



THE EXECUTIVE - INDIVIDUAL EXECUTIVE DECISIONS

Date: Tuesday, 2 April 2024

PART 1

1. Community Right to Bid - Nomination of a Community Asset (The Lantern Pike Inn, Glossop Rd, Little Hayfield, Hayfield, High Peak, Derbyshire, SK22 2NG) **(Pages 3 - 18)**

**MARK TRILLO
EXECUTIVE DIRECTOR & MONITORING OFFICER**

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HIGH PEAK BOROUGH COUNCIL

The Executive - Individual Executive Decisions

2 April 2024

TITLE:	Community Right to Bid – Nomination of a Community Asset (The Lantern Pike Inn, Glossop Rd, Little Hayfield, Hayfield, High Peak, Derbyshire, SK22 2NG)
EXECUTIVE COUNCILLOR:	Councillor A McKeown - Council Leader HPBC
CONTACT OFFICER:	Kim Gilmore - Community Project Officer
WARDS INVOLVED:	Hayfield;

Appendices Attached:

Appendix 1 - Assets of Community Value Assessment Form

Appendix 2 –Location Plan

1. Reason for the Report

- 1.1 The Council has received a nomination for the Lantern Pike Inn, Glossop Road, Hayfield, High Peak, Derbyshire, SK22 2NG to be registered as an asset of community value and in accordance with the Council's policy must decide whether to approve or refuse the nomination

2. Recommendation

- 2.1 That the nomination for The Lantern Pike Inn, Glossop Rd, Hayfield, High Peak, Derbyshire, SK22 2NG be approved for the reasons as set out in the report.

3. Executive Summary

- 3.1 A nomination has been made by Little Hayfield Advisory Group, under the Localism Act 2011 (provisions relating to the Community Right to Bid), for the Lantern Pike Inn on Glossop Rd, Little Hayfield, High Peak to be listed as an asset of community value.
- 3.2 In line with the Council's policy, the application has been assessed using the

agreed criteria (Appendix 1).

- 3.3 As the criteria for the listing have been met, the nomination for the listing as an Asset for Community Value is recommended for approval.

4. How this report links to Corporate Priorities

- 4.1 The community rights measures in the Localism Act 2011 have the potential to support the delivery of the Council's corporate aims and priorities

5. Alternative Options

- 5.1 That the application is approved (recommended)
- 5.2 That the application is not approved (not recommended)

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)
None

6.2 Workforce
None

6.3 Equality and Diversity/Equality Impact Assessment
None

6.4 Financial Considerations
None

6.5 Legal
The Council is required under the Localism Act 2011 to consider nominations from eligible organisations to register land/property as an asset of community value. The Council has a Community Right to Bid Policy (approved in June 2018) which sets out the process the Council will follow

6.6 Climate Change
None

6.7 Consultation
Ward Councillors have been informed of the application and are in support of the nomination

The Parish Council have been informed of the application and are in support of the nomination

6.8 Risk Assessment

Owners of properties registered with the Council, as an asset of community value, can appeal against the decision of the Council to list their property and, if successful, recover their costs.

ANDREW P STOKES
Chief Executive

**Web Links and
Background Papers**
None

Contact details

Kim Gilmore
Community Project Officer
kim.gilmore@highpeak.gov.uk

7. Background and Introduction

7.1 The Community Right to Bid provides a mechanism for parish councils and voluntary bodies to request that buildings and/or land in their community are registered with the Council as an 'Asset of Community Value'. The owner of any land or buildings registered as an Asset of Community Value are then required to inform the Council of their intention to dispose of these assets. Should eligible organisations express an interest in acquiring the land or buildings, a moratorium on the sale is triggered during which time community groups or parish councils can seek to raise funds to make a bid to purchase the asset. Once listed, land or buildings remain on the register of assets of community value for 5 years from the date of entry unless they are appropriately disposed of.

7.2 The moratorium period operates to prevent certain proposed disposals of buildings or land being made until specified conditions are met:

Notification - The owner must firstly notify the local authority that it wishes to enter into a relevant disposal.

Interim moratorium period - The community interest group then has six weeks to notify the local authority that it wishes to be treated as a potential bidder (express an interest). If no such request is made, then, the owner can proceed with disposal of the land and no further moratorium period will apply for a protected period lasting 18 months.

