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## DECISION NOTICE – COMMUNITY RIGHT TO BID

**Reference: 2018/05**

18 February 2019

**Proposed Asset of Community Value – The Star & Garter Public House, The Green, Chelveston-cum-Caldecott, Northants NN9 6AJ**

**Nominated By:** Chelveston-cum-Caldecott Parish Council 8/12/18.

**Deadline for listing decision: 01/02/19**

**Current Owner –** Charles Wells Pub Company

### **Action Taken Prior to Decision**

- Notification to current owner of nomination
- Consultation with Chair of Policy and Resources Committee (Cllr R Lewis) and Ward Members (Cllr H Pentland and P Whiting ) as required under Council's Community Right to Bid Policy
- Consideration of the representation made by Freeths Solicitors on behalf of the owners of the property, Charles Wells Ltd.
- Review of additional evidence of recent community use from nominator
- Review of internet references to use of pub
- Review of Chelveston Neighbourhood Plan (made 2017)
- Research for references on the definition of current and realistic future 'community use' for the purposes of making a decision on the nomination, in Assets of Community Value Guide by Christopher Cant QC.(Version 6)

### **Background**

This nomination is the second for this property. The Star and Garter was initially listed as an Asset of Community Value (ACV) on 9/1/2014. The legislation decrees that an asset should be listed for 5 years unless a relevant disposal is made during this period. After five years, the property must be re-nominated in order to remain an ACV.

This decision relates to the re-nomination which has been considered in the same way as a completely new nomination would be. It should be noted that the interpretation of Asset of Community Value legislation has developed considerably since 2013 through case law, as noted in Christopher Cant's Guide.



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The Star & Garter is the only public house in the village of Chelveston. There is a village hall which serves the village but which is situated further away from the main part of the village. The nearest other public houses are in the settlements of Stanwick, Raunds and Rushden, all over 2km away.

The Chelveston Neighbourhood Plan 2017 notes that *“A pub is often the centre of village life and for many residents this is true of the Star & Garter. It has been serving the community for the last 300 years in a building that dates partly from 1650. Currently it is owned by the Charles Wells Brewery, with Andrea Claydon its tenant since 2008. It is now the only public house in the Village, but it used to have competition from the Chelveston Working Men’s Club and an off-licence. Under its current tenant, the pub has moved to all day opening and has a thriving restaurant business, which is well used by residents and also attracts customers from around the District. The amenity field behind the pub is used to host community and charity events and the Parish Council successfully nominated this site under the Community Right to Bid scheme in 2013 as an Asset of Community Value.”* In addition the Neighbourhood Plan strategy states that *“The continued role of the pub in community life will be supported by allowing for the development of its amenities and facilities to the rear, whilst preserving the pub field as a community events space”*

In the past five years notification was received of the intention to sell a small part of the field associated with the previously agreed Asset of Community Value nomination to allow it to be used in conjunction with a neighbouring property. This was duly advertised but no expression of interest in the potential purchase was received by a relevant community group and this part of the field was subsequently sold in line with the provisions of the Localism Act 2011.

In the same period there has been no notification of any intention to sell the public house building or any of the remainder of the associated field which are the subject of the new nomination.

### **Considerations**

- *Does the proposed asset meet the definition of an asset of community value specified in Section 88 (1) paragraphs (a) and (b) of the Localism Act 2011 i.e. the main (i.e. non-ancillary) use furthers the social wellbeing or social interests of the local community, or has recently done so, and is likely to do so in the future (during the next five years)?*

#### ***Furtherance of social well being or social interest of the community***

Charles Wells’ website describes the Star and Garter as a “traditional village pub, set in a lovely country setting. With gardens at the rear, and a seating area at the front to watch the world go by”. Other internet reviews indicate the presence of a pool table and darts.



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The nomination form notes that as the only public house in the village, it serves as the main social meeting place. Further information subsequently provided by the nominees indicates that the Star and Garter also holds regular activities including:

- Quiz night on Tuesdays. (This use is supported by an Internet review from July 18)
- Alternating disco and karaoke on Saturdays (monthly). (This use is supported by a July 18 internet review which notes that karaoke is held once a month and attracts a good turn out)
- Carol singing in Pub on Mon 3rd/10th /17th Dec 2018.

