

REPORT TO BOB JACKSON

REVIEW OF LISTING AS AN ASSET OF COMMUNITY VALUE

The King Rufus, Eling Hill, Totton, Southampton SO40 9HE

1.0 INTRODUCTION

- 1.1 The Localism Act 2011 (“the Act”) gives local groups a right to nominate a building or land for listing by the local authority as an “asset of community value” (“ACV”). An asset can be listed if a principal (“non-ancillary”) use of the asset furthers or has recently furthered the local community’s social wellbeing or social interests (which include cultural, sporting or recreational interests) and is likely to do so in the future.
- 1.2 The King Rufus, Eling Hill, Totton, Southampton SO40 9HE (“the Property”) was nominated as an ACV by The King Rufus Supporters (“the Supporters”). On 14 September 2020 Colin Read, Executive Head of Operations, acting under delegated powers from the Council, decided to list the Property as an ACV pursuant to Section 88 of the Act.
- 1.3 The owners of the Property, Mr Raymond Grenville Goold and Mrs Philippa Helen Goold (‘the Owners’) have requested a review of the Council’s decision to list the Property as an ACV. As the Owners have not requested an oral hearing, the Council may decide whether or not to include an oral hearing in the review process (Assets of Community Value (England) Regulations 2012 (“the Regulations”); Schedule 2, 7(2)). This review will therefore proceed by written review. The Council’s Chief Executive, Bob Jackson, will undertake the review. He was not involved in the original decision and has delegated authority from the Council to determine such matters.

2.0 BACKGROUND

- 2.1 The Property was first listed as an ACV on 20 July 2015 following the Supporters’ nomination dated 2 June 2015. The Supporters once again lodged a nomination of the Property for re-listing on the ACV list on 9 June 2020 (“the 2020 nomination”) prior to the 5 year ACV listing expiry on 20 July 2020. A copy of the 2015 nomination is at **Appendix 1** purely for reference as several entries in the Supporters’ 2020 nomination refer back to entries made in the 2015 nomination. At the time of the 2020 listing, the Supporters were accepted as being entitled to make the nomination.
- 2.2 The report prepared for the Executive Head of Operations (“the 2020 Report”) in respect of the 2020 nomination which was accepted for listing, is attached at **Appendix 2**. This includes the Supporters’ 2020 nomination, a plan of the Property, together with the email from the Owners dated 5 August 2020 in response to the notification of the 2020 nomination.
- 2.3 The Owners are the freehold owners of the Property. The Property is presently used as a public house although the Owners said in their email of 5 August 2020 that it has been “...closed and boarded with a For Sale sign...since the introduction of lockdown with no revenue” (**Appendix 2**).

- 2.4 At the time of this report, the Owners say that the King Rufus is still for sale and that the last prospective sale of the Property and business as a going concern fell through around the middle of November 2020. Following that sale falling through in November, the Owners approached the Supporters to establish whether there was any interest in the Supporters buying the Property as a going concern - there was not.
- 2.5 The decision to list the Property as an ACV was made, and all parties were notified, on 14 September 2020. On 6 November 2020 the Owners submitted a request for a review of the decision to list the Property as an ACV – **see Appendix 3** – they did not request an oral hearing.
- 2.6 Under paragraph 9 of Schedule 2 of the Regulations, the Council must complete the review by the end of the period of eight weeks beginning with the date it received the written request for the review or such longer period as is agreed with the Owners in writing. That eight week period will expire on 1 January 2021.
- 2.7 Having considered the basis of the Owners’ written representations to review the decision, the Council has not sought the Supporters’ comments, as the Owners’ assertions do not engage the Supporters’ arguments for listing the King Rufus as an ACV nor do they require the Supporters’ response.

3.0 SUMMARY OF RELEVANT LEGISLATION

- 3.1 Under the Act, an asset is of community value if in the opinion of the local authority,
 - (i) 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
 - (ii) 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 (Section 88 (1) of the Act).

“Social interests” include cultural interests, recreational interests and sporting interests (section 88(6) (a)-(c) of the Act).
- 3.2 Land can also be nominated as an ACV which has furthered the social wellbeing or social interests of the local community in the recent past (s.88(2)(a) of the Act) and it is realistic to consider will do so again during the next five years (s.88(2)(b) of the Act).
- 3.3 Neither the Act nor the Regulations give an express definition of what use “furthers the social wellbeing or social interests of the local community”. It is for the local authority to decide depending on all the circumstances of the particular case.
- 3.4 If the local authority is satisfied the nomination is valid and the nominated asset is land of community value, then the local authority must add the land to its list of assets of community value.
- 3.5 An owner is entitled to seek a review of the decision pursuant to Section 92 of the Act provided the request is made within 8 weeks of notification of the decision. The request for the review in this case was made within this time limit and is valid.
- 3.6 This review comprises a review of the written representations made by the Owners and other documentation listed in the Appendices below by the Chief Executive of the

Council, who is an independent senior officer of the Council not involved in the original decision.

4.0 SUMMARY OF THE REVIEW

4.1 The review will consider a number of matters, including those set out in headings A – C below.

A. Is the Property within the Council's area?

4.2 The Council can only list assets of community value in its area. There is no dispute that the Property is within the area of New Forest District Council.

B. Is the nomination valid?

4.3 The Council was satisfied that the 2020 nomination was valid for the reasons explained in the 2020 Report. The Owners made no complaint about the validity of the nomination and the view of the Council remains that the nomination was valid.

C. Is the Property of community value?

4.4 The Council must list the Property as an ACV if, in the opinion of the Council, 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

(Section 88 of the Act).

4.5 “social interests” can include cultural, sporting or recreational interests (Section 88(6) (a)-(c) of the Act).

4.6 Neither the Act nor the Regulations give an express definition of what use “furthers the social wellbeing or social interests of the local community”. It is for the local authority to decide depending on all the circumstances of a particular case. Examples of possible uses could include a village shop, pub, community centre or allotments.

4.7 The Council accepted that the Property should be listed as an ACV as set out in the 2020 Report, attached at **Appendix 2**.

4.8 The Owners have sought a review of that decision in their email of 6 November 2020 (**Appendix 3**) and their comments are summarised in paragraph 5 below.

5.0 SUMMARY OF OWNERS' CASE

5.1 The Owners have made a number of assertions in their request for an internal review in their email of 6 November 2020 (**Appendix 3**). The Owners argue that they had previously “...raised an objection whether the ACV might interfere with our sale of the property” in their email of 5 August 2020. In that August email the Owners simply stated in response to the Supporters’ nomination for ACV listing that “*Our main objection would be if this matter influenced negatively with our potential purchaser*”. The Owners did not expand on this point nor comment on the legitimacy of the nomination or whether the Property should qualify for ACV status.

5.2 In the email requesting a review in November, the Owners raise several issues:

5.2.1 The Owners say that the Property is unlikely to further the social interests of the community “...*in light of last year’s accounts*”. This appears to be based on financial restrictions due to Covid rather than the Property’s success as a public house prior to Covid. Indeed, they say that up to 5 April 2020, as they did not need to pay rent, they had profits of £20,000 “...*which was fine for a lifestyle with music, quizzes, parties and wakes*”, but that “*None of this is now possible. It seems inappropriate that the ACV restriction be piled on top of our other handicaps*”. It appears that the Owners feel that the ACV listing makes it difficult to sell the Property and the Covid restrictions prevent selling as a going concern.

5.2.2 The Owners question the Council’s reasons “...*for believing the pub is in the social interest of the area as opposed to other pubs without ACV restriction?*”.

5.2.3 The Owners also questions how many of the Supporters are locals as there are relatively few properties in that part of the village but “*The Anchor [public house]...serves thousands of properties and has not been selected [for ACV listing]*”. In the next line of the same paragraph, it states “*Such a closure with conversions to apartments would surely be a possibility*”. It is not made clear what significance this comment carries in respect of the Owners’ objection to ACV listing or indeed whether the Owners are referring to the potential of the Property or the Anchor.

5.2.4 Otherwise, the Owners’ objections to the “*ACV restriction*” appear to be on the basis that unless it is an exempt disposal (ie one which includes a disposal of the business as a going concern), then any sale would be subject to the moratorium periods and restrictions as set out at section 95 of the Act. However, the Owners are also concerned that due to the current Covid restrictions, even selling as a going concern will not be possible as they cannot currently operate as a public house.

5.2.5 In the final paragraph of their November email, the Owners say their objection to the Property being listed as an ACV “...*is the indefinite maintenance of the business as a going concern*”.

6.0 CONSIDERATION OF OWNERS’ SUBMISSIONS

6.1 The only matter with which the Owners make direct reference to the nomination is by questioning “*How many of the signatories of the ACV proposal were locals?*”. Paragraph 3.2 of the 2020 Report confirms that the Supporters are an unincorporated body comprising more than 21 local individuals who are on the Electoral Register for the District. Paragraph 4.3 of the 2020 Report explains that a nominating unincorporated body “*merely has to demonstrate a local connection (which the Regulations define as having members registered to vote in the District or a neighbouring District) – i.e. the members of the unincorporated group do not have to be local to the pub in the sense of being physically proximate to it. In any event, the listed nominees for the most part have addresses either in Eling, Eling Hill, Jacob Gutter Lane or Totton*”. This therefore sufficiently answers the Owners’ query on that point.

- 6.2 The Owners' point in sub-paragraph 5.2.2 above appears to seek the Council's reasons for assessing the Property as an ACV as opposed to other public houses in the area. The Council cannot respond directly to this question as it is obviously not the Council's choice which nominations it receives for ACV status.
- 6.3 The Owners' objection to the "ACV restriction" in 5.2.4 above appears to be predicated on their assertion that Covid restrictions will prevent the Property from being sold as a going concern. Nevertheless, as noted at paragraphs 7.2 and 7.3 of the 2020 Report, the Property has been used as a public house for many years and whilst it is currently closed, this is a temporary measure and it is not unrealistic to think that it could be run as a public house in such a way as to further the social well-being and social interests of the local community. Indeed, as long as 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 and land that would further (whether or not in the same way as before) the social well-being of social interests of the local community, then the land of is of community value (88(2)(b) of the Act).
- 6.4 In the Owners' email of 6 November 2020, other than concerns in being able to sell the Property, there are no specific objections against the nomination. Furthermore, both local councillors supported an ACV listing - Cllr David Harrison was "*strongly supportive*" and Cllr Rackham felt "*it would be very detrimental for the area were it to change use*".
- 6.5 Therefore, since the ACV listing in September 2020, other than the fact that there has been a second lock down due to Covid, the Owners have not submitted any new evidence to question the validity of the Council's decision to list the Property.

7.0 DECISION

- 7.1 The Council is satisfied the nominated Property is within its area and that, for the reasons explained in the 2020 Report, the nomination is valid in accordance with the Act. The Owners raised no substantive objection in respect of those matters.
- 7.2 The issue in this review is whether the Property is an ACV pursuant to s.88 of the Act, as described in section 4.C of this report. A nominated property must be listed as an ACV if the actual current use of the property, which is not ancillary, furthers the local community's social wellbeing or social interests (which includes cultural, sporting or recreational interests) and is likely to do so in the future.
- 7.3 Plainly the use of the King Rufus is as a public house and this is not an ancillary use. The case of *St Gabriel Properties Ltd v London Borough of Lewisham*¹ is clear that "*licensed premises are capable of furthering the social well-being and social interests of the local community*". It is clear also that the possibility of listing public houses is within the scope of the Act – for example the Ministerial Foreword to the "Community Right to Bid: non statutory advice note for local authorities" starts in its first sentence: "*From local pubs and village shops to village halls and community centres, the past decade has seen many communities lose local amenities and buildings that are of great importance to them*".

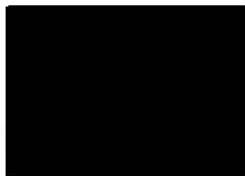
¹ [2015] UKFTT CR 2014 0011

- 7.4 When making its decision, there is no requirement in the Act that the primary use of the property must be for the benefit of the local community, but that in the opinion of the local authority the actual current use of the property (which is not an ancillary use) furthers the social wellbeing or social interests of the local community.
- 7.5 The local authority must make its listing decision based on local context and all the circumstances and it is not mandatory to list any public house that is nominated for listing. When considering whether a nominated asset furthers the local community's well-being, the local authority should consider the use of the asset and the role it plays within the local community.
- 7.6 From the Owners' own comments (sub-paragraph 5.2.1 above) it appears the King Rufus was, prior to the Covid lockdown, a successful public house and there is evidence that it encourages social interaction across social groups and generations.
- 7.7 It is not unreasonable to think that once it is able to open as a public house again, the Property will continue to be used in a way that will further the social well-being or social interests of the local community.

8.0 REVIEW CONCLUSION

- 8.1 I am therefore satisfied that it is not unreasonable to think that once it is able to open as a public house again, the Property will further the social interests or social wellbeing of the local community as required by the Act. I therefore confirm the Council's original decision to list the Property as an asset of community value.

