



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

Notice under Section 91 of the Localism Act 2011

Dated: 3 September 2019

**INCLUSION ON THE LIST OF ASSETS OF COMMUNITY VALUE OF LAND/BUILDINGS
SITUATED AT THE DUKE OF YORK, GRINDLETON ("THE ASSET")**

1. BACKGROUND

On or about the 15th day of July 2019, 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 Community Pub Limited. 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, a copy of the response received is attached as Appendix 2.

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; or
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 Community Pub Limited is entitled to make a community nomination in accordance with the provisions of the Act;
- c. the nomination form submitted by Grindleton Community Pub Limited 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 has had an opportunity to comment.
- g. in the opinion of the Authority the nominated asset is an asset of community value as its recent 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 and the creation of the Grindleton Community Pub Ltd supports the view that it is realistic to think that it will be used again for the same purpose within the next five years.

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 Community Pub Limited. 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: 3rd September 2019

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 <i>(full name as written in your constitution or rules (if appropriate))</i> : Grindleton Community Pub Limited
Address including postcode: 4 Greendale View, Grindleton, Clitheroe BB7 4QY

Section 2: Contact details

Name: John Halley
Position in the organisation: Chairman
Address including postcode: Orchard House, Grindleton, Clitheroe BB7 4QT
Daytime telephone No: 01200 440362
Mobile telephone No: 07429 415996
Email address: halleyja@gmail.com
How and when best to contact you <i>(by email or phone, and days of the week and / or times your prefer)</i> : 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	<input type="checkbox"/>	
Parish council	<input type="checkbox"/>	
Charity	<input type="checkbox"/>	
Community interest company	<input checked="" type="checkbox"/>	8149 (Community Benefit Society)
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.

Community Benefit Society (CBS) formed after wide consultation with the local community. The CBS has adopted a formal governing document which has a one member one vote constitution, irrespective of the level of investment.

Full rules are available via the following link to the FCA Mutuals register <https://mutuals.fca.org.uk/Search/Society/30418>

The formal registration document is enclosed with this nomination.

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 Duke of York - Pub/Restaurant

Address including postcode (if know):

Brow Top, Grindleton, Clitheroe BB7 4QR

Section 7: Details of the land

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

Duke of York Building Grounds to the North of the building and car park to the West of the building.

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	Currently Unoccupied	
Name of current and last known addresses of all those owning freehold of the land	Simon Stansfield	Strathaven Whalley Road Billington Clitheroe BB7 9LG
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 Village of Grindleton lacks a public house in the village having seen the closure of both the Duke of York and The Buck Inn in the last three years. As such the informal social meeting place for the community and local sports clubs no longer exists. Whilst Grindleton Parish Council had initially registered The Buck Inn as an asset of community value subsequently The Duke of York has been offered for sale by the current owner following the refusal of planning permission for change of use and development of the building and associated land.

Following public consultation a Community Benefit Society has been formed with the objective of purchasing and restoring the property to return it to use as a public house, restaurant and cafe for the village and wider community.

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.

The Community Benefit Society is now engaged in fundraising to purchase and restore The Duke of York and has already been offered substantial matched funding from a local charity in order to protect this historic Grade II listed building. The restoration and return to public use is felt to offer the best opportunity to recreate an informal social hub at the heart of the village. The village has a demographic with a higher than average age and it is strongly felt that a pub/cafe will play a strong role in preventing social isolation.

The Duke of York 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, cyclists and tourists who pass through the village could be 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.

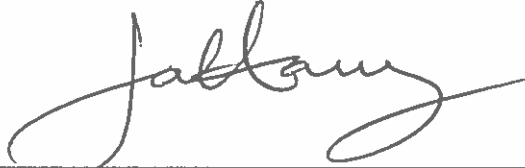
Future additional opportunities could include a shop with basic essentials and a parcel collection point.

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.*

Co-operative and Community Benefit Societies Act 2014

Registration of new society

The following society has today been registered by us under Co-operative and Community Benefit Societies Act 2014 as a Community Benefit Society:

