



## **DECISION OF DIRECTOR OF DEVELOPMENT AND ENVIRONMENT**

**DECISION NO. 15/16 DE 243**

**SUBJECT: Assets of Community Value Nomination: The Blue Flame, West End, Nailsea, BS48 4DE (ACV201601)**

### **Background:**

#### **The Community Right to Bid – Assets of Community Value**

The new rights for communities introduced by the Localism Act 2011 give community groups the ability to nominate assets which they claim are a community asset as defined under the Act. This was brought into effect with the Government's release of the Assets of Community Value Regulations in October 2012.

North Somerset Council is required to maintain a list of assets of community value and a list of unsuccessful nominations and to assess the nominations coming forward. Nominations are considered in a two-stage process against detailed criteria which ensure the requirements of the Regulations are met. A decision must be reached within 8 weeks of a nomination being received.

For any assets successfully nominated, if the owner wishes to dispose of it, the Council must be notified. A moratorium period then comes into force giving community interest groups the opportunity to develop a bid for the asset.

#### **Assessment criteria**

In summary the two stages are as follows:

##### **Stage 1 - eligibility**

- A** Is the nominating organisation eligible?
- B** Can the nominating organisation demonstrate a local connection to the asset?
- C** Does the nomination include all the information requested?
- D** Is the asset outside one of the categories of exempt assets?

##### **Stage 2 – assessing community value**

- E** Is there evidence of the use being described in the nomination, and that this is the main and non-ancillary use of the land/premises, or this has been its use within the recent past (12 months)?
- F** Does this use further the social wellbeing and social interests of the local community?
- G** What is the nature of the social wellbeing and social interest which the asset particularly supports?
- H** Does the local community feel strongly that the asset should be retained as a community asset?

- i Could the asset realistically continue to be used for this, or another qualifying community purpose (or could this be achieved within the next five years)?

**Nomination from Campaign For Real Ale (CAMRA)**

Campaign For Real Ale (CAMRA) submitted a nomination on 9 February 2016, requesting the Blue Flame, West End, Nailsea be considered for inclusion in the list of Assets of Community Value. The individual representing the nominating organisation is a member of the Bristol CAMRA Pubs Campaigning Group. The nomination was assessed against the criteria above.

**DECISION:**

That the nomination of the Blue Flame as an asset of community value is successful. The asset will be entered on the list of successful community nominations, registered as a Local Land Charge and if the land is registered, apply for a restriction on the Land Register in Form QQ. The listing will come into effect from the date of this decision and expire 5 years from that date.

**Reasons:**

The Blue Flame is considered to meet all the Stage 1 and Stage 2 criteria above. It is an important focus for community activity and a particularly valuable social meeting place for local people as there are no other public houses within a reasonable walking distance. It primarily serves a small hamlet settlement and is host to a number of popular community events during the year. A number of local sport and leisure clubs also meet at the pub.

**Other Alternatives Considered:**

No alternatives considered.

**Risk Assessment:**

If the owner objects to the asset being placed on the successful list, they will have a right to an internal review by the council of the decision to list. If the owner remains in disagreement with the listing after the internal review, they have a right of appeal to an independent Tribunal.

**Financial Implications:**

None.

**Implications for Future Years:**

If the owner of the asset decides to dispose of it, either through a freehold sale, or the grant or assignment of a qualifying lease there is a 'moratorium' period whereby the community interest groups will have the opportunity to make a written request to be treated as a potential bidder.

Signed.....  
Director of Development & Environment

Dated..........