

Summary of Listing Process for Asset of Community Value

Site: The Bell Inn Public House, Lambourn Road, Boxford, RG16 8DD

Step A	
<p>A1. Is the nominating organisation an eligible body to nominate?</p> <p>The types of organisations eligible for making a nomination are currently defined in Regulation 5 of the Assets of Community Value (England) Regulations 2012 as below:</p> <p>(a) a parish council;</p> <p>(b) an unincorporated body:</p> <p style="padding-left: 20px;">(i) whose members include at least 21 individuals, and</p> <p style="padding-left: 20px;">(ii) which does not distribute any surplus it makes to its members;</p> <p>(c) a charity;</p> <p>(d) a company limited by guarantee which does not distribute any surplus it makes to its members;</p> <p>(e) an industrial and provident society which does not distribute any surplus it makes to its members; or</p> <p>(f) a community interest company.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>The nomination was made by Boxford Parish Council.</p> <p>The application therefore meets criteria A1(a) .</p>
<p>A2. Does the nominating body have a local connection to the asset nominated and, in the case of an unincorporated body, a company limited by guarantee or a community interest group, applies any surplus it makes wholly or partly for the benefit of the local authority's area or for the benefit of a neighbouring authority's area?</p> <p>“Local Connection” is defined in detail in Regulation 4 of the Assets of Community Value (England) Regulations 2012.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Boxford Parish Council is the local Parish Council and so has a local connection to the proposed asset.</p>
<p>A3. Does the nomination include the required information about the asset?</p> <p>This is set out in Regulation 6 of the Assets of Community Value (England) Regulations 2012 as follows:</p> <p>(a) a description of the nominated</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>(a) The application included a map and a description of the land and its proposed boundaries. BPC clarified in an email dated the 08/07/2020 that they wished for the ‘site as a whole to be included in the application, this comprises of the public</p>

<p>land including its proposed boundaries;</p> <p>(b) a statement of all the information which the nominator has with regard to:</p> <p>(i) the names of current occupants of the land, and</p> <p>(ii) the names and current or last-known addresses of all those holding a freehold or leasehold estate in the land;</p>	<p>house, letting rooms, car park and beer garden’.</p> <p>(b) (i)The pub landlords were listed as the current occupants in the paperwork.</p> <p>(ii)The name of the current owners were included with the paperwork and was confirmed by a search on the Land Registry website.</p>
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<p>A4. Is the nominated asset outside of one of the categories that cannot be assets of community value as set out in Schedule 1 of the Assets of Community Value (England) Regulations 2012?</p> <p>These are summarised as:</p> <ol style="list-style-type: none"> 1. A residence together with land connected with that residence 2. Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960 3. Operational land as defined in section 263 of the Town and Country Planning Act 1990(c). 	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Potentially <input checked="" type="checkbox"/></p> <p>From the information provided, it was not possible to ascertain what the main use of the asset was (i.e. if this was a public house or a hotel).</p> <p>If the main use was deemed to be that of a hotel and the use as a public house as ancillary, it would be classified as residential land (which includes hotels), and would fall into the excluded category that cannot be listed as an Asset of Community Value.</p> <p>If the main use of the site was that of a public house, it may be eligible for listing if all other criteria are satisfied.</p>
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If **“Yes”** to all of step A **move to step B**.

The Panel felt that, as they had been unable to determine A4, it would, in this instance, also be useful to consider Section C as part of this application.

If **“No”** to one or more of step A, **inform nominator that nomination is ineligible**.

Step B – Establishing the non-ancillary use that the application is based on

<p>B1. Is the current or recent usage which is the subject of the nomination an actual and non-ancillary usage?</p> <p>See A4 above</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Potentially <input checked="" type="checkbox"/></p>
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If the current or recent usage that is the subject of the nomination is actual and non-ancillary, **go to step C**.

If not, **place on List of Unsuccessful Nominations**.

Step C – Determining whether the current usage or usage in the recent past furthers social wellbeing or social interests

Examples of matters to consider could include:

1. Who benefits from the use? Does it meet the social interests of the community as a whole and not simply the users/customers of the specific service? Who will lose if the usage ceases?
2. What aspect of the usage delivers a social outcome in the Council's Policy and Budget framework?
3. Why is the usage seen as having social value in the context of the community on whose behalf the application is being made?
4. How strongly does the local community feel about the usage as furthering their social interests?

It was noted that:

- The nominator stated that the 'local pub is the centre of our community', it benefitted from passing traffic, cyclists and walkers and that it was located close to the village hall.
- The nomination set out some future potential uses of the site.
- The nomination stated that 2008 parish plan (which was being refreshed) showed that 56% of the village would like to see more village and social events and that the Bell Inn 'could' provide a major role in this.
- There was no information provided setting out what the community currently used the site for or had used it for in the recent past other than the use of the premise as a public house.

The Panel concluded from the information submitted that insufficient information had been provided to demonstrate that the community currently or had recently benefited from the use of the site, other than its use as a public house. No information was provided as to what would be lost if the usage ceased nor did the nomination set out how the asset was currently meeting the social needs (or had recently met the needs) of the community.

The statement about the pub benefiting passing traffic, cyclists and walkers is not considered relevant, since these are not members of the local community.

While it was noted that the 2008 parish plan had stated that 56% of the village would like to see more social events it was not clear that the Bell Inn was needed to provide these, especially given its close proximity to the village hall.

For the reasons set out above the Panel concluded that the applicant **had not** demonstrated that the current usage and the usage in the recent past furthered the social wellbeing and social interests in the local community.

If **"Yes"** to C above, **place on List of Assets of Community Value.**

If **"No"** to C above, **place on List of Unsuccessful Nominations.**

Step D – Realism of future usage

Is it realistic to think (for "current" uses) there will continue to be social use of the building or other land or (for "recent" uses) that it is realistic to think that there will be community use (whether or not in the same way) again within the next five years?

Examples of matters to consider could include:

1. Has the building/land-take/space/legal requirement for this usage changed

<p>significantly since its initial use so that the asset is not fit for purpose?</p> <p>2. If you were successful in bidding for and agreeing a mutually acceptable price for the asset what do you propose to use the asset for and what model of operation would you see the community adopting in making the venture sustainable.</p> <p>3. Could the asset be made fit for purpose practically and within reasonable resource requirements and within timescales?</p>
Not considered
<p>If “Yes” to D above, place on List of Assets of Community Value.</p> <p>If “No” to D above, place on List of Unsuccessful Nominations.</p>

Decision made by officer Group	To include the place on the List of Unsuccessful Nominations
Date decision made	12 August 2020
Date entered onto Decision Register and registered on Land Charges	N/a
Date instructions sent to Legal to register at the Land Registry	N/a
Date entered onto Geographic Information System (GIS)	N/a