



# Aylesbury Vale District Council

## Community nomination in respect of

**The Rising Sun Public House, 36 Worminghall Road, Ickford, Bucks HP18 9JD**

### 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 Rising Sun Public House, 36 Worminghall Road, Ickford, Bucks HP18 9JD as an asset of community value. The nomination was made by Ickford 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 36 Worminghall Road, Ickford Bucks HP18 9JD
- (b) The public house acts as the hub of the community and recently hosted the Annual Tug-of- War which is a long standing tradition between the villages of Ickford and Tiddington.
- (c) A copy of the title registered title indicates that the land is owned by Punch Partnerships (PML) Limited and is subject to a Lease to Jonathan Paul Honour the occupier.
- (d) The public house has just won best overall pub in the AVDC Village pub competition 2014/15 and was runner up in the best family pub category.
- (e) It has a large garden with children's play equipment and is child, family and dog friendly.
- (f) Every fortnight they hold a quiz night and on various occasions throughout the year they have music and themed nights. At Christmas they have Carol Singing in the pub with the vicar.
- (g) They support local traditional pub sports - aunt sally in the summer and cribbage in the winter.
- (h) They have a singles group meet regularly, riding groups in the summer, walkers, cyclists and shooters club for lunches. At least twice a year they host lunch for the village darby and joan club. A number of local groups will hold meetings in the pub rather than have to hire.
- (i) In the summer they have a mini visit of steam traction engines from the local annual rally.
- (j) Every week they hold a 'bonus ball' lottery and the profits are donated to the village darby and joan club and they raise additional funds for the same club. They also support various charities with collection boxes throughout the year - Poppy Appeal, Florence House Hospice, BHF and other charities on various occasions.

## **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 Ickford Parish Council and includes The Rising Sun Public House, 36 Worminghall Road, Ickford Bucks HP18 9JD in its list of assets of community value.

The reasons for this decision are as follows:

- (a) The land and building comprising The Rising Sun Public House, 36 Worminghall Road, Ickford Bucks HP18 9JD lies within the administrative area of Aylesbury Vale District and within the parish of Ickford.
- (b) Ickford Parish Council are eligible under section 89(2) (b) (ii) to make a community nomination in respect of The Rising Sun Public House, 36 Worminghall Road, Ickford Bucks HP18 9JD.
- (c) The nomination by Ickford 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**

The Rising Sun Public House, 36 Worminghall Road, Ickford Bucks HP18 9JD 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) Ickford 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

31<sup>st</sup> October 2014

Head of Legal Services and Estates Services

# COMMUNITY RIGHT TO BID NOMINATION FORM

## Section 1 ABOUT YOUR COMMUNITY ORGANISATION

Q1 Name and address of your organisation	
Organisation name:	ICKFORD PARISH COUNCIL
Address and postcode:	8, STATION ROAD, STOCE MANDEVILLE, ATLESBURY, BUCCS HP22 5UL.
Registration number: <small>(if you are a charity, company, CIC or social enterprise)</small>	

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

Q3 Who should we contact to discuss this nomination?	
Name:	ANN-MARIE DAVIES / JENNIFER FIELD.
Address and postcode:	ADDRESS AS ABOVE / PARISH CLERK
Telephone number	01296 614274
Email address	annmariedavies55@gmail.com

**Section 2 ABOUT THE PROPERTY TO BE NOMINATED**

Q4 Which asset do you wish to nominate?	
Name of property:	THE RISING SUN
Address and postcode:	36 WORTINGHAM ROAD ICKFORD, BUCKS, HP18 9JD.
Name of property owner	PUNCH TAVERNS
Address and postcode:	PUNCH PARTNERSHIPS, JUBILEE HOUSE 28 AVENUE, BURN ON TRENDS STAFFS DE14 2WF
Telephone number	01844 339238
Email address (if known)	info@rising-sunickford.com
Current occupier's name (if different from property owner)	PAUL HONOUR
Details of occupier's interest in property	LANDLORD

