



## Community nomination in respect of

### **Red Lion Inn and Restaurant, Smithy Lane, Bradley, Stafford, ST18 9DZ**

Notice under section 91 of the Localism Act 2011

#### **1 Nomination**

On 28<sup>th</sup> September 2024 the Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list the **Red Lion Inn and Restaurant, Smithy Lane, Bradley, Stafford ST18 9DZ** as an asset of community value. The nomination was made by **Save Our Red Lion - Bradley**. A copy of the nomination is attached at **Appendix 1** and a plan showing the boundaries of the nominated land is attached at **Appendix 2**.

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

Under section 87 of the Act the Council must maintain a list of 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 **Save Our Red Lion - Bradley** to include the **Red Lion Inn and Restaurant** in its list of assets of community value.

The reasons for this decision are as follows:

1. The Red Lion Inn and Restaurant, Bradley lies within the Borough of Stafford. An aerial photograph of the land appears to show it as a building and an adjoining car parking area with signage advertising quality food, cask ales and fine wine.
2. Save Our Red Lion - Bradley is a body eligible to make the application under section 89 of the Act, being an unincorporated community body with at least 21 local members.
3. The land does not appear to fall within a description of land which may not be included in the list as specified in Schedule 1 of the Regulations.
4. In order for a listing to be successful, a nomination must show that the land is of community value. This can be achieved by showing evidence of an actual, non-ancillary, use of the land that furthers the social wellbeing or social interests of the local community, currently, or that furthered such interests in the recent past.
5. It should be noted that the legislation did not automatically designate public houses as assets of community value, and the use of any nominated pub by each relevant local community needs to be assessed individually. For example, some pubs may operate solely as commercial dining venues, operating no community events, and with social drinking an ancillary activity. Similarly some pubs may have no connection with any particular local community (such as some city centre drinking venues).
6. In this case, the nomination states that *“the pub has previously been listed as an Asset of Community Value between 2015 and September 2020”*. The nomination also states that the pub is of use to the local community in that it *“enables local people to meet and socialize in a friendly, welcoming location..... There is a beer garden attached...which is used and enjoyed by the community, including local families....The pub has hosted summer garden events including a barbeque in 2024, which has brought different groups of people together....has offered a food menu, running special evening events (e.g., launch of seasonal menus with invites to local residents)....offers a range of alcoholic / non-alcoholic drinks in a pleasant, convivial environment and atmosphere which furthers community cohesion....offers a dart board and board games which are used by the local community and visitors.....hosts a regular monthly quiz night, which brings people together from Bradley and the surrounding area.....hosted the local Neighbourhood Watch Group on a monthly basis.*
7. The nomination ends by noting that *“The Red Lion is the only pub in the village”*.

8. There is an official Facebook page for the business. It describes it as “*a quintessential village pub serving gastro pub style food in Bradley, Staffordshire*”. The last post on the page announces that the pub was due to close on 23<sup>rd</sup> September 2024. Prior to that date, the page appeared to be regularly maintained with food and drink offerings and notice of the quiz nights.
9. Although the pub has recently closed, the nomination does confirm that the pub was used by the local community, and I am satisfied that there has been a community use of the pub in the recent past.
10. As the pub is currently closed, I must go onto consider whether it is realistic to think that there could be further community use of the property within the next five years. I have no evidence before me to suggest that its recent use could not recommence and I therefore consider it is realistic to think that a community use could continue.
11. For the reasons set out above, the nomination of this land is successful, and both the Public House and its adjoining car park will be listed on the register of community assets.

#### **4 Next Steps**

**The Red Lion Inn and Restaurant, Bradley** 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) Save Our Red Lion - Bradley 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 Governance, 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 Governance, 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: 9<sup>th</sup> October 2024  
Head of Law and Governance