



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

Notice under Section 91 of the Localism Act 2011 Dated: 11 September 2013

**INCLUSION ON THE LIST OF ASSETS OF COMMUNITY VALUE OF LAND/BUILDINGS
SITUATED AT THE FREEMASONS ARMS, WISWELL ("THE ASSET")**

1. BACKGROUND

On or about the 26th day of July 2013, Ribble Valley Borough Council ("The Council") received a nomination under Section 89 of Localism Act 2011 ("the Act") to list the Asset as an asset of community value. The nomination was made by Wiswell Parish Council. A copy of the nomination, including a plan showing the location of the asset is attached at Appendix 1.

The owner/occupier of the asset has been informed by the Council that a nomination has been received.

Under Section 87 of the Act the Council must maintain a list of land in its area that is of community value.

Section 88 of the Act defines land of community value thus:

1. For the purpose of this chapter but subject to regulations under sub-section (3), a building or other land in a Local Authority's area is land of community value if in the opinion of the Local Authority:
 - (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community and
 - (b) 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 same way) the social wellbeing or social interest of the local community;
2. For the purpose of this chapter but subject to regulations under sub-section 3, a building or other land in the Local Authority's area that is not land of community value as a result of sub-section (1) is land of community value if in the opinion of the Local Authority:-
 - (a) there is a time in the recent past when an actual use of the building or land that was not an ancillary use furthered the social wellbeing or interests of the community; and
 - (b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further whether or not in the same way as before the social wellbeing or social interests of the local community.

Under Section 89 of the Act the Council can only include an asset on the list of assets of community value in response to a community nomination (as defined).

2. DECISION-MAKING PROCESS

The Council resolved at Policy and Finance Committee on the 29th day of January 2013 that the determination of applications for nomination of assets be delegated to the Head of Legal and Democratic Services (inter alia).

In accordance with this decision the Council has now fully considered the nomination and having considered the Act and the Assets of Community Value England Regulations 2012 (the Regulations), has decided to enter the property into its lists of assets of community value. This decision has been taken because:

- a. the application meets the criteria in that the assets lies within the administrative boundaries of the Council;
- b. Wiswell Parish Council is entitled to make a community nomination in accordance with the provisions of the Act;
- c. the nomination form submitted by Wiswell Parish Council includes the matters required under Regulation 6 of the Regulations;
- d. the asset does not fall within the description of land which may not be listed as specified in Schedule 1 of the Regulations;
- e. the nomination form sets out the reasons for nominating the asset, explaining why the asset meets the definition in the Act;
- f. the landowner has been served with a copy of the application and has had an opportunity to comment; those comments have been considered.
- g. in the opinion of the Authority the nominated asset is an asset of community value as its actual current primary use namely use as a village institute furthers the social wellbeing or social interests of the local community by providing a venue for use for social recreational and cultural interests.

3. NEXT STEPS

The asset will now be placed on the list of assets of community value which the Council is required to maintain under Section 87 of the Act. In accordance with Section 91 of the Act, the Council will send a copy of this notice to the owner of the land and Wiswell Parish Council. The information about how the application has been determined will be published on the Council's website. The asset will remain on the Council's 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 provisions of the regulations.

The Localism Act 2011 requires that the Council draws your attention in particular to the following matters:

- a. The consequences for the land and its owner of the land's inclusion in the list.
- b. The right to ask for review.

4. THE CONSEQUENCES FOR THE LAND AND ITS OWNER OF THE LAND'S INCLUSION IN THE LIST

Inclusion of assets on the list of community value 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 at the address shown below when they wish to enter into a relevant disposal (as defined in Section 96 of the Act) of that asset. Some types of disposal of listed assets are exempt and these are set out in full in Annex A of the Non-Statutory Advice Note issued to local authorities about the community right to bid. Annex A also identifies circumstances where, although there is no requirement in the legislation that the owner has to explain to the Local Authority that the disposal is exempt, it would be helpful for them to do so.

A moratorium period is triggered by notification under Section 95 to allow a community interest group to submit a written request to be treated as a potential bidder for the asset.

Please note the owner of the asset does not have to sell the asset to the community interest group. There is also a "protected period" (18 months from the time that the owner notified the Local Authority of their intention to dispose of the assets) and during this time there can be no further moratoriums on sale and the owner is free to dispose of the property as they see fit.

The owner is advised to refer to Part 5, Chapter 3 of the Act and the regulations in full and to seek legal advice if they wish to dispose of the asset. A disposal of listed land which contravenes the Regulations and Act will be ineffective.

