

COMMUNITY RIGHT TO BID

RAILWAY INN, NEWNHAM ON SEVERN

1. BACKGROUND AND REASONS FOR RECOMMENDATION

1.1. The Community Right to Bid provides communities with an opportunity to ensure that buildings and amenities of community value remain in public use. The power was conceived for use in relation to assets such as the local pub, village shop, community centre, library building, etc. The aim of the Act is to help the community keep assets in community use and it should not be seen as a tool to block and/or delay developments.

1.2. The list of assets of community value is maintained by the Council and land may be entered onto the list in response to community nominations. The Council is obliged to place nominations on the list if it is within the Council's area and if it is, in the opinion of the Council, of community value. The Council must determine nominations within 8 weeks.

1.3. The legislation provides two possible constructions of community value:
either:

(a) the land and buildings have an actual current use that is more than ancillary and furthers the social wellbeing or interests of the local community and it is realistic to think that there can continue to be a more than ancillary use that furthers the social wellbeing or interests of the local community, be this in the same or another way.

or:

(b) the land or buildings were in the recent past used (and that use was more than ancillary) to further the social wellbeing or interests of the local community and it is realistic to think that there is a time in the next 5 years when the land and buildings could be put to a more than ancillary use that would further the social wellbeing or interests of the local community, be this in the same or another way.

In this context 'social interests' includes cultural, recreational and sporting interests.

1.4. To meet the test applicants should be able to demonstrate the community use by way of examples, e.g. shopping, sports, community clubs etc. They should also be able to identify how the community use would continue in the future e.g. will the asset continue to be a pub or will be it developed into a pub with a shop and library element.

- 1.5. If the Head of Paid Service determines that the nominated land or buildings should be entered onto the community assets register, the owner of the land or buildings will be notified and a statutory procedure will apply before the owner is able to make a 'relevant disposal' of the land. A relevant disposal includes a sale of the freehold or in certain circumstances, the grant of a lease. The owner is required to notify the Council of their intention to make a relevant disposal; there will then be a 6 week interim moratorium in which community interest groups can request to be treated as a potential bidder for the asset. If such a request is received, there will be a 6 month moratorium to allow the group to raise funds.
- 1.6. If the Head of Paid Service decides that the community value test has not been met, the nomination must be rejected and the land will be entered onto the list of unsuccessful community nominations. Land will remain so listed for 5 years.

2. NEWNHAM ON SEVERN PARISH COUNCIL NOMINATION

- 2.1. Newnham Parish Council's nomination is attached at Annex A.
- 2.2. The application seeks to retain the premises as a public House and restaurant. This would mean there would continue to be a public house in the village, after the other village pub has seen a change of use from commercial to domestic.

3. OWNERS' RESPONSE

- 3.1. No response has been received from the owners although the parish council have indicated that the current owners are supportive of the application.

4. ANALYSIS OF THE STATUTORY TEST

- 4.1. The pub is open and actively operating as a public house. Therefore the relevant test to be considered is as set out in paragraph 1.3 (a) above. This means that there are two key elements which need to be met:
 - The land and buildings have an actual current use that is more than ancillary and furthers the social wellbeing or interests of the local community; and
 - It is realistic that a use (whether the same as the existing use or otherwise) that furthers the social wellbeing or interests of the local community can continue.
- 4.2. Addressing the first part of the test it is clear that the pub is operational and Council can be satisfied that an actual use exists. This satisfies part 1 of the test.
- 4.3. Turning to the second part of the test the Parish Council have identified their intention to ensure that it remains as a village asset. On this basis the second part of the test is also satisfied.

5. COMPENSATION

Private owners of land are able to claim compensation for any loss or expense that they would not have incurred, but for the listing of the land. In most cases where the land is in private ownership, they would be entitled to claim compensation from the Council if the land was listed.

6. RECOMMENDATION

6.1. It is recommended that the statutory test has been met and therefore the Railway Inn at Newnham on Severn should be listed on the Register of Community Assets.

7. ALTERNATIVE OPTIONS

None- The Council has a duty to determine the nomination by reference to the statutory test of Community Value.

