

RIBBLE VALLEY BOROUGH COUNCIL



NOTICE UNDER SECTION 91 OF THE LOCALISM ACT 2011 IN RESPECT OF COMMUNITY NOMINATION OF BAYLEY ARMS, DATED: 29 February 2024

Ribble Valley Borough Council has considered an application made by Aighton Bailey and Chaigley Parish Council to nominate The Bayley Arms as an Asset of Community Value. Having considered the application, we have decided that the nomination should be accepted for the following reasons:

It is the opinion of the Ribble Valley Borough Council that 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.

Consequently, it meets the criteria set out in the Localism Act 2011 to be eligible for listing.

Signed:
Council Solicitor

Dated: 29/2/24

1. INTRODUCTION

- 1.1 On the 4 January 2024, Ribble Valley Borough Council (“the Council”) received a nomination under Section 89 of the Localism Act 2011 (“the Act”) to list The Bayley Arms (“the Asset”) as an Asset of Community Value (“ACV”). The Nomination was made by Aighton Bailey and Chaigley Parish Council (“the Nominator”).
- 1.2 Under the Act, the Council is provided 8 weeks to make a judgement as to whether the Asset meets the definition set out in Section 88 of the Act. The Council is therefore required to make a decision in relation to the nomination on or before the 29 February 2024. The Council is required to accept the nomination if the land falls within the Local Authority’s area and qualifies as an ACV. In the event the nomination is successful, the Council is then required to include the list on its list of ACV, register it as a local land charge and register this against the Freehold Title to the Property.
- 1.3 This notice outlines the nomination submitted, the criteria which the Council is required to consider before making a determination, and the comments received from the owners of the Asset.

2. BACKGROUND

- 2.1 The Localism Act was enacted on the 15 November 2011 (“the Act”) and the Assets of Community Value provisions in Part 5 Chapter 3 were commenced for England at the same time as the Assets of Community Value England Regulations (“the Regulations”) made under those provisions came into force, both on 21 September 2012. The provisions give local groups a right to nominate a building or other land for listing by the Local Authority as an Asset of Community Value. It can be listed if a principal (non-ancillary) use of the asset furthers (or has recently furthered) their community’s social well-being or social interests which include cultural, sporting, or recreational interests and is likely to do so in the future.

3. THE NOMINATION

- 3.1 A copy of the nomination, including a plan showing the location of the Asset is attached at Appendix 1.
- 3.2 The Council is the appropriate decision-making authority to determine the Application.
- 3.3 The nomination is valid and does not fall within one of the exemptions stipulated in the Act.
- 3.4 The Nominator is entitled to make an application to list the Asset as an ACV pursuant to section 89(2)(b)(iii) of the Act.
- 3.5 The nomination lists the registered owner of the Asset as Star Pubs & Bars Limited. The Council has obtained the Official Copies relating to the Asset which is registered with the Land Registry under Title Number LA607321 and notes the proprietor as Punch Partnerships (PTL) Limited. The Official Copies are attached at Appendix 2.
- 3.6 The nomination stipulates that the current and main use of the Asset furthers the social well-being or cultural, recreational, or sporting interests of the local community.

4. CONSULTATIONS

4.1 The Council contacted the Freeholder on the 19 January 2024. No response has been received.

5. THE LAW AND STATUTORY GUIDANCE

5.1 The Council is required to consider the nomination received and upon consideration of legislation and statutory guidance, determine whether the Asset can be included in the list of ACV.

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

5.3 The legal criteria to make the decision are laid down in the Act and supporting Regulations. The Council must decide whether the Asset is of community value. Section 88 of the Act defines land of community value thus:

1. *For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area is land of community value if in the opinion of the 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 the same way) the social wellbeing or social interest of the local community.

2. *For the purposes of this Chapter but subject to regulations under subsection 3, a building or other land in a local authority's area that is not land of community value as a result of subsection (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 other 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.

6. DECISION- MAKING PROCESS

6.1 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 (the Regulations), has decided to enter the property into its lists of Assets of Community Value. This decision has been taken due to the following reasons:

a) the application meets the criteria in that the asset lies within the administrative

boundaries of the Council.

- b) Aighton Bailey and Chaigley Parish Council is entitled to make a community nomination in accordance with the provisions of the Act.
- c) The nomination form submitted by Aighton Bailey and Chaigley Parish Council includes the matters required under Regulation 6 of The Assets of Community Value (England) Regulations 2012 ("Regulations").
- d) The asset does not fall within the description of the 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 Council 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.

7. NEXT STEPS

7.1 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 Aighton Bailey and Chaigley 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 ACV 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.

7.2 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.

8. THE CONSEQUENCES FOR THE LAND AND ITS OWNER OF THE LANDS INCLUSION IN THE LIST

8.1 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.

- 8.2 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 that 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.
- 8.3 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.