Society: **Grindleton Community Pub Limited**

Registration number: **8149**

Registration date: 1 July 2019

Address: 4 Greendale View, Grindleton, Clitheroe, BB7 4QY

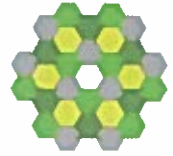
Financial year-end date: 31 July

Date: **01 July 2019**

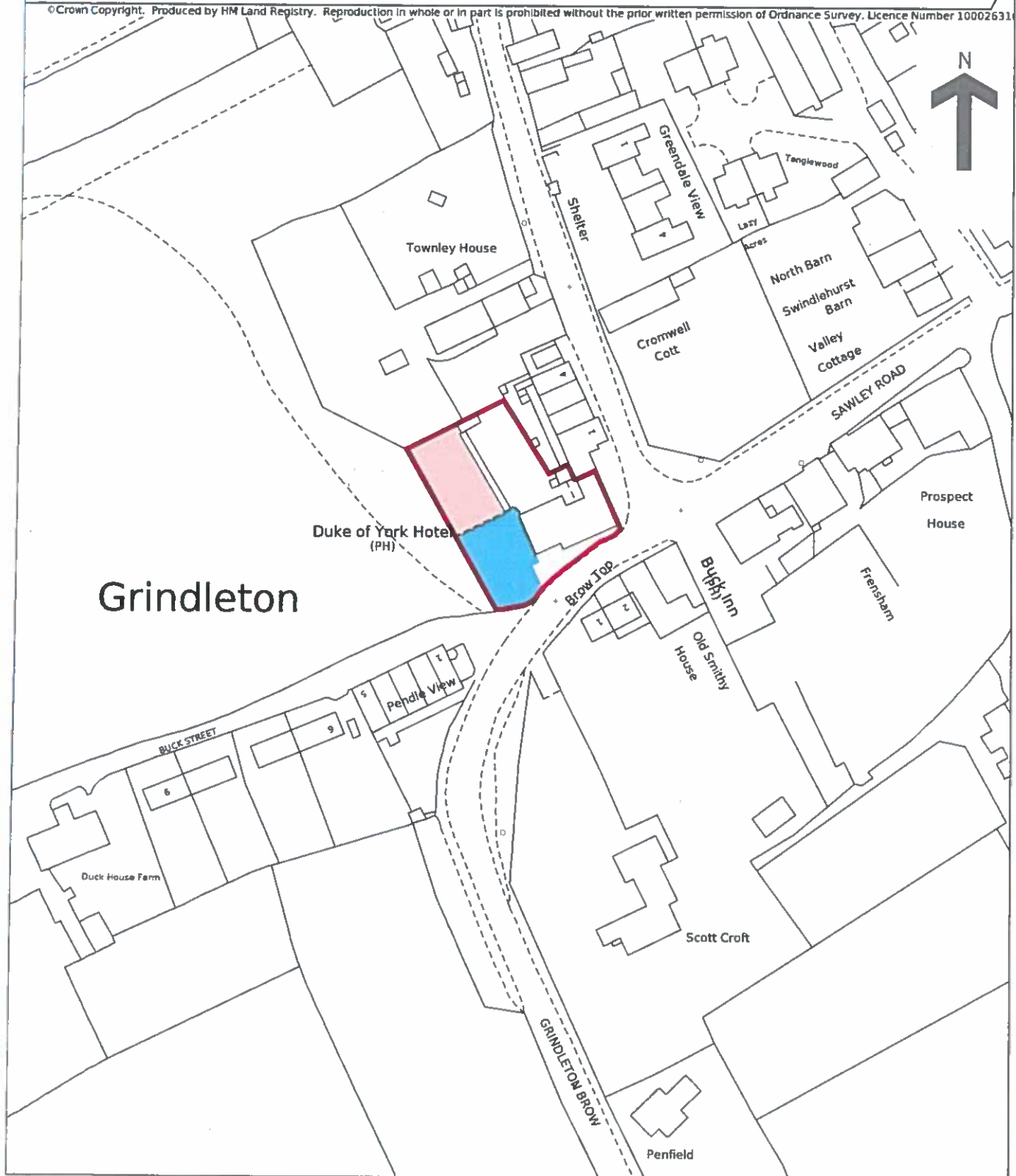


HM Land Registry
Official copy of
title plan

Title number **LA795846**
Ordnance Survey map reference **SD7545SE**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Lancashire : Ribble Valley**



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APPENDIX 2

Mr Simon Stansfield
Strathaven
Whalley Road
Billington
Clitheroe
BB7 9LG

13th August 2019

Diane Rice
Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe
Lancashire
BB7 2RA

Ref - The Duke of York Grindleton.

Dear Diane,

I write with reference to your letter dated the 24th July relating to a request for the above property to be added to the register of community assets.

I have no objection to the property being placed on the register and wish the community group all the best in raising the required amount.

Best wishes,



Simon Stansfield.



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

RE: THE DUKE OF YORK, GRINDLETON LA795846

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 12 September 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 24 October 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 12 March 2020 and be protected from further moratorium periods for a period of 18 months ending on 12 March 2021.

Signed 
Diane Rice – Head of Legal and Democratic Services

Date 13th September 2019
Date



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On the 12 September 2019 the owner of the property served notice on the Local Authority stating their intention to enter into a relevant disposal.

On 15 September 2019 a community interest group namely Grindleton Community Pub Limited requested to be treated as a potential bidder for the property.

The property will therefore be subject to the full moratorium period which will cease on 12 March 2020 and be protected from further moratorium periods for a period of 18 months ending on 12 March 2021.

Signed 
Diane Rice – Head of Legal and Democratic Services

Date  October 2019



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RE; THE DUKE OF YORK, GRINDLETON LA795846

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 24th February 2021 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 7th April 2021.

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

Should any request be received, the property will be subject to the full moratorium period which will cease on 24th August 2021 and be protected from further moratorium periods for a period of 18 months ending on 24th August 2022.

Signed.....*Reubin*.....

Mair Hill – Head of Legal and Democratic Services

Date.....*26/2/21*.....



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RE; THE DUKE OF YORK, GRINDLETON LA795846

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On the 24th February 2021 the owner of the property served notice on the Local Authority stating their intention to enter into a relevant disposal.

On 13th March 2021 a community interest group namely Grindleton Community Pub Limited requested to be treated as a potential bidder for the property.

The property will therefore be subject to the full moratorium period which will cease on 24th August 2021 and be protected from further moratorium periods for a period of 18 months ending on 24th August 2022.

Signed.....*Mair Hill*.....

Mair Hill – Head of Legal and Democratic Services

Date.....*18/3/21*.....