

Committee:	Cabinet	Date:
Title:	Nomination of the Black Horse Inn, White Roding for Asset of Community Value	Thursday, 12 July 2018
Portfolio Holder:	Councillor Susan Barker, Portfolio Holder for Environmental Services	
Report Author:	Sarah Nicholas, snicholas@uttlesford.gov.uk	Key decision: No

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 public house furthered the interests of the community, and it is realistic to think that in the next 5 years the building could further the interest of the community, officers would recommend that the site be listed as an Asset of Community Value.
7. The nomination form in full and maps can be viewed on the website under [currently nominated assets](#).

Financial Implications

8. 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.
9. 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

10. 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.
11. The submission for consideration as Assets of Community Value and any representations available on the website at under [currently nominated assets](#).

Impact

- 12.

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	High Easter and the Rodings
Workforce/Workplace	No impact

Situation

a) Is this a valid nomination

13. S89 of the 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”.
14. The nomination has been made by an un-constituted group of at least 21 people registered to vote in the nominated area.
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 nomination form sets out how it is considered that the Inn furthers the social wellbeing or interests of the community.

18. The Black Horse Inn has been the last pub in the village since the Whalebone closed some decades ago.

19. The pub facilitates community cohesion, encourages the mix of generations and classes of person, fosters community pride, stimulates discussion and allows valuable friendships to form amongst members of the community new and old. The pub has in the recent past hosted the local choir, thrown New Year parties, held Easter events for children and celebrated Mothers and Fathers days with festivities. Quiz nights and sporting events have been held. Fundraisers for local schools, hospices and the White Roding Sports and Social Club have been held.

20. Well established and active community groups including "The Book Club", "The Alternative Book Club", "CAMEO" and "The Gents of White Roding" are presently and have in the recent past been regular customers of The Black Horse Inn. Members of these groups have formed an un-constituted group making this nomination

21. Significant community use is also supportive of non-community use, the pub being located in a prominent position on the A1060 road. The Inn has been a welcoming and friendly atmosphere encouraged interaction between the local community and visitors.

c) Is it realistic to think that in the next 5 years the use of the building could further the social wellbeing or interests of the community.

22. The nominating group have informed the Council that the pub was completely closed (unannounced) Jan-mid April of this year (2018). It is now opening very sporadically. Advertised opening is Wed-Sun. It is however at the moment always closed Monday - Thursday and opens for a few varying hours Friday, Saturday and Sunday. Those hours are not as advertised (on website or frequently updated blackboard that appears and disappears outside pub) and are not regular. No food has been served since December 2017. It is impossible to know at present when it will open, it is mostly closed to the point it is very difficult to use but it is not true to say it is completely closed.

23. The nominating group consider that there is a very realistic prospect. Should the pub re-open with regular hours and provide a proper offering like it has done in the recent past it is believed the pub would again be a success and be of great continued value to the community. It is noted that there are other successful pubs operating short driving distances from The Black Horse, including but not limited to The Chequers Matching Green, The Axe and

Compasses Aythorpe Roding and The Cock and Dukes Head Hatfield Broad Oak. These villages are of a similar demographic to White Roding and it is reasonable to assume similar levels of community demand exists in the vicinity of The Black Horse.

24. The nominating group consider that White Roding is a close-knit, affluent and active community-spirited village of around 300 inhabitants and numerous local businesses and that there is a strong desire to look after our local environment. Community facilities are cherished, and community engagement nurtured. Examples of recent community efforts include St Martin's Church currently undergoing renovation funded by local parishioners and villagers and the continued success of White Roding Sports and Social Club run entirely by community volunteers, offering sports facilities and entertainment and organiser of well attended events such as the Summer Ball.
25. It is envisaged by the group that given the community spirited nature of White Roding's population and an ability to raise money and organise that in the event of The Black Horse being marketed at true market value and in the absence of a suited private buyer the pub would be purchased for the benefit of the community by a community group. A Special Purpose Vehicle would be established to own the property and raise funds against it. A limited company would be established to operate the pub either on a not for profit basis or otherwise for community benefit.

Planning History

26. A planning application (reference UTT/18/0895/FUL) has been submitted to the Council for Change of use of public house (Class A4) to self-contained dwelling (Class C3). A decision is still awaited. The Council has received letters of objection to the application.

27. Representations

28. The Council has not received any representations regarding the proposed assets of community value. Any representations received after publication of the report will be reported to Members at the meeting.
29. The owners of the property have confirmed to the Council that the Inn has been for sale since January 2017 with agents who deal solely with the sale of public houses. The property is being marketed as a business to run as a pub.

30. Conclusion

31. Valid nominations have been made to the Council.
32. 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.

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

34. Consideration of these issues will lead the Cabinet to determine whether the Black Horse Inn should be listed as an asset of community value for a period of five years.

35.

Risk Analysis

36.

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.	<p>The owner has rights of internal review and appeal and can claim for compensation.</p> <p>The nominating body does not have rights of review or appeal. A new nomination can be made with additional information.</p> <p>If it felt the Council had acted unlawfully, it could seek to challenge by way of judicial review.</p>	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.