R JACKSON



ACV Review: Mr R Jackson, Chief Executive NFDC

Date: 16 December 2020

Appendix 1 – 2015 Nomination

Appendix 2 – 2020 Report; incl Supporters' nomination; plan of the Property; and email from the Owners dated 5.8.20 in response to the notification of the 2020 nomination

Appendix 3 - Email from Owners dated 6.11.20 requesting review of the ACV listing



Community Right to Bid

Assets of Community Value Nomination form

Part A - About the group making the nomination

A1. Organisation's name and address

Name of organisation	The King Rufus Eling Supporters
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Address including post code 4 Homeway Cottages, Eling Hill, Totton, SO40 9JQ

A2. Contact details

Name Andy Travell

Position in organisation Chairman

Address including postcode [REDACTED]
--

Daytime telephone number [REDACTED]
--

Email address [REDACTED]

Fax number

A3. Type of organisation

Description	Please tick all that apply	Registration number (if applicable)
Town or Parish council		
Body designated as a neighbourhood forum under the Town and Country Planning Act		
Unincorporated bodies with at least 21 individual members and which does not distribute any surplus it makes to its members	Yes	
Charity		
Company limited by guarantee which does not distribute any surplus it makes to its members		
Industrial and provident society which does not distribute any surplus it makes to its members		
Community interest company		
Other – please detail		

A4. Local Connection

For groups other than town and parish councils, please confirm and provide evidence (see A7) that the group is wholly or partly concerned with the area covered by New forest District Council or a neighbouring local authority area

The constitution of the group confirms that the group is primarily concerned with The King Rufus public house in Eling.

A5. Distribution of surplus funds

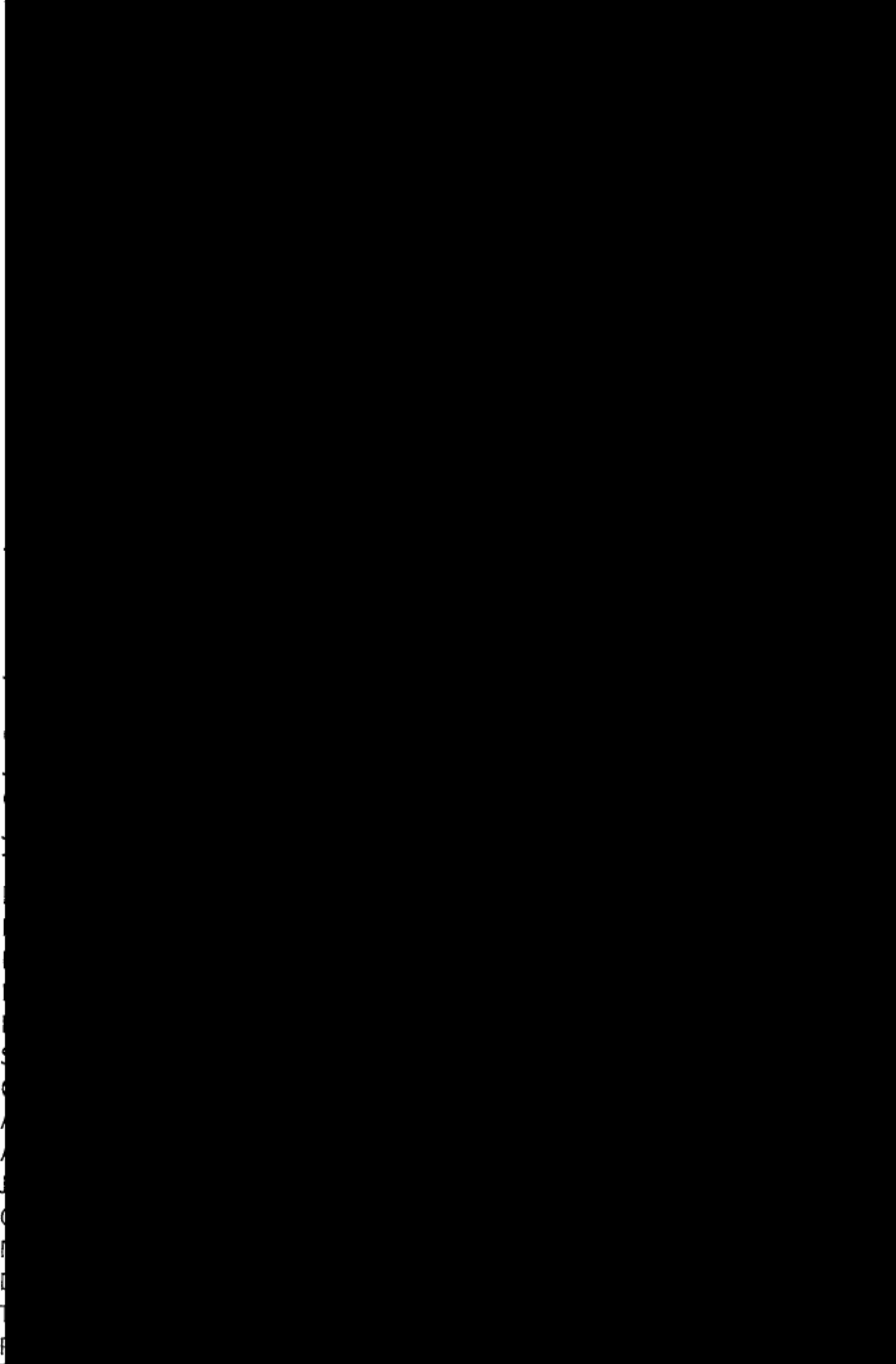
For groups other than town and parish councils, please confirm and provide evidence (see A7) that any surplus made by the group is wholly or partly applied for the benefit of the area covered by New Forest District Council or a neighbouring local authority area

The constitution of the group confirms that all assets will be used to support the ongoing function of The King Rufus as a public house. Any surplus assets on dissolution of the group will be donated to local charitable groups

A6. Membership of unincorporated bodies

For unincorporated bodies please confirm that at least 21 members are included on New Forest District Council's register of electors and provide their names and addresses below

Names and Addresses of members of The King Rufus Eling Supporters are supplied on a separate sheet and as seen below.



More members are joining everyday.

A7. Your organisation

Please provide a copy of the following as relevant to your organisation	Please tick documents provided
Memorandum of Association	
Articles of Association	
Companies House return	
Trust Deed	
Constitution / Terms of reference	Yes
Standing Orders	
Interest Statement for Community Interest Company	

Part B - About the asset being nomination for inclusion in the list of assets of community value

B1. Name and address of asset being nominated

Name
The King Rufus

Address including post code
King Rufus
Eling Hill
Totton
Southampton
SO40 9HE

B2. Maps and drawings

Please provide information which helps to clarify the exact location and extent of the asset being nominated. This could include:

- Where the land is registered, the Land Registry Title Information document and map with boundaries clearly marked in red (less than one month old). Provision of Land Registry information is not essential but it may help us to reach a decision on the nomination more quickly.
- a written description with ordinance survey location, and explaining where the boundaries lie, the approximate size and location of any building/s on the land and details of any roads bordering the site
- a drawing or sketch map with boundaries clearly marked in red – websites which might help you in plotting boundaries include: <http://maps.google.co.uk/>

Land Registry HP383105 Title and Plan attached.

B2. Current use of asset

What is the current main use of the asset?

Public House.

Do you consider that the current and main use of the asset furthers the social wellbeing or cultural, recreational or sporting interests of the local community?

Yes

Yes

No

If yes, please provide explain how it does so. If not, go to B3
Please See Below...

The King Rufus Public House in Eling has been used for over 150 years as a social meeting place for local residents and the wider audiences of the surrounding area.

Until recently the area provided two historic pubs 'The Village Bells' and 'The King Rufus'. The pubs created a hub for the community, a place to share time, local information and a sense of unity.

The two pubs thrived for many years and could have continued for many years to come if the personal circumstances of the owners at the time were different.

The pubs shared business and both regularly arranged events from beer festivals to charity events, themed nights, music gigs and quiz nights. The pubs provided a meeting place for thousands of customers over the years and gave everybody a sense of home and a feeling of community.

Unfortunately in recent months due to change of use being granted by the local council, The Village Bells, a public house for 200 years has been sold and converted into residential use. A once close knit community has now been divided and now with the potential sale of The King Rufus public house we look to lose our last chance of restoring and maintaining our community. Please also bear in mind that the decision for change of use was granted mainly due to the fact that there was another viable pub positioned next door - The King Rufus, another reason not to lose this one.

We would like the opportunity as a community to have some sort of say in the future of our traditional pub. We wish to be able to continue the spirit of the community for years to come and future generations. We wish to prevent the opportunity for profiteering from potential developers and feel that there is a great need to protect this important community asset.

With the recent loss of our much loved pub The Village Bells, there is no reason why The King Rufus cannot thrive as a business. The potential of this business is extremely positive and with the correct management the pub could be a great success, especially now that the choice of pubs has diminished.

Funerals and weddings from the local St Marys Church in Eling have been historically known to use the pub as a place of celebration and comradery. Local business's in the area will continue to benefit from the village pub and all the asset's it brings to an area, from opportunity's to network and advertise to communicating future plans and events with the local community.

It should be within the New Forest District Councils interest to preserve this pub as one of the key policies in the councils strategy is to encourage tourism and promote the waterside area. With the recent funding being placed into the preservation of Eling Tide Mill, Tea rooms and the surrounding area it should also be a priority to maintain the traditional use of the Local public houses and all the individual traditions that it offers.

It will also allow us to continue yearly traditions from the dancing Morris Men to the Mummers play performances in the pubs around Christmas time, when during the winter months the pub provides a cheery, cosy and welcoming place for the community to share quality time together. Not to mention the Christmas Day tradition of meeting up for a couple of hours before the Christmas roast dinner is ready and waiting at home.

As you can see from the continuously growing number of members of The King Rufus Eling Supporters organisation there is a definite market of supportive customers that only want to see the pub thrive and would be more than willing to support it under the correct management.

We as a community cannot lose another part of our unique history due to individual owner's circumstances.

We would like the opportunity to gather momentum with the organisation and try and bid for the opportunity to preserve a much loved and valued way of life that is becoming harder and harder to find.

Over what period is this main use of the asset anticipated to continue?
If it remains in use as a public house, indefinitely.

Does the local community have legal and authorised use of the land or property?
When open, as a public house.

B3. Questions for assets not currently used for community benefit

If the main use of the asset does not currently further the social wellbeing or cultural, recreational or sporting interests of the local community, did it do so at some stage in the recent past?

Yes

No

Please provide details of how the asset was used in the past and dates of this usage

Please See Above Comments

How do you anticipate that the asset would return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?

Please See Above Comments

When do you consider that the asset could realistically return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community (please include timescales)?

Please See Above Comments

B4. Optional information to help us consider the nomination (it is not essential to answer these questions but they reflect part of the criteria we which will be used to consider the nomination. Any information you can supply will help to speed up this process.

Is the asset used wholly or partly as a residence? Please provide details.

Yes, used by the Pub Landlord.

Is the asset covered by the Caravan Sites and Control of Development Act 1960? Please provide details.

Unknown

Is the asset defined as operational land under section 263 of the Town and Country Planning Act 1990, owned by statutory undertakers such as utility companies? Please provide details.

No

B5. Further information

Please provide any further information to support why you feel that New Forest District Council should conclude that the asset is of 'community value'.

As mentioned in the previous section.

B6. Owner and occupier details (Please provide all information available to you)

	Name	Address	Please delete as appropriate
Owner/s	Michael Symons	The King Rufus, Eling Hill, Totton SO40 9HE	* Current/ Last known/ Not known/ Not applicable
Lawful occupiers	Michael Symons	The King Rufus, Eling Hill, Totton SO40 9HE	Current/ Last known/ Not known/ Not applicable
Holder/s of freehold estate (if not the owner)			Current/ Last known/ Not known/ Not applicable
Holder/s of any leasehold estate			Current/ Last known/ Not known/ Not applicable

By signing your name here (if submitting by post) or typing it (if submitting electronically) you are confirming that the contents of this form are correct, to the best of your knowledge.

Name
Andrew travell

Title
Mr

Signature


Date
2/6/15

Please send your completed form to:

Community Right to Bid,
Head of Legal and Democratic Services
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
SO43 7PA

Email: grainne.orourke@nfdc.gov.uk

Title Number : HP383105

This title is dealt with by Land Registry, Weymouth Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

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This extract shows information current on 27 MAY 2015 at 16:25:28 and so does not take account of any application made after that time even if pending in the Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: HP383105
Address of Property	: King Rufus, Eling Hill, Totton, Southampton (SO40 9HE)
Price Stated	: £295,000 plus £53,100 VAT
Registered Owner(s)	: MICHAEL HAROLD SYMONS of 18 Radleigh Gardens, Totton, Southampton SO40 8XS.
Lender(s)	: None

Title number HP383105

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 27 MAY 2015 at 16:25:28. This copy does not take account of any application made after that time even if still pending in the Land Registry when this copy was issued.

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A: Property Register

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

HAMPSHIRE : NEW FOREST

- 1 (15.05.1989) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being King Rufus, Eling Hill, Totton, Southampton (SO40 9HE).