**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><b>Note:</b> Any information entered into this section only may be copied and passed onto the owner of the property you are nominating.</p> <p>THE RISING SUN IS A TRADITIONAL PUBLIC HOUSE THAT WAS BUILT IN THE 15TH CENTURY. IT HAS EXPOSED TIMBERS, <del>IS</del> A REAL LOG FIRE, OFFERS FRESHLY COOKED FOOD, AND ALSO HAS A CHILDRENS PLAY AREA THEREFORE OFFERING A WELCOME TO THE WHOLE FAMILY UNIT.</p> <p>THE RISING SUN ACTS AS THE HUB OF THE COMMUNITY + RECENTLY HOSTED THE ANNUAL TUG OF WAR WHICH IS LONG STANDING TRADITION BETWEEN THE VILLAGES OF ICKFORD + TIDDINGTON.</p> <p>MORE DETAILS CAN BE FOUND ON THE PUBS WEBSITE - GO TO <a href="http://www.rising-sunickford.com">WWW.RISING-SUNICKFORD.COM</a></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.

SEE ATTACHED PLAN FOR DETAILS.

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 - see web [www.risingsonidepod.co.uk](http://www.risingsonidepod.co.uk)

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: ..... JOAN FIELD .....

Position in Organisation: ..... CHAIRMAN .....

Date: ..... 12.8.14 .....

# COMMUNITY RIGHT TO BID NOMINATION FORM

## GUIDANCE NOTES

These guidance notes are provided to help you complete your Community Right to Bid nomination form.

The guidance is set out question-by-question for ease of use.

### Section 1

#### ABOUT YOUR COMMUNITY ORGANISATION

##### Q1. Your organisation

Enter the name and address of your organisation in this section.

##### Q2. Type of organisation

It is important you state which organisation type you are as only those shown here are currently eligible to nominate and all but unconstituted community groups are able to bid. Unfortunately any nomination received from any other body will not be accepted.

- Parish/Town Council
- 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
- Unconstituted/unincorporated Community Group whose members include at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring authority.
- Community Interest Company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004
- Charity

If you are a charitable organisation or company you must provide your charity number.

##### Q3. Who to contact about the nomination

###### Contact details

The contact name must be the same as the person signing the declaration overleaf. Ideally, this will be a member of the management team (chairperson, secretary or treasurer).

### Section 3

#### DEMONSTRATING THE COMMUNITY VALUE OF THE ASSET

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

In here you need to put why you feel the property currently boosts the **social** interest and social wellbeing of the local community or if it had in the past **why** it is realistic to think that it could in the future.

###### Definition of an asset of community value

A building or land is deemed to be of community value if, in the opinion of the council:

- its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so; **and**
- that use is not an ancillary one; and
- for land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the **next 5 years** (in either case, whether or not that use is exactly the **same** as the present or past); and
- it does not fall within one of the exemptions e.g. residential premises and land held with them.

Social interests include (a) cultural interests; (b) recreational interests; (c) sporting interests.

Social well-being relates to social interaction and engagement. It is a sense of involvement with other people and their communities

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

We need to know the extent of the property you are nominating; this **may** include the car **park** area as an example. However, it should be noted that any area which is in the ownership of a statutory undertaker (i.e. electricity substation) cannot be registered.

If possible please include a plan with the boundary marked on it.

### Section 2

#### ABOUT THE PROPERTY TO BE NOMINATED

##### Q4. Which asset do you wish to nominate?

Enter the full name and postal and address of the property you wish to nominate.

**Owner** It is very important that you include the details of the owner of the freehold interest in the property as the Council will need to contact the owner to inform them of the nomination and allow them to comment.

**Current occupier** The current occupier may not be the same as the property owner so it is important we advise all affected should the property be registered. You should therefore provide details of all tenants/occupants at the property.

It is particularly important that this question is completed as correctly and accurately as possible as this could delay the assessment of your nomination.



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WORMINGHALL ROAD

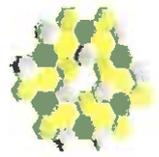
Rising Sun  
(PH)

42

44

# Land Registry Current title plan

Title number **BM203343**  
Ordnance Survey map reference **SP6407NE**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **Buckinghamshire :**  
**Aylesbury Vale**



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