

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.