

## **APPEAL – COMMUNITY RIGHT TO BID** **RING O'BELLS, PRIXFORD**

The review of the decision regarding the re-listing of the Ring O'Bells has been requested by the property's owner.

The review will focus on the key criteria identified in the Council's policy and used in the original decision.

Consideration One – has the nomination been made by an appropriate body?

The application was submitted in the name of the *Save Our Pub* Group and includes the names of 42 supporters. 42 of these have been confirmed to the register of electors. As such, the Group represents an unincorporated body with at least 21 members, as allowed for by the Localism Act 2011.

Some mention has been made of whether this Group remains valid or whether it is simply a list of individuals. However, the Group does continue to maintain a list of individuals who have indicated a willingness to put forward a financial contribution if a purchase option were available. In addition, the new nomination was only submitted following a physical meeting (01.08.18) which reaffirmed the wish to save the pub.

I am, therefore, satisfied that the nomination has been submitted by an appropriate body.

Consideration Two – Is the nomination complete, including the necessary matters specified in paragraph 6 of the Assets of Community Value (England) Regulation 2012?

I have already presented my view on the ability of the Group to make the application. There is sufficient evidence submitted regarding the land, land ownership and occupation. Reasons have been presented for believing the property represents an asset of community value.

From this, I would contend that a valid and complete application has been lodged with effect from 1<sup>st</sup> August 2018.

Consideration Three – Does the Ring O'Bells, Prixford qualify as being of 'community value'?

The Ring O'Bells traded as a public house until its closure in 2012. Much has been made of the fact that it was not well used and that its closure was due to financial failure. This argument, whilst factually correct, does not impact on the assessment of 'community value'. The fact that a business had deteriorated does not, in itself, prevent the asset being used now, or in the future, for its primary purpose (a public house) under a revised business model. The question then is whether the primary purpose is one of community value. To be of community value, the 2011 Act identifies the Authority needs to consider –

- a. an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interest of the community; and
- b. it is realistic to think that there can continue to be such use.

I have already reflected on the issue of viability and it is not for the Authority to determine the financial viability of any particular future model. The fact remains that it was a longstanding public house facility and, in some form, it could be in the future.

It is a given that the pub is closed and has been since 2012. However, the Act allows for consideration of this in whether, in the recent past, this community use has been in evidence. Whilst there is no clear definition of recent past the passage of around 6 years does need to be considered. In looking at this, the review also needs to look at the context for the community use. The local Group quote a period of 170 years of use which would not seem out of the question. The period of use is certainly lengthy and in this context the closure for 6 years is not a substantial passage of time.

There is a further question raised as to whether the community asset needs to retain its status given the relatively recent opening of a new community hall in Marwood i.e. since the original listing. Whilst it is relevant to note this additional facility, it does not in itself preclude the listing of the other assets within the area. The community hall is not in the immediate vicinity and, by its nature, provides facilities which are pre-booked by prior arrangement. Whilst it may offer some element of competition for such arrangements e.g. wedding receptions, it does not offer the social elements or less formal community facility represented by the core business of a public house. There are many examples in rural communities of two such facilities co-existing within single communities. Clearly any future business plan would need to take account of the existence of other facilities, but it does not in itself diminish the value of the, currently closed, public house in terms of its future contribution to the social wellbeing of the local community.

I have reviewed the decision to list the Ring O'Bells and consider that the correct criteria was applied in reaching the decision to list the property; the original decision included detailed and valid reasons. I have also considered the additional representations made in requesting this review. I have concluded that whilst I understand the reasons for making these representations they do not represent valid reasons, in law, to overturn that decision.

Therefore, having concluded this review, I confirm the decision to list dated 26<sup>th</sup> September 2018 should stand.

Mike Mansell  
Chief Executive

22<sup>nd</sup> November 2018