



East
Northamptonshire
Council

Cedar Drive Thrapston Northamptonshire NN14 4LZ
Telephone 01832 742000
Email corpsupport@east-northamptonshire.gov.uk
www.east-northamptonshire.gov.uk

REMOVAL NOTICE – COMMUNITY RIGHT TO BID

Reference: 2018.005

24 April 2020

Listed Asset of Community Value – The Star & Garter, The Green, Chelveston
Nominated By: - Chelveston-cum-Caldecott Parish Council
Date of Listing as an ACV: 15 January 2020
Date of Removal/Review: 24 th May 2019
Current Owner – Charles Wells Pub Company
Reason for removal: <ul style="list-style-type: none">• An appeal against the listing has been successful
Considerations/further details <p>Grounds for Appeal</p> <ol style="list-style-type: none">1. The nomination appears to be an abuse of the ACV listing regime2. The nominator has failed to provide sufficient reason to believe that the Property satisfies the community value criteria3. The broad scope of the nomination <p>Findings:</p> <p>In relation to point 1 above, the legislation concerning ACVs does not provide any limits on the number of nominations that can be received in relation to a piece of land, nor any restrictions to stop a property being nominated again close to the end of the five-year listing period.</p> <p>The legislation also provides the ability for the owner to claim compensation should the value of the property diminish as a result of the ACV listing. I also note that you comment that the nominator clearly has no intention of bidding for the property. I must stress that it is not a requirement that the Parish Council intends to make an offer, or has made one (as confirmed the case of <i>Lounge India Restaurant/Jilu Ahmed –v- Central Bedfordshire Council and Sarah Craven on behalf of the Wrestlers Group CR/2016/0020</i> and the case of <i>Admiral Taverns Limited –v- Cheshire West and Chester Farndon Parish Council CR/2016/0022</i>) and therefore this argument has not been upheld as part of the review.</p> <p>In relation to point 2, that the original nomination was entirely unsupported by evidence and the “sole evidence was provided in additional submissions following the Council’s procedurally unfair and prejudicial prompting”. I would firstly respond to</p>

advise that the actions taken by the Council to seek further evidence from the applicant are not, in my opinion, procedurally unfair. In the case of *Admiral Taverns Limited –v- Cheshire West and Chester Farndon Parish Council CR/2016/0022* reference is made to the Council seeking further information from the nominating Parish Council. The Judge held that the fact that the initial nomination form contained little information was “unsurprising considering that this Parish Council is a small public body with minimal resources consisting of volunteers who are trying to represent the interests of their community..... However that form is merely the start of the nomination process by which a Council determines whether the criteria for listing as an ACV are met.”

The review has considered the application and additional information provided by the Parish Council. I have formed the view that the application made by the Parish Council does not provide sufficient information to show the land satisfied the community value criteria set out in the Localism Act, given that there is a lack of evidence to show the community attendance at any of the events identified and the lack of further information on the community value it provides.

In relation to point 3, it is for the nominator to provide the details of their nomination and evidence to support compliance with the requirements of the Localism Act. I have deemed that insufficient evidence has been provided as part of the nomination from the Parish Council on this occasion.

Decision

I have formed the view that the application made by the Parish Council does not provide sufficient information to show the land satisfied the community value criteria set out in the Localism Act, given that there is a lack of evidence to show the community attendance at any of the events identified or to provide further information on the community value it provides.

As a result of the reason(s) and considerations detailed above, this asset, listed under the Localism Act 2011 (Community Right to Bid) Legislation, is now removed from the register of Assets of Community Value in East Northamptonshire.

**David Oliver
Chief Executive**

07/06/2020