



Aylesbury Vale District Council

Community nomination in respect of The White Swan Public House, 10 High Street, Whitchurch

Notice under section 91 of the Localism Act 2011

1. The Nomination

On 11th October 2013 Aylesbury Vale District Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list The White Swan Public House, 10 High Street, Whitchurch as an asset of community value. The nomination was made by Whitchurch Parish Council following a resolution of Whitchurch Parish Council dated 9th September 2013. A copy of the nomination is attached at Appendix 1 and plan showing the boundaries of the nominated land is attached at Appendix 2.

A summary of the nomination is set out below:

- (a) The land is located at 10 High Street, Whitchurch, Bucks HP22 4JT.
- (b) It comprises a Public House, car park and garden shown edged red at Appendix2.
- (c) A copy of the title registered title indicates that the land is owned by Fuller Smith & Turner Plc. Griffin Brewery, Chiswick, London W4 2QB.
- (d) The White Swan is occupied by Louise King, who is the tenant of the Brewery Owner.
- (e) The White Swan is the only Public House in the Village of Whitchurch and is a social meeting place for many individuals and village groups such as the Cricket Club, Church Bellringers, Ramblers, cycling groups, The Parish Council, The School PTA, various charity organisations including Blackberry Farm.
- (f) The White Swan is also used as a business meeting place for local skilled craftsmen to meet to arrange work and business. Local businesses also use The White Swan as a suitable place for seminars and training.
- (g) The White Swan is a venue for social events such as quiz evenings, and a venue for Young Farmers and the local Darts Team and is also a venue for regular fund raising events.
- (h) The White Swan is at the centre of the village and is an important historical building having been a public house since the time of the Civil War.
- (i) It is the only remaining Public House in the village as all the others have closed and be converted to residential use.
- (j) The White Swan is actively supported by the village residents and it's regular customers include four generations of Whitchurch Families. Also it is the first point of call for new neighbours and residents to discover what facilities there are in Whitchurch. People considering buying a property in the area often visit The White Swan Public House and see it as an asset of the village.
- (k) Local businesses, such as the farm shops and local butchers are wherever possible supported/patronised by The White Swan.

2. The Law and Statutory Guidance

Under section 87 of the Act the Council must maintain a list land of community value in its area. A building or other land is of community value if in the Council's opinion an actual current use of the building or other land that is not ancillary use, furthers the social wellbeing or social interests of the local community, and it is realistic to think that there can continue to be non-ancillary use of the building or other land, which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

Under section 89 the Council can only include land in its list of assets of community value in response to a community nomination or where permitted by regulations. A community nomination in England can only be made by either a parish council in respect of land within its area or by a person that is a voluntary or community body with a local connection. Where a valid community nomination is made the Council must consider it and must accept the nomination if the land is within its area and is of community value

3. Decision and Reasons

The Council accepts the nomination by Whitchurch Parish Council and includes The White Swan, 10 High Street, Whitchurch Buckinghamshire HP22 4JT in its list of assets of community value.

The reasons for this decision are as follows:

- (a) The land and building comprising The White Swan Public House lies within the administrative area of Aylesbury Vale District and within the parish of Whitchurch.
- (b) Whitchurch Parish Council are eligible under section 89(2) b) (i) to make a community nomination in respect of The White Swan Public House
- (c) The community nomination made by Whitchurch Parish Council includes the matters required under regulation 6 of the Assets of Community Value (England) Regulations 2012
- (d) The land and building does not fall within a description of land which may not be listed as specified in Schedule 1 of the Assets of Community Value (England) Regulations 2012 (the Regulations)
- (e) The Council considers that the current use of the land and building as a Public House is not an ancillary use, and that this use furthers the social wellbeing and social interests of the local community and that the land and building is of community value
- (f) Noting that the property is being used as a Public House and other activities, the Council also considers it is realistic to think that there can continue to be non-ancillary use of the building which will further (whether or not in the same way) the social wellbeing and social interests of the local community

4. Next Steps

The White Swan, 10 High Street, Whitchurch, Bucks HP22 4JT will be included in the list of assets of community value maintained by the Council under section 87 of the Act.