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

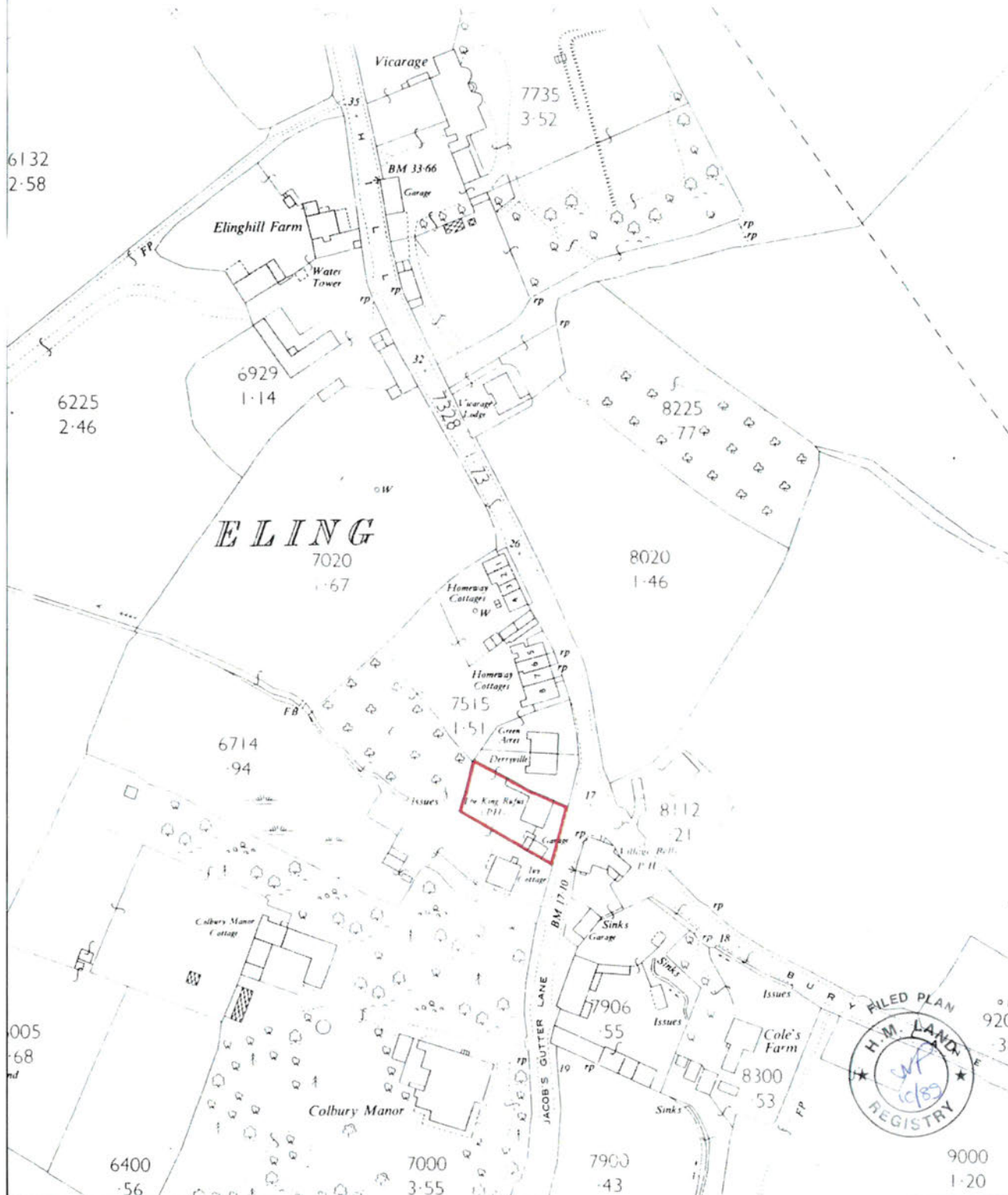
Title absolute

- 1 (07.08.2013) PROPRIETOR: MICHAEL HAROLD SYMONS of 18 Radleigh Gardens, Totton, Southampton SO40 8XS.
- 2 (07.08.2013) The price stated to have been paid on 31 July 2013 was £295,000 plus £53,100 VAT.
- 3 (07.08.2013) A Transfer dated 31 July 2013 made between (1) Punch Partnerships (PML) Limited (Transferor) and (2) Michael Harold Symons (Transferee) contains purchaser's personal covenants.

NOTE: Copy filed.

End of register

H.M. LAND REGISTRY		TITLE NUMBER	
		HP383105	
ORDNANCE SURVEY PLAN REFERENCE	S U3612	Scale 1/1250	
COUNTY	HAMPSHIRE	DISTRICT	NEW FOREST
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Assets of Community Value - Unincorporated Body Nomination Form

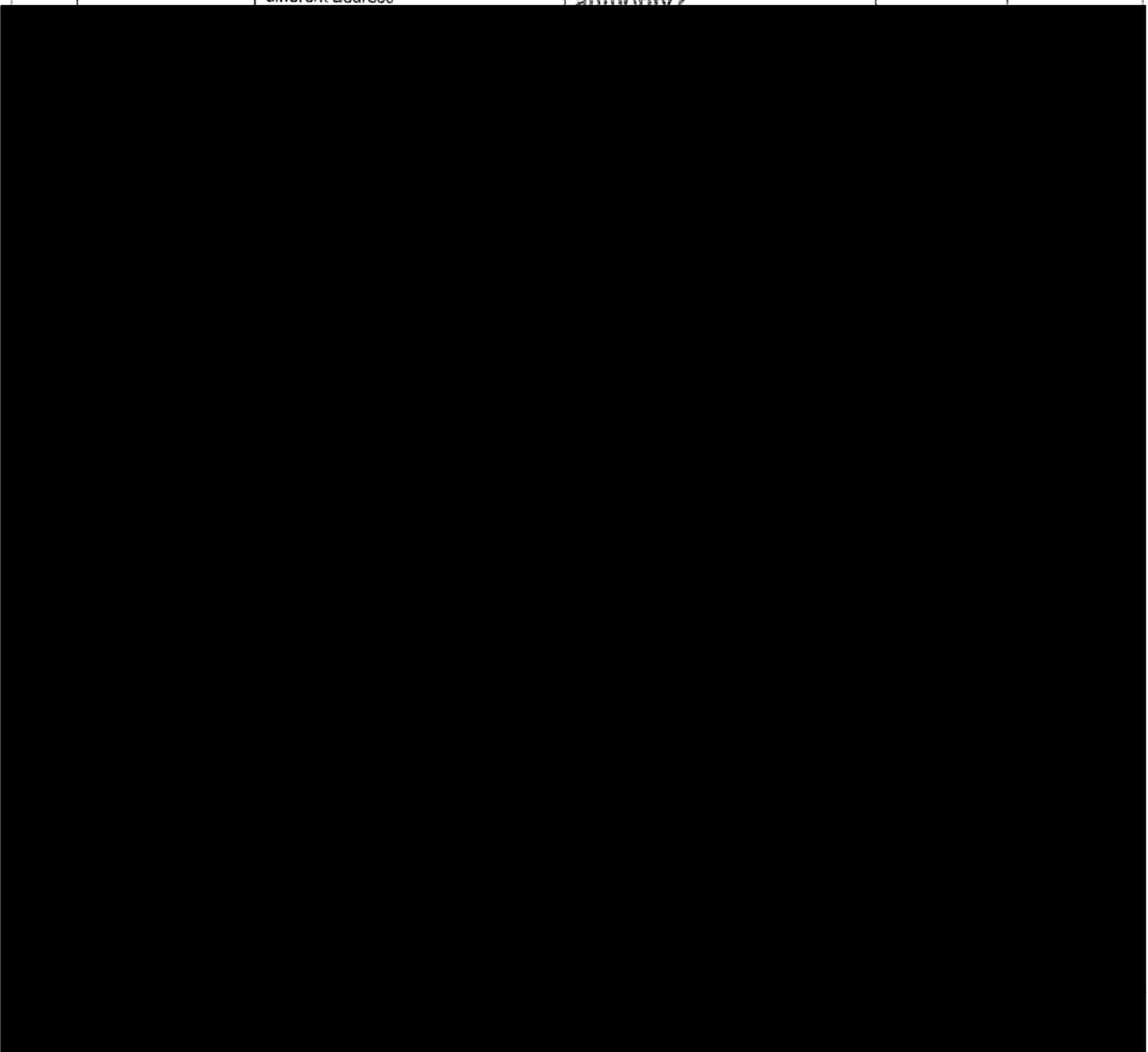
Nominations to list pubs as assets of community value can be accepted from any group of at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring local authority.

On behalf of the following members of the local community, please list this pub as an asset of community value:

