**Notice under Section 91 of the Localism Act 2011**

**27th June 2017**

**Entry of Waldegrave Arms Public House,Church Lane, East Harptree BS40 6BD , into Bath & North East Somerset Council’s list of Assets of Community Value**

1. **Background**

On 2nd May 2017 Bath & North East Somerset Council (‘the Council’) received a nomination under Section 89 of the Localism Act 2011 (‘the Act’) to list **Waldegrave Arms Public House,Church Lane, East Harptree BS40 6BD** as an Asset of Community Value. The nomination was made by East Harptree Parish Council. A map setting out the boundaries of the asset nominated to be listed (‘The Asset’) is provided *as* an Appendix to this notice.

Under Section 87 of the Act the Council must maintain a list of Assets of Community Value.

Section 88 of the Act states that

(1) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority’s area is land of community value if in the opinion of the authority—

(a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and

(b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

(2) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority’s area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority—

(a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and

(b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

Under Section 89 of the Act, the Council can only enter assets into the list of Assets of Community Value in response to community nomination.

1. **Decision-Making Process**

The Council’s Cabinet on October 10th 2012 resolved to agree that:

* 1. Decision-making in response to nominations for entry into the List of Assets of Community Value under the Localism Act 2011 be delegated to the Director of Strategy and Performance (and, in the event of this Divisional Director having a conflict of interest, to a Divisional Director nominated by the Strategic Director - Resources), drawing on the decision-making guidance as set out in Appendix One (of the report).
  2. The Director of Strategy and Performance be delegated decision-making with regard to updating this guidance, in consultation with the Council Leader, in response to experience of implementing the provisions, new regulations and emerging case law.
  3. The internal review process in relation to listing be undertaken by a Divisional Director not involved in the initial decision. (Subsequently, on 5th April 2016, the Divisional Director, Strategy and Performance, made a delegated decision to amend the Council's process for reviewing entries on to the register of Assets of Community Value, so that any Review be undertaken by an officer of appropriate seniority who did not take any part in making the decision to be reviewed, within 8 weeks of request. This bought the process in line with national regulations).
  4. The Divisional Director Property Services be delegated to make arrangements relating to the procedures following listing, including moratorium and compensation provisions, as set out in Appendix Two (of the report).

In accordance with this decision, the Director of Strategy and Performance has now fully considered the nomination in light of the Act and the Assets of Community Value (England) Regulations 2012 (‘the Regulations’). Following this consideration, the Director of Strategy and Performance has decided to enter the property into the Council’s list of Assets of Community Value.

This decision has been taken because:

(1)

a) The Asset lies within the administrative boundaries of Bath & North East Somerset Council and Mendip Ward.

b)

c) The nomination from East Harptree Parish Council includes the matters required under Regulation 6 of the Regulations.

(d) The Asset does not fall within a description of land which may not be listed as specified in Schedule 1 of the Regulations.

(e) The nomination form sets out the reason for nominating the Asset, explaining why the nominator believes the Asset meets the definition in the Act.

and

(2) in the opinion of the Authority,

(a) The actual current use of the Asset that is not an ancillary use furthers the social wellbeing and interests of the local community;

(b) Given that the Asset remains fit for purpose to further the social interest and social wellbeing of the local community, it is realistic to think that the current non-ancillary use of the Asset will continue to further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

The detailed assessment on which this decision is based, following the criteria adopted by the Council Cabinet on 10th October 2012, and fully considering information supplied by the nominee and other parties is set out in 4 below.

1. **What Happens Next**

The Asset will now be placed on the list of Assets of Community Value which the Council is required to maintain under Section 87 of the Act.

In accordance with Section 91 of the Act the Council will send this notice to:

The owner of the property

The occupiers of the property

East Harptree Parish Council

The information will also be published on the Council’s website. The Asset will remain on the Council’s List of Assets of Community Value for a period of five years from the date of this notice unless removed with effect from some earlier time in accordance with the provisions of the Regulations.

The Act requires that the Council draw particular attention to the following:

(a) the consequences for the land and its owner of the land’s inclusion in the list, and

(b) the right to ask for review.

The consequences for the land and its owner of the land’s inclusion in the list

Inclusion of assets on the List of Assets of Community Value is a local land charge under the Local Land Charges Act 1975. The Council is required under Schedule 4 of the Regulations to apply to the Land Registry for a restriction to be added to the registered title of the land that “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”.

