

DECISION NOTICE

THE LOCALISM ACT 2011 Section 88

DECISION ON THE NOMINATION OF AN ASSET OF COMMUNITY VALUE

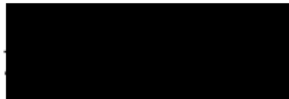
COMPASSES INN, EAST END, DAMERHAM SP6 3HQ

I, Alan Bethune, Strategic Director Corporate Resources & Transformation, and Section 151 Officer of the District Council of New Forest, pursuant to delegated powers, have considered an application made by Damerham Parish Council to nominate Compasses Inn, East End, Damerham SP6 3HQ as an asset of community value. Having considered the application I have decided that the application should be accepted for the following reasons:

In the opinion of the local authority, the actual current use of the Property or other land that is not an 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.

It therefore meets the criteria set out in the Localism Act 2011 to be eligible for listing.

Signed: ...



Alan Bethune
Strategic Director Corporate Resources & Transformation, and Section 151 Officer

Dated: 9 May 2023

REPORT TO ALAN BETHUNE

Application to nominate Compasses Inn, East End, Damerham SP6 3HQ as an asset of community value

1. INTRODUCTION

- 1.1 This report relates to an application made to the Council by Damerham Parish Council (“the Nominator”) to nominate Compasses Inn, East End, Damerham SP6 3HQ (“the Property”) as an asset of community value (“the Application”). The report reviews the Application, the criteria against which a decision must be made, the result of consultations and makes recommendations.

A copy of the Application is annexed to this report.

2. BACKGROUND

- 2.1 The Application to nominate the Property as an asset of community value (‘ACV’) is made pursuant to the Community Right to Bid, arising out of the Localism Act 2011 (“the Act”). Under the Act, the Council must make a decision on the Application before 10 May 2023 which is 8 weeks from receipt of the nomination. If the Council accepts that the Application meets the criteria set down in the Act, the Property must be added to the Council’s published list of ACV, registered as a local land charge and registered against the freehold title to the Property.
- 2.2 If the Property is listed as an ACV, the owners must notify the Council if they wish to dispose of the Property. The Council would notify community interest groups of the proposal. If such a group expresses an interest in the Property, a moratorium period of 6 months on the sale is imposed to allow the community interest group to prepare a bid and raise finance.
- 2.3 However, if there is a sale of the land on which a business is carried on, together with a sale of that business as a going concern e.g. still operating as a hotel/pub, then that disposal is exempt and is not affected by the moratorium requirements (section 95(5)(f) of the Act).

3. THE APPLICATION

- 3.1 The Application was made by the Nominator and was received by the Council on 15 March 2023 (although it is dated 19 January 2023). The Council is the proper decision-making authority to determine the Application and delegations have been granted to the Strategic Director to make a decision on the matter. The Application is valid under the criteria laid down by the Act and the Property is not within one of the exceptions laid down in the Act.
- 3.2 The Parish Council is entitled to make an application to list the Property as an ACV under s89(2)(b)(i) Localism Act 2011.
- 3.3 The Application makes reference to the Owner as being ‘EI Group Previously Enterprise Inns PLC’ and to ‘Appointed Managers’ as the Lawful Occupiers.
- 3.4 Current Land Registry entries show that the Property is currently owned freehold by Leased and Tenanted Pubs 1 Ltd, following a transfer by EI Group Ltd to it on

26 January 2023 (i.e. after the date of the application form). The Land Registry details also show that the Property is currently subject to a 10 year lease to Grish & Son Trading Ltd, expiring on 30 May 2024. The Companies House information shows that the nature of the Lessee's business is 'Public houses and bars'.

- 3.5 The Application contends that the current and main use of the Property is as a "Public House" and that it furthers the social well-being or cultural, recreational or sporting interests of the local community. When asked in the Application form how it does this, what events take place there and requests evidence of support from groups or persons using the Property, the Nominator states "*Currently the Compasses serves the village and surrounding area as a public house and is one of the focal points for locals, various clubs and sports teams. It serves the community with regular functions and supports other outside events held in the village*". The Application provides no other evidence in support.
- 3.6 When asked what anticipated period this main use will continue for it states, "*Hopefully Indefinite*".
- 3.7 In the section where further information is requested to persuade the Council that the asset is of community value, the Nominator says that "*The point of this application is to safeguard the possible loss of the Public House in the future should the current owners decide to sell the property. This would be a major loss to the community as it is currently a valued asset to the community*".

4. THE OWNER'S COMMENTS

- 4.1 There has been no response by the Owner in reply to the Council notifying it of the nomination for the status of ACV.