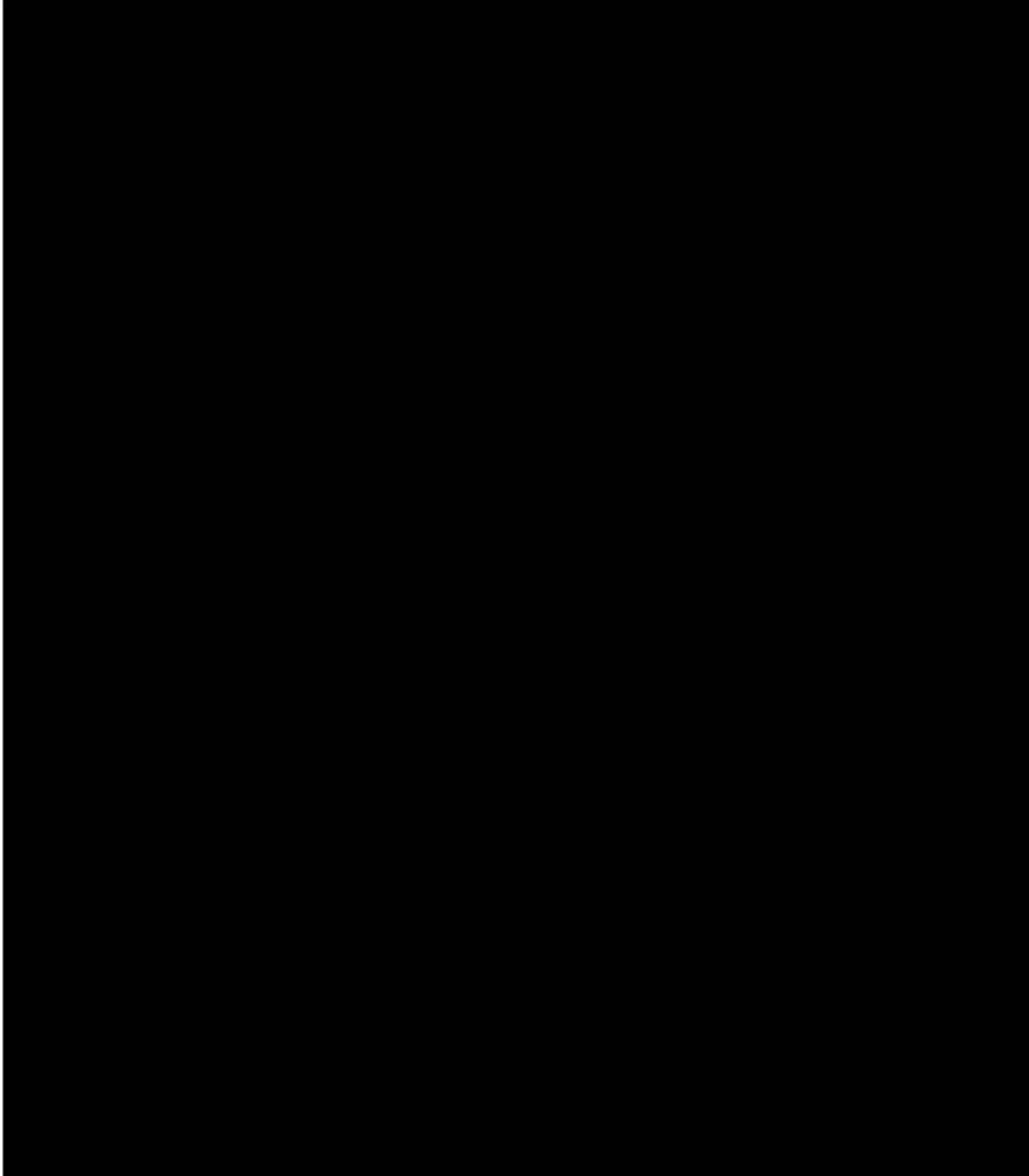
NAME OF PUB: THE KING RUFUS

ADDRESS OF PUB: _____

No.	Name (please print clearly)	Your full address (including postcode)* <small>*each nominator should have a different address</small>	Are you registered to vote within the local authority, or a neighbouring local authority?	Signature
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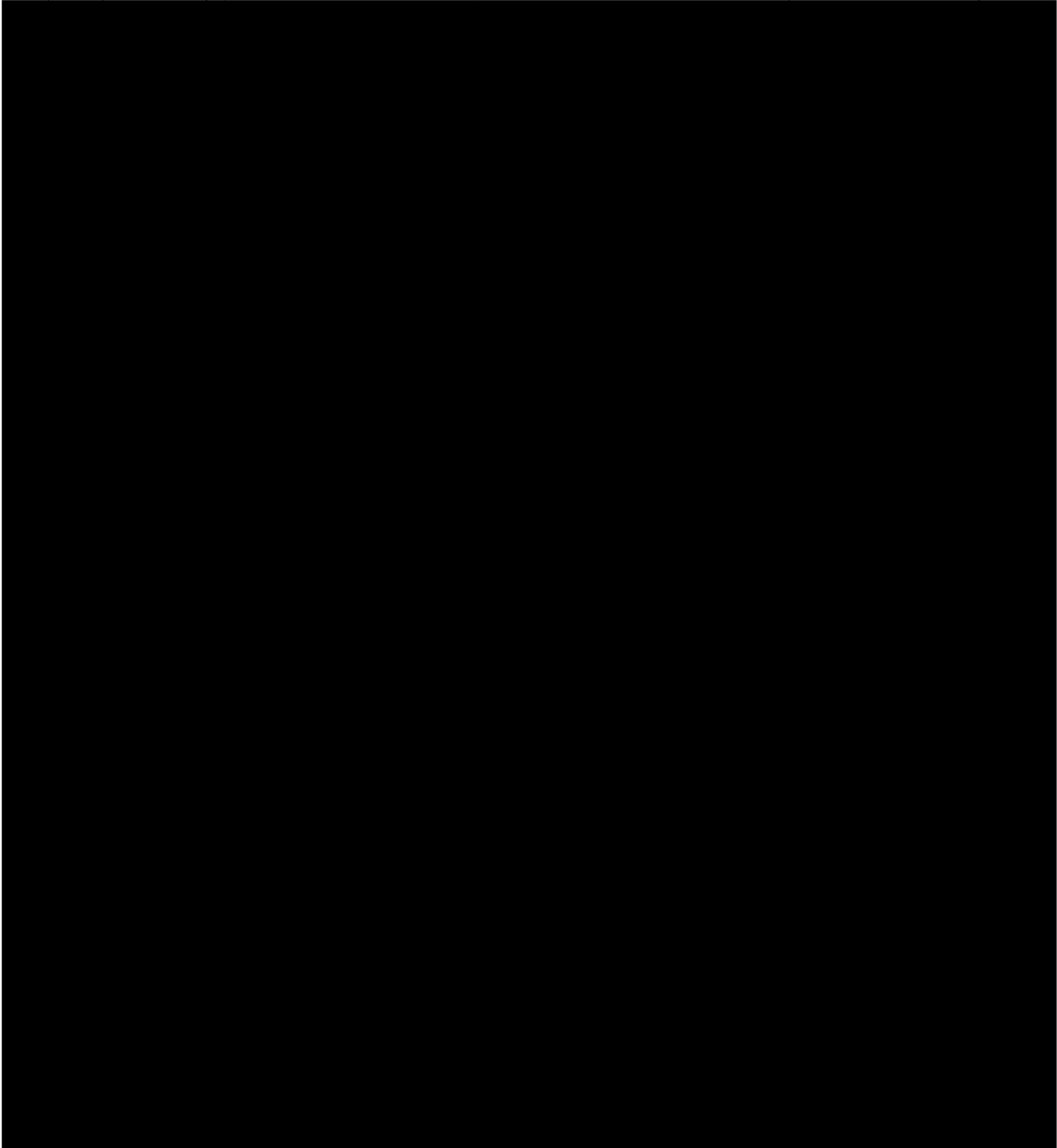


No.	Name (please print clearly)	Your full address (including postcode)	Are you registered to vote within the local authority, or a neighbouring local authority?	Signature
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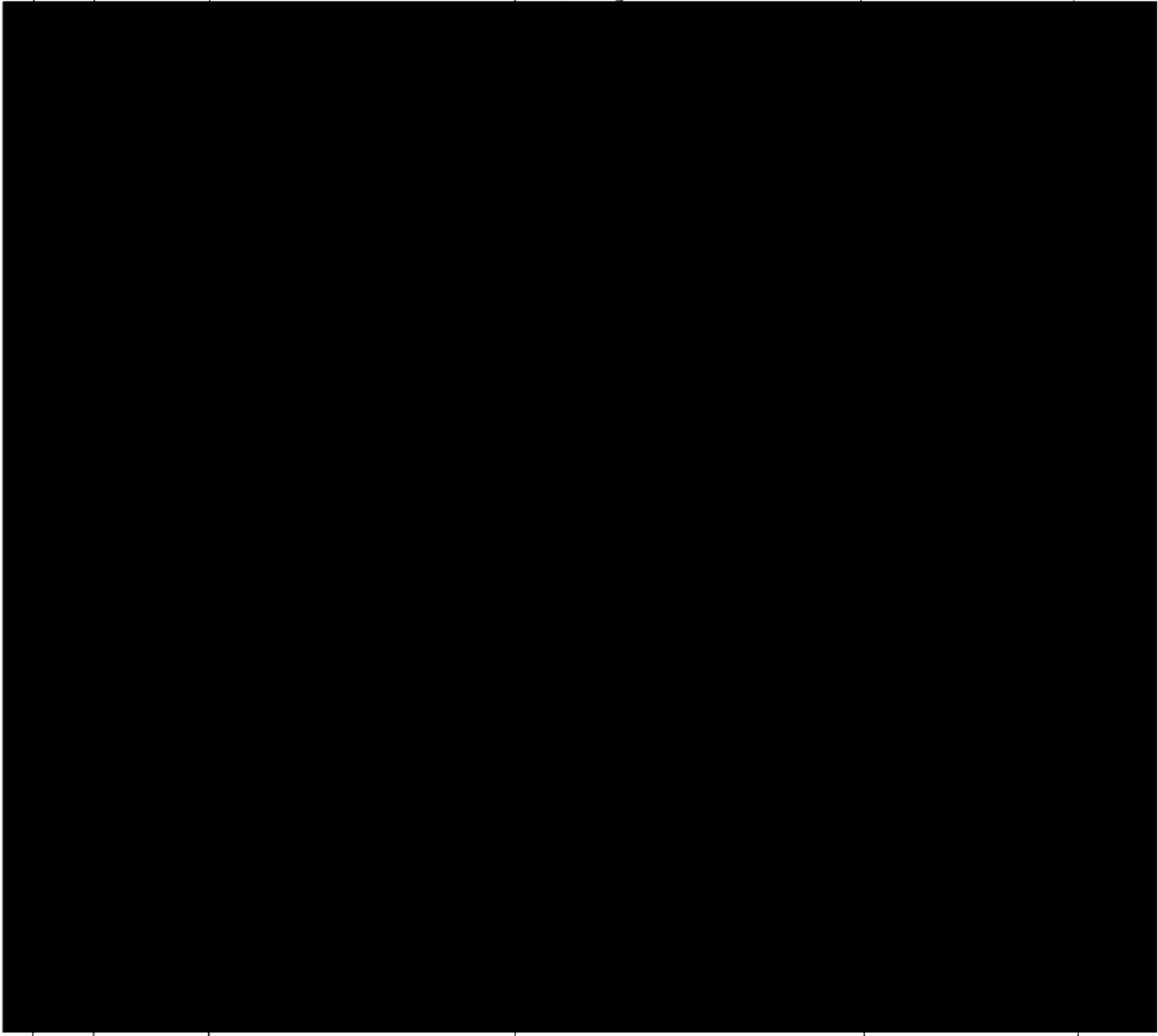


Please add details of any further nominators overleaf.

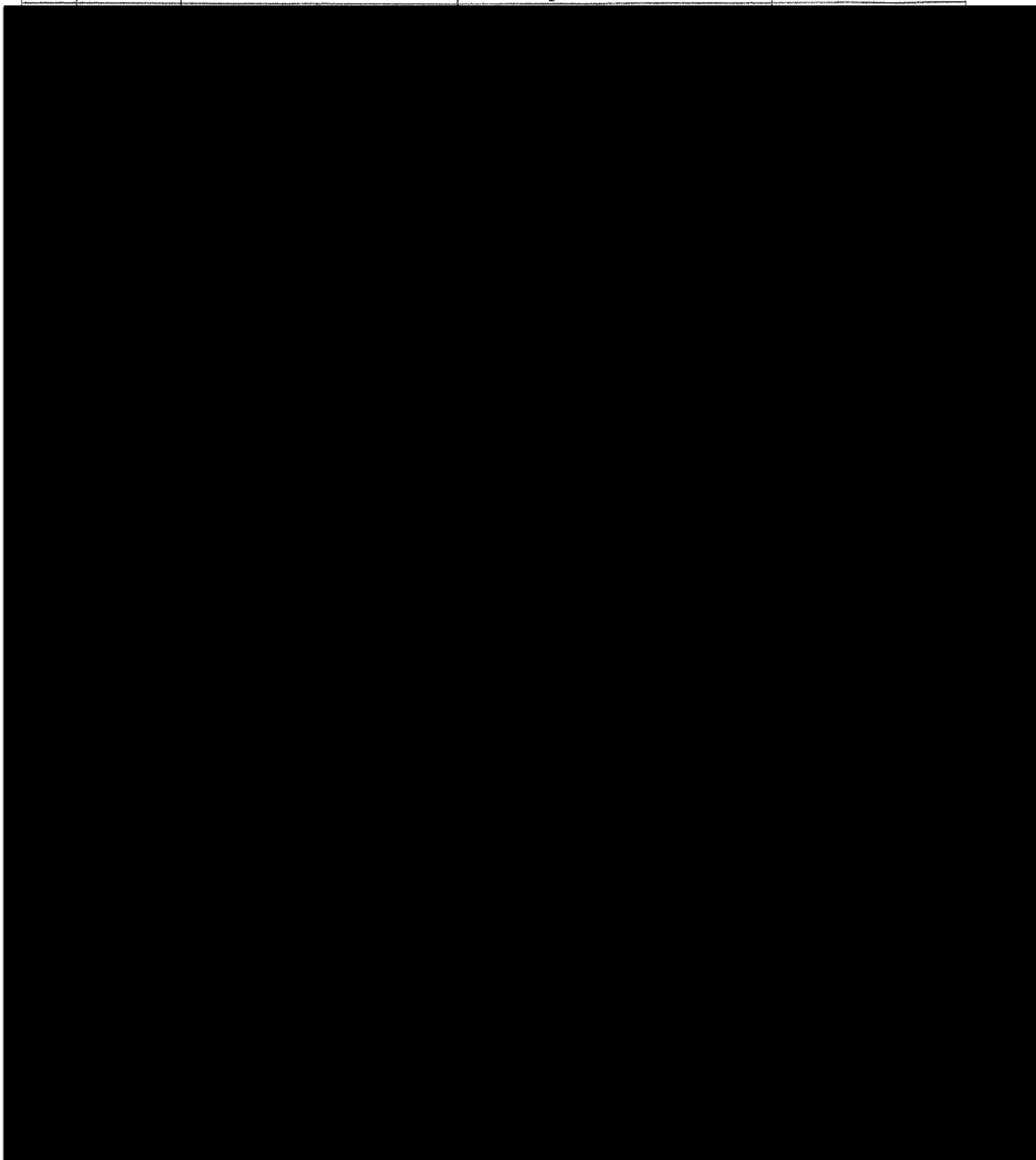
No.	Name (please print clearly)	Your full address (including postcode)*each nominator should have a different address.	Are you registered to vote within the local authority, or a neighbouring local authority?	Signature
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No.	Name (please print clearly)	Your full address (including postcode)* each nominator should have a different address.	Are you registered to vote within the local authority, or a neighbouring local authority?	Signature
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No.	Name (please print clearly)	Your full address (including postcode)* each nominator should have a different address.	Are you registered to vote within the local authority, or a neighbouring local authority?	Signature
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Constitution of The King Rufus Eling Supporters

1. Name

The name of the group shall be The King Rufus Eling Supporters (the Supporters).

2. Aims

The aims of The King Rufus Eling Supporters are:

- a) To preserve the use of The King Rufus Eling as a public house,
- b) To represent the views of The King Rufus' users to local, regional and national bodies,
- c) To be a voice for The King Rufus' users in any other matters agreed by the Supporters.

3. Membership

Membership is open to anyone aged 18 or over who:

- Uses The King Rufus; or
- Supports the preservation of The King Rufus as a public house; and
- Supports the aims of The King Rufus Eling Supporters.

There will be no membership fee.

Membership will begin as soon as membership details are received and accepted by the secretary.

By joining, all members agree to abide by the Constitution and any rules of the Supporters including any changes that are made later.

Members may resign at any time by writing/email to the secretary.

Membership may be cancelled if, after due warning, a member behaves in an offensive manner or otherwise brings the Supporters into disrepute, or ceases to support the aims of the Supporters.

4. Equal Opportunities

The King Rufus Eling Supporters will not discriminate on the grounds of gender, race, colour, ethnic or national origin, sexuality, disability, religious or political belief, marital status or age.

