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Corporate Team

25th November 2013

Roebuck Inn, Sixpenny Handley – Nomination as Asset of Community Value

1. PURPOSE AND RECOMMENDATIONS

Purpose of Report: To consider the nomination of the Roebuck Inn, Sixpenny Handley as a potential Asset of Community Value.

Recommendations: It is **RECOMMENDED** that:

- a) **the nomination to list the Roebuck Inn, Sixpenny Handley as an Asset of Community Value be accepted**
- b) **the nomination be listed as a successful nomination on the Council's Localism webpage as required by the Act.**

Lead Members: Cllr Barbara Manuel

Contact Officer: Judith Plumley

2. BACKGROUND

2.1. Provisions within the Localism Act 2011 give local groups a right to nominate a building or land for listing as a Community Asset by the local authority if its use either in the past, presently or potentially in the future benefits the social well-being or social interest (which include cultural, sporting or recreational interests) of the community it serves.

2.2. Under the Localism Act 2011 the land or building:

- can be of any size
- can be publicly or privately owned
- can lie in more than one local authority area
- may or may not consist of registered land
- cannot be a residence and land connected with it
- cannot be a residential caravan site
- and cannot be operational land of statutory undertakers

3. Summary of Nomination

3.1. The site in question (plan attached at Appendix 1) is proposed as a Community Asset by Sixpenny Handley Parish Council on the grounds that:

- *The only remaining public House in Sixpenny Handley*

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- *Sixpenny Handley is described as a Rural service Centre in the Core Strategy and the public house provides part of the essential fabric of a vibrant rural community.*
 - *The Public House is situated in a prominent position that is easily accessible to the community.*
 - *Part of the site has already been developed for housing and the parish is concerned that the main property could go the same way.*
- 3.4 The nomination is supported by the Parish Council which is a formally constituted body.
- 3.5 More than 100 public houses have already successfully been nominated as Community Assets elsewhere in the country.
- 3.6 If the Roebuck Inn were to go on the market as a going concern, the designation as a community asset would not apply. Only if the proposal was for change of use and the village were to be at risk of losing the community aspect of the site would the designation be applicable. If this were the case, the community would then have up to 6 months to raise sufficient funds to purchase the site and take on the running of the pub themselves.
- 3.7 Although part of the public house constitutes a residence this does not stop the ability to register the asset. It is covered in paragraph 1(5) of the First Schedule to the 2012 Regulations.

4. IMPLICATIONS

Corporate Plan & Council Objectives

- 4.1. C1 – Provide communities with opportunities to take greater involvement in running public services

Legal

- 4.2. The assets of community value measures in Part 5 Chapter 3 of the Localism Act 2011 provide for a local council to maintain a list of “community assets”, which can be either land or buildings.

Environmental

- 4.3. There are no environmental implications as a result of this report.

Financial and Risk

- 4.4. The Act allows private owners to claim compensation for loss and expense incurred through the asset being listed or previously listed. The Regulations specifically provide that this will include a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period; or for legal expenses incurred in a successful appeal to the Tribunal.
- 4.5. The time limit for making a compensation claim is specified in Schedule 2 to the Regulations as whichever is earlier of 13 weeks from the end of the interim or full moratorium period (as appropriate) or from the date when the land ceases to be listed. The assumption is that most claims for compensation will

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arise from a moratorium period being applied; however the wording allows for claims for loss or expense arising simply as a result of the land being listed.

- 4.6. Claims must be made in writing, state the amount of compensation sought and provide supporting evidence. The burden of proving the claim falls on the owner.
- 4.7. The Government will meet costs of compensation payments of over £20k of compensation costs in a financial year. This could occur through a local authority paying out over £20k in one financial year either on one large claim or as a combined total on a number of smaller claims.
- 4.8. There is consequently a risk that compensation may be sought by the owner of the property and that it could amount to more than £20k with the District Council then having to pay the difference.

Equalities

- 4.9. In managing the Assets of Community Value scheme the Council will need to observe the requirements of the Equality Act 2010.

5. CONCLUSION

- 5.1. The Council has received a nomination for the Roebuck Inn, Sixpenny Handley to be considered as an Asset of Community Value.
- 5.2. Under the Localism Act, the Council has the power to list the asset giving the community the right to bid in the future if necessary.

Background Papers:

Nomination from Sixpenny Handley Parish Council.

Community Right to Bid: Non-statutory advice note for local authorities – Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Regulations 2012.