



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

Notice under Section 91 of the Localism Act 2011 Dated: 8 January 2019

INCLUSION ON THE LIST OF ASSETS OF COMMUNITY VALUE OF LAND/BUILDINGS SITUATED AT THE BUCK INN, GRINDLETON ("THE ASSET")

1. BACKGROUND

On or about the 14th day of November 2018, 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 Grindleton 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 and given an opportunity to comment, no response was 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 list of assets of community value. This decision has been taken because:

- a. the application meets the criteria in that the Asset lies within the administrative boundaries of the Council;
- b. Grindleton Parish Council is entitled to make a community nomination in accordance with the provisions of the Act;
- c. the nomination form submitted by Grindleton 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 Asset's owner has been served with a copy of the application and have had an opportunity to comment; no comments have been received.
- 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 public house 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 Grindleton 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 a 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.

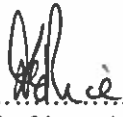
5. THE RIGHT TO ASK FOR A REVIEW (SECTION 92)


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 weeks 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 Services 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: 

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

NOMINATION FORM

RECEIVED BY
CHIEF EXECUTIVE

Before completing this form, please read the material at: 14 NOV 2018

<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))*:

Grindleton Parish Council

Address including postcode: Orchard House, Grindleton, Clitheroe BB7 4QT

Section 2: Contact details

Name:

Lorraine Halley

Position in the organisation:

Vice Chair

Address including postcode: Orchard House, Grindleton, Clitheroe BB7 4QT

Daytime telephone No:

01200 440362

Mobile telephone No:

07851 489191

Email address:

lorraine.halley@gmail.com

How and when best to contact you *(by email or phone, and days of the week and / or times your prefer)*:

email or mobile phone preferred. No preferred contact time.

Section 3: Type of organisation

Description	Indicate all that apply	Registration number of charity and / or company if applicable
Neighbourhood forum		
Parish council	✓	
Charity		
Community interest company		
Unincorporated body		
Company limited by guarantee		
Industrial and provident society		

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.

Grindleton Parish Council is the representative organisation for the village and residents within the parish boundary.

Attached to this document is evidence of my position as Vice Chair of Grindleton 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

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

The Buck Inn

Address including postcode (if know):

Sawley Road, Grindleton, Clitheroe BB7 4QS

Section 7: Details of the land

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

See attached Title Register and Plan (Title Number LA688320)

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	Charlotte Dwyer Daniel Dwyer	The Buck Inn Sawley Road, Grindleton, Clitheroe BB7 4QR
Name of current and last known addresses of all those owning freehold of the land	Andrea Bernadette Flynn Nigel James Schofield (deceased)	38 Bracken Hey, Clitheroe, BB7 1LW
Names of current or last known addresses of all those having a leasehold interest in the land		

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.

The Buck Inn is an essential informal social hub for the village. It provides a 'drop in facility' across all adult age groups and is an essential provision for new residents of the village to meet fellow villagers, especially as the village lacks a post office or shop. The Buck Inn also provides a meeting place for the local sports teams. It is a central point in the village for those who wish to convene a meeting and informally share information about village activities and events.

Two years ago the village had a pub/restaurant (The Duke of York) and a pub (The Buck Inn). Since then The Duke of York has closed, been sold and has an unknown future.

The licensee of the Buck Inn has now announced that it will close and is likely to be sold.

The pub has suffered from a lack of investment over recent years and the village believes, with investment, the facility can be better utilised.

Whilst this application is made by the Parish Council it is also supported by the Grindleton Recreation Ground Charity.

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.

As referred to above the use of The Buck Inn could be extended to provide more wide reaching facilities for the community. The village has a higher than average proportion of older, single people many of whom, especially female, would not choose to visit a pub on their own. By extending the use to provide a cafe facility we believe that the appeal to that part of the community and the many walkers and cyclists who pass through the village could be extended to provide an even more inclusive social hub. We feel this is particularly important to older residents as provision of public transport is limited and under increasing threat. We feel the facility could be focused to help support the local community in a dementia friendly way.

Future additional opportunities could include a shop with basic essentials and a parcel collection point.