5. LEGAL POWER AND DELEGATIONS

- 5.1 The Council must consider the nomination and decide whether to list the Property as an ACV.
- 5.2 The Council has put in place delegated powers for the Strategic Director or Chief Planning Officer to make the decision in consultation with relevant heads of service and portfolio holder(s).
- 5.3 The legal criteria to make the decision are laid down in the Act and supporting regulations. The Council must decide whether the Property is of community value.
- 5.4 The Property is of community value if, in the opinion of the local authority 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 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. "Social interests" include cultural interests, recreational interests and sporting interests.
- 5.5 In the event of the Council deciding to list the Property as an ACV, the Owner can appeal against that decision, firstly to the Chief Executive and ultimately to the court (the First Tier Tribunal). The Owner is able to claim compensation for those losses and expenses which were unlikely to have been incurred in relation to the Property had it not been listed. This can include delays in entering into a binding agreement to sell the land which is caused by relevant disposals being prohibited by the regulations.

6. CONSULTATIONS

- 6.1 A number of consultations have been made as summarised below.
- 6.2 The Owner was informed of the Application and invited to provide comments as per section 4.1 above. No response was received.
- 6.3 Notifications of the nomination were sent to both the Leaseholder and also separately to "The Occupier" of the Property in case they were separate parties. Neither has responded.
- 6.4 Damerham Parish Council is the Nominator and so the Council did not need to seek its comments.
- 6.5 The Strategic Directors of Housing, Communities and Governance; and of Place Operations & Sustainability respectively, were informed of the Application. The former said that she had no comments to make, while the latter did not make any comment.
- 6.6 Service Manager for Estates & Valuations, Andrew Smith, was notified of the Application and had no further comments to make.
- 6.7 The Portfolio Holder for Planning, Regeneration & Infrastructure said that without the Property "*...Damerham...would be a very different village. I agree that it should have an ACV, or at least I have no reason to have alternative views*". Portfolio Holder for Partnering and Wellbeing, Cllr Geoffrey Blunden, gave no response to the notification of the Application.
- 6.8 Cllr Edward Heron, as the Ward Member, supported the nomination saying that the Property "*...plays a significant role in the social fabric of the Damerham Community and is one of three principal built community facilities (the others being the Village Hall and the Primary School). It is located immediately adjacent to the primary public open space within the village (Damerham Sports Ground) and has regularly participated in significant local events, such as the Jubilee celebrations, its facilities enhancing and complementing other community offers. Social events have regularly been held by licensees, such as music & entertainment evenings and quiz nights, that have been targeted at the local community and have supported community social interactions. The Compasses Inn epitomises the role that a rural public house plays within the fabric of the rural community and I cannot think of a better example of what was intended as a community asset in the passing of the Localism Act in 2011 and subsequent regulations.*"

7. CONCLUSION

- 7.1 There are therefore, no objections to the nomination.
- 7.2 However, other than the assertions in support made by the Nominator, the Ward Councillor and the Portfolio Holder for Planning, Regeneration & Infrastructure, there has been no separate supporting evidence provided in the Application to assist the Council when considering whether the Property will realistically further the social wellbeing or cultural, recreational or sporting interests of the local community.
- 7.3 The internet website for the Property refers to itself as "*A boutique hotel, dining rooms and traditional bar at the heart of an idyllic countryside village in Hampshire*"; "*A friendly and inclusive community pub, at the heart of a working countryside village*" and

also that “...we are the heart of this community” where patrons can, amongst other things, watch the cricket from the garden. The website refers to regular quizzes taking place; and the option for ‘Upcoming events at The Compasses Inn’ for 2023 refers to a King’s Coronation Party on 6 May, with free entry and music; a Garden Party on 2 September with free entry and drinks; and a night time Halloween party with fancy dress and music on 29 October. Other events are listed for 2024. It also says that the Property is used by the McLaren Automobile Owners Club as a hosting hub as well as the Christmas party venue for the Lobster Cricket Club, and Allenford farm.

There is reference to the Compasses Inn’s belief in sustainability and supporting local businesses within the village and the wider New Forest and Dorset area, particularly in the sourcing of the restaurant’s food and beer.

Trip Advisor displays numerous reviews as a hotel and pub for accommodation and food going back to at least October 2017, displaying the use of the Property ‘in the recent past’.

7.4 Therefore, the comments made by Portfolio holder Cllr Diane Andrews and, in particular, Ward Member Cllr Heron at 6.7 and 6.8 respectively, above, appear to reflect the community driven ethos depicted in the Property’s website. It seems reasonable to conclude, in the absence of any comments to the contrary, that the current evidence to hand strongly suggests that it is an asset of community value in the sense of being supported by the local community.

7.5 So, when read in conjunction with Compasses Inn’s website and relevant Councillors’ supporting comments, the Application given by the nominating body set out in section 3 above indicates the Property does fulfil the criteria for listing summarized in paragraph 5.4 above.

7.6 On balance the Application appears to meet the legal criteria set out in the Localism Act 2011 for the Council to accept the nomination, for the reasons explained above.

8. RECOMMENDATION

8.1 It is recommended that you as Strategic Director Corporate Resources & Transformation, and Section 151 Officer, of the Council decide this Application pursuant to delegated powers as follows:

- (1) In the opinion of the local authority, the 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 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. It does therefore meet the criteria set out in the Localism Act 2011 to be eligible for listing.

For Further Information Contact:

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Background Papers:

Application by Damerham Parish
Council