In accordance with section 91 of the Act the Council will send this notice to:-

- (a) the owner of the land
- (b) the occupier of the land if the occupier is not the owner
- (c) Whitchurch Parish Council as the nominee body

5. Consequences of Listing

The land will remain on the list of assets of community value for a period of 5 years from the date of this notice unless removed with effect from some earlier time in accordance with the provision of the Regulations.

Inclusion of the land in the list of community assets is a local land charge under the Local Land Charges Act 1975.

The Council is required under Schedule 4 of the Regulations to apply to the Land Registry for a restriction to be added to the registered title of the land that "No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011".

Under section 95 of the Act an owner must notify the Council by writing to the Head of Legal and Estates Services at Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF if they wish to enter into a relevant disposal of the land. Relevant disposal is defined in section 96 and (subject to exemptions in section 95(5) and Schedule 3 of the Regulations) means, a freehold disposal or the grant or assignment of a qualifying leasehold interest, with vacant possession.

A moratorium period is triggered by notification under section 95 to allow any community interest group to submit a written request to be treated as a potential bidder for the land. Owners are advised to refer to the Part 5 Chapter 3 of the Act and the Regulations in full and to seek legal advice if they wish to dispose of the land. **A disposal of listed land which contravenes the requirements of Act and Regulations will be ineffective.**

6. Right of Review

In accordance with section 92 of the Act the owner of the land is entitled to request a review of this decision. The review will be carried out by a senior officer of the Council nominated by the Chief Executive. A request must be made in writing and received by the Council within 56 days of the date of this notice or such longer period as the Council may agree in writing. Please ensure that the request explains on what grounds the decision should be reviewed.

If a request is made the Council will complete the review within 56 days of receiving the request or such longer period as is agreed with the owner in writing. A request must be addressed to The Chief Executive, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF

7. Right to Compensation

In accordance with paragraph 14 of the Regulations an owner or former owner of the land is entitled to claim compensation from the Council of such amount as the Council

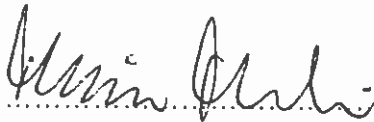
may determine, where they have incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.

A claim for compensation must be made in writing within 91 days of the loss or expense being incurred (or as the case may be) finish being incurred; must state the amount of compensation sought for each part of the claim and be accompanied by supporting evidence for each part of the claim.

If a claim is made the Council will consider the claim as expeditiously as possible. A request must be addressed to the Director of Finance at Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF

8. Additional Help

Further information about assets of community value is available from the website <http://mycommunityrights.org.uk/community-right-to-bid/> If you need any additional support in relation disposal of the land, the right of review or right to compensation you are advised to seek independent legal advice.

Signed 

Dated 6 December 2013

Maria Memoli, Head of Legal Services and Estates Services & Monitoring Officer

Section 1 ABOUT YOUR COMMUNITY ORGANISATION

Aylesbury Vale District Council
 11 OCT 2013
 Legal and Estates Services

Q1 Name and address of your organisation

Organisation name: Whitchurch Parish Council
Address and postcode: 49 Portway
 North Marston
 Buckingham
 MK18 3PL
Registration number N/A
 (if you are a charity, company, CIC or social enterprise)

Q2 Please specify what type of organisation you are

Category	Tick ✓
Parish/Town Council	Yes ✓
Unconstituted / unincorporated Community Group whose members include at least 21 individuals who appear on the electoral roll	No
Neighbourhood Forum designated as pursuant to section 61F of the Town & Country Planning Act 1990	No
Industrial & Provident Society which does not distribute any surplus it makes to its members	No
Company Limited by Guarantee which does not distribute any surplus it makes to its members	No
Community Interest Company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004	No
Charity	No

Q3 Who should we contact to discuss this nomination?