Full moratorium period - If the community interest group requests to be treated as a potential bidder, within the 6 week interim moratorium period, then the moratorium on disposal runs for 6 months. As before, no further moratorium period will apply for a protected period lasting 18 months.

7.3 The right does not restrict, in any way, decisions by the owner of a listed asset over whom they can sell their property to, or at what price, and they do not confer with parish councils or voluntary bodies a right to buy. It is important to note that:

- The right granted on registration is NOT a right-to-buy. It does not create a right of first refusal, any preferential pricing or a right-to-buy of any kind.
- The price for land remains at its open market value even if a moratorium is triggered.
- The owner may continue to market the property and negotiate potential sales during the moratorium period.

- The prohibition during the moratorium period is only on entering into a binding contract to dispose of the land (unless the disposal is to a community interest group)
- Registration does not compel the owner to enter into any negotiations with a community interest group or to engage with them in any other way.
- At the end of the moratorium period, the owner can sell to anyone it chooses at whatever price it is able to obtain.

7.4 In 2015 the Government provided additional protection for properties, registered as an asset of community value, by removing permitted rights such that planning permission is required if an owner wishes to demolish or change the use of a registered property.

8. The Application

8.1 The Council received a nomination on 10th December 2023 from the Little Hayfield Advisory Group requesting that The Lantern Pike, Glossop Rd, Little Hayfield, Hayfield, High Peak SK22 2NG; should be listed as an Asset of Community Value under the community right to bid measure of the Localism Act 2011 (Part 5 Chapter 3: Assets of Community Value).

8.2 The land is identified on the attached map (appendix 2). At the time of the nomination the asset has undergone new management and is currently in use

8.3 Officers have assessed the nomination (appendix 1) and confirmed that:

1. Little Hayfield Advisory Group are eligible, as an appropriate body, to nominate.
2. The land and buildings are not exempt from listing
3. The building has been used in the recent past by the local community to further the social wellbeing and social interests of the local community, as defined in the Localism Act 2011, and this use is not ancillary.

8.4 Accordingly, the application has been assessed and, as the criteria for the listing have been met, it is recommended that the nomination for the listing as an Asset for Community Value be **approved**.

8.5 In arriving at the conclusion, it is recognised that:

- a) For a considerable number of years, The Lantern Pike Inn has been a focal meeting point within the Little Hayfield Community. The building has been used regularly by local community groups, associations, sports

clubs and residents for a range of community activities and sporting events.

- b) A previous application to nominate the property was accepted in 2018 and was registered as an Asset of Community Value by High Peak Borough Council for a 5 year period ending in November 2023
- c) The Little Hayfield Advisory Group suggest that there is a continued, and growing, community interest in seeing The Lantern Pike Inn continued use as a public house and as an enhanced, key, community facility.

HIGH PEAK BOROUGH COUNCIL

<h3 style="margin: 0;">ASSETS OF COMMUNITY VALUE ASSESSMENT FORM</h3>

Application reference number	Received date	Has all the relevant detail been provided by the applicant?	Listing recommended?
DS/L-PIKE	10/12/2023	Yes	Yes

Details	
Nominating organisation	Little Hayfield Advisory Group (LHAG)
Nominated Land/buildings Brief description and location of land/buildings nominated	<p style="text-align: center;">The Lantern Pike Inn 45 Glossop Rd, Little Hayfield, High Peak, Derbyshire, SK22 2NG</p> <p>The Lantern Pike Inn is a public house located in Hayfield, High Peak, Derbyshire The property serves as a public house, bed & breakfast and is also tenanted.</p>
Is the applicant authorised to act? (Evidence)	Yes – Minutes received from LHAG meeting

Organisational eligibility assessment	
Type of Organisation Eligible organisations are: <ul style="list-style-type: none"> • Neighbourhood Forums (section 61F of the Town & Country Planning Act 1990 – added by the Localism Act 2011) • Parish Councils in respect of land in the parish council's area • Unincorporated bodies (that has at least 21 individual members of 21 who are on the local electoral register) • A Charity • Company Limited by Guarantee (where profits are not distributed to members) • Industrial or Provident Society • Community Interest Company 	X
Eligible: YES	
Local Connection (Description/evidence)	

LHAG are an un-constituted group made up of local residents who meet regularly to discuss issues local to Hayfield and Little Hayfield and who have a good connection with the wider and local community and the Parish Council.	
Eligible: YES	
Is the organisation eligible to nominate?	Eligible: YES