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



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 LA688320

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 13 NOV 2018 at 13:36:25. This copy does not take account of any application made after that time even if still pending in HM 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 or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM 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 (06.12.1991) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Buck Inn, Sawley Road, Grindleton, Clitheroe (BB7 4QS).
- 2 (06.12.1991) A Conveyance of the land in this title and other land dated 12 November 1929 made between (1) James Furness (2) Joseph Davies (3) John Smith's Tadcaster Brewery Company Limited and (4) Ruper Evelyn Beckett and others contains the following provision:-

"THE wall separating the stable lying at the north east corner of the hereditaments hereby conveyed from the adjoining hereditaments of the Vendor is a mesne or party wall and shall be used maintained and repaired accordingly.

AS between the land and hereditaments hereby conveyed and the adjoining estate and property of the Vendors all rights and privileges in the nature of easements or quasi easements shall remain as they formerly existed under one ownership whether in common or otherwise and whether such rights are of necessity or essential to the enjoyment of the said land and hereditaments or not and notwithstanding that certain rights are herein particularly mentioned."
- 3 (06.12.1991) The land has the benefit of the following rights reserved by a Conveyance of adjoining land dated 18 May 1966 made between (1) John Smith's Tadcaster Brewery and (2) Alys Mercedes Maclean Whittaker:-

"There is reserved out of the said property to the Vendors in fee simple the free passage and running of water and soil and other services to and from the adjoining property of the Vendors and any buildings for the time being thereon through and along the sewers drains pipes and cables in an under the property hereby conveyed with power for the Vendors and their successors in title owner or owners of such adjoining property or any part or parts thereof to enter for the purpose of cleansing repairing and renewing the said sewers drains pipes cables or any of them doing as little damage as possible to the property entered upon and maintaining good the surface without unnecessary delay at his or their own cost."
- 4 (06.12.1991) The Conveyance dated 18 May 1966 referred to above contains the following provision:-

"IT IS HEREBY DECLARED that the Purchaser shall not be entitled to any right or easement of light or air or otherwise which would restrict or in any way interfere with the free user for building or for any other purpose of any adjoining or neighbouring property of the Vendors and the implication of any such grant is hereby expressly excluded."
- 5 (14.04.2005) The land was formerly copyhold of the Manor of Slaidburn and the rights saved to the lord by the 12th Schedule of the Law of Property Act 1922 are excepted from the registration.

Title number LA688320

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 (24.10.2012) PROPRIETOR: NIGEL JAMES SCHOFIELD and ANDREA BERNADETTE FLYNN of 38 Bracken Hey, Clitheroe, Lancashire BB7 1LW.
- 2 (24.10.2012) The price stated to have been paid on 19 October 2012 was £217,500 plus VAT.
- 3 (24.10.2012) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.
- 4 (24.10.2012) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 19 October 2012 in favour of The Royal Bank of Scotland PLC referred to in the Charges Register.

C: Charges Register

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

- 1 (24.10.2012) REGISTERED CHARGE dated 19 October 2012.
- 2 (26.07.2018) Proprietor: THE ROYAL BANK OF SCOTLAND PLC (Scot. Co. Regn. No. SC083026) of 1 Hardman Boulevard, Manchester M3 3AQ.

End of register

Title Number : LA688320

This title is dealt with by HM 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.

