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Council

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## DECISION NOTICE – COMMUNITY RIGHT TO BID

**Reference: 2013/002**

20 November 2014

**Proposed Asset of Community Value – The Old Nag’s Head, Church Street, Hargrave**

**Nominated By:** Hargrave Parish Council – received 9 July 2013

**Deadline for listing decision:** 2 September 2013

**Current Owner** – Mr Whitelaw, The Old Nag’s Head, Church Street, Hargrave NN9 6BW

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

- Notification to current owner of nomination
- Consultation with Chair of Policy and Resources Committee (Cllr R Lewis) and Ward Member (Cllr E Lucille) as required under Council’s Community Right to Bid Policy
- Discussion with Planning Case Officer regarding the application received by the owner for change of use from public house to residential dwelling
- Legal advice on implications of making decisions on the two applications
- Legal advice on the definition of ‘recent past’ for the purposes of making a decision on the 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)?

The building has not been open as a pub since at least 2005. However correspondence received as part of the consultation on the planning application suggests that the reopening of the pub would be welcomed by the local community. A village consortium has in the past tried to purchase the pub from the current owner to allow it to reopen but this was rejected.

The Government's Policy Statement on Assets of Community Value does not place a timeframe on 'recent past' but legal advice has suggested looking at each nomination on a case by case basis, taking into account the previous use of the building and other facilities available to the local community. In the light of this, it would seem reasonable to look at the last time the building was open to the public and whether its use then furthered the social wellbeing or social interests of the local community.

- 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 pub meets any of the exemption criteria

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

The Ward Member, Cllr Lucille, noted the high level of the community interest in securing use of the building as a pub once more and was in favour of listing if possible. The Chair of Policy and Resources noted that the pub had not been open for a number of years and expressed his concerns as to whether it was viable as a public house. However he felt that this should be tested and was therefore agreeable to the asset being listed.

## 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.**



**Sharn Matthews**

**Executive Director**

**02/09/13**