Under Section 95 of the Act an owner must notify the Council (at the following address: Divisional Director, Property Services, Lewis House, Manvers Street, Bath BA1 1JG) if they wish to enter into a relevant disposal (as defined in Section 96 of the Act) of that asset. Some types of disposal of listed assets are exempt and these are set out in full in Annex A of the document Community Right to Bid: Non-statutory advice note for local authorities. Annex A also identifies circumstances where, although there is no requirement in the legislation that the owner has to explain to the local authority that the disposal is exempt, it would be helpful for them to do so.

A moratorium period is triggered by notification under Section 95 to allow a Community Interest Group to submit a written request to be treated as a potential bidder for the asset. The owner is advised to refer to Part 5 Chapter 3 of the Act and the Regulations in full and to seek legal advice if they wish to dispose of the asset. A disposal of listed land which contravenes the Regulations and Act will be ineffective.

The owner of the asset does not have to sell the asset to the Community Interest Group. There is also a ‘protected period’ (18 months from the time that the owner notified the local authority of their intention to dispose of the asset) and during this time there can be no further moratoriums on sale and the owner is free to dispose of the property as they see fit.

The right to ask for review

Asset owners have the opportunity to request a review of the decision to enter an asset on the List of Assets of Community Value, within 8 weeks of listing. The internal review process in relation to listing will be undertaken by a officer of appropriate seniority who did not take part in the initial decision.

Landowners wishing to request a review of the decision should do so in writing to the above address or to assets@bathnes.gov.uk by 22nd August 2017, setting out the grounds for review and whether they are requesting an oral hearing.

Private owners may claim compensation for loss and expense incurred through the asset being listed including a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period. Regulation 14 of the Regulations contains more detail on this.

Part 5, Chapter 3 of the Act and the [Regulations](http://www.legislation.gov.uk/ukdsi/2012/9780111526293/contents) provide further detailed information.

1. **Detailed Assessment of the Nomination of Waldegrave Arms Public House,Church Lane, East Harptree BS40 6BD, as an Asset of Community Value**

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| **Assets of Community Value Nomination – Assessment** | | | |
| DATE OF SUBMISSION: | **2nd May 2017** | DATE DECISION TO BE MADE BY: | **27th June 2017** |
| NOMINATED ASSET: | The boundary of the asset is set out in the boundary map attached as an Appendix. | | |
| NOMINATION SUBMITTED BY: | **East Harptree Parish Council** | | |

**STEP A: This section considers the eligibility of the nominating body to make a nomination and of the asset to be an Asset of Community Value. It does this through a series of YES/NO answers.**

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| **A1.** Is the nominating organisation an eligible body to nominate? | |
| Evidence supplied by nominee: | **East Harptree Parish Council** |
| Feedback from other parties and other information gained in relation to this criterion: | None |
| Score (YES/NO) and any comments: | **YES** - The Council is satisfied that the nominating body is an eligible body to nominate; under Regulation 5(1)(b) it is a Parish Council |

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| **A2.** Does the nominating body have a local connection to the asset nominated? | |
| Evidence supplied by nominee: | **From evidence supplied by the nominee,** it is clear that the **East Harptree Parish Council** activities are wholly concerned with the local authority’s area.The submitted map shows that the Asset is sited wholly within the boundaries of Bath and North East Somerset and the MendipWard.  The Waldegrave is in the village of East Harptree, and we are the Parish Council for East Harptree. The Waldegrave is entirely contained within the East Harptree Parish Boundary. The Waldegrave is in the historic centre of the village, next to the School, opposite the Church and within the village Conservation Area designated on 17th May 1978. It has been used widely by the community and following extensive local consultation, the Parish Council is representing the community’s view that this property should be registered as a community asset. |
| Feedback from other parties and other information gained in relation to this criterion | Tim Warren, Ward Councillor for Mendip Ward has responded to notification of this application and has stated that he is happy to support the application. |
| Score (YES/NO) and any comments: | **YES**- The Council is satisfied that the nominating organisation has a local connection to the nominated asset. |

