heath  
Stoke Heath  
B60 4LU

0.0 miles (0.0km)

Pub Features

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**Ewe and Lamb**  
68 Hanbury Road, Stoke Heath  
Stoke Heath  
BROMSGROVE  
B60 4DN

0.4 miles (0.7km)

Pub Features

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**Navigation Inn**  
57 Hanbury Road  
Stoke Prior  
B60 4LB

0.8 miles (1.3km)

Pub Features

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**Queens Head**

0.9 miles (1.4km)



Sugarbrook Lane, Stoke Pound  
Stoke Pound  
BROMSGROVE  
B60 3AU

**Pub Features**

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**Swan Inn**  
Swan Lane, Upton Warren  
Upton Warren  
B61 7ET

1.1 miles (1.7km)

**Pub Features**

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**Turks Head**  
147 Worcester Road, Bromsgrove  
Bromsgrove  
B61 7HN

1.2 miles (2.0km)

**Pub Features**

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**Stoke Prior Sports and Country Club**  
Weston Hall Road  
Stoke Works  
B60 4AL

1.3 miles (2.1km)

**Pub Features**

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**Olde Black Cross**  
70 Worcester Road, Bromsgrove  
Bromsgrove  
B61 7AG

1.4 miles (2.2km)

**Pub Features**

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**Ladybird**  
2 Finstall Road,  
Bromsgrove  
B60 2DZ

1.4 miles (2.3km)

**Pub Features**

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**Little Ale House**  
21 Worcester Road  
Bromsgrove  
B61 7DL

1.5 miles (2.4km)

**Pub Features**

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1 2 3 4 5 6 7 8 9 10 . 11

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- Live Music
- Newspapers
- Real Fire
- Restaurant Area
- Separate Bar
- Smoking Area
- Sports TV
- Wifi





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**Golden Cross Hotel**

20 High Street  
Bromsgrove  
B61 8HH

1.6 miles (2.5km)

Pub Features



**Boat and Railway**

Shaw Lane,Stoke Works,Nr Broms.  
Stoke Works  
B60 4EQ

1.6 miles (2.5km)

Pub Features



**Holiday Inn**

Kidderminster Road  
Bromsgrove  
B61 9AB

1.6 miles (2.6km)

Pub Features

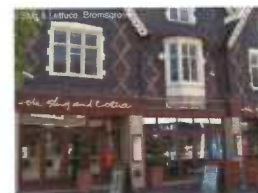
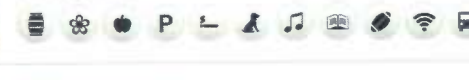


**Red Lion**

73 High Street  
Bromsgrove  
B61 8AQ

1.7 miles (2.7km)

Pub Features



**Slug & Lettuce**

126-130 High Street  
Bromsgrove  
B61 8ES

1.7 miles (2.8km)

Pub Features



**Bowling Green**

Shaw Lane,Stoke Works,Nr Stoke  
Stoke Works  
B60 4BH

1.9 miles (3.0km)

Pub Features



**Bromsgrove Golf Centre**

2.1 miles (3.3km)

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- Family Friendly
- Accommodation
- Camping Nearby
- Events
- Function Room
- Traditional Pub Games
- Lined Glasses
- Music





Stratford Road, Slideslow, Broms  
Bromsgrove  
B60 1LD

**Pub Features**



- Live Music
- Newspapers
- Real Fire
- Restaurant Area
- Separate Bar
- Smoking Area
- Sports TV
- Wifi



**Park Gate** 2.1 miles (3.4km)  
Kidderminster Road, Park Gate  
Bromsgrove  
B61 9AJ

**Pub Features**



**Crabmill Inn** 2.1 miles (3.4km)  
122 Birmingham Road, Bromsgrove  
Bromsgrove  
B61 0DF

**Pub Features**



**Crown Inn** 2.1 miles (3.4km)  
Worcester Road, Wychbold  
Wychbold  
WR9 7PF

**Pub Features**



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## What to include in ACV nominations

To get your pub listed as an Asset of Community Value you will have to demonstrate to the Council how it adds significant value to your local community.

Below are some suggestions of what you could include in the nomination. Where possible, you should also add in as much local information as you can.

