

## AD HOC COMMUNITY AND SOCIAL AFFAIRS COMMITTEE

12<sup>TH</sup> JULY 2017

### REPORT OF HEAD OF COMMUNITIES & NEIGHBOURHOODS

#### ASSET OF COMMUNITY VALUE –REVIEW- THE WINDMILL PUBLIC HOUSE, REDMILE

#### 1.0 PURPOSE OF REPORT

- 1.1 For members to make a review decision on whether The Windmill Public House, Redmile should be classified as an Asset of Community Value.

#### 2.0 RECOMMENDATIONS

- 2.1 **Members review the Asset of Community Value status on The Windmill Public House, Redmile following a review request from the Asset Owner.**

#### 3.0 KEY ISSUES

##### Background

- 3.1 The Community Right to Bid came into force on 21<sup>st</sup> September 2012 and gives communities a right to identify a property that is believed to be of value to their social interests or social wellbeing and gives them a fair chance to make a bid to buy the property on the open market if the property owner decides to sell.

- 3.2 Only eligible community groups, local parish councils or local neighbourhood planning forums and charities can nominate.

- 3.3 The Localism Act states that “social interests” include cultural, recreational and sporting interests.

Examples of a community asset could include:

- **Education, health and wellbeing or community safety**

Nurseries and schools

Health centres, surgeries and hospitals

Day care centres, residential care homes

- **Sport, recreation and culture**

Parks and open spaces

Sports and leisure centres

Libraries/Theatres/Museums or heritage sites

- **Community services**

Community centres/Youth centres

Public toilets

- **Any economic use (e.g. a business such as a shop)**

Village shops - which also provides an important local social benefit which would no longer be easily available if that service should cease

Pubs

3.4 Members are asked to note and consider a review request from the representatives of the Asset Owner of the Windmill in Redmile who do not wish this to become an asset of community value.

3.5 In line with current policy the nomination was initially assessed by the Head of Communities & Neighbourhoods who determined that the asset met the requirements of the Asset of Community Value criteria. A full copy of the nomination and assessment papers are attached as Appendix A.

3.6 There is much support for The Windmill to be made an Asset of Community Value, and in support of the nomination the Council received 78 separate emails from members of the community in support of the nomination, seeking it to remain as a working public house.

3.7 Members are also asked to give consideration to the review letter received from the owners of the Windmill and is attached as Appendix B. Members need to consider the merits of the review against the criteria of ACV nomination, guidance of which is attached as Appendix C. A response to review letter is provided for member's consideration as Appendix D.

#### 4.0 **POLICY AND CORPORATE IMPLICATIONS**

4.1 The Community Right to Bid has direct implications around:

- Encouraging people to take an active role in their communities.
- Increasing public confidence & pride in neighbourhoods

#### 5.0 **FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

5.1 No direct financial implications have been identified.

#### 6.0 **LEGAL IMPLICATIONS/POWERS**

6.1 This is set out in the Localism Act 2011 Part 5 Chapters 2 and 3 and Assets of Community Value (England) Regulations 2012:

6.2 Local Authorities must keep a 'List of Assets of Community Value'; the legislation sets out in detail the process they must enter into and what information they must include.

6.3 The legislation also outlines the definition of an asset of community value, which groups can legitimately nominate an asset, the appeals process for land owners, timescales for groups interested in buying land or property on the list, and compensation available to the owners of land or property on the list

6.4 Should members decide not to change the status of The Windmill, the asset owner has the right of appeal and takes their case to be heard for a tribunal decision. There is no right of appeal/review for the nominating group.

#### 7.0 **COMMUNITY SAFETY**

7.1 No direct Community Safety Implications have been identified.

**8.0 EQUALITIES**

8.1 A comprehensive Impact assessment was carried out by central government in relation to the Community Right to Bid Policy in June 2012 and is available from the following link: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/8505/2168557.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8505/2168557.pdf)

An Equalities Impact has not been carried out on this process; the equality analysis has shown no direct or indirect negative implications, the process relates directly to assets rather than people. The Nomination form for the Community Right Bid process will be available through the council’s website and in hard copy and will be reviewed annually.

**9.0 RISKS**

**9.1 Probability**



Very High A				
High B				
Significant C		1		
Low D				
Very Low E				
Almost Impossible F				
	IV Neg- ligible	III Marg- inal	II Critical	I Catast- rophic

Impact →

Risk No.	Description
1	The Windmill is not approved as an Asset of Community Value and there becomes a lack of community cohesion in Redmile.

**10.0 CLIMATE CHANGE**

10.1 No direct implications have been identified.

**11.0 CONSULTATION**

11.1 The Community Right to Bid process is designed to be Community driven and allow communities to take a more active role in their communities.

**12.0 WARDS AFFECTED**

12.1 All wards are affected, the application relates to the Somerby Ward.

- Contact Officer: H Rai- Head of Communities & Neighbourhoods
- Date: 3 July 2017
- Appendices: A – The Windmill Nomination Form /Assessment  
B- Letters from the owners of the Windmill.  
C- ACV guidance  
D- Response to points raised by Asset Owner’s review letter.
- Reference: X: C’tees, Council & Sub-C’tees/