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| **A3.** Does the nomination include the required information about the asset?   * Description of the nominated land including its proposed boundaries * Names of current occupants of the land * Names and current or last-known addresses of all those holding a freehold or leasehold estate in the land | |
| Evidence supplied by nominee: | A plan of the nominated land that was provided including the proposed boundary and the name and address of the current leaseholder and freeholder of the nominated asset were also supplied.  The Waldegrave including its associated garden and car park and outbuildings and its boundaries are detailed in the Land Registry Title AV218737, a copy has been provided which also sets out a plan of the nominated land.  According to the Land Registry at 13th April 2017The Waldegrave was let to KMG Catering Consultants Limited and their leasehold title is ST223472, a copy has been provided. However according to Companies House this company was dissolved on 7th March 2017.  We believe that, in any event, the leasehold interest may now have been surrendered or forfeited as the owner of the freehold interest (Admiral Taverns Limited) now states on their website-see <http://www.admiraltaverns.co.uk/Pub/Waldegrave-Arms/1494>, that The Waldegrave is available for letting (a copy of the website listing is provided) and an Admiral sign states the same above the front door of The Waldegrave. There is also a sign on the front door of The Waldegrave that states Westward Management Surveillance have appointed a caretaker of The Waldegrave.  The full details of the freeholder of The Waldegrave is Admiral Taverns Limited of Milton Gate, 60 Chiswell Street, London EC1Y 4AG.  The full details of the last leaseholder is KMG Catering Consultants Limited of the Waldegrave Arms, Church Lane, East Harptree, Bristol BS40 6BD. |
| Feedback from other parties and other information gained in relation to this criterion: | None |
| Score (YES/NO) and any comments: | **YES**- the Council is satisfied that the nomination has included the required information about the asset. |

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| **A4.** Is the nominated asset outside of one of the categories that cannot be assets of community value (as set out in Schedule 1 of the Assets of Community Value (England) Regulations 2012)?:   * A residence together with land connected with that residence * Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960 * Operational land as defined in section 263 of the Town and Country Planning Act 1990. | |
| Evidence supplied by nominee: | Nomination and supporting evidence sufficiently demonstrates that the asset is outside of the categories of assets within Schedule 1 of the Regulations, as the nominated asset is a Library. |
| Feedback from other parties and other information gained in relation to this criterion: | None |
| Score (YES/NO) and any comments | **YES**- the Council is satisfied that the nomination is outside of one of the categories that cannot be Assets of Community Value |

**If YES to all of Part A, move on to Step B. If NO to one or more parts, please inform the nominator that the nomination is ineligible. Place nomination on list of unsuccessful nominations.**

**STEP B: This section considers the current or recent usage of the asset. It does this through a YES/NO answer and an identification as to whether the use is current or in the “recent past”**

