

<b>Committee:</b>	Cabinet	<b>Date:</b>
<b>Title:</b>	Nomination of The Queen’s Head as an Asset of Community Value	Thursday, 9 January 2020
<b>Portfolio Holder:</b>	Portfolio Holder for Residents and Community Partnerships; Police and Emergency Services	
<b>Report Author:</b>	Joanna Hill, Planning Policy Officer jhill@uttlesford.gov.uk	<b>Key decision:</b> No

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## Summary

1. The Localism Act 2011 introduces a concept of an ‘Asset of Community Value’. Section 87 of the Localism Act places a duty of Local Authorities to ‘maintain a list of land in its area that is land of community value’.
2. An Asset is of community value if (in the opinion of the local authority) either:
  - 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
  - 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 wellbeing or social interests of the local community.

or

  - There is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community; and
  - It is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
3. The Act states that “social interest” “includes (in particular) each of the following – (a) cultural interest, (b) recreation interest and (c) sporting interests.
4. Assets of community value are buildings or land which involve the physical use by the community and include for example a village shop, pub, community centre, allotment or recreation ground.
5. The purpose of this report is to enable members to determine:

- a) Whether there is a valid nomination;
- b) Whether the use of the building (current or recent past) furthers the social wellbeing or interests of the community;
- c) Whether it is realistic to think that in the next 5 years the building could be used to further the social wellbeing or interests of the community.
- d) In considering these questions, members need to consider principal, rather than ancillary, uses of the building.
- e) If members conclude that the answers to these questions are “yes”, the building should be included in the list of assets of community value.

### **Recommendations**

6. Recommended for Listing: On the basis that there is a valid nomination and the current use of, or there is a time in the recent past when ***The Queen’s Head public house*** furthered the interests of the community, and it is realistic to think that in the next 5 years the building/land could further the interest of the community, officers would recommend that the sites be listed as an Asset of Community Value.

### **Financial Implications**

7. There are direct financial implications arising at this stage which relate to the formal process of identifying and contacting asset owners and, if relevant, registering an asset as a Land Charge. These costs can be met from existing budget and staff resources.
8. There is also an unquantifiable financial risk to the Council, if there was a claim for compensation. This needs to be kept under review and at an appropriate time consideration should be given to establishing a contingency reserve to mitigate the risk to the Council’s budget. However, the potential liability should not be taken into account in deciding whether or not this is an asset of community value.

### **Background Papers**

9. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
10. The nomination form in full, maps and representations can be viewed on the website under [currently nominated assets](#)

### **Impact**

11. Consideration of potential impact:

Communication/Consultation	In line with paragraph 8 of The Assets of Community Value (England) Regulations 2012 the Council have taken all practicable steps to give information that it is considering listing the land to the owner of the land, freeholder and occupant. This has taken the form of letters.
Community Safety	No impact.
Equalities	The duty will affect all equally.
Health and Safety	No impact.
Human Rights/Legal Implications	Pursuant to s.19 Human Rights Act 1998 the Secretary of State has certified that in his opinion the Localism Act is compatible with the Convention rights.
Sustainability	If the land is included on the list of Community Assets it will form a Land Charge.
Ward-specific impacts	Littlebury, Chesterford & Wendon Lofts Saffron Walden
Workforce/Workplace	No impact

## Situation

### a. Is this a valid nomination?

12. S89 of the Localism Act states that land in a local authority area which is of community value may be included in its list of assets of community value only in response to a “community nomination”, or where permitted by regulation made by the Secretary of State. A community nomination means a nomination by a parish council in respect of land in the parish council’s area or “by a person that is a voluntary or community body with a local connection”.

13. The nomination has been made Littlebury Parish Council, including:

- a. A copy of the Land Registry outlining the site and boundary has been submitted.
- b. Address of the owner of The Queen’s Head as Greene King Retailing Limited.
- c. Reasons for nominating – see point 18.

14. The nominated asset is within the parish.

15. A nomination must also include:

- i. A description of the nominated land including its proposed boundaries.
- ii. Any information the nominator has about the freeholders, leaseholders and current occupants of the site.
- iii. The reasons for nominating the asset, explaining why the nominator believes the asset meets the definition in the Act.
- iv. The nominator's eligibility to make the nomination.

16. If it meets these requirements it is a valid nomination under S89(2)(i). The nomination being considered is validly made.

**b. Does the use of the building (current or recent past) further the social wellbeing or interests of the community?**

17. The Parish Council believe that The Queen's Head furthers the interests of the community for the following reasons:

- a. The Queen's Head pub is over 400 years old and is a 14th century coaching inn in the heart of Littlebury. The building itself still retains a number of original features
- b. The Queen's Head is a focal point for villagers to meet up, as there is no longer a village shop or other central meeting point in Littlebury
- c. The pub hosts numerous social events in the village and regularly hosts events which draw large numbers of people from the village and from surrounding areas
- d. A number of the village community and cultural groups meet in the pub. The pub also offers venue hire for village functions
- e. The pub serves food and is very child friendly such that many villagers and visitors from Saffron Walden and the surrounding villages regularly dine there
- f. As well as attracting visitors to the restaurant as noted above, the pub brings many visitors to Littlebury, as it offers bed and breakfast accommodation and is the closest tourist accommodation to Audley End House and Garden, as well as being easily accessible from Audley End and Great Chesterford train stations and the M11

**c. Is it realistic to think that in the next 5 years the use of The Queen's Head could further the social wellbeing or interests of the community.**

18. In the event that The Queen's Head came up for sale, the Parish Council state that the village would explore the availability of grants, community funding, loans etc.

