

Appendix 3:

First-Tier Tribunal General Regulatory Chamber Community Right to Bid

Available: <http://sel.camra.org.uk/wp-content/uploads/2015-01-Windmill-Tribunal-ruling.pdf>

Summary of findings:

On 30 October 2013 CAMRA South East London Branch nominated the Windmill public house for inclusion on Lewisham Council's list of 'Assets of Community Value'. The pub was then accepted onto the register on 20 December 2013.

Within a month the owners applied for a review of the listing which took place on 11 December 2014. The request for review challenged CAMRA's eligibility to nominate properties to be included on the Council's register of Assets of Community Value.

The review concluded that the CAMRA Branch is an eligible nominating body and that the pub should remain on the Council's list of 'Assets of Community Value'.

Summary of findings:

- CAMRA is a company limited by guarantee. Article 5 of its Articles of Association prohibits distribution of its income or property to members.
- Although community nominations cannot come from a national organisation which relies solely on its national activities – the case is different where a national charity or national company limited by guarantee has a network of branches. From the Memorandum and Articles of Association of the Campaign, it follows that CAMRA is not a loosely affiliated grouping or federation of individual branches but rather one large organisation whose members choose to organise the Campaign's activities through a network of branches.
- Judge Warren concluded that applications from organisations with a branch structure should be treated in a hybrid way and that branches are entitled to rely on CAMRA's status as a company limited by guarantee which does not distribute any surplus it makes to its members in order to satisfy Regulation 5(1)(e). The individual CAMRA branch is then entitled to rely on its own activities in order to satisfy Regulations 4(1)(a) and (b).