9. THE RIGHT TO ASK FOR A REVIEW

- 9.1 Pursuant to Section 95 of the Act, asset owners have the opportunity to request a review of the decision to enter an asset on the list of ACV. 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.
- 9.2 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.
- 9.3 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.

**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))*:

Aighton Bailey and Chaigley Parish Council

Address including postcode: Pendleview, Lambing Clough Lane, Hurst Green, Lancashire BB7 9QN

Section 2: Contact details

Name:

Position in the organisation:

Parish Clerk

Address including postcode: Pendleview, Lambing Clough Lane, Hurst Green, Lancashire BB7 9QN

Daytime telephone No:

Mobile telephone No:

Email address:

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

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.

we are not an unincorporated body. There are 8 Parish councillors all registered to vote and about 500 registered voters in the parish.

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.

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 Bayley Arms

Address including postcode (if know):

The Bayley Arms, Avenue Road, Hurst Green BB7 9QB

Section 7: Details of the land

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

This link provides details, including the grid reference and a map: <https://historicengland.org.uk/listing/the-list/list-entry/1362234>

The Bayley Arms is a grade 2 listed building National Grid Reference: SD 68452 38139

Public house, early C19th. Furrowed sandstone ashlar with slate roof. 2 storeys. The central 2-bay portion projects, with end stacks, furrowed quoins and a cyma-moulded stone cornice gutter. The windows are sashed with plain stone surrounds, the central door also having a plain stone surround. Adjoining to the right(south) is one bay of squared coursed sandstone, probably an addition, with plain stone surrounds to sashed windows and a gable stack. Adjoining to the left is a former barn with a blocked doorway with plain stone surround, now a window, at the left. At the right is a wide entrance now containing a smaller doorway, with an elliptical arch with punched voussoirs. Above is a sashed window with plain stone surround.

It sits at the centre of Hurst Green Village on Avenue Road.

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.

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	Star Pubs & Bars Limited Company Number SC250925	Registered in Scotland; 3-4 Broadway Park, South Gyle Broadway, Edinburgh, EH12 9JZ
Name of current and last known addresses of all those owning freehold of the land		
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.

Recreational The Bayley Arms is a public house that was frequented by local residents and walkers visiting the area. It also offered bed and breakfast accommodation. While the Shireburn Arms is just down the road, it is very a busy wedding venue, whereas the Bayley Arms was more of a pub for 'locals' and passing walkers.
For the last 2 years the Bayley Arms has been closed for business more than it has been open. Even at times when it has been tenanted the opening times were unpredictable, so it was impossible to know whether it was worth arranging to meet someone there or not. Parishioners feel that they have lost an invaluable impromptu meeting place.
Recent tenancies have been short lived, with tenants complaining that the the brewery is reluctant to follow through with its promise to renovate. Currently the property has a rotting door and window frames and is untenanted. The community is concerned that the longer the Bayley Arms remains closed the more likely the brewery is to apply for a change of use and we would permanently lose this asset. The parish has already lost The Punchbowl and The Eagle and Child in this way.

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 Bayley Arms could continue to offer a recreational facility to the parish and visitors. In addition to selling alcohol and meals, as a community asset it could be run as a cafe during the day, or offer a shop, which the village lacks.
Its value as an impromptu meeting pace puts it in an ideal position to tackle the 'epidemic of loneliness' (Tackling loneliness annual report March 2023: the fourth year. Published by dept for culture media and sport).

Location

Location of this list entry and nearby places that are also listed. Use our [map search](#) to find more listed places.



This map is for quick reference purposes only and may not be to scale.

<https://historicengland.org.uk/listing/the-list/list-entry/1362234>

Appendix 2

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.



Official copy of register of title

Title number LA607321

Edition date 23.01.2018

- This official copy shows the entries on the register of title on 11 JAN 2024 at 11:39:54.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 11 Jan 2024.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Fylde Office.

A: Property Register

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

LANCASHIRE : RIBBLE VALLEY

- 1 (28.02.1989) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Bayley Arms Hotel, Avenue Road, Hurst Green, Clitheroe (BB7 9QB).

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 (06.12.2005) PROPRIETOR: PUNCH PARTNERSHIPS (PTL) LIMITED (Co. Regn. No. 3512363) of Jubilee House, Second Avenue, Burton Upon Trent, Staffs DE14 2WF.
- 2 (22.06.2004) A Transfer of the land in this title and other land dated 3 November 2003 made between (1) Punch Pub Company (CMG) Limited (Transferor) and (2) Punch Pub Company (PTL) Limited (Transferee) contains purchasers personal covenant(s) details of which are set out in the schedule of personal covenants hereto.

Schedule of personal covenants

- 1 The following are details of the personal covenants contained in the Transfer dated 3 November 2003 referred to in the Proprietorship Register:-

"The Transferee covenants with and undertakes to the Transferor that the Transferee and its successors in title will at all times:

(a) observe and perform the Incumbrances insofar as the same affect the relevant Property and are subsisting and capable of being enforced;

(b) observe and perform the covenants, obligations and agreements binding on the Transferor contained in the Occupational Leases;

and indemnify the Transferor against all actions, proceedings, costs,

Schedule of personal covenants continued

claims, demands and liabilities in respect of any future breach or non observance or non performance of them or any of them.

