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DECISION NOTICE – COMMUNITY RIGHT TO BID

Reference: 2019/001

27 February 2019

Proposed Asset of Community Value – The Prince of Wales Public House, 33 High Street, Woodford, Northants NN14 4HE
Nominated By: Woodford Parish Council
Deadline for listing decision: 11/3/19
Current Owner – Mr S Leahy
Action Taken Prior to Decision <ul style="list-style-type: none">• Notification to current owner of nomination and consideration of response• Consultation with Chair of Policy and Resources Committee (Cllr R Lewis) and Ward Member (Cllr D Hughes) as required under Council’s Community Right to Bid Policy• Review of Viability Assessment provided by owner in support of planning application (18/02284/FUL)• Review of Woodford Community and sports Club website• 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 <p>This nomination is the second for this property. The Prince of Wales public house at Woodford was initially listed as an Asset of Community Value (ACV) on 14/2/2014. 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. The previous listing expired on 13/2/19</p> <p>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.</p> <p>The Prince of Wales was, when it was last open, one of two public houses in the village of Woodford. (The other is the Dukes Arms which situated on the village green, a short walk away.) There is also the Woodford Community and Sports Club, formerly a working man’s club, now a thriving community venue run by the local community according to its website.</p>

The previous nomination notes that The Prince of Wales was used as a public house from the mid/late 1800s until late December 2012/ early 2013 when it reported to have closed at short notice.

Roughly a month after the Prince of Wales was listed as an Asset of Community Value in 2014 ENC were notified of the intention to sell by the current owner. No expressions of interest were received from any relevant community group and the owner was therefore free to sell within the remainder of the 18 months from the date of sale. It appears that no relevant sale under the regulations subsequently took place.

There is a current application for part demolition and change of use of the pub building with erection of a further dwelling on the car park.

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)?

Recent Community Use

As has been noted above The Prince of Wales has been closed for some five years, a very small proportion of its existence as a public house. In its previous nomination the Parish Council noted that when open the premises had been used by a local "Mums and Tots" group and as a meeting place for a number of other village organisations as well as being a local pub.

On this basis, I consider that its last use as a public house falls within the recent past of the building and community and when it was open it furthered the social wellbeing and social interests of the local community.

Realistic Future use

However having been close for some five years those activities which currently have either ceased to be held in the village or have relocated. It can be seen from the Community and Sports Club Centre that some groups such as the WI meet there although a match with the activities previously held at The Prince of Wales could not be made.

Both the nomination and the viability report note that some of the fixtures and fittings relating to its use as public house appear to have been removed from the property and significant investment, on top of the purchase price, would be required for the building to reopen as a public house. It is also noted that there was no kitchen for the production of food for sale which is often key to

commercial viability for public houses.

That is not to say that a realistic future use as a public house or other type of community centre which furthers the social well-being or interests would not be possible under community ownership and potentially management. However it appears unrealistic to consider that such community interest would be forthcoming for two reasons. Firstly as a village of approx. 1500 the community already supports the Community and Sports Club which would seem to offer similar but more spacious facilities. Secondly, contrary to the view expressed in the nomination, the opportunity for the community to express an interest in the purchase of the property was provided in 2014 and no such expressions were received.

As a result I have concluded that the property is unlikely to further the social wellbeing or interests of the community during the next five years.

- 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 property meets any of the exemption criteria

- The views of the Chair of Policy and Resources Committee and the Ward Members:

The Chair of the Policy and Resources Committee was supportive of listing agreed that the property should be listed as an Asset of Community Value.

Decision

Having considered all the factors above, it is my view that the nominated asset does not fall within the category of an asset of community value as defined by the Localism Act and associated regulations as is unlikely to further the social wellbeing or interests of the community during the next five years and that it should not be listed as such by this council.



Sharn Matthews, Executive Director, 27/02/19