5. Officers

The business of the Supporters will be carried out by the Officers and any members performing a role or task as agreed by an Officer or at any meeting.

The Supporters will, at each Annual General Meeting, or at the next General Meeting if an Officer stands down during the year, or at a Special General Meeting called for this purpose, elect the following officers:

- Chairperson, who will chair the meetings,
- Secretary, who will be responsible for the taking of minutes, arranging meetings, distribution of papers and keeping records of members,
- Treasurer, who will be responsible for maintaining accounts.

6. Meetings

An Annual General Meeting (AGM) will be held within 15 months of the previous AGM, for the purpose of electing Officers, agreeing any changes to the constitution and discussing and agreeing any other business.

General Meetings (GM) will be held as required, called for by any Officer or member on request to the Chairperson or Secretary, for the purpose of discussing and agreeing any business other than electing Officers or changes to the constitution.

Special General Meetings (SGM) may be called at the request of at least 33% of the membership or 20 members whichever is the lesser number, by writing to the Chairperson or Secretary giving the reason for their request, for the purpose of voting for a change of any Officer, or a change to the constitution.

All members will be given notice (by email only) of two weeks for an AGM or SGM and one week for a GM. Such notice will include all proposals to be voted on therefore all proposals must be received by the Secretary two days prior to the notice period.

All proposals requiring a vote will require a simple majority of members, either present or by proxy with an Officer. Members unable to be present can ask any Officer to vote as their proxy, with either specific instructions or to follow the Officer's vote.

If the number of votes cast on each side are equal, the Chairperson has an additional casting vote.

The quorum for all meetings will be the greater number of 10% of the membership or 6 members.

7. Finances

The King Rufus Eling Supporters is non-profit distributing, i.e. any surplus is not distributed to members.

All money raised on behalf of the Supporters is only used to further the aims of the group as specified in item 2 of this constitution.

8. Dissolution

If a meeting, by a simple majority, decides it is necessary to close down the group, a Special General Meeting will be called, at which the sole business will be to dissolve the group.

If it is agreed to dissolve the group all remaining assets, once outstanding debts have been paid, will be donated to local charitable organisations as agreed at that meeting.

This constitution was agreed at the inaugural General Meeting of The King Rufus Eling Supporters on:-

Date: 28/5/15

Name and position in group ANDREW TRAVELL CHAIRMAN .

Signed 

Name and position in group STEPHEN ROBERTS SECRETARY

Signed 

From: [Richard Davies](#)
To: [Colin Read](#)
Subject: FW: RE: LCAV PR9/2 - Nomination of King Rufus by Rufus Eling Supporters
Date: 09 September 2020 10:34:00
Attachments: [_King Rufus-09.09.20 Report to Colin Read.doc](#)
[_King Rufus-09.06.20- NOMINATION Form.pdf](#)
[_King Rufus-09.06.20-NOMINATION - Register of signatures.pdf](#)
[_King Rufus-09.06.20-Nomination LAND REGISTRY PLAN & CONSTITUTION.pdf](#)
[King Rufus LACPR92.msg](#)
[image002.png](#)
[image004.png](#)
[image006.png](#)
[image008.png](#)
[image010.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)
[image019.png](#)
[image020.png](#)

Colin

Following previous emails on this nomination for ACV, I attach:-

- 1 my report together with the several items making up the nomination.
- 2 email from the King Rufus pub owners, Mr and Mrs Goold dated 5 August.

The deadline for the decision whether to add the property to the list of ACV is 15th September. Apologies for the short time allowed but I was on annual leave while I was awaiting consultation responses and I only returned last week.

Please let me know if you need any further information to make your decision.

Richard

Richard Davies
Solicitor
New Forest District Council
Tel: 02380 285298

-

Richard.Davies@NFDC.gov.uk
www.newforest.gov.uk



From: Richard Davies
Sent: 11 August 2020 12:26
To: Colin Read <Colin.Read@NFDC.gov.uk>
Subject: RE: LCAV PR9/2 - Nomination of King Rufus by Rufus Eling Supporters

Dear Colin

As you know, the King Rufus has been re-nominated as an asset of community value and I am currently awaiting responses from the parties notified.

In the meantime, as I am required to under section 91 of the Localism Act 2011, I confirm that the King Rufus has been removed from NFDC's ACV list in accordance with section 87(3) of the Localism Act 2011, which states that land is to be removed from the end of the period of 5 years beginning with the date of that entry, namely 20 July 2015.

There is no need to respond to this email.

Kind regards

Richard Davies

Solicitor

New Forest District Council

Tel: 02380 285298

-

Richard.Davies@NFDC.gov.uk

www.newforest.gov.uk



DECISION NOTICE

THE LOCALISM ACT 2011 Section 88

Decision on the nomination of an asset of community value.

The King Rufus Eling Hill Totton Southampton SO40 9HE

I, Colin Read, Executive Head of Operations of the District Council of New Forest, pursuant to delegated powers, have considered an application made by The King Rufus Supporters to nominate The King Rufus Eling Hill Totton Southampton SO40 9HE 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 *COLIN READ*

Colin Read
Executive Head of Operations

Dated: 14 September 2020

REPORT TO COLIN READ

Application to nominate The King Rufus Eling Hill Totton Southampton SO40 9HE as an Asset of Community Value

1. INTRODUCTION

- 1.1 This report relates to an application made to the Council by The King Rufus Supporters to nominate The King Rufus public house, Eling Hill Totton Southampton SO40 9HE (“the Property”) as an asset of community value (“the Application”). The report reviews the Application, the criteria against which a decision has to be made, the result of consultations and makes recommendations.

A copy of the Application is annexed to this report. The Property was previous placed on the ACV list in 2015 and has only just been become due to be removed from the ACV list on 20 July 2020 on expiry of the 5 year listing period.

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 15 September 2020 which is 8 weeks from expiry of the 5 year listing. 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 ie still operating as a pub, then that disposal is exempt and is not affected by the moratorium requirements (section 95(5)(f) of the Act). This was the case in October 2015, when the Property was sold shortly after it was entered on the ACV list. In those circumstances, the owner would not have to advise the Council of the sale.

3. THE APPLICATION

- 3.1 The Application was made by The King Rufus Eling Supporters (“the Supporters”) and was received by the Council on 9 June 2020. The Council is the proper decision-making authority to determine the Application and delegations have been granted to the Executive Head of Operations 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 Supporters are an unincorporated body comprising more than 21 local individuals who are on the Electoral Register for the District. A copy of the body's constitution is attached to the Application. The Supporters are not profit making and any surplus is wholly applied to activities in support of the aims of the association. The Supporters are entitled to make an application to list the Property as an ACV.
- 3.3 The Property is currently owned freehold by Raymond Grenville Goold and Philippa Helen Goold. The Application makes no reference to a separate occupant or tenant of the Property. The Property is presently used as a public house subject to the owner's comments in 4.1.
- 3.4 The Application contends that the current and main use of the Property furthers the social well-being or cultural, recreational or sporting interests of the local community and that it is likely to continue to do so in the future.
- 3.5 The Supporters provided details about the use of the Property by the local community in the statement accompanying the Application. The Supporters say the Property is used as a public house and is important to the social well-being of the local community. The Supporters assert that the circumstances surrounding the Application for the previous successful ACV listing have not changed although those circumstances are not fully re-listed in the current Application. They submit that:
- The Property should continue to be a focal point for the community as it has done for over 150 years.
 - Since the closure of the other public house in the village, the King Rufus remains the only public house available. (It does not specify which pub closure this refers to. The 2015 application alluded to 'The Village Bells' pub closing).
- 3.6 The Supporters believe there is a need to preserve the Property as an ACV.

4. THE OWNERS' COMMENTS

- 4.1 In their email in reply to notice of the Application, dated 5 August 2020 (attached), the owners of the King Rufus, Raymond Goold and Philippa Goold say that "*since the introduction of lockdown*" the pub is closed and boarded with a 'For Sale' sign. There was a potential seller at that time who intended to reopen the pub after completion. He stated that "*Our main objection would be if this matter influenced negatively with our potential purchaser*".
- 4.2 The owners have Paris Smith solicitors acting for them in the sale and they act for both owners in the sale.
- 4.3 The nominating unincorporated body merely has to demonstrate a local connection (which the Regulations define as having members registered to vote in the District or a neighbouring District) – i.e. the members of the unincorporated group do not have to be local to the pub in the sense of being physically proximate to it. In any event, the listed nominees for the most part have addresses either in Eling, Eling Hill, Jacob Gutter Lane or Totton.

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 Executive Head 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 summarized below.
- 6.2 The owners were informed of the Application and invited to provide comments, which have been summarised in section 4 above.
- 6.3 Totton & Eling Town Council were informed of the Application and were invited to provide comments. They have confirmed that they have no objections to the nomination.
- 6.4 The Chief Planning Officer and Executive Head of Resources respectively, were informed of the Application but have not provided any comments.
- 6.5 Portfolio holder for Community Affairs, Cllr Diane Andrews was informed of the Application and she commented that "*I have no comments on this other than to say that if it was on the list for the previous five years has anything changed to come to a different decision?*". Portfolio holder for Leisure, Cllr Mark Steele, was concerned that "*we are giving support to a quango of "right" - rather than a group of "active supporters"*" but was not more specific.
- 6.6 Ward Cllr David Harrison said "*I am strongly supportive of this remaining as an asset of community value*". Cllr Caroline Rackham said that she is "*fully supportive of the renewal of the Community Value status of the King Rufus. The King Rufus is a very different character of pub to The Anchor nearby and so has provided a very particular community need for a small community meeting space, rather than the busier and often noisier Anchor. This means that the King Rufus acts as an excellent venue for small scale community events such as quiz nights and group meals. It is also a great space for encouraging conversation so has often pulled the community together and it would be very detrimental for the area were it to change use. I would be happy to add my name to the list of signatories on the petition if needed as an Eling resident*".

6.7 Service Manager for Estates & Valuations, Andrew Smith, was notified of the Application and had no further comments to make.

7. CONCLUSION

- 7.1 It therefore seems there are no direct objections to the nomination - the owners simply don't want it to adversely affect the sale as a going concern. I have received confirmation from Paris Smith solicitors that they act for both owners in the sale and they have not indicated any further views of the owners, favourable or otherwise, than that mentioned already.
- 7.2 Against that, the Property has been used as a public house for many years and the comment from Cllr Rackham shows that it offers a different ambience to the nearby Anchor pub. Therefore, pending the sale it is not unrealistic to think that in the next 5 years it could be run as a public house in such a way as to further the social well-being and social interests of the local community. The business has a website and it has a number of testimonials on the website "Trip Advisor" but these are obviously out of date presumably mainly due to the Covid and the current closure.
- 7.3 It seems reasonable to conclude that, whilst the Covid restrictions may have led to closure in the short term – as many pubs have been in the same period – use by the community can continue in the near future. Indeed, there is no evidence submitted by any locals to contradict the current evidence to hand that it is an asset of community value in the sense of being supported by the local community.
- 7.4 It seems reasonable to assume the present owner is seeking to sell the Property as a going concern, i.e. with a long term future as a pub or pub/restaurant.
- 7.5 Whilst the evidence given in the nominator's application is not as comprehensive as that provided in the previous application in 2015, the current application given by the nominating body set out in section 3.5 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 an Executive Director 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:

Richard Davies
Solicitor
Tel: 023 8028 5298
E-mail: richard.davies@nfdc.gov.uk

Background Papers:

Application by The King Rufus
Eling Supporters
Email from owners Mr and Mrs
Goold dated 5th August 2020



Community Right to Bid

Assets of Community Value Nomination form

Part A - About the group making the nomination

A1. Organisation's name and address

Name of organisation
The King Rufus Eling Supporters

Address including post code
4 Homeway Cottages, Eling Hill, Totton, Southampton SO40 9JQ

A2. Contact details

Name
Mr Ian Buckett

Position in organisation
Member

Address including postcode
[REDACTED]

Daytime telephone number
[REDACTED]

Email address
[REDACTED]

Fax number
n/a

A3. Type of organisation

Description	Please tick all that apply	Registration number (if applicable)
Town or Parish council		
Body designated as a neighbourhood forum under the Town and Country Planning Act		
Unincorporated bodies with at least 21 individual members and which does not distribute any surplus it makes to its members	Yes	
Charity		
Company limited by guarantee which does not distribute any surplus it makes to its members		
Industrial and provident society which does not distribute any surplus it makes to its members		
Community interest company		
Other – please detail		

A4. Local Connection

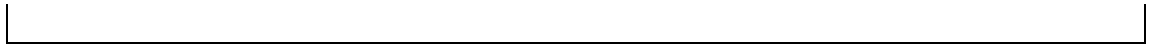
For groups other than town and parish councils, please confirm and provide evidence (see A7) that the group is wholly or partly concerned with the area covered by New forest District Council or a neighbouring local authority area

The constitution of the group confirms that it is primarily concerned with the King Rufus public house in Eling

A5. Distribution of surplus funds

For groups other than town and parish councils, please confirm and provide evidence (see A7) that any surplus made by the group is wholly or partly applied for the benefit of the area covered by New Forest District Council or a neighbouring local authority area

The constitution of the group confirms that all assets will be used to support the ongoing function of the King Rufus as a public house. Any surplus assets on the dissolution of the group will be donated to local charities.