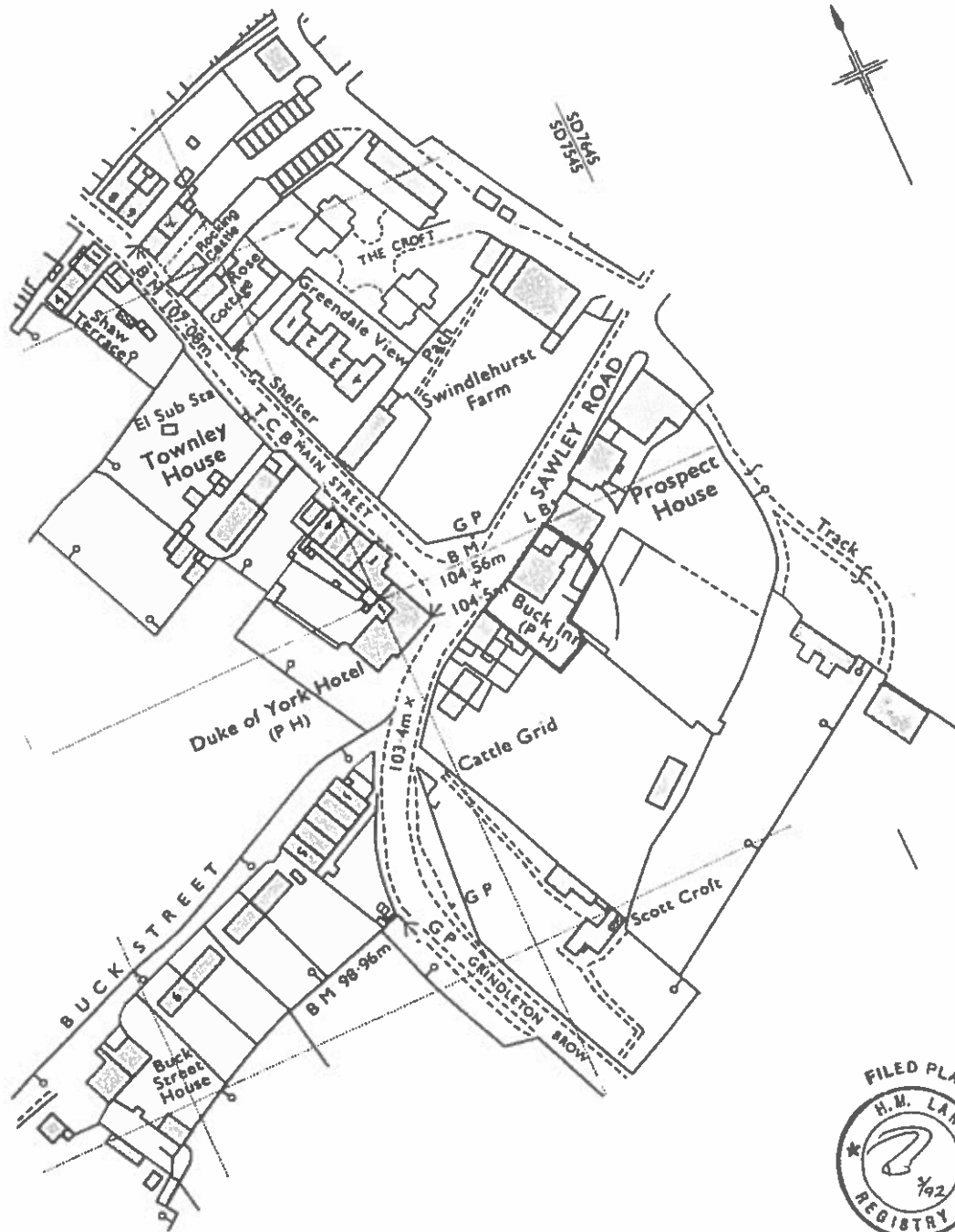
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REGISTER EXTRACT

Title Number	: LA688320
Address of Property	: Buck Inn, Sawley Road, Grindleton, Clitheroe (BB7 4QS)
Price Stated	: £217,500 plus VAT
Registered Owner(s)	: NIGEL JAMES SCHOFIELD and ANDREA BERNADETTE FLYNN of 38 Bracken Hey, Clitheroe, Lancashire BB7 1LW.
Lender(s)	: The Royal Bank of Scotland PLC

H.M. LAND REGISTRY		TITLE NUMBER	
		LA 688320	
ORDNANCE SURVEY PLAN REFERENCE	SD7545	SECTION C	Scale 1/1250 Enlarged from 1/2500
COUNTY LANCASTHIRE	DISTRICT RIBBLE VALLEY	© Crown copyright 1987	



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Ribble Valley
Borough Council

www.ribblevalley.gov.uk

RE: THE BUCK INN, GRINDLETON LA 688320

TAKE NOTICE that the property referred to above has been included in the list of assets of community value compiled by Ribble Valley Borough Council the Local Authority for the Grindleton area.

On the 25 June 2019 the owner of the property served notice on the Local Authority stating their intention to enter into a relevant disposal.

Any community interest group (as defined by the Localism Act 2011) wishing to submit a written request to be treated as a potential bidder for the community asset must do so on or before 6 August 2019.

Requests must be made in writing and should be addressed to Ribble Valley Borough Council, c/o Diane Rice, Head of Legal and Democratic Services, Legal Services Section, Council Offices, Church Walk, Clitheroe BB7 2RA.

Should any request be received, the property will then be subject to the full moratorium period which will cease on the 25 December 2019 and be protected from further moratorium periods for a period of 18 months ending on 25 December 2020.

Signed
Diane Rice – Head of Legal and Democratic Services

Date 28th June 2019