Legal implications	It is a requirement under the Localism Act 2011 for the Council to have in place a Register of Assets of Community Value and determine nominations to include land on this Register. Should the nominated land be included on the Register of Community Assets, before the owner is able to make a disposal of the land a statutory procedure will apply. This procedure allows community interest groups to notify the owner that they wish to be treated as a potential bidder for the community asset. Following which there is a 6 month moratorium period to allow the group time to raise funds.
Financial Implications	Private owners of land are able to claim compensation for any loss or expense that they would not have incurred, but for the listing of the land. As this land is in private ownership the right to compensation would apply.

ASSETS OF COMMUNITY VALUE NOMINATION FORM

1. Details of organisation submitting the nomination form:-

Contact Details	
Name of organisation	NEWHAM ON SEVERN PARISH COUNCIL
Contact name	DAVE TINGLE
Address of contact	5 FIR VIEW ROAD, RUSPIDE, CINDERFORD GLOS
Post code	GL14 3AL
Phone number[s]	07469 204604
e-mail address	NOSPC@HOTMAIL.CO.UK

Please indicate which type of eligible organisation you are	
A Neighbourhood Forum	
A Parish Council	✓
An Unincorporated Body [see appendix 1 for names and addresses]	
A Charity	
A Company Limited by Guarantee	
An Industrial & Provident Society	
A Community Interest Company	

2. Details of nominated asset:-

What is your local connection to the nominated asset?
THE NOMINATED ASSET FALLS WITHIN THE PARISH BOUNDARY OF NEWHAM ON SEVERN.

Please provide details of the land and/or building you wish to nominate
RAILWAY INN STATION ROAD NEWHAM GLOS

Please confirm that the nominated asset is outside one of the categories that cannot be assets of community value

YES THE ASSET IS OUTSIDE EXCLUDED CATEGORIES

What is the current or recent non-ancillary use of the land and/or building?

THE PUBLIC HOUSE HAS NOW CEASED TRADING ALTHOUGH THE INDIAN RESTAURANT LEASING THE UPPER FLOOR STILL TRADES.

3. Is the asset of community value?

Why do you believe the asset is of community value?

- What is the 'local community' of the building/property/land as defined by the geographical area? This could be the local ward, city or a wider geographical area.

THE LOCAL COMMUNITY IS THE VILLAGE OF NEWNHAM ON SEVERN AND SURROUNDING AREA.

- What is the current/recent use of the building/property/land?

PUBLIC HOUSE / INDIAN RESTAURANT.

- How well is/was the building/property/land used?

BOTH THE PUBLIC HOUSE & RESTAURANT HAVE BEEN WELL USED.

- What will the impact be if the usage ceases? If usage has ceased already, what has the impact been?

GIVEN THE RECENT CHANGE OF USE TO DOMESTIC AT THE OTHER VILLAGE PUB THE LONG TERM CLOSURE OF THE RAILWAY WILL LEAVE THE VILLAGE WITHOUT A TRADITIONAL PUB.

- Does it/did it meet the social interests of the community as a whole and not the users/customers of a specific service?

YES VARIED SOCIAL INTERESTS ARE MET BY THE FACILITIES OF THE RAILWAY INN.

- How is the building/property/land regarded by the community?

AS BEING OF SIGNIFICANT SOCIAL IMPORTANCE.

4. Future usage

Why do you believe the asset will continue to be of community value?

- What is the proposed future use of the building/property/land and will it meet the social interests of the community as a whole and not the users/customers of a specific service?

IT IS PROPOSED THAT THE PREMISES REMAIN AS A PUBLIC HOUSE & RESTAURANT THIS IS THE VIEW OF THE CURRENT OWNER MR D PRICE WHO SUPPORTS THE COUNCIL'S COMMUNITY ASSET APPLICATION.

Appendix 1

Lists of names and addresses of the Unincorporated Body [as registered on the electoral roll of the local authority]

No.	Name	Address
	N/A	

Appendix 2

Map of the property/property/building

Newnham - Google Maps

Page 1 of 1

Google Maps

Newnham

Location of the Railway in and Khans restaurant at Station Road, Newnham on Severn