19. There is no recent history of planning applications on the property

## Representations

20. No representations have been received. Any received after publication of this report will be reported at the meeting.

## Conclusion

21. This is a valid nomination to the Council.

22. Members need to consider whether the evidence provided shows that the property, current or in the recent past, furthers the social wellbeing or interests of the community.

23. Members need to consider whether it is realistic to think that the public house can continue to be used in a manner that furthers the social wellbeing and interests of the local community.

24. Consideration of these issues will lead the Committee to determine whether The Queen's Head should be listed as assets of community value for a period of five years.

## Risk Analysis

25.

Risk	Likelihood	Impact	Mitigating actions
The nominating body or the owner is unhappy with the decision reached.	High risk that one of the bodies will be unhappy with the decision.	The owner has rights of internal review and appeal and can claim for compensation.  The nominating body does not have rights of review or appeal. A new nomination can be made with additional information.  If it felt the Council had acted unlawfully, it could seek to challenge by way of judicial review.	Carefully scrutinise submissions for inclusion on the Asset List so as to ensure only those which comply with the criteria are included

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

## Appendix 1: Nomination Form

### **Section 1 ABOUT YOUR COMMUNITY ORGANISATION**

<b>Q1 Name and address of your organisation</b>	
<b>Organisation name:</b>	Littlebury Parish Council
<b>Address and postcode:</b>	c/o Parish Clerk 33 Rivey Way Linton Cambridge CB21 4LH
<b>Registration number</b> (if you are a charity, company, CIC or social enterprise)	

<b>Q2 Please specify what type of organisation you are</b>	
<b>Category</b>	<b>Tick ✓</b>
<b>Parish/Town Council</b>	✓
<b>Unconstituted / unincorporated Community Group</b> whose members include at least 21 individuals who appear on the electoral roll	
<b>Neighbourhood Forum</b> designated as pursuant to section 61F of the Town & Country Planning Act 1990	
<b>Industrial &amp; Provident Society</b> which does not distribute any surplus it makes to its members	
<b>Company Limited by Guarantee</b> which does not distribute any surplus it makes to its members	
<b>Community Interest Company</b> which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004	
<b>Charity</b>	

<b>Q3 Who should we contact to discuss this nomination?</b>	
<b>Name:</b>	Tracy Coston

<b>Address and postcode:</b>	33 Rivey Way Linton Cambridge CB21 4LH
<b>Telephone number</b>	[REDACTED]
<b>Email address</b>	[REDACTED]

## **Section 2 ABOUT THE PROPERTY TO BE NOMINATED**

<b>Q4 Which asset do you wish to nominate?</b>	
<b>Name of property:</b>	The Queen's Head Public House
<b>Address and postcode:</b>	High Street Littlebury Saffron Walden CB11 4TD
<b>Name of property owner</b>	Greene King Retaining L imited (co regn no 5265451)
<b>Address and postcode:</b>	Westgate Brewery Bury St Edmunds IP33 1QT
<b>Telephone number</b>	[REDACTED]
<b>Email address (if known)</b>	[REDACTED]
<b>Current occupier's name</b> (if different from property owner)	
<b>Details of occupier's interest in property</b>	

### **Section 3 DEMONSTRATING THE COMMUNITY VALUE OF THE ASSET**

#### **Q5a Why do you feel the property is an asset of community value?**

Please give as much information as possible about the current use of the asset i.e. what activities take place, what groups use the facility currently or in the recent past etc. Continue on a separate sheet if necessary. Definition of an asset of community value can be found in the guidance notes.

We believe The Queen's Head public house is an asset of community value for the following reasons:

#### **Historical**

The Queen's Head pub is over 400 years old and is a 14th century coaching inn in the heart of Littlebury. The building itself still retains a number of original features.

#### **Community/Social benefit**

There is no longer a village shop or other central meeting point in Littlebury and therefore the Queen's Head is a focal point for villagers to meet up.

The pub also hosts numerous for social events in the village and regularly hosts events which draw large numbers of people from the village and from surrounding areas.

A number of the village community and cultural groups meet in the pub. The pub also offers venue hire for village functions.

The pub also serves food and is very child friendly such that many villagers and visitors from Saffron Walden and the surrounding villages regularly dine there.

#### **Tourism**

As well as attracting visitors to the restaurant as noted above, the pub brings many visitors to Littlebury as it offers bed and breakfast accommodation and is the closest tourist accommodation to Audley End House and Garden as well as being easily accessible from Audley End and Great Chesterford train stations and the M11.



**Q5b How could the building or land be acquired and used in future?**

If it is listed as an asset of community value, community interest groups (not limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the building or land, and how they could run it for the benefit of the community. Continue on a separate sheet if necessary.

In the event that this community asset came up for sale, the Parish Council would work with the village to explore the availability:

- Fund raising activities
- Grants
- Community funds
- Local Precept

Detailed plans would be provided at that time.

**Q6 What do you consider to be the boundary of the property?**

Please give as much detail as you can, including an Ordnance Survey plan outlining the site.

Please see red line boundary on the Land Registry title plan attached.

**Attachment checklist**

- Copy of group constitution (if applicable)
- Names and home addresses of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan
- Evidence of current community use e.g. activity programmes, website links etc

**Declaration**

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

Signed: [Redacted Signature]

Print Name: Tracy Ostrom

Position in Organisation: Clerk

Date: 25/11/19

FOR OFFICE USE ONLY	
Date received:	Decision deadline:

Appendix 2: Site boundary plan