5. THE RIGHT TO ASK FOR A REVIEW (SECTION 92)

Asset owners have the opportunity to request a review of the decision to enter an asset on the list of assets of community value. The request must be made in writing before the end of the period of eight week beginning with the day on which written notice of inclusion of the land in the list was given by the Council. The internal review process in relation to the listing will be undertaken by the Chief Executive or the Head of Legal and Democratic Services where they have not been involved in the initial decision.

Landowners wishing to request a review of the decision should address their request to the Head of Legal and Democratic within the timescale set out above setting out the grounds for review and whether or not they wish to request an oral hearing.

Private owners may claim compensation for loss and expense incurred through the asset being listed including 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. Regulation 14 is the regulation that contains details about applications for compensation, which must be made before the end of thirteen weeks after the loss or expense was incurred. Part 5, Chapter 3 of the Act and the Regulations referred to above provide further detailed information.

Signed:.....
Head of Legal and Democratic Services

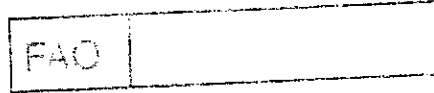
Dated: 11th September 2013

WISWELL PARISH COUNCIL

Chairman - Councillor J H Strong

RECEIVED BY
CHIEF EXECUTIVE

26 JUL 2013



Kemple View
Pendleton Road
Wiswell
Clitheroe
Lancashire
BB7 9BZ

Tel: 01254 823257

Email: parish.council@wiswell.plus.com

Mrs Diane Rice
Head of Legal Services
Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe
Lancashire
BB7 2RA

25th July 2013

Dear Mrs Rice

Nomination Form for Asset of Community Value

Please find enclosed a form for The Freemasons Arms in Wiswell to be nominated as an Asset of Community Value together with a copy of the Register for the property from Land Registry.

If you have any queries regarding the form or if you require any further information, please do not hesitate to contact me.

With kind regards

Yours sincerely

Victoria Wilson

Mrs Victoria Wilson
Clerk to the Parish Council

**ASSETS OF COMMUNITY VALUE
THE COMMUNITY RIGHT TO BID
NOMINATION FORM**

Before completing this form, please read the material at:

<http://mycommunityrights.org.uk/community-right-to-bid/>

When completed the form should be sent to the local authority that covers the area in which the asset is located.

Section 1: The name of your organisation

Name of organisation (full name as written in your constitution or rules (if appropriate)): WISWELL PARISH COUNCIL
Address including postcode: C10 KEMPLE VIEW, PENDLETON ROAD, WISWELL, CLITHEROE, LANCASHIRE, B87 9BZ

Section 2: Contact details

Name: MRS VICTORIA WILSON
Position in the organisation: CLERK TO THE PARISH COUNCIL
Address including postcode: KEMPLE VIEW, PENDLETON ROAD, WISWELL, CLITHEROE, LANCASHIRE, B87 9BZ
Daytime telephone No: 01254 823257
Mobile telephone No: —
Email address: parish.council@wiswell.plus.com
How and when best to contact you (by email or phone, and days of the week and / or times your prefer): BY EMAIL OR POST

Section 3: Type of organisation

Description	Indicate all that apply	Registration number of charity and / or company if applicable
Neighbourhood forum	<input checked="" type="checkbox"/>	
Parish council	<input type="checkbox"/>	
Charity	<input type="checkbox"/>	
Community interest company	<input type="checkbox"/>	
Unincorporated body	<input type="checkbox"/>	
Company limited by guarantee	<input type="checkbox"/>	
Industrial and provident society	<input type="checkbox"/>	

Section 4: Number of members registered to vote locally (unincorporated bodies only)

In the case of an unincorporated body, at least 21 members must be registered to vote locally. If they are registered to vote in the area of a neighbouring local authority, please confirm what this area is.

Section 5: Local connection

In addition, your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area in which the nominated asset is located. Please explain what your organisation's local connection is.

THE ASSET IS LOCATED WITHIN THE PARISH OF WISWELL
WHICH IS REPRESENTED BY WISWELL PARISH COUNCIL.

Section 6: About the land or buildings(s) you are nominating

What it is (e.g. public, local shop, recreation land):

PUBLIC HOUSE / RESTAURANT

Name of the premises (The Volunteer Pub, Jones stores):

FREEMASONS AT WISWELL

Address including postcode (if know):

8 VICARAGE FOLD, WISWELL,
CLITHEROE, LANCASHIRE, BB7 9DF

Section 7: Details of the land

Please include details of the boundaries of the land you are nominating.

