



## Community nomination in respect of

### **The Red Lion, Sutton, TF10 8BY**

Notice under section 91 of the Localism Act 2011

#### **1 Nomination**

On 3 December 2020 the Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list **The Red Lion, Sutton, TF10 8BY** as an asset of community value. The nomination was made by **Forton Parish Council** Parish Council. A copy of the nomination is attached at **Appendix 1** and plan showing the boundaries of the nominated land are attached at **Appendix 2** and **Appendix 3**.

#### **2 Law and Statutory Guidance**

Under section 87 of the Act the Council must maintain a list land of community value in its area. A building or other land is of community value if in the Council's opinion an actual current use of the building or other land that is not ancillary use, furthers the social wellbeing or social interests of the local community, and 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.

Under section 89 the Council can only include land in its list of assets of community value in response to a community nomination or where permitted by regulations. A community nomination in England can only be made by either a parish council in respect of land within its area or by a person that is a voluntary or community body with a local connection. Where a valid community nomination is made the Council must consider it and must accept the nomination if the land is within its area and is of community value

#### **3 Decision and Reasons**

The Council accepts the nomination by **Forton Parish Council** Parish Council and includes the in its list of assets of community value.

The reasons for this decision are as follows:

- 1. The public house lies within the Borough of Stafford and the Parish of Forton.**

- 2. Forton Parish Council is a body eligible to make the application under section 89 of the Act.**
- 3. The Nomination made by Forton Parish Council meets the requirements of the Assets of Community Value (England) Regulations 2012 (“the Regulations”).**
- 4. The public house does not fall within a description of land which may not be included in the list as specified in Schedule 1 of the Regulations.**
- 5. The public house land currently consists of the public house itself, adjoining garden and car park. The public house ceased operating in July 2020, at a time when national restrictions were in place due to the Covid-19 pandemic. Up until the date of closure, the pub appears to have been operating as a pub, with regular events advertised on its Facebook page. The Parish Council states that the pub was used by local residents, local groups and people from surrounding towns and villages. At the time of nomination, the land was being advertised for sale. The sales particulars describe the land as an “attractive roadside detached public house” with “extensive outdoor areas”.**
- 6. The use as a public house was not an ancillary use, and was a community use in the recent past.**
- 7. Following receipt of the nomination, the Council has received representations from Vanbrugh Construction Ltd. They state that they completed a purchase of the land on 11<sup>th</sup> January 2021. The new owner states that they acquired the site for residential purposes, and intend to submit a planning application in that regard. They have no current intention to operate a public house, or other community facility, at the site.**
- 8. It is acknowledged that a listing of this asset would not restrict any sale that has already completed prior to its listing. The nomination itself, however, remains valid and the Council must still go on to consider whether it is realistic to think that there is a time in the next five years when there could be further community use of the asset. The fact that the new owner intends to develop the site for residential use is relevant. If successful, such use would conflict with any listing of the asset as a community facility.**
- 9. However, no planning application has yet been determined and I have no evidence to suggest, one way or the other, whether such an application would be successful. In planning terms, there does**

**not currently appear to be any bar to the premises continuing to be used as a public house. In the absence of planning permission for alternative uses it is realistic to think that there can be a time in the next five years when there could be non-ancillary use of the premises which will further the social wellbeing or social interests of the local community.**

#### **4 Next Steps**

**The Red Lion, Sutton, TF10 8BY** will be included in the list of assets of community value maintained by the Council under section 87 of the Act.

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

- (a) the owner of the land
- (b) the occupier of the land if the occupier is not the owner
- (c) **Forton Parish Council** Parish Council as the nominee body

#### **5 Consequences of Listing**

The land will remain on the list of assets of community value for a period of 5 years from the date of this notice unless removed with effect from some earlier time in accordance with the provision of the Regulations.

Inclusion of the land in the list of community assets 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 by writing to the Head of Law and Administration, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ if they wish to enter into a relevant disposal of the land. Relevant disposal is defined in section 96 and (subject to exemptions in section 95(5) and Schedule 3 of the Regulations) means, a freehold disposal or the grant or assignment of a qualifying leasehold interest, with vacant possession.

A moratorium period is triggered by notification under section 95 to allow any community interest group to submit a written request to be treated as a potential bidder for the land. Owners are advised to refer to the Part 5 Chapter 3 of the Act and the Regulations in full and to seek legal advice if they wish to dispose of the land. A disposal of listed land which contravenes the requirements of Act and Regulations will be ineffective.

#### **6 Right of Review**

In accordance with section 92 of the Act the owner of the land is entitled to request a review of this decision. The review will be carried out by a senior officer of the Council nominated by the Chief Executive. A request must be made in writing and received by the Council within 56 days of the date of this notice or such longer period as the Council may agree in writing. Please ensure that the request explains on what grounds the decision should be reviewed.

If a request is made the Council will complete the review within 56 days of receiving the request or such longer period as is agreed with the owner in writing. A request must be addressed to the Chief Executive, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ.

## **7 Right to Compensation**


In accordance with paragraph 14 of the Regulations an owner or former owner of the land is entitled to claim compensation from the Council of such amount as the Council may determine, where they have incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.

A claim for compensation must be made in writing within 91 days of the loss or expense being incurred (or as the case may be) finish being incurred; must state the amount of compensation sought for each part of the claim and be accompanied by supporting evidence for each part of the claim.

If a claim is made the Council will consider the claim as expeditiously as possible. A request must be addressed to the Head of Law and Administration, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ.

## **8 Additional Help**

Further information about assets of community value is available from the website <http://mycommunityrights.org.uk/community-right-to-bid/> If you need any additional support in relation disposal of the land, the right of review or right to compensation you are advised to seek independent legal advice.

Signed: 

Dated: 12 January 2021  
Head of Law and Administration