

REPORT TO JOHN MASCALL

Application to nominate The Martin Club Martin Fordingbridge SP6 3LR as an asset of community value

1.0 INTRODUCTION

- 1.1 This report relates to an application made to the Council by Martin Parish Council to nominate The Martin Club Fordingbridge Hampshire SP6 3LR (“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.

2.0 BACKGROUND

- 2.1 The Application to nominate The Martin Club Fordingbridge Hampshire SP6 3LR as an asset of community value 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 16 November 2015. If the Council accepts that the nomination meets the criteria set down in the Act, the Property must be added to the Council’s published list of assets of community value, registered as a local land charge and registered against the freehold title to the Property.
- 2.2 If the Property is listed as an asset of community value, 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. Note however that if the Owner wishes to sell the pub business as going concern, the moratorium on sale provisions of the right to bid are not engaged.

3.0 THE APPLICATION

- 3.1 The Application was made by Martin Parish Council (The “Parish Council”) and was received by the Council on 21 September 2015. The Council is the proper decision making authority to determine the Application and delegations have been granted to the Executive 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 nominations under the Act.
- 3.3 The Property is currently owned freehold by Martin Club Limited. The Property is presently used as a club.
- 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 Parish Council provided details about the use of the Property by the local community in the statement accompanying the Application. The Parish Council says the Property is used as a club and is important to the social well-being of the local

community. In particular the Parish Council gave the following reasons why the nomination should be accepted:

- Club facilities are available for use by members and anyone living within the village is eligible to become a member.
- The annual membership fee is affordable to anyone who would like to join and is currently £10 annually with concessions for senior citizens and junior members.
- The club provides a bar and function room and various recreational facilities including snooker, pool, table tennis, skittles and darts.
- There is a regular entertainment programme which includes quiz nights, bingo, discos and live music.
- The Property is the main venue for the Martin Community Association which holds regular talks and meetings in the function room.
- There is no pub in Martin so the club meets this need through the provision of a bar.

3.6 In addition, the Club's web site makes reference to the Club stocking newspapers and magazines and having a second hand book shop which they say is very popular. The web site also notes that the Club has over 400 members and that new members are always welcome.

4.0 THE OWNERS COMMENTS

4.1 The Owner of the Martin Club has been asked to comment on the Application. A representative of the Owner telephoned the Council on 6th November to query the nomination. The application process was briefly explained and Owner was referred to the Council's web page. However there has been no subsequent correspondence or comment.

5.0 LEGAL POWER AND DELEGATIONS

5.1 The Council must consider the nomination and decide whether to list the Property as an asset of community value.

5.2 The Council has put in place delegated powers for an Executive Director to make the decision in consultation with the Head of Legal and Democratic Services, 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 land 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 asset of community value, 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 loss and expense in relation to the Property which would be likely not to be incurred if the Property had 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.

6.0 CONSULTATIONS

- 6.1 A number of consultations have been made as summarized below.
- 6.2 The Owner was informed of the Application as described in section 4 above.
- 6.3 The Head of Planning and Transportation stated there appeared to be no reason why the Property should not proceed.
- 6.4 The Head of Leisure and Employment commented that there would appear to be no reason not to add the nomination to the list. He said the facility is the only one in the village and an important focal point.
- 6.5 The Head of Legal & Democratic Services had no comments on the proposal.
- 6.6 Cllr Jill Cleary was informed of the Application as portfolio holder for Housing and Communities. She said that she had no comments re this application as it was not her ward and would leave it to the local Councillor to make any comments.
- 6.7 Cllr James Binns, Portfolio Holder for Health & Leisure stated that he would leave it for local members.
- 6.8 Cllr Edward Heron, the local district council member, confirmed he was happy to support the Parish Council's application.

7.0 CONCLUSION

- 7.1 The reasons given by the nominating body set out in section 3 indicate the Property does fulfil the criteria for listing summarized in paragraph 5.4 above.
- 7.2 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 in this report.

8.0 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:

Background Papers:

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Application by Martin Parish
Council