THE PUBLIC HOUSE LOCATED AT 8 VICARAGE FOLD
IN WISWELL.

You should supply the following information, if possible. If any information is not known to you, please say so.

	Name (s)	Address (es)
Names of all current occupants of the land	NOT KNOWN	
Name of current and last known addresses of all those owning freehold of the land	BORTON LTD	THE MANSE CROW TREES BROW CHATBURN CLITHEROE LANCASHIRE BB7 4AA
Names of current or last known addresses of all those having a leasehold interest in the land	NOT KNOWN	

Section 8: Why you think the building or land has community value?

Note that the following are not able to be assets of community value:-

- A building wholly used as a residence, together with land "connected with" that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.
- A caravan site.
- Operational land. This is generally land belonging to the former utilities and other statutory operators.

Does it currently further the social wellbeing or social interests* of the local community, or has it done so in the recent past and if so how?

*These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.
 WISWELL IS A HAMLET WITH AN ACTIVE COMMUNITY BUT IT IS LACKING IN LOCAL AMENITIES. THERE IS NO SCHOOL, VILLAGE HALL OR PUBLIC TRANSPORT. THE FREEMASONS AT WISWELL PROVIDES THE VILLAGE'S ONLY MEETING PLACE FOR THE LOCAL COMMUNITY AND IS CONSIDERED A VALUABLE RECREATIONAL ASSET BY RESIDENTS.

Could it in future further the social wellbeing or social interests* of the local community? If so, how? (This could be different from its current or past use.)

*These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.
 YES. THE LOCAL COMMUNITY HAS REQUESTED THAT THE FREEMASONS AT WISWELL SHOULD ALWAYS BE USED AS A PUBLIC HOUSE. THE BENEFIT TO THE VILLAGE OF HAVING A MEETING PLACE IS NOT ONLY FOR RECREATIONAL PURPOSES, BUT IT ALSO PROVIDES A FOCAL POINT AND HELPS TO DEVELOP A SENSE OF COMMUNITY.

Section 9: Submitting this nomination

What to include

- Evidence that the nominator is eligible to make a community nomination (The rules of your organisation / constitution)
- Names & Addresses of 21 Members who are registered to vote in the local community if the organisation is an unincorporated body

Signature

V Wilson

By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.

Title Number : LA635566

This title is dealt with by Land Registry, Fylde Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he suffers loss by reason of a mistake in an official copy.

This extract shows information current on 25 JUL 2013 at 14:46:22 and so does not take account of any application made after that time even if pending in the Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: LA635566
Address of Property	: The Freemasons Arms, 8 Vicarage Fold, Wiswell, Clitheroe (BB7 9DF)
Price Stated	: Not Available
Registered Owner(s)	: BORTON LIMITED (Co. Regn. No. 06842433) of The Manse, Crow Trees Brow, Chatburn, Clitheroe, Lancashire BB7 4AA.
Lender(s)	: VB TURNBULL LIMITED

*Title number LA635566

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 25 JUL 2013 at 14:46:22. This copy does not take account of any application made after that time even if still pending in the Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the Land Registry web site explains how to do this.

A: Property Register

This register describes the land and estate comprised in the title.

LANCASHIRE : RIBBLE VALLEY

- 1 (21.12.1989) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being The Freemasons Arms, 8 Vicarage Fold, Wiswell, Clitheroe (BB7 9DF).

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

- 1 (11.01.2012) PROPRIETOR: BORTON LIMITED (Co. Regn. No. 06842433) of The Manse, Crow Trees Brow, Chatburn, Clitheroe, Lancashire BB7 4AA.
- 2 (11.01.2012) The price stated to have been paid on 15 December 2011 was £555,000 plus £111,000 VAT.
- 3 (11.01.2012) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate, or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 15 December 2011 in favour of VB TURNBULL LIMITED referred to in the Charges Register or their conveyancer.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (16.08.1993) The land is subject to the following rights granted a Conveyance of 6 Vicarage Fold dated 23 January 1987 made between (1) Leonard Tomlinson (Vendor) and (2) Gareth Seymour Ainsworth:-

"Together with the right to use the passageway adjoining the property hereby conveyed on the north westerly side (together with all other persons entitled to the like right) as heretofore used by the Vendor and his predecessors in title."

2 (11.01.2012) REGISTERED CHARGE dated 15 December 2011.

3 (11.01.2012) Proprietor: VB TURNBULL LIMITED (Co. Regn. No. 07695623) of The Farmhouse, Hedley Hill Farm, Cornsay Colliery, Durham, County Durham DH7 9EX.

End of register