



Aylesbury Vale District Council

Community nomination in respect of The George & Dragon Public House

Notice under section 91 of the Localism Act 2011

1. The Nomination

On 17 February 2014 Aylesbury Vale District Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list The George & Dragon Public House, 32 The Green, Quainton, Buckinghamshire HP22 4AR as an asset of community value. The nomination was made by Quainton Parish Council following a resolution of the Council dated 13 February 2014. 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 property is located at 32 The Green, Quainton, Buckinghamshire HP22 4AR.
- (b) It comprises The George & Dragon Public House bar and restaurant.
- (c) A copy of the title registered title indicates that the land is owned by Darren John Curtis and Charlotte Anna Curtis.
- (d) It is the only operational Public House and Restaurant in the village of Quainton.
- (e) The George & Dragon Public House is the venue for annual activities including Vintage Car and Steam Engine Rallies; Beer Festivals; the Annual Harvest Auction and Morris Dancing.
- (f) The owners of The George & Dragon Public House also organise bingo and quiz evenings at the property.
- (g) The Public House also hosts monthly lunches for Senior Citizens.
- (h) The Public House hosts the weekly Post Office facility every Wednesday afternoon.
- (i) The Public House is seen as being the heart of the village.

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 Quainton Parish Council and includes The George & Dragon Public House, 32 The Green, Quainton, Buckinghamshire HP22 4AR in its list of assets of community value.

The reasons for this decision are as follows:

- (a) The land and building comprising The George & Dragon Public House lies within the administrative area of Aylesbury Vale District and within the parish of Quainton.
- (b) Quainton Parish Council are eligible under section 89(2) b) (i) to make a community nomination in respect of The George & Dragon Public House
- (c) The community nomination made by Quainton 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, 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) The Council also considers it is realistic to think that there can continue to be non-ancillary use of the building which will further the social wellbeing and social interests of the local community

4. Next Steps

The George & Dragon Public House, 32 The Green, Quainton, Buckinghamshire HP22 4AR 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) Quainton 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 8 April 2014

Head of Legal Services and Estates Services

Community Right to Bid NOMINATION FORM



Please use this form to nominate an asset of community value.

The form is split into three sections to enable you to give details about: (a) who you are; (b) the asset you wish to nominate and (c) what community value you believe the asset has. We ask for this specific information to help assess whether your nomination meets the requirements of the legislation relating to this community right.

Guidance notes are provided at the end of the form to explain in more detail what is required and we encourage you to read these either before or as you work through this submission.

Your nomination will be considered and responded to 8 weeks from the date that it is received and acknowledged.

Please submit your completed nomination form to the following address:

**Community Right to Bid
Legal and Estates Services
Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury, Bucks
HP19 8FF**

or alternatively email it to:

righttobid@aylesburyvaledc.gov.uk

Section 1 ABOUT YOUR COMMUNITY ORGANISATION

Q1 Name and address of your organisation

Organisation name: Quinton Parish Council

Address and postcode:

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 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: Mr David Warner

Address and postcode:

Telephone number

Email address

Section 2 ABOUT THE PROPERTY TO BE NOMINATED

Q4 Which asset do you wish to nominate?

Name of property:	The George & Dragon Public House
Address and postcode:	The Green Quinton Bucks HP22 4AR
Name of property owner	Mr Darren Curtis
Address and postcode:	As Above
Telephone number	01296-655436
Email address (if known)	enquiry@georgeanddragonquinton.co.uk
Current occupier's name (if different from property owner)	N/A
Details of occupier's interest in property	Owner / Occupier

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.

It is the only operational public house and eating venue in the village.
Placed at the centre of the village, on The Green, which is the usual place for any activities such as fetes and fund raising events and the annual bonfire.
It generates a calendar of annual activities which include; Vintage car and steam engine rallies, beer festivals and Morris dancing. It also organises bingo and quiz evenings and holds the annual harvest auction.
It offers topical menus, hosts the monthly lunches for the senior citizens and hosts the weekly post office facility on Wednesday afternoons.

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

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.

Please see included photographs, information sheet and plan of The Green showing the pub site bordered in red.

Attachment checklist

- Copy of group constitution (if applicable) N/A – Normal Parish Council constitution.
- Names and home addresses of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan (if possible) - See Q6 explanation
- Evidence of current community use e.g. activity programmes, website links etc
The George & Dragon Quainton Bucks is on several web sites.

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: DAVID WARNER

Position in Organisation: CLERK TO THE PARISH COUNCIL

Date: 8th FEBRUARY 2014

FOR OFFICE USE ONLY

Date received:

Decision deadline:

H.M. LAND REGISTRY			TITLE NUMBER	
			BM 178899	
ORDNANCE SURVEY PLAN REFERENCE	SP7420	SECTION C	Scale 1/1250 Enlarged from 1/2500	
COUNTY	BUCKINGHAMSHIRE	DISTRICT	AYLESBURY VALE	
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SP7419