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| **B1.** Is the current or recent usage which is the subject of the nomination an actual and non-ancillary usage?   * NOTE 1: A working definition of “non-ancillary” is that the usage is not providing necessary support (e.g. cleaning) to the primary activities carried out in the asset, but is itself a primary, additional or complementary use. | |
| Evidence supplied by nominee: | The Nomination form includes the following:  Evidence has been gathered of the non-ancillary uses of The Waldegrave, in particular during the last 3 years, by  Interviewing relevant people in the Parish  Holding a public meeting on 13th March 2017 at which 49 people were in attendance.  Conducting an online and paper based survey in East Harptree between 27th February and 31st March 2017 (the full survey responses have been provided) which received responses from 112 people. The total population of East Harptree (in accordance with the Chew Valley Neighbourhood Plan approved by Referendum on 16th February 2017) is 644 and consists of 267 households.  In summary the non-ancillary users and uses of The Waldegrave have included;  East Harptree C of E Primary School (the School is adjacent to The Waldegrave and the School uses the land now held by B&NES and referred to in the freehold title of The Waldegrave as AV255405. The School has access to that land from The Waldegrave car park).  The Waldegrave car park is used daily during School term times as parking by the School teachers (at least 8 cars). Because of the narrow road in front of the School and the lack of parking outside the School (that area of the street is primarily used by minibuses that collect children from outlying homes) The Waldegrave is used daily during term time for parking by parents dropping off and collecting children at the beginning and end of the school day.  The Waldegrave car park is essential for the children at the School with Special Needs and their parents. The Waldegrave Car Park is used as the principal fire assembly point by the School, there being no other suitable space nearby for that. The Waldegrave car park is used by suppliers to the School and by contractors doing maintenance at the School. The Waldegrave itself has been used for meetings by teachers and for interviewing prospective teaching candidates and for lunches after staff training and end of term and leaving parties.  • Harptree Villages Cricket Club-after home match drinks and food for the team and opposition- 9 Sundays, 9 Saturdays and 6 midweek dates a year, Old England Cricket team (the Club seniors) used The Waldegrave 9 times a year. The team also used to come back to The Waldegrave after away games. Monthly committee meetings were also held at The Waldegrave  • The Harptrees History Society-meetings every month and annual supper plus occasional meetings with English Heritage.  • St Laurence’s Church, East Harptree for wakes after funerals, celebrations after Baptisms, parking for choir practices, weddings and funerals (it is also worth noting that the pub is thought to have been the original church rooms), Sunday School - 2 times a month. Preparation for Open the Book sessions with the School-twice a month during term time.  • The Friends of St Laurence East Harptree-planning meetings in connection with fund raising for the church and meetings in connection with projects notably a major project to reorder the church (Project Newton).  • The East Harptree Flower and Craft Show -Committee meetings 6 times a year  • The Friends of East Harptree C of E Primary School-Committee meetings  • The Governors of East Harptree C of E Primary School-post governors meetings socialising.  • The Management Committee of the East Harptree Community Shop-5 times a year plus some fundraising planning meetings.  • Chess Club-weekly in January and February,  • The Mendip Farmers Hunt - meets and suppers.  • Carol Singing in December in support of Cancer Research  • WI committee meetings and WI Christmas meal.  • The Harptrees Arts Festival - monthly planning meetings and some events during the festival itself.  • Book club meetings  • Monthly senior citizens lunch  • Weekly Bell ringers post practice venue  • Comedy Club  • Walking Group meetings  • Village Website committee meetings  • Vintage car rallies once a month  • Circuit training socials  • Morris Dancers venue during the summer  • Cycle club meetings  • Football Club annual dinner  • Discussion forum for broadband improvement.  • Girl Guides planning meetings  • Various live music and open mike sessions  • Informal meetings on the Chew Valley Neighbourhood plan  • Village Fete meetings  • Chew Valley Cancer Research fundraising meetings  • Quizes, wine tastings and many other social activities  • Pony Club meetings |
| Feedback from other parties and other information gained in relation to this criterion: | None |
| Score (YES/NO) and any comments: | **YES**  The **current** usage which is the subject of the nomination is an actual and non-ancillary usage. |

**If the current or recent usage that is the subject of the nomination is actual and non-ancillary, go to Step C. If not, place on the list of unsuccessful nominations.**

**STEP C: This section considers whether the use furthers (for current uses) or furthered (for uses in the recent past) the social interests or social wellbeing of the local community. It does this through a series of questions scored on the basis of evidence.**

