

HIGH PEAK BOROUGH COUNCIL

Individual Executive Decision

16 November 2023

TITLE:	Community Right to Bid – Nomination of a Community Asset (The Royal Hotel, Market Street, Hayfield, High Peak SK22 2EP)
EXECUTIVE COUNCILLOR:	Councillor Anthony 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 Borough Council has received a nomination for the The Royal Hotel, Market Street, Hayfield, High Peak, Derbyshire, SK22 2EP 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 Royal Hotel, Market Street, Hayfield, High Peak, SK22 2EP be approved for the reasons as set out in the report.

3. Executive Summary

- 3.1 A nomination has been made by Hayfield Parish Council, under the Localism Act 2011 (provisions relating to the Community Right to Bid), for The Royal Hotel on Market Street to be listed as an asset of community value.
- 3.2 Officers, following the Council's policy, have assessed the application using

the agreed criteria (Appendix 1).

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 be rejected (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 June 2018) which sets out the process the Council will follow.

6.6 Climate Change

No Implications

6.7 Consultation

Ward Councillors have been informed of the nomination and are in support of the nomination.

The Parish Council are the nominators and are therefore aware of and support the application.

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.

7. **Detail**

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/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/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 remains on the register of assets of community value for 5 years from the date of entry unless it is appropriately disposed of.

7.2 The moratorium period operates to prevent certain proposed disposals of buildings/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 too, 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 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 development 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 21 September 2023 from Hayfield Parish Council requesting that The Royal Hotel, Market Street, Hayfield, 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 is not currently in use and has been closed since March 2023.

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

1. Hayfield Parish Council 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.
4. The application suggests that the Parish Council anticipates that the local, currently informal, community group, would look to set up as a legal entity that would seek to purchase and ultimately manage the venue should the property be put on the market.

8.4 Accordingly, the Council's officers have assessed that the criteria for the listing has been met and recommend that the nomination for the listing as an Asset for Community Value be **approved**.

8.5 The assessment is based on the following:

- a) Prior to March 2023, when The Royal was closed to the public, the building was used regularly by local community groups, associations, sports clubs and residents.
- b) The Parish Council suggest that there is growing community interest in seeing The Royal reopened as a pub and as an enhanced, key, community facility.
- c) The Parish Council anticipates that the informal community group will look to become a legal entity, to allow them to purchase the building/land, should it be put on the market.

Neil Rodgers
Executive Director (Place)

**Web Links and
Background Papers**

None

Contact details

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