Name: Sue Mordue, Clerk to Whitchurch Parish Council
Address and postcode: 49 Portway
 North Marston
 Buckingham
 MK18 3PL
Telephone number 01296 670707
Email address Sue-mordue@more-control.com

Section 2 ABOUT THE PROPERTY TO BE NOMINATED

Q4 Which asset do you wish to nominate?

Name of property: The White Swan Public House

Address and postcode: 10 High Street
Whitchurch
Aylesbury
Buckinghamshire
HP22 4JT

Name of property owner FULLERS SMITH AND TURNER PLC,

Address and postcode: Griffin Brewery, Chiswick London W4 2QB.

Contact name Steve Findley-Frost.

Telephone number 01296 641228

Email address (if known)

Current occupier's name Louise King
(if different from property owner)

Details of occupier's interest in property Brewery Tenancy

Section 3 DEMONSTRATING THE COMMUNITY VALUE OF THE ASSET

Q5 Why do you feel the property is an asset of community value?

Please give as much information as possible about the current use of the asset i.e. what activities take place, what groups use the facility currently or in the recent past etc. Continue on a separate sheet if necessary. Definition of an asset of community value can be found in the guidance document.

Note: Any information entered into this section only may be copied and passed onto the owner of the property you are nominating.

The White Swan is the only remaining pub in the village, all others closed and converted for residential use. A good village pub offers community cohesion a social meeting point. The White Swan has 3 even four generations of Whitchurch families amongst it's regular clients. It is cross generational with couples, babies, grandparents and great grandparents meeting regularly. It acts as a focus point for local skilled craftsmen to meet often to arrange work and business. For those new village residents it is the first point of contact with new neighbours and to discover what Whitchurch can offer ranging from walks, schools, surgery and local shops etc. Those considering buying a house often visit the pub

Q5 Why do you feel the property is an asset of community value?

as it is often an asset they seek when moving.[It adds value to properties too]. There is considerable historic value having been a pub from around the civil war, and has original wells under the small bar and in the courtyard.

A meeting place for Cricket Club, Church Bellringers, The Parish Council, The SCHOOL PTA, Various Charity organisations including Black berry Farm . Young FARMERS, and we have a Darts Team, a quiz evening and hold regular fund raising events. It is the only pub in the village and is on a high profile High St Site which enhances the appeal of the village. It is frequently used for Ramblers, walkers, cyclist groups and services the local businesses particularly those located opposite in the Firs. The pub provides a business meeting place too suitable for seminars and training and is regularly booked by the PPI. Therefore it is a true community pub used by Families. The Pub supports local businesses wherever possible, Farm Shops ,local butchers, and employs full and part time staff.

Q6 What do you consider to be the boundary of the property?

Please give as much detail as you can and include a plan if possible.

The Pub boundary includes the full frontage as seen from the road and borders the public footpath to the east side and is defined by a hawthorn hedge and wire fence. The North side boundary is defined also by a post and wire fence and the east side by a similar fence and the private properties in the SWAN CLOSE. Fullers Brewery would be able to provide the details. But probably measure $\frac{3}{4}$ acre. It includes a car park.

Attachment checklist

- Copy of group constitution (if applicable)
- Names and home addresses of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan (if possible)
- Evidence of current community use e.g. activity programmes, website links etc

Declaration

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate

Signed:

Print Name: S. MORQUE

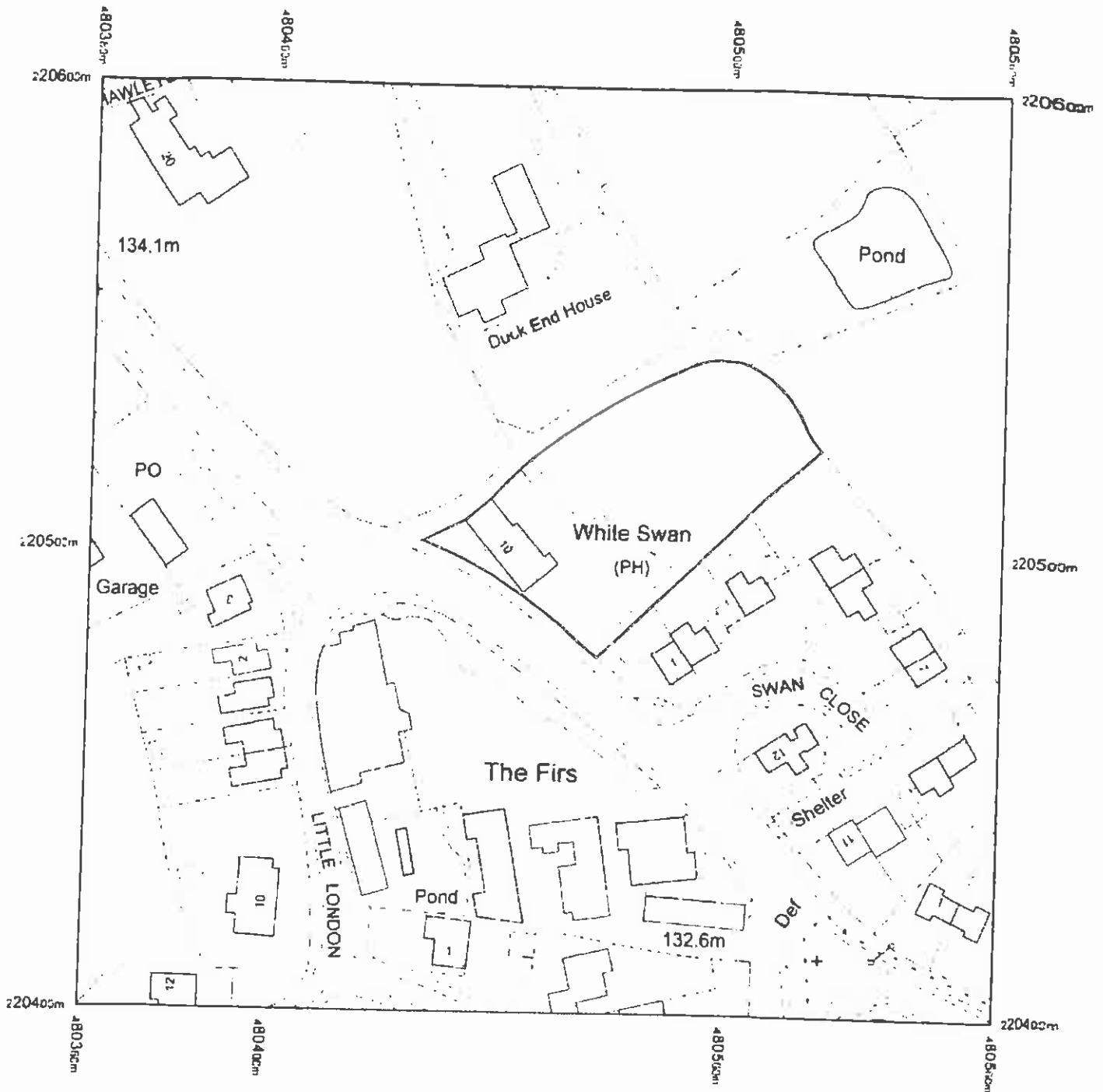
Position in Organisation: CLERK

Date: 9/9/13

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Date received:

Decision deadline:



