



Community Nomination in Respect of
The Labour In Vain Public House, Yarnfield Lane,
Yarnfield, ST15 0NJ

Notice under section 91 of the Localism Act 2011

1 Nomination

On 5 December 2022 the Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list **The Labour In Vain Public House, Yarnfield Lane, Yarnfield, ST15 0NJ** as an asset of community value. The nomination was made by **Yarnfield and Cold Meece Parish Council**. 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 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 **refuses** the nomination by **Yarnfield and Cold Meece Parish Council** to include the Labour in Vain in its list of assets of community value.

The reasons for this decision are as follows:

- 1 The Labour in Vain lies within the Borough of Stafford and the Parish of Yarnfield and Cold Meece.**
- 2 Yarnfield and Cold Meece Parish Council is a body eligible to make the application under section 89 of the Act.**
- 3 The Nomination made by Yarnfield and Cold Meece 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 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 building that furthers the social wellbeing or social interests of the local community, currently, or that furthered such interests in the recent past.**
- 6 The nomination states that “the Labour in Vain is located in the centre of Yarnfield and is a significant part of the village”. It also states that “In the past the Labour in Vain was popular with residents and provided a place for social gathering and was seen by the community as a significant asset”. Without further supportive evidence, these statements do not provide sufficient evidence to show that there is an actual current use of the pub that furthers the social interests of the local community, or that there was such a use in the recent past.**
- 7 The pub’s Facebook page appears to show that it was most recently opened on 15 July 2022. At the date of this decision there do not appear to be any further entries, to suggest community use of the pub, and the pub appears to again be closed.**

- 8 If sufficient evidence could be provided to show an actual current, or recent, community use, the Council would need to consider whether it is realistic to think that there can continue to be non-ancillary use of the land which will further the social wellbeing or social interests of the local community.
- 9 The nomination acknowledges that there have been extended periods over the last 5 years during which the pub has been closed. It is also acknowledged that this led to a decline in maintenance of the property over that time. However, other than the fact that the building is currently closed, there do not appear to be any specific impediments to the building being used for a community use in future if sufficient demand was indicated. In the face of clear evidence that use of the pub has declined over the last 5 years, the nomination does not contain any evidence to enable me to establish whether future use would be realistic or not.
- 10 For the reasons set out above, the nomination of this land is unsuccessful, and the land will not be listed on the register of community assets.

4 Next Steps

The Labour In Vain Public House, Yarnfield Lane, Yarnfield, ST15 0NJ will not 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) **Yarnfield and Cold Meece 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 www.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: 6 January 2023

Head of Law and Administration