The above activities are also evidenced by pub's entry in the online Official Pub Guide

It cannot be assumed that all those participating in these activities will be local residents. However, the Neighbourhood Plan comments that the public house is well used by local residents. In addition it also notes that "The pub has also become the usual meeting point for allotment holders. All meetings of the Allotment Association are held in the pub and the annual signing of leases is also held there." (The allotments are next to the pub field).

I am therefore satisfied that the Public House itself meets the criteria for having furthered the social wellbeing or social interests of the local community.

The nomination also includes the field immediately adjacent to the public house building. It is clear from the Neighbourhood Plan that this field has been the site of all the major Village events over the last 40 years and this is endorsed by the nomination, which cites two such uses in the past 2 years: the 305th BG memorial re-dedication in 2017 and for a Vintage Show (tractors, steam engines, cars, etc) in 2018. The Neighbourhood Plan also notes that there is no other such venue in the Parish. By providing a physical focus for large scale outdoor village activity it is reasonable to assume that the field does also further the social wellbeing or social interests of the local community.

However it has to be considered whether this occasional community use is ancillary to use by the public house. In this case the only evidence has been provided as to any alternative function for the field is as an overflow car-park to the pub. Any village events held on the field must, it is reasonable to assume, have done so with the consent of the public house management. However the nature of the most recent events, whilst undoubtedly increasing patronage of the pub, would appear to be separate, non ancillary, additional use of the field.



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### ***Realistic future use***

The solicitors for the owner have noted that the purpose of the Asset of Community Value regime was considered to be, at the time of the passing of the Localism Act, to provide '*an achievable time frame for community interest groups to organise themselves and to raise finance*' should they wish to bid for land of community value when the owner wishes to enter into a relevant disposal.

On the basis of the fact that there is neither reference to community use in the minutes nor any reference to any potential bid, they contend that the nomination by the Parish Council is an abuse of process and therefore should be refused. I have noted in relation to this comment that best practice guidance for drafting of minutes is that they should not be verbatim records of discussions held but should clearly record decisions made, in this case to re-nominate the property. It should also be noted that as no notification of intention to sell the public house has been received during the last five years, including since the nomination was received, there has been no opportunity to test the willingness of the Parish Council, or any other possible eligible Community Group to purchase the property.

In addition the Chelveston Neighbourhood Plan ( 2017) lists as one of its objectives that the village should have a thriving pub (page 7) and in its strategy states that "Assets of Community Value which have been nominated and successfully listed will be protected by policy to offer further protection to the limited amenities in the Parish. In addition, six sites have been designated as Local Heritage Assets." As a result I do not believe that it is unreasonable to consider that, if ever became necessary, the Parish Council could take the lead in finding ways to retain community use of the building.

More importantly in terms of the Localism Act as implemented, no evidence has been provided to indicate that the public house will not continue to function in a way that furthers the social wellbeing or social interests of the local community in the future as it currently does, either under the current owners or alternative owners. In any case there are limited options for reuse within the existing planning use class since the permitted development rights were restricted in 2017 or for further development which would not contradict the intentions of the Chelveston Neighbourhood Plan.

- *Does the proposed asset meet any of the criteria for exemption specified in Section 88 (3) and associated regulations?*

There is no evidence that the land meets any of the exemption criteria



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- *The views of the Chair of Policy and Resources Committee and Ward Members:*
  - The Chair of Policy and Resources noted his support for the listing of the pub and field but was concerned that, as with similar types of public house, this is a fairly substantial property and the ability of any groups to raise funds will be the problem should it be offered for sale.
  - Cllr P Whiting, one of the two Ward Members has stated her support for the Star and Garter Public House and the adjacent field to be listed as an asset of community value ,

#### **Decision**

**Having considered all the factors above, it is my view that the nominated asset falls within the category of an asset of community value as defined by the Localism Act and associated regulations and that it should be listed as such by this council.**

A handwritten signature in black ink that reads 'S Matthews' with a horizontal line underneath.

**Sharn Matthews**  
**Executive Director**  
**17/2/18**