



Aylesbury Vale District Council

Community nomination in respect of

Royal Oak Public House, Wingrave Road, Aston Abbots, Bucks HP22 4LT

Notice under section 91 of the Localism Act 2011

1. The Nomination

A Nomination was received by Aylesbury Vale District Council under section 89 of the Localism Act 2011 ('the Act') to list The Royal Oak Public House, Wingrave Road, Aston Abbots, Bucks HP22 4LT as an asset of community value. The nomination was made by Aston Abbots Parish Council. 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 public house is located at Wingrave Road, Aston Abbots, Bucks HP22 4LT
- (b) The public house is the village public house. It is the only public house and the last remaining public/community meeting place.
- (c) A number of groups meet at the pub on a weekly basis and it provides a valuable service to the community.
- (d) copy of the title registered title indicates that the land is owned by Grangeside Limited and is subject to a pub tenancy in favour of Terri and Gary Moulton.

2. The Law and Statutory Guidance

Under section 87 of the Act the Council must maintain a list of 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

1. Decision and Reasons

The Council accepts the nomination of Aston Abbots Parish Council and includes Royal Oak Public House, Wingrave Road, Aston Abbots, Bucks HP22 4LT in its list of assets of community value.

The reasons for this decision are as follows:

- (a) The land and building comprising Royal Oak Public House, Wingrave Road, Aston Abbots, Bucks HP22 4LT lies within the administrative area of Aylesbury Vale District and within the parish of Ickford.
- (b) Aston Abbots Parish Council are eligible under section 89(2) (b) (ii) to make a community nomination in respect of Royal Oak Public House, Wingrave Road, Aston Abbots, Bucks HP22 4LT.
- (c) The nomination by Aston Abbots 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 this furthers the social wellbeing and social interests of the local community and that the land and building is an asset of community value.

2. Next Steps

Royal Oak Public House, Wingrave Road, Aston Abbots, Bucks HP22 4LT 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) Aston Abbots Parish Council

3. 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.**

4. 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

5. 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

6. 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

19th December 2014

Head of Legal Services and Estates Services

Appendix 1

Section 1 ABOUT YOUR COMMUNITY ORGANISATION

Q1 Name and address of your organisation	
Organisation name:	ASTON ABBOTTS PARISH COUNCIL
Address and postcode:	40 P. BRUNTON (CLERK) 51 THE GREEN ASTON ABBOTTS BUCKS HP22 4LJ
Registration number (if you are a charity, company, CIC or social enterprise)	

Q2 Please specify what type of organisation you are	
Category	Tick ✓
Parish/Town Council	✓
Unconstituted / unincorporated Community Group whose members include at least 21 individuals who appear on the electoral roll	
Neighbourhood Forum designated as pursuant to section 61F of the Town & Country Planning Act 1990	
Industrial & Provident Society which does not distribute any surplus it makes to its members	
Company Limited by Guarantee which does not distribute any surplus it makes to its members	
Community Interest Company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004	
Charity	

Q3 Who should we contact to discuss this nomination?	
Name:	PAUL BRUNTON
Address and postcode:	51 THE GREEN ASTON ABBOTTS BUCKS HP22 4LJ
Telephone number	
Email address	

Section 2 ABOUT THE PROPERTY TO BE NOMINATED

Q4 Which asset do you wish to nominate?	
Name of property:	ROYAL OAK PUBLIC HOUSE
Address and postcode:	WINGRAVE ROAD ASTON ABBOTTS HP 22 4LT
Name of property owner	GRANGESIDE LIMITED
Address and postcode:	LYNTONIA HOUSE 7 PRAD STREET LONDON W2 1NJ
Telephone number	
Email address (if known)	
Current occupier's name (if different from property owner)	TERESA & GARY MOULT
Details of occupier's interest in property	LEASERS.

Section 3 DEMONSTRATING THE COMMUNITY VALUE OF THE ASSET

Q5 Why do you feel the property is an asset of community value?
<p>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.</p> <p>Note: Any information entered into this section only may be copied and passed onto the owner of the property you are nominating.</p> <p>THE ROYAL OAK IS THE VILAGE PUBLIC HOUSE. IT IS THE ONLY PUB AND IS THE LAST REMAINING PUBLIC/COMMUNITY MEETING PLACE. A NUMBER OF GROUPS MEET AT THE PUB ON A WEEKLY BASIS AND IT PROVIDES A VALUABLE SERVICE TO THE COMMUNITY.</p>

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 IS SITUATED ON
WINGRAVE ROAD - ON THE RIGHT
HAND SIDE AS YOU ENTER THE
VILLAGE FROM AYLESBURY AFTER
A SHARP LEFT HAND BEND



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) ATTACHED
- 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: P. H. BLUNTON

Position in Organisation: PARISH CLERK

Date:

FOR OFFICE USE ONLY

Date received:

Decision deadline:

Appendix 2

Land Registry Current title plan

Title number **BM203351**
Ordnance Survey map reference **SP8419NE**
Scale **1:1250** enlarged from **1:2500**
Administrative area **Buckinghamshire :**
Aylesbury Vale



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