

COMMUNITY RIGHT TO BID - THE NOMINATION OF COWPER'S OAK PUBLIC HOUSE, HIGH STREET, WESTON UNDERWOOD, OLNEY

Responsible Cabinet Member: Councillor Gifford (Cabinet Member for Place)

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Executive Summary:

The Cowper's Oak Public House, High Street, Weston Underwood , Olney MK46 5JS, has been nominated by Weston Underwood Parish Council as an asset of Community Value under the Localism Act 2011, sometimes called The Community Right to Bid. When such nominations are received, the Council must decide whether to add the property to the list of such assets which it maintains.

1. **Recommendation(s)**

That, (subject to further evidence due to be submitted by 18 April 2017), either:

the nomination to list Cowper's Oak Public House (property and additional land [**detailed at Annex A**]) as an Asset of Community Value be accepted

OR

the Council accepts the nomination and that details of Cowper's Oak Public House and Land (**land edged red on Annex B1**) be published on the Council's website as an 'Asset of Community Value'

2. **Background**

2.1 Cowper's Oak Public House (Property and additional Land **Annex A**) is in the Olney area of Milton Keynes. It has operated as a Public House for many years and is currently owned by Unique Pub Properties Ltd (Part of EI Group plc).

2.2 If the nomination is approved, the Council will add Cowper's Oak Public House to the 'assets of community value' list and respond to Weston Underwood Parish Council within 8 weeks of accepting the application and publish details. Once listed the Council will make entries in the local land charges register maintained by the Council, and also at the Land Registry.

2.3 The framework under which Milton Keynes Council manages the Community Right to Bid process was adopted by the Council on 26 February 2013.

3. **Issues**

Nomination for Listing for an Asset of Community Value (ACV)

- 3.1 The nomination to list the property as an Asset of Community Value was received from Weston Underwood Parish Council on 1 November 2016 and finally accepted as valid by Milton Keynes Council on 28 February 2017 (**Annex A**).

Requirements of Listing

- 3.2 The Community Right to Bid was introduced by the Localism Act 2011. The criteria that must be satisfied in order for land or property to be listed as an Asset of Community Value are set out at section 88.
- 3.3 In the current circumstances, as the Property and associated Land is currently in use, the relevant provision of the Act is section 88(1) which provides that land is capable of being of community value if, in the Council's opinion, the following requirements are satisfied:
- An actual current use of the building or other land (which is not ancillary use) furthers the social wellbeing or social interests of the local community **and**
 - 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 interests of the local community.
- 3.4 In their nomination, Weston Underwood Parish Council writes that:

"[The Cowper's Oak Public House is a traditional, successful community focussed village pub with a highly regarded restaurant, function room, beer garden, children's play area and a programme of activities such as quiz nights. This allows the local residents to socialise without leaving the village and is very much regarded as the hub of village life. It also attracts visitors from nearby villages, towns and the urban part of Milton Keynes and is a popular stop on local walks listed in many guides such as the Olney Walks guide.]"

The full statement / evidence of community use of the additional land by Weston Underwood Parish Council can be read in **Annex D (to follow after the deadline for submission of 18 April 2017)**.

- 3.5 Any continued or future 'social interest' use of the property should be realistic.
- 3.6 In summary, the decision taker is required in this case to have regard to the following factors in deciding whether the property should be listed as an asset of community value – namely, whether an actual current use that is not ancillary use furthers the social wellbeing or social interests of the local community and it is realistic to think this can continue. Weston Underwood Parish Council would like to see this building and associated land remain in public use for community and social benefit into the future.

Stakeholder Engagement and Representations

- 3.7 An engagement exercise was carried out with key stakeholders within the locality including Ward councillors and parish councillors as well as Council officers in Planning, Legal and Property Services. The owners, Unique Pub Properties Ltd confirmed the Land Registry plan (**Annex A**) identifies the whole of its ownership,

but claim that not all the land is being used as a 'Community Asset'. The amended plan shown in **Annex B** confirms that they have no objection to the Pub, Car Park and Beer Garden (including any children's play equipment) from being included in the listing, but suggest it would be sensible to exclude the surplus land (coloured purple) to the rear from the listing as the land is not considered to be an Asset of Community Value – they may in the future look to let this land separately from the pub. (The 30 year lease on this additional land expires October 2020)

The Effects of Listing

- 3.8 An owner of a property which has been listed as an asset of community value is required to notify the local authority if they intend to sell or otherwise dispose of it. There then follows an 'interim moratorium period' of six weeks during which community or voluntary groups are able to express an interest in acquiring the property. If an expression of interest is received, a further six month moratorium period is triggered to allow interested groups to prepare and submit a bid for the property.
- 3.9 It should be noted that a successful application to list a property as an asset of community value does not confer any preferential status on any potential bidder, and does not compel the owner to sell to any particular bidder, or to sell at all.
- 3.10 The full decision making process concerning listing is summarised in the flow charts at **Annex C**.

4. Options

- (a) To list Cowper's Oak Public house, car park and gardens as an Asset of Community Value

That while the Cowper's Oak Public House and its car park and gardens are clearly an asset of community value, the whole area covered by the current application (**Annex A**) may not, **depending on weight of evidence submitted**, comply with the legislative criteria so should not be designated as 'an asset of community value as depicted at **Annex B1**

- (b) To list Cowper's Oak Public house and additional land as an Asset of Community Value

The Council consider the Property should be listed as an Asset of Community Value on the basis of the Nomination, as the actual current use furthers the social wellbeing or interests of the local community and will continue to do so. The requirements of section 88 (1) of the Act are therefore satisfied for the whole area including associated land. **This appears to be the preferred option depending on weight of evidence submitted.**

5. Implications

5.1 Policy

There are no policy implications resulting from this decision.

5.2 Resources and Risk

The Community Right to Bid process is currently managed within existing resources.

The owner of listed land can in certain circumstances claim compensation for the effects of it being listed. As the owner of the land subject to this application is Milton Keynes Council it is highly unlikely that such a claim would arise.

N	Capital	Y	Revenue	N	Accommodation
N	IT	Y	Medium Term Plan	Y	Asset Management

5.3 Carbon and Energy Management

Not applicable.

5.4 Legal

The Community Right to Bid legislation is set out in the Localism Act 2011 and associated regulations.

The Council of the Parish of Weston Underwood is known as Weston Underwood Parish Council (Local Government Act 1972). The nominating body is therefore a 'voluntary or community body' within the meaning of section 5(1) Localism Act 2011.

The current owner of Cowper's Oak Public House is Unique Pub Properties Ltd. This doesn't present a potential conflict of interest for the decision maker as the Council is adjudicating on an application concerning another owner's property asset.

5.5 Other Implications

There are no other significant implications resulting from this decision.

N	Equalities/Diversity	Y	Sustainability	Y	Human Rights
N	E-Government	Y	Stakeholders	N	Crime and Disorder

Annex A Nomination Form (including Boundary Plan)

Annex B Feedback from the Owner of Cowper's Oak Public House

Annex B1 Revised plan showing area designated as Asset of Community Value (if weight of evidence sufficient this revision will be pulled)

Annex C Flow Charts for Decision Process for Cowper's Oak Public House

Annex D Further Evidence of Community Value of the associated land (to follow)

Background Papers: Delegated Decision 26 February 2013: Community Right to Bid