Exemption	
Is the land or building exempt from listing? (Description/evidence)	The Lantern Pike is a public house and not included in the exemptions from listing Exempt: NO

Community Value Assessment	
Is there an actual current use of the building or land?	YES
Does the current use of the building or land, or its use in the recent past, further the social well-being or social interests of the local community? The Localism Act 2011 'social interest' includes (in particular) each of the following: cultural interests, recreational interests, sporting interests.	<p style="text-align: center;">YES</p> <p>The property has been used for various social meetings and community events in the recent past. These include quiz and music evenings, themed party events during seasonal periods such as Halloween and Xmas, Fell Running events, Well-Dressing and meetings of the LHAG and LH Speed Monitoring group. Local residents also use the venue for family gatherings and funerals.</p> <p>The property has historic and visitor interest due to its location and interesting history spanning back centuries – it has hosted various groups from ghost hunting teams to walking groups.</p> <p>The property also hosts two electric charging ports in the car-park and a defibrillator.</p>
The use above is the main one and not ancillary?	YES
Is it realistic to think that the building or land will continue to be used, or could be used, in a way which will further the social well-being and social interests of the community within the next 5 years?	The property has recently been taken on by new management that will continue to run the property as a public house – this will also allow the local community to use the premises for a wide variety of community events
Should the land /buildings be listed?	YES:

(Summary)	<ul style="list-style-type: none"> • A previous application to nominate the property was accepted in 2018 and was registered on the ACV list for HPBC for 5 years to November 2023 • The nominator has provided sufficient evidence of the properties usage and how this has benefitted the local community in the recent past • The building is not exempt from being nominated • The nominating organisation are eligible to nominate and have provided evidence of agreement to submit an application by the Lead Coordinator/named person in Section 7 of the application
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Assessment undertaken by:	Signed	Date
Kim Gilmore	K Gilmore	12/12/2023

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The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number DY172687

Edition date 10.12.2018

- This official copy shows the entries on the register of title on 01 NOV 2023 at 11:37:46.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 01 Nov 2023.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Nottingham Office.

A: Property Register

This register describes the land and estate comprised in the title. Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

DERBYSHIRE : HIGH PEAK

- 1 (11.07.1988) The Leasehold land shown edged with red on the plan of the above Title filed at the Registry and being Lantern Pike, 45 Glossop Road, Little Hayfield, High Peak (SK22 2NG).
- 2 (11.07.1988) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:
 Date : 29 September 1833
 Term : 999 years from 29 September 1833
 Rent : £1.18s.2d
 Parties : (1) John Slack and Thomas Slack
 (2) Joseph Bowden
- 3 A Deed of Assignment of 1 Clough Lane dated 18 November 1976 made between (1) Wilson's Brewery Limited (2) Mecca Limited (3) Chef & Brewer Limited and (4) Melvyn Stuart Cranmer contains the following provision:-

"IT IS HEREBY AGREED AND DECLARED as follows:-

(a) The walls and fences separating the property hereby assigned from the adjoining property known as the "Lantern Pike" Glossop Road and all eaves gutters sewers drains and downspouts used in common) are and shall be party walls fences and structures shall be maintained and repaired by the respective adjoining owners in equal shares and proportions

(b) As between the property hereby assigned on the one hand and the said adjoining properties belonging to and retained by the Vendor on the other hand all rights and privileges of support way water and drainage and all other easements and quasi or apparent easements and rights and privileges as the same were heretofore used exercised or enjoyed by the one property or the owner or occupier thereof over the other property whilst in one ownership shall (except as hereinafter mentioned) continue to be maintained exercised or used and enjoyed in the like manner and to the like extent hereafter and all necessary

A: Property Register continued

easements cross easements and rights in that behalf shall (without prejudice to the operation of Section 62 of the Law of Property Act 1925) be deemed to be granted or reserved by or out of this assignment as the case may require"

- 4 Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.
- 5 (14.06.2006) A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title good leasehold

- 1 (21.10.2003) PROPRIETOR: EI GROUP PLC (Co. Regn. No. 2562808) of 3 Monkspath Hall Road, Shirley, Solihull B90 4SJ.
- 2 (21.10.2003) The price stated to have been paid on 24 September 2003 for the land in this title and in title DY189467 was £300,249.
- 3 (10.12.2018) RESTRICTION: No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (14.06.2006) The land is subject to the lease set out in the schedule of leases hereto.

