

HIGH PEAK BOROUGH COUNCIL

Individual Executive Decision for comment by 27 May (please send any comments to democratic.services@highpeak.gov.uk)

30 May 2022

TITLE:	Royal Oak: Asset of Community Value
EXECUTIVE COUNCILLOR:	Councillor Anthony McKeown - Council Leader HPBC
CONTACT OFFICER:	David Smith - Head of Communities and Climate Change
WARDS INVOLVED:	Old Glossop

Appendices Attached – Appendix 1 - Assets of Community Value Assessment Form, Appendix 2 – The Royal Oak – Location Plan

1. Reason for the Report

- 1.1 The Borough Council has received a nomination for The Royal Oak Inn, 275 Sheffield Road, Glossop, Derbyshire, SK13 5QY 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 To approve the listing of The Royal Oak Inn, 275 Sheffield Road, Glossop, Derbyshire, SK13 5QY) as an asset of community value.

3. Executive Summary

- 3.1 The Royal Oak Asset of Community Value Campaign has made a nomination under the Localism Act 2011 (provisions relating to the community right to bid) for The Royal Oak Inn, 275 Sheffield Road, Glossop, Derbyshire, SK13 5QY to be listed by the Council as an asset of community value.
- 3.2 Officers, following the Council's policy, have assessed the application using the agreed criteria (**Appendix 1: Assets of Community Value Assessment Form**).

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. **Options and Analysis**

5.1 That the nomination is approved (recommended).

5.2 That the nomination is not approved (not recommended).

6. **Implications**

6.1 Community Safety - (Crime and Disorder Act 1998)

No implications.

6.2 Workforce

No implications.

6.3 Equality and Diversity/Equality Impact Assessment

No implications.

6.4 Financial Considerations

No implications.

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 December 2012) which sets out the process the Council will follow.

6.6 Sustainability

No implications.

6.7 Internal and External Consultation

Ward Councillors have been informed about the nomination. No matters have been raised.

6.8 Risk Assessment

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

Neil Rodgers
Executive Director (Place)

Web Links and Background Papers

Contact details

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7. **Detail**

- 7.1 The Community Right to Bid provides a mechanism for parish councils and voluntary / community bodies to request that buildings and/or land in their community is registered with the Council as an 'Asset of Community Value'
- 7.2 The Council received a nomination on 11 November 2021 from The Royal Oak asset of community value group requesting that The Royal Oak Inn, 275 Sheffield Road, Glossop, Derbyshire, SK13 5QY 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).
- 7.3 The land is identified on the attached map (**Appendix 2**). At the time of nomination the pub was in use as a public house and restaurant.
- 7.4 Officers have assessed the nomination (**Appendix 1**) and confirmed that:
1. The Royal Oak asset of community value campaign is eligible to make the nomination.
 2. The land and buildings are not exempt from listing.
 3. The land has been used in the recent past to further the social well-being and social interests of the local community (as defined by the Localism Act 2011) and this use is not ancillary.
 4. There is evidence that The Royal Oak has been in continuous and current use as a Public House and hence has existed as a community asset.
 5. The Royal Oak asset of community value campaign have made their application as direct response to the current property owners applying to demolish the Royal Oak Inn (HPBC Planning Application HPK/2021/0301).
- 7.5 Both the owner and the tenant have both been written to and invited to give their comments to the application. At present no comments have been received.

7.6 Accordingly, the Council's officers have assessed that the criteria for listing have been met and recommend that the Royal Oak Inn, Sheffield Road, Glossop, is listed as an Asset of Community Value.

8. What does the listing mean.

8.1 As the nomination is recommend for listing, the council will list the asset on the register of Assets of Community Value for five years, which gives the community the right to bid for the asset, in the event of the current owners selling.

8.2 The owner of any listed asset of community value registered with the Council will be required to inform the Council of their intention to dispose of the assets.

8.3 If the Council receives notification of a sale the group which nominated the asset of community value will then be notified and will have six weeks (an interim moratorium) to inform the council that they intend to make a bid to buy the property. (If they do not wish to bid, the current owner can resume their disposing of the asset).

8.4 If an eligible organisations express an interest in acquiring the asset once notified a full moratorium (for six months) 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.

8.5 While the owner cannot sell the property within six months, listing a community asset does not:

- Guarantee that the local group can buy it or force the owner to sell it to them
- Give local community groups and organisations a first right of refusal
- Place any express restrictions on the owner's use of the land or those to whom it is ultimately sold
- Imply that public funding will be provided to purchase the asset

instead the Community Right to Bid allows six months' time for the community to consider any action.

8.6 In 2015 the Government provided additional protection for property registered as an Asset of Community Value by removing permitted development rights such that planning permission is required if an owner wishes to demolish or change the use of a registered property.

8.7 Once an asset is listed an owner can lodge a request for a review of the initial decision to list the asset

8.8 In such cases, the landowner must write to the Council within 8 weeks of receipt of the Council's notification that the asset is to be listed.