If you have any further questions please do not hesitate to contact us on [acv@camra.org.uk](mailto:acv@camra.org.uk) or by calling our helpline on 01727 798 449.

## Events

- Live music events are often hosted at the pub which brings the community together. This also provides a platform for local music artists and contributes to the local area's culture
- The pub hosts advertising for local events which encourages the community to come together to support local businesses.
- There are televisions screening sporting events enjoyed by patrons. This allows people in the community to come together to enjoy specific sporting events – providing a safe place to enjoy a drink and a specific sporting event for vulnerable members of society.
- The pub hosts a regular quiz night which brings people together from a variety of different backgrounds; furthering the recreational interests of the community.
- A local beer festival offering a range of local beers is hosted at the pub. This helps support local businesses as well as bringing people from the community together.
- During election periods, the pub is used to host election hustings
- The pub hosts a karaoke night which is enjoyed by people in the community
- The pub takes part in events which raise money for local charities

## Facilities available

- There is a beer garden attached to the pub which is used and enjoyed by local people including families. This is particularly enjoyed in the summer months and brings different groups of people together.
- A children's play area for local families is available at the pub
- The pub adjoins a sports field and users share the pub's facilities. This not only encourages local residents to take pride in their local area, but also provides more custom for the pub and allows people from different backgrounds to mix together.
- The pub has a great food menu enjoyed by the local community. (You can also mention whether there are any special food offers available for older people etc)
- Free wifi is available for customers which allows people to access the internet that otherwise would not be able to. The pub therefore provides a vital facility for people wanting to use the pub for more than just a social event.
- There is free parking available which is accessed by the wider community. This allows people to get to/from the pub safely when transport systems may be down. It also means that families can access the pub easily.



- There is good access for disabled people at the pub. This provides an easily accessible and inclusive space to meet with other members of the local community and provides a safe and enjoyable environment to be in furthering the persons individual wellbeing.
- Meeting spaces are available for local community groups and charities to use
- The pub provides other important local services to the community (This could include a library, a post office, a local shop or any other service that is used at the local pub)
- The pub offers games such as a dart board, quiz machine, a pool table and board game which are enjoyed y the community.
- The pub enables local people to enjoy a range of drinks (and food) in a pleasant, convivial atmosphere, which furthers their individual well-being
- There are good transport links available to/from the pub. This means that elderly members of the community can easily and safely get to/from the pub. It also means that people from surrounding areas can easily access and enjoy the pubs facilities.

## Awards

- The pub has won a local award for the pubs services to the community
- The pub has won a national award for the pubs services to the community
- The pub has been included in a tourist and local pub guide, which attracts more people to the pub from surrounding areas and communities which helps boost the local economy. It also puts the pub on the map as a pub worthy of recognition from the Council.
- The pub has been included in CAMRA's Good Beer Guide. CAMRA's good beer guide is a renowned book for promoting only the best local pubs.
- This pub is a member of CAMRA's LocAle, committed to serving locally produced real ales and meeting consumer demands for local produce
- The pub has won an award for its commitment to raising money for local charity

## Other ways the pub adds value to the community

- The pub sponsors a team which represents it in sports leagues furthering the sporting interests of the community
- The pub has special value to local heritage and culture which should be protected. The pubs heritage forms an important part of the community's historic and cultural identity. This furthers the cultural interest of the community, as traditional pubs of architectural value are becoming rarer.
- The local MP often uses the pub to hold constituency surgeries or meeting
- The pub provides training and development for employees which is increases individual wellbeing and supports people's professional development
- There are no other facilities in the area that provide the array of activities that this specific pub does
- The pub enables local people to enjoy a range of drinks (and food) in a pleasant, convivial atmosphere, which furthers their individual well-being
- The pub enables local people to meet and socialise in a welcoming environment which, individually, they find rewarding and enjoyable. Such social interaction is also in the interests of the locality as a whole as it encourages community cohesion and a collective sense of well-being.
- The local neighbourhood watch scheme is coordinated by the pub which forms an important part of community life
- This is the only pub in the village

## Pubs and Wellbeing report

- New research from Oxford University shows that people who have a 'local' pub are happier, are more satisfied with their life and have a wider network of friends.