

COMMUNITY RIGHT TO BID

THE RED LION INN, NORTH ROAD, HUNTLEY, GLOUCESTER, GL19 3DU

1. BACKGROUND AND REASONS FOR RECOMMENDATION

- 1.1.** The Localism Act 2011 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.
- 1.3.** The legislation provides two possible constructions of community value:
either:
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| First Test | 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. |
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- or:
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| Second Test | 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. |
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- 1.4.** In this context 'social interests' includes cultural, recreational and sporting interests.
- 1.5.** 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 developed into a pub with a shop and library element.
- 1.6.** 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.

- 1.7. If the Head of Paid Service decides that the community value test has not been met, then the nominated land or buildings will be entered onto the list of unsuccessful community nominations.

2. RED LION NOMINATION

- 2.1. Huntley Parish Council submitted a Nomination ('the Nomination') in relation to the Red Lion Inn, Northy Road, Huntley, Gloucester, GL19 3DU ('the Public House'). The Nomination is attached ('Annex A').
- 2.2. The Nomination is short, brief and sets out how Huntley Parish Council considers the Public House meets the test set out above.
- 2.3. The Nomination is to list the entirety of the property, which includes the building and gardens. A Land Registry Plan and Official Copies have been provided ('Annex B (1)' and 'Annex B (2)'). This shows the property concerned and provides details of the Property Owner.
- 2.4. In terms of the current use of the Public House, the Nomination states that the Red Lion Inn is currently open. It is stated that the Public House serves customers six days each week with hot food available on three to four of those days. It is also states Public House is used as a meeting place for various community groups, which include two skittle teams and the Royal British Legion. The Nomination explains that Public House is the main Community Hub and the use of the gardens which would be missed. The use of the Public House's function room is described as 'versatile' and is welcome to anyone. The Nomination states it is central to the local community and that it is historically significant.
- 2.5. In terms of the proposed future of the Public House, the Nomination states the village has always supported the nominated asset, especially in times when it has closed over the last 12 years. The Nomination goes on to say that they would involve different groups and individuals to reach out and provide various needs. The Nomination suggests the Public House could continue to be an important hub in the current climate.
- 2.6. Independent research confirms the Public House is currently open. Independent research ('Annex C') also shows that the Public House is thought to date back to the 17th century. The Deeds for the pub apparently date back to 1732 and in 1757 the Red Lion is mentioned as a Coaching Inn on the Gloucester to Hereford toll road.' Pictures are also provided to show the Public House over the years with one picture illustrating Morris dancing in May 2022.
- 2.7. It is clear from reviews on TripAdvisor the Public House is a place where people meet, socialise and purchase food and drink. The reviews show the Public House has a play area for the children, allows patrons to watch football, and is described as being a friendly and welcoming pub.

3. OWNERS' RESPONSE

- 3.1.** A letter was drafted to the current owner of the Public House, VSPM Ltd. This letter provided an explanation of the ACV procedure and a copy of the Nomination. We requested any comments or representations. To date there have been no comments or representations. A recent Companies House search shows the company is still active.

4. ANALYSIS OF THE STATUTORY TEST

- 4.1.** The Red Lion Inn is regarded as a community asset by the local community. As the Public House is currently open it is necessary to consider both tests under the legislation. If it is successful on either test then the Public House should be listed. If it doesn't meet the tests then it should be added to the Council's Unsuccessful List.
- 4.2.** The first relevant test to be considered is 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 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.
- 4.3.** An 'actual current use' has to be a use that is currently present at the Public House and not ancillary. The Nomination states the Public House is currently open. The use of the Public House has been established as to providing food and drink to members of the community. It is also stated that various community groups attend the Public House as a meeting point. Events have also taken place at the Public House. I would suggest there is sufficient undisputed evidence to support the conclusion that there is a current actual use of the Public House which furthers the social wellbeing and social interests of the local community. I would also suggest the use is not an ancillary use.
- 4.4.** In relation to the second part of the test, there has been expression of commitment on the part of the Nominator that they will continue to support the Public House. Again it is undisputed the Public House has closed periodically over the last 12 years, but members of the community have sought to continue the community use of the Public House and see it reopened. Giving the stated support and importance of the Public House to the community, I would suggest it is realistic to think that there is a non-ancillary use of the Public House which will continue and will further the social wellbeing and social interests of the local community.
- 4.5.** If in agreement, then there is no reason to consider the second test. Although a relatively short nomination, there is evidence on the web which shows a pub that has been active since the 17th century. The evidence and nomination does not seem to be disputed by the Property Owner. Given the above representations, I would suggest the Public House meets the test.

5. COMPENSATION

- 5.1. 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 Red Lion Inn should be listed on the Council's List.

7. ALTERNATIVE OPTIONS

- 7.1. The Council has a duty to determine the nomination by reference to the statutory test of Community Value. The Council could reject the nomination. The nominated property would then be added to its unsuccessful list.

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.