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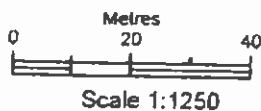
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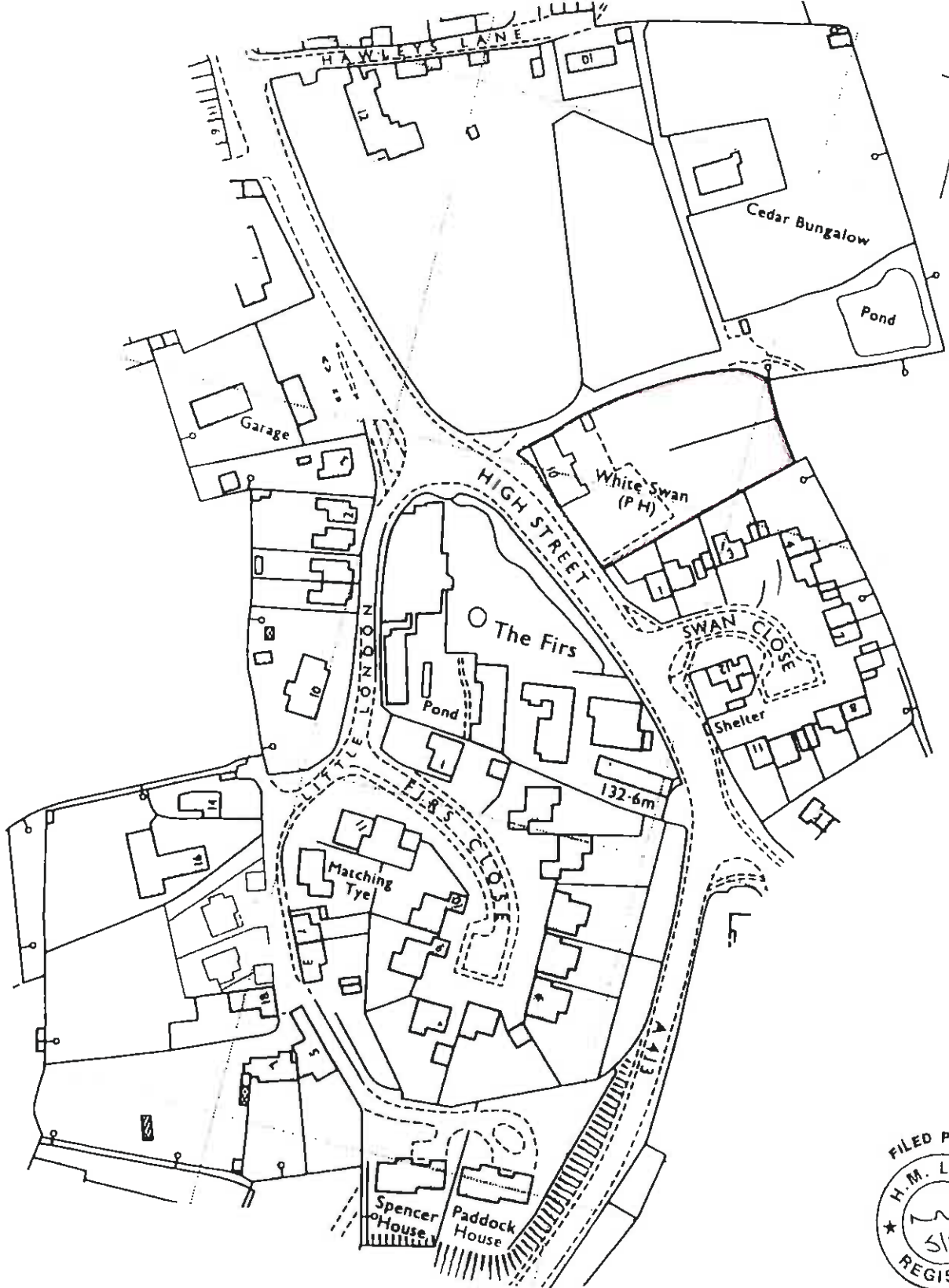
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The White Hart PH

10 High Street, Whitchurch

Aylesbury Bucks HP22 4JT

H.M. LAND REGISTRY		TITLE NUMBER	
		BM155844	
ORDNANCE SURVEY PLAN REFERENCE	SP 8020	SECTION C	Scale 1/1250 Enlarged from 1/2500
COUNTY BUCKINGHAMSHIRE	DISTRICT AYLESBURY VALE	© Crown copyright 1989	



This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 15 October 2013 at 14:34:33. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title plans and boundaries.

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