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| **C1.** Who benefits from the use?   * Does it meet the social interests of the community as a whole and not simply the users/customers of the specific service? * Who will lose if the usage ceases? | Evidence provided by nominee | **The Nomination form includes the following:**  A detailed, evidenced, catalogue of usage is given in section B1 above and the comments in the survey provide extensive testimonials. The usage by East Harptree Primary School and the Local Group usage identified in section B1 gives a clear picture of the extensive use made by the local community of The Waldegrave and how crucial The Waldegrave is to the School.  The Waldegrave is the only pub in East Harptree. Significant numbers of people from the local community quite clearly use and have used The Waldegrave both as normal customers and as part of a local community group. For the typical services provided by a public house local residents must now travel to outside of the village, and this informal meeting place for village residents is now lost or will be lost if the pub is not reopened.  The village Club to which reference is made below, is not suitable as a meeting place, particularly when, as is frequently the case, skittles matches are taking place there. For some of the community groups using The Waldegrave these will again either relocate to outside of the village or cease if the pub remains closed. Inevitably, there is also a loss in social cohesion as a result.  It is also worth noting that The Waldegrave;   * Complemented and supported other local businesses, notably Harptree Court, Nettwood Farm campsite and the Shrowle accredited Caravan site, as it provided a local and important additional facility for guests of this bed and breakfast business and these camp sites, supporting the wider tourism economy. * Was the only location in the village which provided food, both bar and restaurant quality. * Provided flexible employment opportunities for local people, particularly local teenagers who could gain vital customer relation and hospitality work experience whilst being paid. * Contributed towards social cohesion by helping to provide a bridge and neutral meeting space between different generations of people in the community.   As referred to above East Harptree, in its central community complex, has a club which serves alcohol and importantly has a skittle alley (unlike The Waldegrave Arms). The Club and The Waldegrave Arms have operated harmoniously together for many years because the two have different facilities and services. The Club is particularly used for skittles, which effectively prevents (due to the small size of the Club and the noise generated by the skittles) other events, or meetings happening at the same time. The Club has more limited opening hours than The Waldegrave, and importantly it does not serve food. |
| Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council) | None |
| Enter score out of 25 and rationale | **20 – Through the data obtained through the survey that was conducted the nomination comprehensively demonstrates that the asset meets the social interests of the community as a whole.** |
| **C2.** Is any aspect of the usage actively discouraged by the Council’s Policy and Budget Framework? | Evidence provided by nominee | The application is supported by B&NES Councils own Placemaking Plan (December 2015) where it states in clause 399 that;  “It is recognised that public houses play an important role as a community resource, particularly in rural areas and local centres. They are also often used as a venue for social activities, offering a range of diverse services including libraries, childcare, meeting spaces for community groups, and shops. Loss of this resource and associated buildings can have a detrimental impact on both the economy of the settlement and the social wellbeing of the community. The NPPF also acknowledges that pubs are valued facilities and that Local Authorities should guard against their unnecessary loss.”  Furthermore, the National Planning Policy Framework 2012 gives the following policy guidance for supporting a ‘prosperous rural economy’;  [Clause 28] Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:   * support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and * promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.   The NPPF goes further in the ‘promoting healthy communities’ section by adding;  "[Clause 70] To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:   * plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; * guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs; and * ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community;   The Chew Valley Neighbourhood Plan (approved in a Referendum held on 16th February 2017) states on page 47 that;  “Pubs, restaurants, cafes and shops are an important aspect of village life and a significant employment sector in the Plan Area. Residents value these facilities and have indicated a desire to ensure they are retained wherever possible. This will also help ensure economic sustainability in the Plan Area” [The Waldegrave is one of the pubs referred to in the Chew Valley Neighbourhood Plan].  The Neighbourhood Plan then adds a specific policy BF3B ‘protecting significant facilities’ which states;  “To be supported, proposals that would result in the loss of any community hall, public house, shop, restaurant, theatre, social club, or car park to which the public have access, or other significant community facility, and do not include the creation of new alternative equivalent premises, must include evidence…that community use is not viable….”  Policy at all levels is therefore quite clearly in support of the retention of this community asset as a public house. |
| Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council) | None |
| Enter score out of 25 and rationale | **25** - **No active discouragement by the Council’s Policy and Budget Framework has been identified. The neighbourhood plan supports the need for facilities such as this in the area.** |
| **C3.** Why is the usage seen as having social value in the context of the community on whose behalf the nomination is being made? | Evidence provided by nominee | **The Nomination form includes the following:**  The importance of the social value of The Waldegrave arises as a consequence of its location at the historic core of East Harptree and its very close relationship to the Primary School, the Theatre (consisting of the village hall and Club) the Church and the many and varied uses of The Waldegrave referred to above. The usage detailed in B1 above demonstrates a close link between these centres of the community, and together they form an integrated and crucial part of the village’s identity and sense of place. The Waldegrave has hosted many events which extend across these centres and the community as a whole.  The survey referred to at B1 above is very clear about the social value of The Waldegrave and its importance to the village of East Harptree and are the words (from the survey provided)which underpin this.  The Survey and the Public Meeting, both in terms of the numbers involved and the substance of what has been communicated demonstrate the local community’s pride in the village, and The Waldegrave is very much a key building within this. It is however, quite clearly more than just a building, its place in the village stems from its use. The loss of The Waldegrave would inevitably undermine the sustainability and viability of the village community, and the longer term viability and sustainability of the village itself. |
| Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council) | None |
| Enter score out of 25 and rationale | **20 – The high level of activity that takes place around this property shows a high level of social value.** |
| **C4.** How strongly does the local community feel about the usage as furthering their social interests? | Evidence provided by nominee | **The Nomination form includes the following:**  There is a very strong community feeling in support of the need to retain The Waldegrave as a Public House as evidenced by the Survey and the comments made at the public meeting. To receive 112 responses to the Survey and attendance of 49 at a public meeting to discuss this application from a community of 267 households is significant and that and the comments made in the Survey and at the Public Meeting reflect the strength of feeling that the community has about The Waldegrave. |
| Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council) | The issue of retaining The Waldegrave as a pub has the full support of our ward councilor, Tim Warren, and an email from him to Guy Stobart, who has been supporting the Parish Council in this application, on 24th February 2017 states  “Dear Guy,  Delighted to hear that along with East Harptree Parish council, you are working to protect The Waldegrave Arms for the community by identifying it as an asset of community value.  I genuinely believe the pub is important to the local community and back your decision fully.  Best regards  Tim  Tim Warren  Cllr for Mendip Ward  Leader of Bath and North East Somerset Council |
| Enter score out of 25 and rationale | **20 – There is strong evidence that the local community, places a high value on the social use of the Waldegrave for a variety of functions. The support of the Ward Councillor identifies the importance of this asset.** |
| **Total score:** | **85** | |