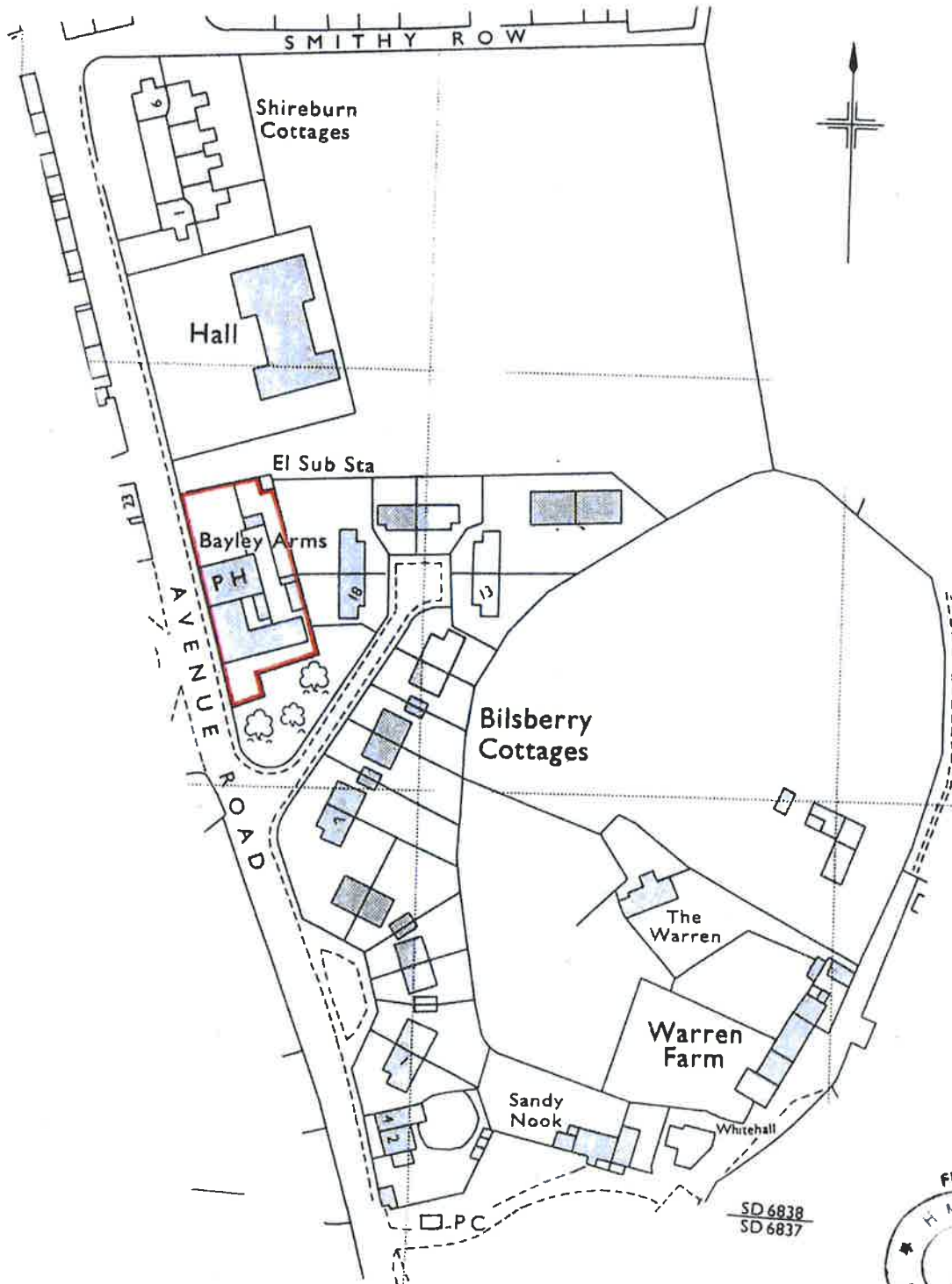
In this transfer, except where the context otherwise requires, the following words and expressions have the following meanings:

"the Incumbrances" means in respect of a Property, the matters subject to which it is transferred;

"Occupational Lease" means the leases, tenancy agreements, licences and other rights of possession granted by the Transferor or its predecessors in title (if any) in respect of a Property;"

End of register

H.M. LAND REGISTRY		TITLE NUMBER	
		LA607321	
ORDNANCE SURVEY PLAN REFERENCE	SD 6838	SECTION A	Scale 1/1250 Enlarged from 1/2500
COUNTY LANCASHIRE	DISTRICT RIBBLE VALLEY		© Crown copyright 1985



SD 6838
SD 6837