Schedule of notices of leases

	Registration date and plan ref.	Property description	Date of lease and term	Lessee's title
1	19.12.2016	Lantern Pike, 45 Glossop Road	13.03.2014 Beginning on and including 1.11.2013 ending on and including 31.10.2023	DY508942

NOTE: The lease comprises also other land.

End of register

These are the notes referred to on the following official copy

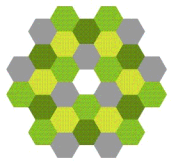
The electronic official copy of the title plan follows this message.

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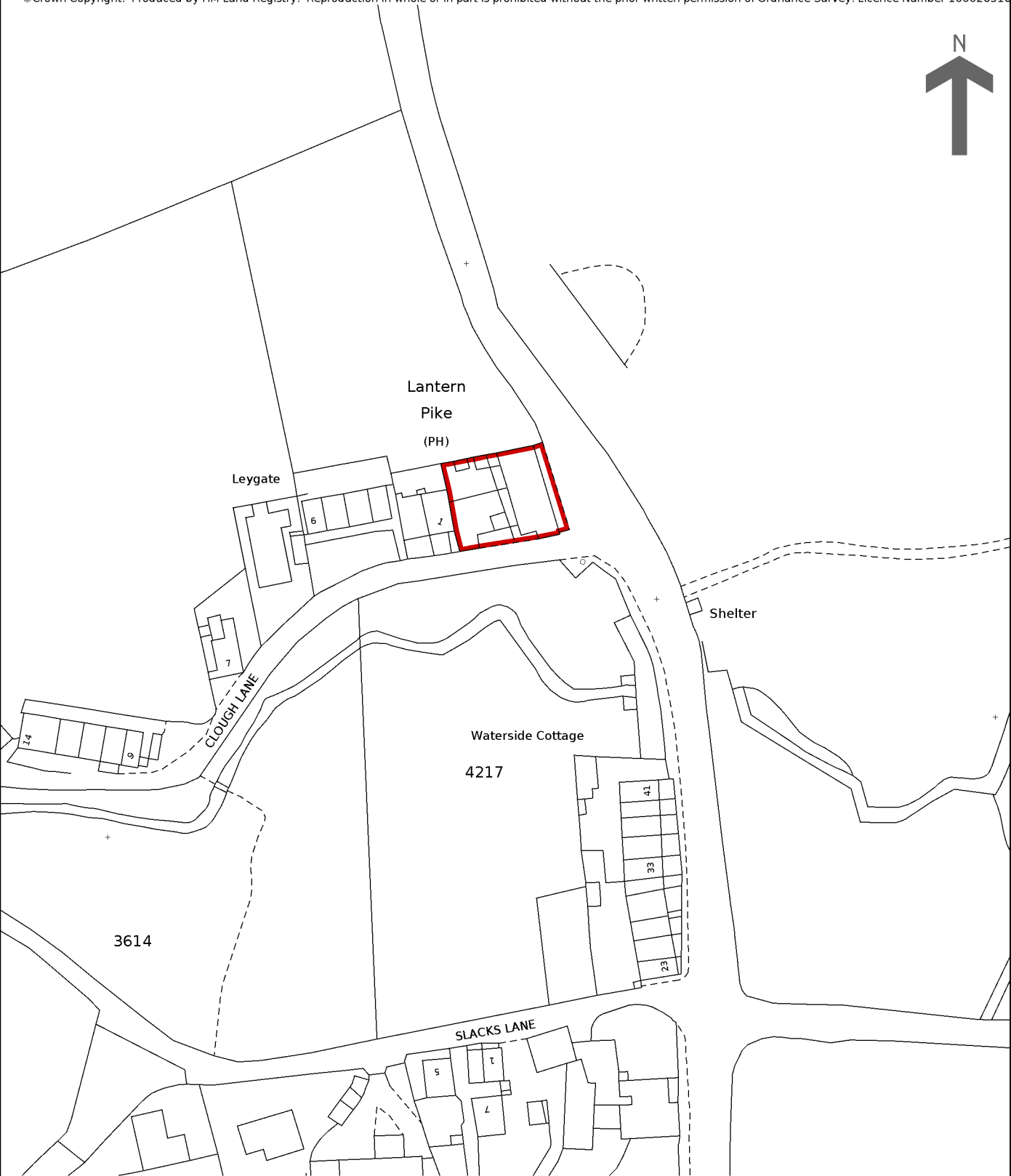
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