KETTERING BOROUGH COUNCIL

Community Nomination of Land of Community Value – The Red Lion Public House, 7 High Street, Broughton, Kettering NN14 1NF.

Notice of Decision under Section 91 of the Localism Act 2011

1. Community Nomination

A nomination was received on 25th June 2019 under Section 89 of the Localism Act 2013 (the Act) from the Broughton Parish Council for the listing of The Red Lion Public House, 7 High Street, Broughton, Kettering NN14 1NF as an asset of community value. In compliance with Regulation 6 of the Assets of Community Value (England) Regulations 2012 (the Regulations) the nomination included the following information:

a) A description of the land nominated to be listed as an Asset of Community Value as set out in the attached title register - provided as Appendix 1.

b) The nomination was made by the Broughton Parish Council and therefore qualifies under the provisions of The Act to makes nominations.

c) The reasons for thinking that the Council should conclude that The Red Lion Public House, 7 High Street, Broughton, Kettering, NN14 1NF is of community value is that it has provided a social hub for the community.


The provision relating to Assets of Community Value are set out in Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Value Regulations 2012. The Department of Communities and Local Government has also produced a Non-Statutory advice note to assist local authorities to implement the scheme.

Under the legislation the Council is required to maintain a list of land in its area that is of community value. A building or land is of community value if in the opinion of the Council its main use furthers the social well-being or social interests of the local community or has recently done so and is likely to do so in the future.

A Parish council, a voluntary or community body with a local connection to the land may nominate an asset for listing. The Regulations define voluntary and community bodies which include, for the purposes of this application, a company limited by guarantee and a charity. There must
also be a local connection which requires the body's activities to be wholly or partly concerned with the local authority's area or (where relevant) a neighbouring authority's area and any profits made wholly or partly applied within those local authority areas.

The Council must consider and accept the community nomination if the land is in the Council's area and is of community value.

3. Decision

The Council rejects the nomination by Broughton Parish Council of The Red Lion Public House, 7 High Street, Broughton, Kettern NN14 1NF as shown edged in red on the plan at Appendix 2 on to the Council's list of assets of community value. In reaching its decision the Council has considered the information set out in the nomination and the submission made on behalf of the landowner.

4. Reasons

The reasons for the decision are as follows:

a) The land comprising The Red Lion Public House, 7 High Street, Broughton, Kettern, NN14 1NF is within the Council's area
b) The Broughton Parish Council is eligible to make a community nomination under S89 (2)(b) iii of the Act and Regulations 4 and 5 of the Regulations.
c) The nomination included the matter required under Regulation 6 of the Regulations.
d) In order to meet the criteria for listing the asset must satisfy the criteria set out in Sections 88(1) or Section 88(2) of the Localism Act 2011

Section 88(1) Current Use

e) Section 88(1) provides that a building or other land in the local authority's area meets the requirement for listing if in the opinion of the authority there is an actual current use, that is not an ancillary use, that furthers the social wellbeing or social interests of the community and that use is likely to continue.
f) The Council is not satisfied that the Conditions of Section 88(1) of the Localism Act 2011 are met on the grounds that the property ceased trading in May 2019.

Section 88(2) User in the recent past

g) As there is no actual current use of the nominated property the Council is required to determine if the conditions set out in Section 88(2) are satisfied. The conditions are:-

a. That there was a time in the recent past when the actual use furthered community benefit that was not an ancillary use; and
b. It is realistic to think that there is a time in the next five years when there could be use of the land which will further (whether or not in the same way as before) the social wellbeing or interests of the community.

h) The nomination fails to provide any evidence that there is a realistic prospect of non ancillary future use over the next five years. It is submitted by the landowner that the property has been marketed on the open market for the last three months, during that time there have been no credible bids.

l) The nomination fails to provide any clear evidence of community use; support for maintaining the property; or the means by which that could be achieved.

5. Right of Review

The owner of the land may request a review of this decision under S92 of the Act. The review will be carried out by an Executive Director of the Council. The request for a review must be made in writing within eight weeks beginning on the day on which written notice was given to the owner or longer if the Council agrees. The property will remain listed while the review is carried out. Please provide details of the grounds for the request for a review.

6. Right to Compensation

Private owners may claim compensation for loss and expense incurred through the asset being listed or previously listed. The Regulations specifically provide that this will include a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period; or for legal expenses incurred in a successful appeal to the Tribunal.

The time limit for making a compensation claim is specified in Schedule 2 to the Regulations as whichever is earlier of 13 weeks from the end of the interim or full moratorium period (as appropriate) or from the date when the land ceases to be listed.

Claims must be made in writing, state the amount of compensation sought and provide supporting evidence. The burden of proving the claim falls on the owner. Owners should seek their own legal advice.

Signed

Dated 16 August 2019

Interim Head of Democratic & Legal Services
Authorised Officer
Appendix 1 – Title Register
A: Property Register
This register describes the land and estate comprised in the title.

NORTHAMPTONSHIRE : KETTERING

1 (01.10.1992) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being The Red Lion Public House, 7 High Street, Broughton, Kettering (NN14 1NF).

B: Proprietorship Register
This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute


C: Charges Register
This register contains any charges and other matters that affect the land.

1 (02.04.1998) REGISTERED CHARGE dated 2 March 1998 affecting also other titles to secure the moneys including the further advances therein mentioned.

NOTE 1: Original charge issued in a separate cover and should be lodged at the Land Registry on any dealing with the charge

 NOTE 2: Copy filed under HS223935.


3 (31.01.2014) The land is subject to the lease set out in the schedule of leases hereto.

Schedule of notices of leases
The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.
End of register
Appendix 2 – Title Plan