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Report of: *John Doyle, Interim Executive Director for People*

Report to: *Cabinet Member for Neighbourhoods and
Community Safety*

Date of Decision: *27 August 2019*

Subject: *Asset of Community Value Nomination – Castle
Inn, Bolsterstone*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? Neighbourhoods and Community Safety		
Which Scrutiny and Policy Development Committee does this relate to? Safer and Stronger Communities Scrutiny and Policy Development Committee		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given?		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		

Purpose of Report:

This report is to provide the Cabinet Member with sufficient information to enable him to make a decision as to whether Castle Inn, Bolsterstone should be listed as an Asset of Community Value pursuant to Part 5, Chapter 3 of the Localism Act 2011.

Recommendations:

To accept the registration of Castle Inn, Bolsterstone as an Asset of Community Value.

Background Papers:

(Insert details of any background papers used in the compilation of the report.)

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Paul Schofield</i>
		Legal: <i>David Sellars</i>
		Equalities: <i>Ed Sexton</i>
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	EMT member who approved submission:	<i>John Doyle</i>
3	Cabinet Member consulted:	<i>Cabinet Member for Neighbourhoods and Community Safety</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Dawn Shaw</i>	Job Title: <i>Director of Libraries, Learning, Skills and Communities</i>
	Date:	

1. PROPOSAL

- 1.1 To accept the nomination of Castle Inn, Bolsterstone as an Asset of Community Value

2. HOW DOES THIS DECISION CONTRIBUTE ?

- 2.1 The Localism Act 2011 gave Local Authorities a statutory duty to receive and determine nominations for land and buildings in the local authority area to be classified as an Asset of Community Value.

An application has been received and assessed against the statutory criteria.

In order for an asset to be listed certain statutory criteria must be fulfilled.

The initial part of the assessment assesses whether the group nominating the asset and the asset itself meet the statutory criteria of eligibility. Once this has been established there needs to be consideration of the community value of the land or buildings.

The essence of the legislation is that land is of community value if in the opinion of the local authority an actual current use that is not an ancillary use, furthers the social well-being or social interests of the local community and its realistic to think that there can continue to be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social well-being or social interests of the local community.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 The ACV Panel considered the nomination and the comments from interested parties. The panel noted that no objections had been received from the owner of the property.

The legislation and the guidance issued by the Government do not provide a clear definition of what an asset of community value should be. The view taken by the City Council is that where the relevant use is ongoing the property should be a hub or focal point for a significant proportion of an identifiable community, in order to justify registration as an asset of community value. That usage should also have been more than ancillary to the principle use of the property.

The Castle Inn at Bolsterstone is in current use as a public house and by a wide range of community groups. The owner had confirmed to the nominating group that they have no intention to change the use of the property in the near future.

The panel of officers considered the requirements in Section 88(1) of the Localism Act 2011.

Broadly, the two elements of the test are:

- an actual use of the building furthers the social wellbeing or interests of the local community.
- It is realistic to think that there can continue to be use of the building which will further (whether or not in the same way) the social wellbeing or interests of the local community.

It is clear that there is a local community for the purpose of this nomination.

Both elements of the test require there to be a local community. This nomination has been made by a group of local people, mostly from the village of Bolsterstone. Given the village location and the support from the local people, it is clear that there is a local community for the purpose of this nomination.

The group are eligible to nominate under Section 89(2)(b)(iii) of the Localism Act 2011 and Regulation 5(1)(c) of the Assets of Community Value (England) Regulations 2012.

The nomination has provided details to demonstrate that Castle Inn, Bolsterstone acts as a focal point or hub for the community.

The nominator has provided details of a variety of uses of the building by the local community such as festivals, fayres, fishing groups and garden groups and a local choir. The nominator provided information which demonstrated how well regarded the property is by the local people, such as how many people attended meetings when the future of the pub was uncertain. The panel were confident that the uses detailed within the nomination furthered the social well-being and interests of the local community. Therefore the first part of the test was met.

Realistic to think test

The panel went on to consider the second limb of the Section 88(1) test - whether it is realistic to think that the community uses will continue.

The panel discussed that there was no indication that any changes were proposed, and therefore it was realistic to think the community use will continue.

In conclusion, it appears that this property's actual current use furthered the social wellbeing and interests of the local community and it is realistic to think that there can continue to be use of the building which will further (whether or not in the same way) the social wellbeing or interests of the

local community. It therefore satisfies the statutory tests set out in section 88(1) of the Localism Act 2011 such that the property should be listed as an Asset of Community Value.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

- 4.1.1 The proposal to accept the nomination is consistent with the City Council's general duties to promote equality; in particular, for the Council, in the exercise of its functions, to have due regard to the need to advance equality of opportunity and foster good relations.

4.2 Financial and Commercial Implications

- 4.2.1 There are no relevant financial implications of the decision.

4.3 Legal Implications

- 4.3.1 The Council needs to comply with the provisions of the Localism Act 2011 and Assets of Community Value (England) Regulations 2012 when processing a nomination for an Asset of Community Value. Once it has been determined that the nomination has been properly made in accordance with the legislation the authority needs to consider whether the tests in Section 88 of the Localism Act 2011 are met.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 To refuse the registration of Castle Inn, Bolsterstone as an Asset of Community Value

6. REASONS FOR RECOMMENDATIONS

- 6.1 It appears that this property's actual current use furthers the social wellbeing and interests of the local community and it is realistic to think that there can continue to be use of the building which will further (whether or not in the same way) the social wellbeing or interests of the local community therefore satisfying the statutory tests set out in section 88(1) of the Localism Act 2011 such that the property should be listed as an Asset of Community Value.