6. Membership of unincorporated bodies

For unincorporated bodies please confirm that at least 21 members are included on New Forest District Council's register of electors and provide their names and addresses below

In view of the current covid-19 restrictions we are unable to undertake an exercise to manually collect signatures particularly as the King Rufus is closed however we are attaching the original list of signatures all of which to our knowledge are applicable with the exception of Chris White of [REDACTED] and Pat OGara of [REDACTED] who have regrettably passed away.

We do have a number of additional people who have signified their agreement to the application but we cannot obtain their signatures in view of the circumstances above.

A7. Your organisation

Please provide a copy of the following as relevant to your organisation	Please tick documents provided
Memorandum of Association	
Articles of Association	
Companies House return	
Trust Deed	
Constitution / Terms of reference	Yes
Standing Orders	
Interest Statement for Community Interest Company	

Part B - About the asset being nomination for inclusion in the list of assets of community value

B1. Name and address of asset being nominated

Name
The King Rufus

Address including post code

Eling Hill, Totton, Southampton SO40 9HE

B2. Maps and drawings

Please provide information which helps to clarify the exact location and extent of the asset being nominated. This could include:

- Where the land is registered, the Land Registry Title Information document and map with boundaries clearly marked in red (less than one month old). Provision of Land Registry information is not essential but it may help us to reach a decision on the nomination more quickly.
- a written description with ordinance survey location, and explaining where the boundaries lie, the approximate size and location of any building/s on the land and details of any roads bordering the site
- a drawing or sketch map with boundaries clearly marked in red – websites which might help you in plotting boundaries include: <http://maps.google.co.uk/>

Land Registry HP383105 title and plan attached

B3. Current use of asset

What is the current main use of the asset?

Public House

Do you consider that the current and main use of the asset furthers the social wellbeing or cultural, recreational or sporting interests of the local community and is likely to continue?

Yes

Yes

No

If yes, please explain how it does so and produce supporting evidence, e.g. what groups and people use the nominated asset and what events take place there, including any letters of support from groups or person using the asset (and why it is considered that that will continue). If not, go to B4

For more than 150 years the King Rufus has been regularly used by local residents both for the consumption of alcoholic and non-alcoholic beverages and as a social meeting place and continues so to do. Since the closure of the other public house in the village the King Rufus remains the only public house available and should in our opinion continue to be an asset of community value.

Over what period is this main use of the asset anticipated to continue?

Hopefully indefinitely into the future

Does the local community have legal and authorised use of the land or property?

Yes when open as a public house

B4. Questions for assets not currently used for community benefit

If the main use of the asset does not currently further the social wellbeing or cultural, recreational or sporting interests of the local community, did it do so at some stage in the recent past?

Yes

No

No

Please provide details of how the asset was used in the past and dates of this usage including any supporting evidence

n/a

How do you anticipate that the asset would return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?

When do you consider that the asset could realistically return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community (please include timescales)?

n/a

B5. Optional information to help us consider the nomination (it is not essential to answer these questions but they reflect part of the criteria we which will be used to consider the nomination. Any information you can supply will help to speed up this process.

Is the asset used wholly or partly as a residence? Please provide details.

Yes there is accommodation within the property for use by the landlord

Is the asset covered by the Caravan Sites and Control of Development Act 1960? Please provide details.

No

Is the asset defined as operational land under section 263 of the Town and Country Planning Act 1990, owned by statutory undertakers such as utility companies? Please provide details.

No

B6. Further information

Please provide any further information to support why you feel that New Forest District Council should conclude that the asset is of 'community value'

This application is submitted as a renewal of the current Community Order in place which expires on the 20th July 2020. The circumstances resulting in the successful application for the original order have not changed and the new application is submitted accordingly.

B7. Owner and occupier details (Please provide all information available to you)

	Name	Address	Please delete as appropriate
Owner/s	Mr & Mrs Goold	The King Rufus, Eling, Totton, Southampton SO40 9HE	Current
Lawful occupiers	Mr & Mrs Goold	The King Rufus, Eling, Totton, Southampton SO40 9HE	Current
Holder/s of freehold estate (if not the owner)			Current/ Last known/ Not known/ Not applicable

Holder/s of any leasehold estate			Current/ Last known/ Not known/ Not applicable
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By signing your name here (if submitting by post) or typing it (if submitting electronically) you are confirming that the contents of this form are correct, to the best of your knowledge.

Name Ian Buckett

Title Mr

Signature 

Date 8 th June 2020

<p>Please send your completed form to:</p> <p>Community Right to Bid, Legal Services Manager New Forest District Council Appletree Court Beaulieu Road Lyndhurst SO43 7PA</p> <p>Email: andrew.kinghorn@nfdc.gov.uk</p>
--

The Council may disclose your name and address to other parties in order to ensure procedural fairness, taking into account the purpose of

establishing, exercising or defending legal rights or in response to a Freedom of Information request.

Assets of Community Value - Unincorporated Body Nomination Form

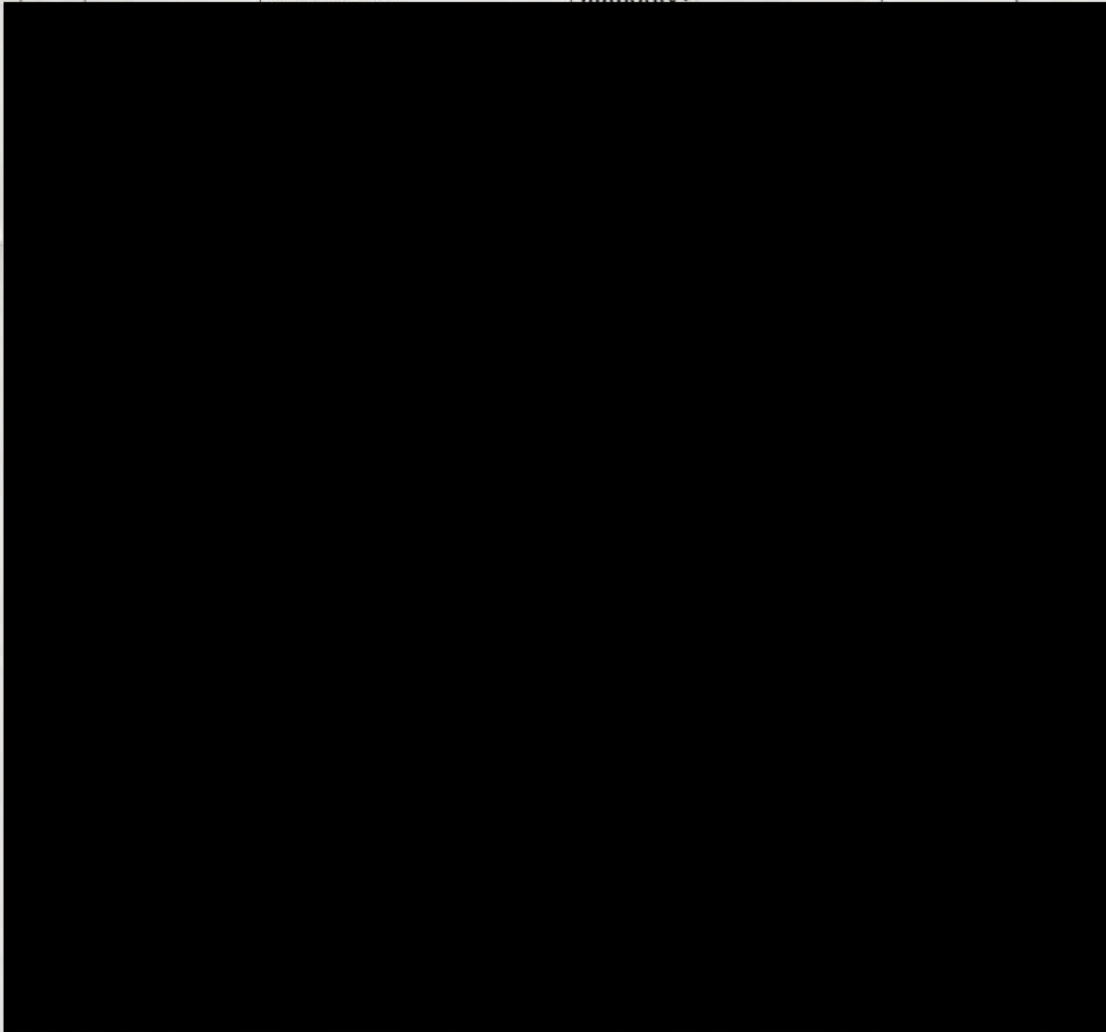
Nominations to list pubs as assets of community value can be accepted from any group of at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring local authority.

On behalf of the following members of the local community, please list this pub as an asset of community value:

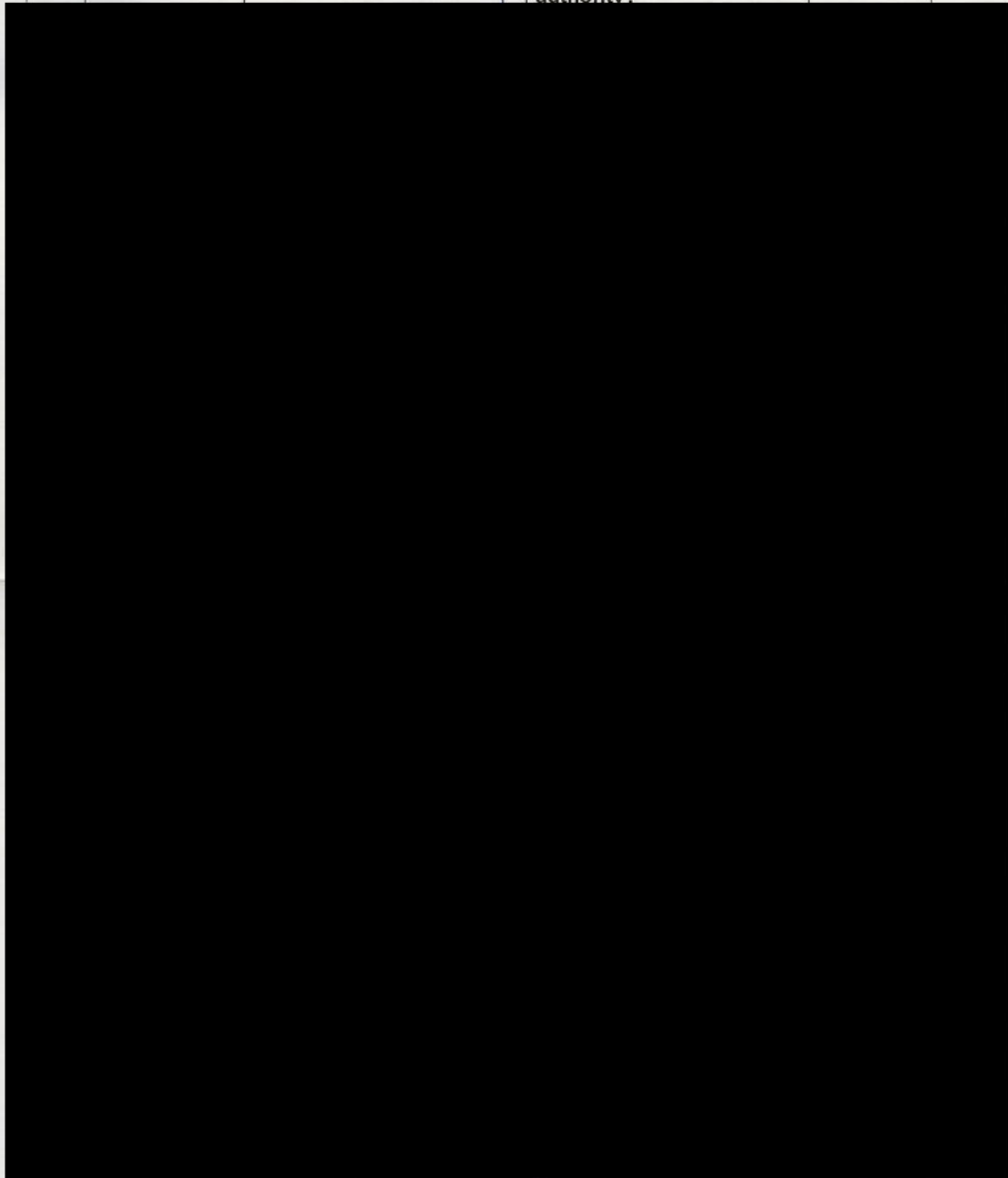
NAME OF PUB: THE KING RUFUS

ADDRESS OF PUB: _____

No.	Name (please print clearly)	Your full address (including postcode)* <small>*each nominator should have a different address</small>	Are you registered to vote within the local authority, or a neighbouring local authority?	Signature
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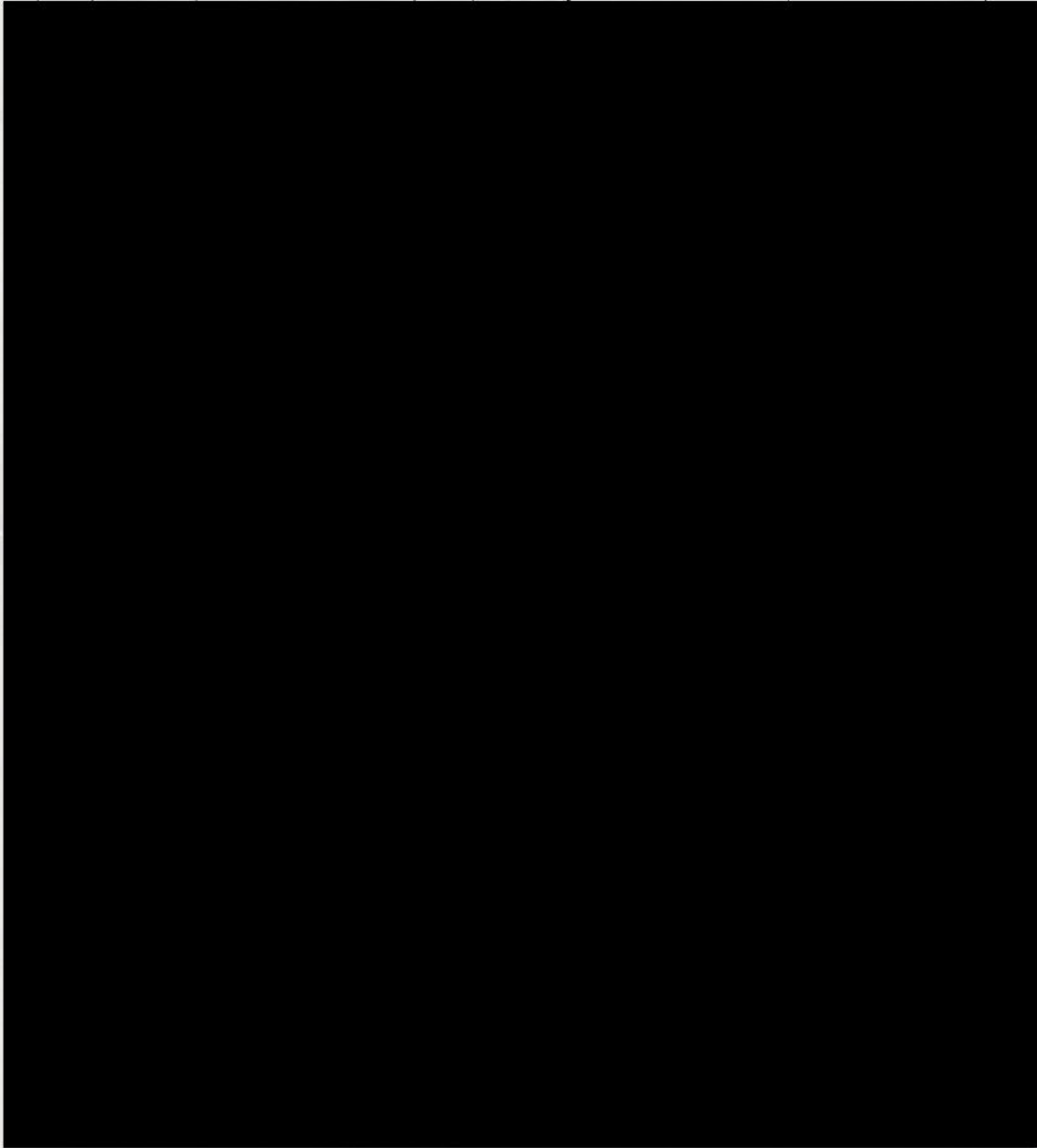
No.	Name (please print clearly)	Your full address (including postcode)	Are you registered to vote within the local authority, or a neighbouring local authority?	Signature
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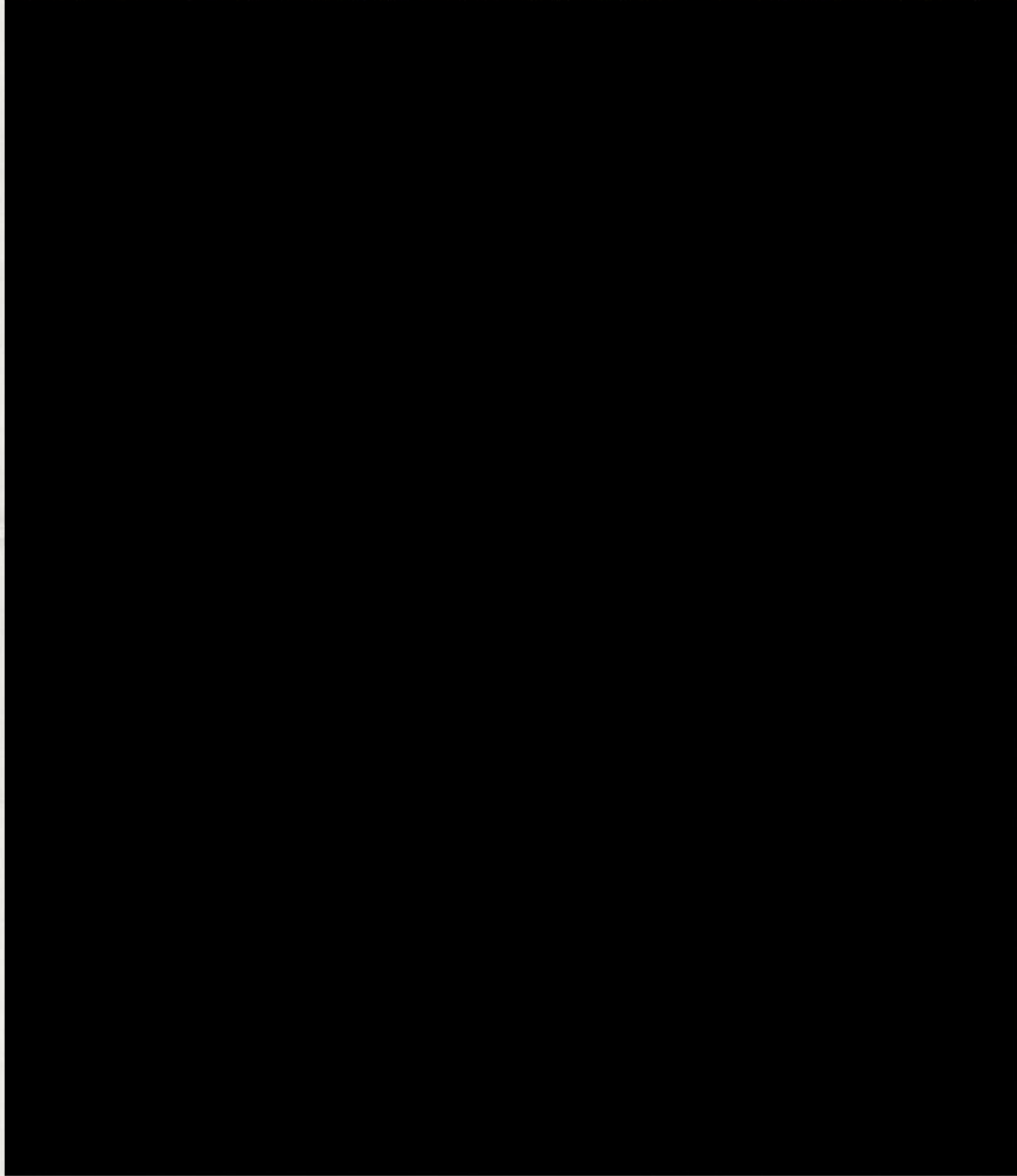
Please add details of any further nominators overleaf.

pub closure protest:

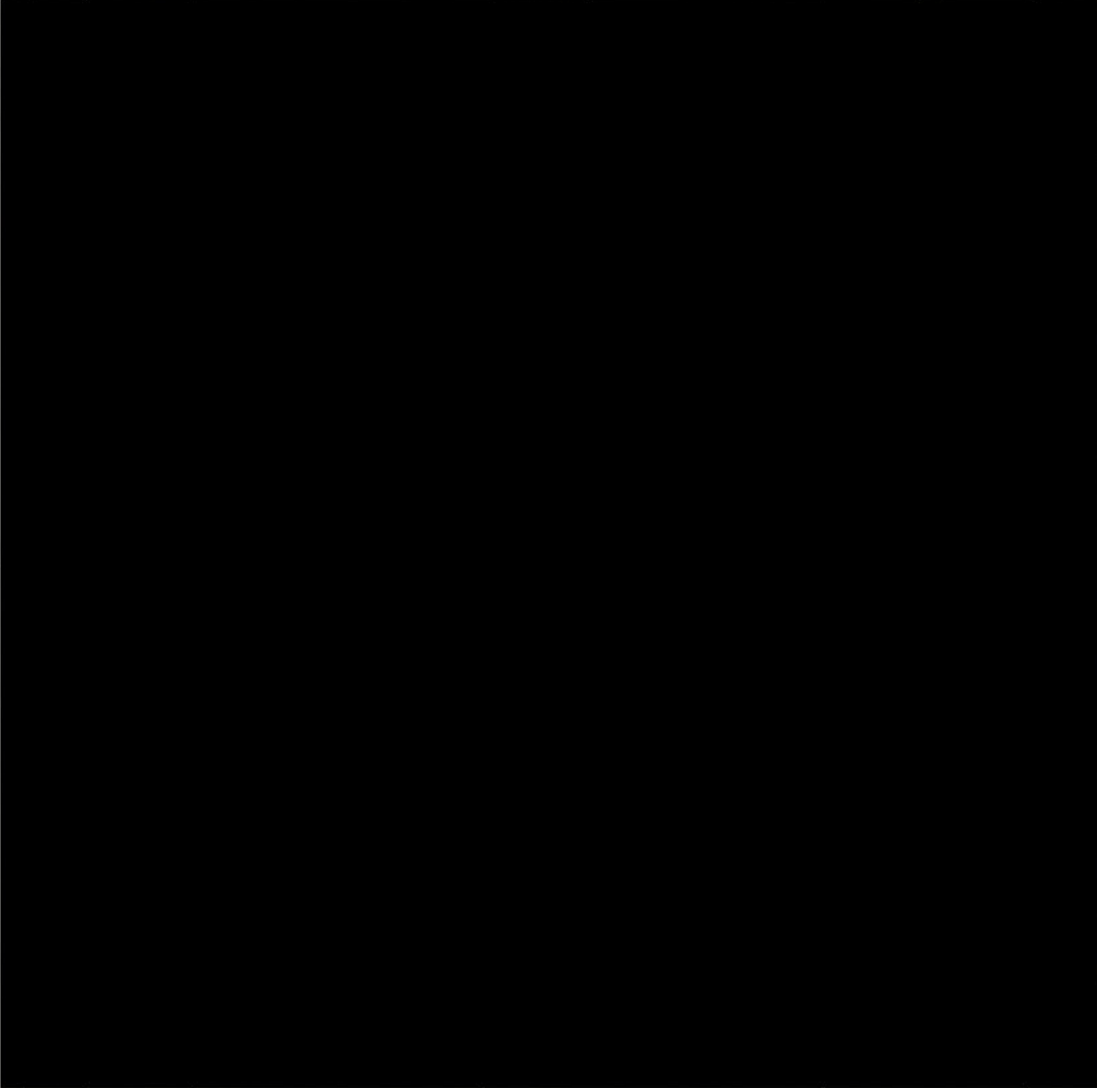
No.	Name (please print clearly)	Your full address (including postcode)*each nominator should have a different address.	Are you registered to vote within the local authority, or a neighbouring local authority?	Signature
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No.	Name (please print clearly)	Your full address (including postcode)*each nominator should have a different address.	Are you registered to vote within the local authority, or a neighbouring local authority?	Signature
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No.	Name (please print clearly)	Your full address (including postcode)* each nominator should have a different address.	Are you registered to vote within the local authority, or a neighbouring local authority?	Signature
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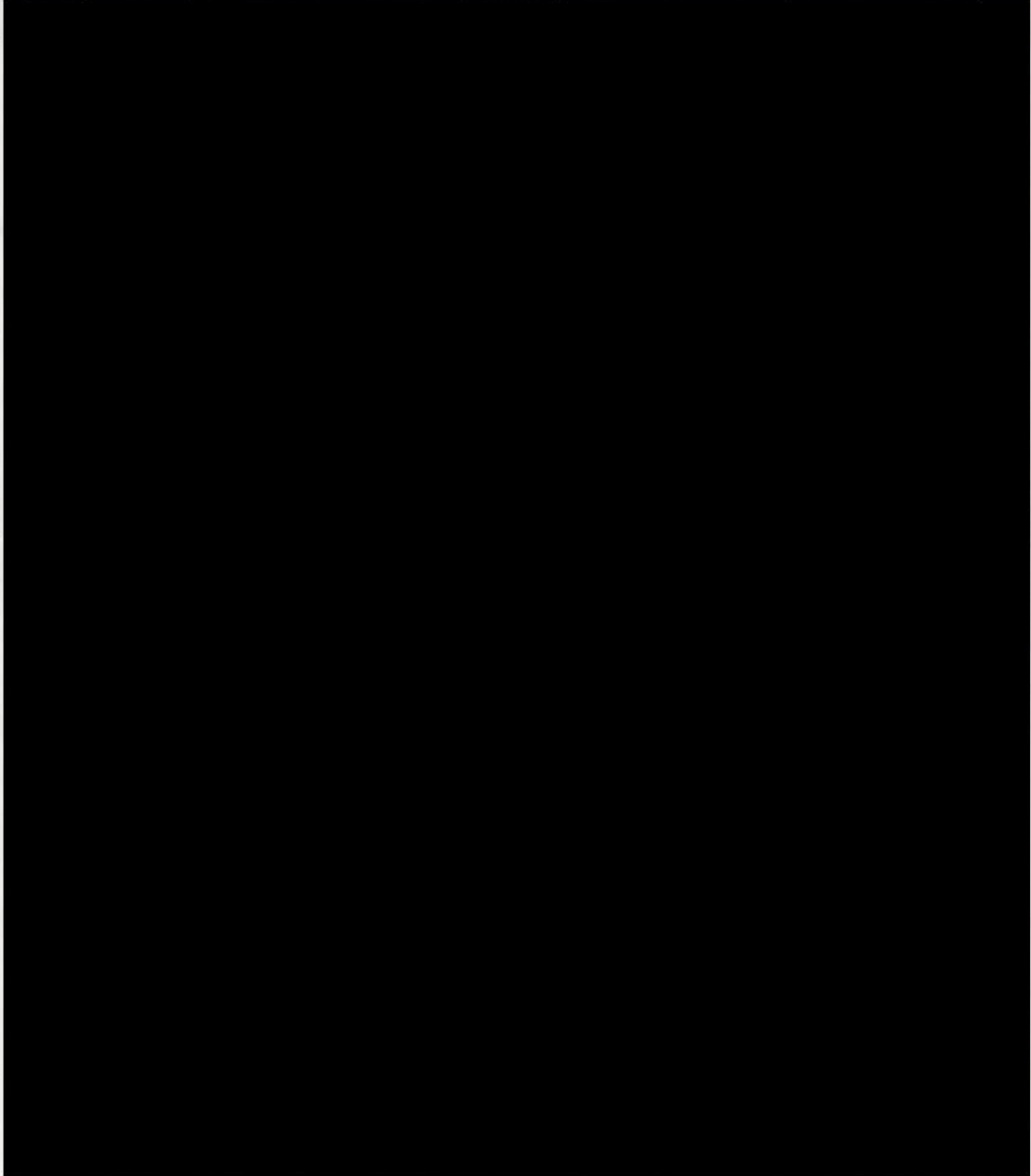
No.	Name (please print clearly)	Your full address (including postcode)*each nominator should have a different address.	Are you registered to vote within the local authority, or a neighbouring local authority?	Signature
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No.	Name (please print clearly)	Your full address (including postcode)*each nominator should have a different address.	Are you registered to vote within the local authority, or a neighbouring local authority?	Signature
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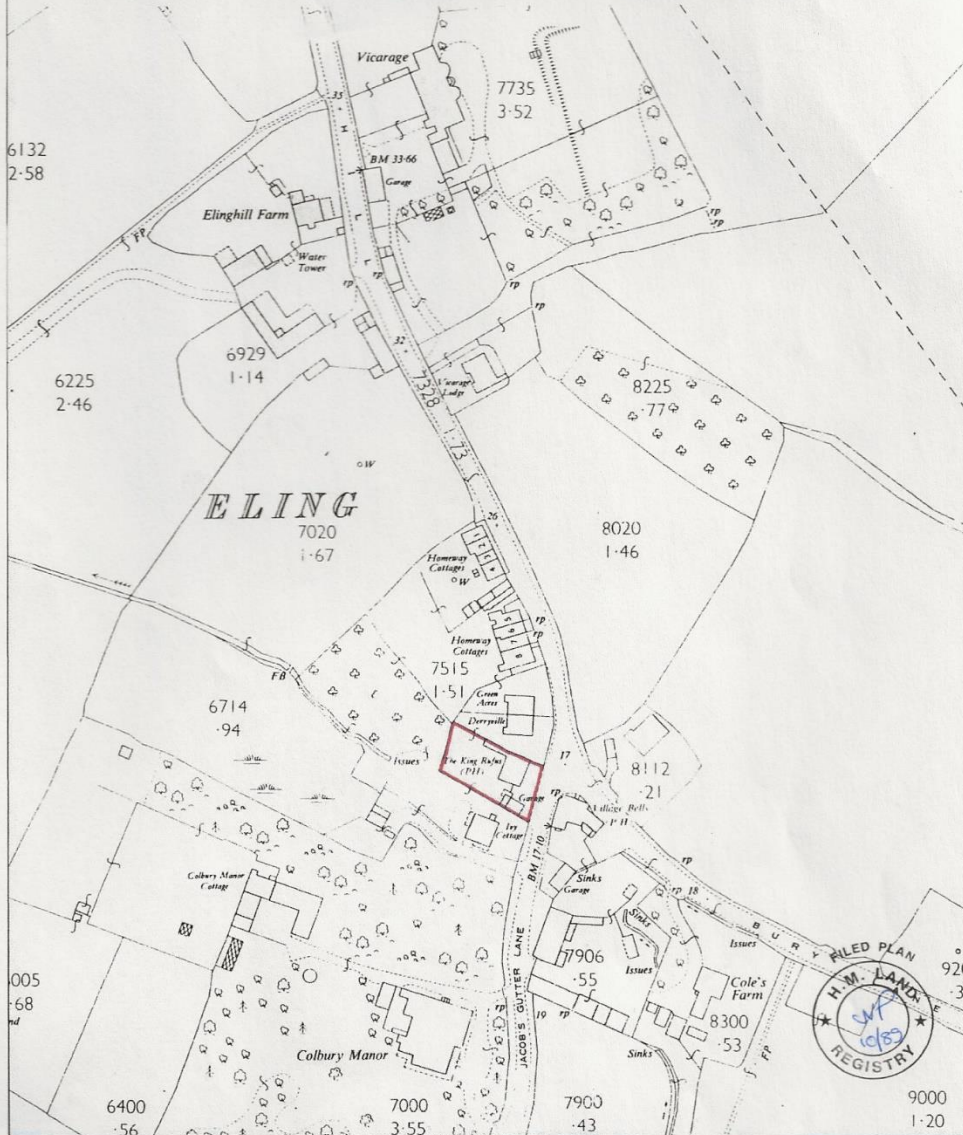


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Land Registry Document

H.M. LAND REGISTRY		TITLE NUMBER HP383105	
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Constitution

Constitution of The King Rufus Eling Supporters

1. Name

The name of the group shall be The King Rufus Eling Supporters (the Supporters).

2. Aims

The aims of The King Rufus Eling Supporters are:

- a) To preserve the use of The King Rufus Eling as a public house,
- b) To represent the views of The King Rufus' users to local, regional and national bodies,
- c) To be a voice for The King Rufus' users in any other matters agreed by the Supporters.

3. Membership

Membership is open to anyone aged 18 or over who:

- Uses The King Rufus; or
- Supports the preservation of The King Rufus as a public house; and
- Supports the aims of The King Rufus Eling Supporters.

There will be no membership fee.

Membership will begin as soon as membership details are received and accepted by the secretary.

By joining, all members agree to abide by the Constitution and any rules of the Supporters including any changes that are made later.

Members may resign at any time by writing/email to the secretary.

Membership may be cancelled if, after due warning, a member behaves in an offensive manner or otherwise brings the Supporters into disrepute, or ceases to support the aims of the Supporters.

4. Equal Opportunities

The King Rufus Eling Supporters will not discriminate on the grounds of gender, race, colour, ethnic or national origin, sexuality, disability, religious or political belief, marital status or age.

5. Officers

The business of the Supporters will be carried out by the Officers and any members performing a role or task as agreed by an Officer or at any meeting.

The Supporters will, at each Annual General Meeting, or at the next General Meeting if an Officer stands down during the year, or at a Special General Meeting called for this purpose, elect the following officers:

- Chairperson, who will chair the meetings,
- Secretary, who will be responsible for the taking of minutes, arranging meetings, distribution of papers and keeping records of members,
- Treasurer, who will be responsible for maintaining accounts.

6. Meetings

An Annual General Meeting (AGM) will be held within 15 months of the previous AGM, for the purpose of electing Officers, agreeing any changes to the constitution and discussing and agreeing any other business.

General Meetings (GM) will be held as required, called for by any Officer or member on request to the Chairperson or Secretary, for the purpose of discussing and agreeing any business other than electing Officers or changes to the constitution.

Special General Meetings (SGM) may be called at the request of at least 33% of the membership or 20 members whichever is the lesser number, by writing to the Chairperson or Secretary giving the reason for their request, for the purpose of voting for a change of any Officer, or a change to the constitution.

All members will be given notice (by email only) of two weeks for an AGM or SGM and one week for a GM. Such notice will include all proposals to be voted on therefore all proposals must be received by the Secretary two days prior to the notice period.

All proposals requiring a vote will require a simple majority of members, either present or by proxy with an Officer. Members unable to be present can ask any Officer to vote as their proxy, with either specific instructions or to follow the Officer's vote.

If the number of votes cast on each side are equal, the Chairperson has an additional casting vote.

The quorum for all meetings will be the greater number of 10% of the membership or 6 members.

7. Finances

The King Rufus Eling Supporters is non-profit distributing, i.e. any surplus is not distributed to members.

All money raised on behalf of the Supporters is only used to further the aims of the group as specified in item 2 of this constitution.

8. Dissolution

If a meeting, by a simple majority, decides it is necessary to close down the group, a Special General Meeting will be called, at which the sole business will be to dissolve the group.

If it is agreed to dissolve the group all remaining assets, once outstanding debts have been paid, will be donated to local charitable organisations as agreed at that meeting.

This constitution was agreed at the inaugural General Meeting of The King Rufus Eling Supporters on:-

Date: 28/5/15

Name and position in group ANDREW TRAVELL CHAIRMAN .

Signed

Name and position in group STEPHEN ROBERTS SECRETARY

Signed

From: [Raymond Goold](#)
To: [Richard Davies](#)
Cc: [REDACTED]@parissmith.co.uk; [REDACTED]@parissmith.co.uk
Subject: King Rufus LAC/PR9/2
Date: 05 August 2020 16:58:41

Dear Richard Davies,

Thank you for your communication with the ref. above. Our affairs are currently being handled by solicitors Paris Smith who are copied by this e mail.

The pub is closed and boarded with a For Sale sign and has been since the introduction of lockdown with no revenue.

My wife and I have now retired being well past retirement age. There is a potential buyer who intends the pub to reopen after completion.

Our main objection would be if this matter influenced negatively with our potential purchaser. Please contact our solicitor with regard to this matter.

Yours sincerely,

Ray Goold

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Sent from my iPad

From: Raymond Goold [REDACTED]
Sent: 06 November 2020 09:54
To: Richard Davies
Cc: [REDACTED]@parissmith.co.uk
Subject: King Rufus LCAV PR9/2

Dear Richard Davies,
Ref LCAV PR9/2

6/11/20

I refer to your email of 15/9/20 and request an internal review with regard to the imposition of the ACV. My email of 5/8/20 did raise an objection concerning whether the ACV might interfere with our sale of the property. Our solicitors did not receive any retrospective correspondence from you in respect of the ACV nomination which related prior to 15/9/20.

In light of last year's accounts, the property is unlikely to further the social interests of the community. What reasons does the Council have for believing the pub is in the social interest of the area as opposed to other pubs without ACV restriction? There are only 30 or so properties in this part of the village this side of the toll bridge. How many of the signatories of the ACV proposal were locals? The Anchor for example serves thousands of properties and has not been selected. Such a closure with conversion to apartments would surely be a possibility.

The Covid restrictions have played havoc with our business and I don't know how long we can claim that it is a going concern. At the time Colin Read decided the ACV was successful there might have been an element of normality returning for our business. This is not now the case with yet another lockdown and the likelihood of continued waves of pandemic for the foreseeable future.

Our last financial year's accounts (till 5/4/20) showed a £20000 profit representing £5 per hour for the 80 hours a week my wife and I worked running the pub. There was no rent to pay as we owned the property. That was fine for a lifestyle with music, quizzes, parties and wakes. None of this is now possible. It seems rather inappropriate that the ACV restriction be piled on top of our other handicaps.

We are bearing the financial losses to the business and do not feel that councillors Harrison and Rackham and their fellow signatories quite grasp the reality. Nor are they bearing the trading implications.

As I have already said my worry is the indefinite maintenance of the the business as a going concern. I would also point out the my wife and I are of vulnerable age with regard to Covid like many of our former customers. Pubs are a no go area.

Regards Ray and Philippa Goold