



DECISION OF DIRECTOR OF DEVELOPMENT AND ENVIRONMENT

DECISION NO. 15/16 DE 244

SUBJECT: Assets of Community Value Nomination: The Car Park and Garden of The Prince of Orange Pub, 17 High Street, Yatton, BS49 4JD (ACV201602)

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 2012 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.

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 Yatton Parish Council

Yatton Parish Council submitted a nomination on 10 February 2016, requesting that the car park and garden of The Prince of Orange Pub be considered for inclusion in the list of Assets of Community Value. The Parish Council submitted the nomination following a request from a group of local residents. The nomination was assessed against the criteria above.

DECISION:

That Yatton Parish Council's nomination of the car park and garden above as assets of community value is unsuccessful. The assets will be entered on the list of unsuccessful community nominations.

Reasons:

The sites were considered to meet the basic eligibility criteria A-D. However the car parking use of the Prince of Orange car park is ancillary to the main use of the premises as a public house and would therefore not meet the criteria in section 88 (1) of the Localism Act. It is also understood that some usage described in the nomination which sits outside patronage of the pub is unofficial and/or unauthorised. The nomination included insufficient information of the pub garden and its usage.

The legislation does not automatically enable conversion of privately owned land into public space. The Community Right to Bid scheme initiates a delay or moratorium of up to 6 months to enable the community to prepare a bid should the owner offer the site for long lease or sale.

Other Alternatives Considered:

No alternatives considered.

Risk Assessment:

None

Financial Implications:

None

Implications for Future Years:

None

Signed.....
Director of Development and Environment

Dated.....15/3/2016.....