**If STEP C meets a minimum scoring of 55%, go to Step D**

**STEP D: This section considers whether it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.**

For assets such as this where the actual non-ancillary usage is a **current** one (see Step B above), 88(1) (b) of the Act requires the Council to consider whether in the opinion of the local authority **it is realistic to think that there can continue to be non-ancillary use of the building or other land that will further (whether or not in the same way) the social wellbeing or social interests of the local community**.

This will be considered through the following tests:

* If the asset is considered to remain fit for purpose (under D1 below), then this is considered to be sufficient grounds for thinking that it is realistic to think that continuing use of the asset will further the social wellbeing or social interests of the local community identified in Step C above.
* If the building is not considered to remain fit for purpose under D1, then an additional Test (under D2 below) will be applied to determine whether the asset could be made fit for purpose practically and within reasonable resource requirements and within timescales. The timescales to be applied for this to take place for assets with “recent usage” will be “within the next five years”.

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| **D1.** Has the building/land-take/space/legal requirement for this usage changed significantly since its initial use so that the asset is not fit for purpose? | |
| Evidence supplied by nominee: | ‘No’ is given as the answer to this question in the nomination form, but there is no additional evidence supplied  The Waldegrave is currently closed for business by choice of the current freehold owner. However, we believe it remains equipped as a Public House at present and so is still fit for purpose.  Whilst some refurbishment of and works to The Waldegrave would be desirable and useful we do not see that they should prevent The Waldegrave reopening within a reasonable period, once a new publican has been found. |
| Feedback from other parties and other information gained in relation to this criterion: | None |
| Score (YES/NO) and rationale | No |

**If No to D1, place on register of Assets of Community Value, and do not go to D2. If Yes to D1, go to D2.**

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| **D2.** Could the asset be made fit for purpose practically and within reasonable resource requirements and within timescales? | |
| Evidence supplied by nominee: | Not applicable |
| Feedback from other parties and other information gained in relation to this criteria: | Not applicable |
| Score (YES/NO) and Rationale: | Not applicable |

**If yes to D2, place on register of Assets of Community Value. If no to D2, place on list of unsuccessful nominations.**

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| **RECOMMENDATION:** | **THAT THIS ASSET BE PLACED ON THE ASSETS OF COMMUNITY VALUE** |
| **REASON FOR DECISION** | (1)  a) The Asset lies within the administrative boundaries of Bath & North East Somerset and Mendip Ward.  b) **East Harptree Parish Council** is entitled under 89(2)(b)(iii) of the Act to make a community nomination in respect of the Asset.  c) The nomination from includes the matters required under Regulation 6 of the Regulations.  (d) The Asset does not fall within a description of land which may not be listed as specified in Schedule 1 of the Regulations.  and  (2) in the opinion of the authority,  (a) The actual current use of the Asset that is not an ancillary use furthers the social wellbeing and interests of the local community.  (b) Given that the Asset remains fit for purpose to further the social interests and social wellbeing of the local community, it is realistic to think that the current non-ancillary use of the Asset will continue to further (whether or not in the same way as before) the social wellbeing or social interests of the local community. |
| **Decision Taken by** | David Trethewey  Divisional Director  Strategy and Performance  Bath & North East Somerset Council |
| **Date** | 27nd June 2017 |