



Aylesbury Vale District Council
Community nomination in respect of
The Shoulder of Mutton Public House

Notice under section 91 of the Localism Act 2011

1. The Nomination

On 28 February 2014 Aylesbury Vale District Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list The Shoulder of Mutton, Church Street, Little Horwood, Bucks. MK17 0PF as an asset of community value. The nomination was made by Little Horwood Parish Council following a resolution of the Council dated 19 December 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 property is located at The Shoulder of Mutton, Church Street, Little Horwood, Buckinghamshire MK17 0PF.
- (b) it comprises a public house and car park
- (c) a copy of the registered title BM203302 indicates that the property is owned by Nutball Limited.
- (d) The property is the only remaining pub, retail outlet and social hub of the village.
- (e) There is a dining club of approximately 50 members which meet at the property on two Fridays a month.
- (f) The Entertainment's Committee, the main fundraising body in the village, hold their committee meetings at the property.
- (g) The local Bell Ringers hold their meetings at the property and have their annual meal at the property.
- (h) Thirty to forty walkers from the village have an Annual Parish Footpath Walk, in which they walk all the footpaths in the village. The walk finishes at the property, where they then have lunch together.
- (i) Local walking groups use the property as a meeting point for their walks.
- (j) The National Citroen Car Club use the property as a meeting place when they are camping adjacent to the pub.
- (k) The darts team has a meeting every Wednesday for darts evenings and matches.
- (l) The villagers have an annual litter picking event in spring which ends at the property.
- (m) The organisers of the Annual Village Race use the property as a venue for planning the event.
- (n) The property is used by Mum's dining club and Dad's dining club that meet on a regular basis.
- (o) Once a month local musicians have an Open Mic Night at the property.
- (p) The property is used for social get togethers and most village events have some connection with the property.

- (q) The property is one of the main meeting points within the village and an important focal point culturally socially and sport wise to help promote the social and environmental wellbeing 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 Little Horwood Parish Council and includes The Shoulder of Mutton Public House, Church Street, Little Horwood, Buckinghamshire MK17 0PF in its list of assets of community value.

The reasons for this decision are as follows:

- (a) The land and building comprising The Shoulder of Mutton Public House, Church Street, Little Horwood, Buckinghamshire MK17 0PF lies within the administrative area of Aylesbury Vale District and within the parish of Little Horwood.
- (b) Little Horwood Parish Council are eligible under section 89(2) b) (i) to make a community nomination in respect of The Shoulder of Mutton Public House.
- (c) The community nomination made by Little Horwood 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

4. Next Steps

The Shoulder of Mutton Public House, Church Street, Little Horwood, Buckinghamshire MK17 0PF 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) Little Horwood 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.

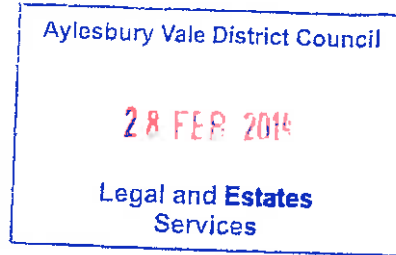
Signed



Head of Legal Services and Estates Services

Dated 25 April 2014

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: LITTLE HORWOOD PARISH COUNCIL

Address and postcode:

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

YES

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: Bridget Bradford

Address and postcode: As above

Telephone number

Email address

Section 2 ABOUT THE PROPERTY TO BE NOMINATED

Q4 Which asset do you wish to nominate?

Name of property: The Shoulder of Mutton

Address and postcode: Church Street, Little Horwood, Bucks, MK17 0PF

Name of property owner: Mr A Dickens

Address and postcode:

Telephone number:

Email address (if known):

Current occupier's name Annette Buckler
(if different from property owner)

Details of occupier's interest in property: Landlady of pub living in the pub

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.

This pub is the only remaining pub, retail outlet and social hub in the village used in the following ways – additional to normal informal social use of the premises by residents of Little Horwood and neighbouring parishes as well as visitors to Horwood House conference centre and the area in general:

- a dining club meets on a Friday at the Shoulder (FATS) there are around 50 members. Mr Peter Pearce the organiser splits the number roughly in half to make it easier for the pub to cope with numbers so the dining event is twice monthly..
- One of the main fundraising bodies in the village "The Entertainment's Committee" hold their committee meetings there.
- Bell ringers hold their meetings in the Shoulder and their annual meal also
- The Annual Parish Footpath Walk finishes at "The Shoulder of Mutton" when 30/40 walkers from the village have lunch there when they have finished walking all the footpaths in the village to ensure they are all clear and well managed, reporting any issues to the Rights of Way team of BCC.

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

- Local walking groups such as Winslow and the 5 Milton Keynes Rambler Groups use it as a meeting place and finishing point generally for at least one walk per year taking refreshment either before or after
- The national Citroen Car Club use it twice a year as a meeting place when they are camping adjacent to the pub.
- The pub has a darts team meeting Every Wednesday there is a darts evening and hosting darts matches with neighbouring village teams
- The annual Litter Blitz each spring ends at the "Shoulder of Mutton" – significant numbers of villagers litter pick the footpaths and verges within the parish and reward themselves with "a pint" and compare notes.
- It is used by the organisers of The Annual Village Race as a venue for event planning and for participants to retire to after the event.
- There are both a Mum's dining club and Dad's Dining club that meet in the pub on a regular basis
- Once a month local Musicians gather to provide "An Open Mic Night " for villagers to enjoy.
- An organiser is actively being sought to co-ordinate a regular "Lunch at the Pub" event (based on the Community Impact Bucks Pub Lunch scheme) to offer potentially isolated residents a level of social contact

As well as all the above organised activities, The Shoulder is the only place that a group can meet within the village on an impromptu basis for a social get together.

In fact almost any village event has some connection with "The Shoulder of Mutton". It is one of the main meeting points within the village and an important focal point culturally socially and sportswise to help promote the social and environmental wellbeing of the village.

Additionally the site gives a right of access to the Parish Recreation Hall and Recreation Ground and next to the Church, so is physically a site that is central to the life of the village

The Village Plan process clearly indicated the level of importance that residents placed on maintaining a village pub.

This strength of feeling was put to the test when the premises were put up for sale in 2012. A community group was formed and a bid placed having arranged (and raised funds) for a full structural survey to be carried out. The owner eventually sold to the current owner who had made a higher bid, so the opportunity for the village to purchase the premises was lost at that time. The vendor, in recognition of the village's endeavours and strength of support, reimbursed the full fee (£850) that the village had spent on the structural survey.

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

The pub and car park per the land outlined in red on the attached location plan.

Attachment checklist

Copy of group constitution (if applicable)

Little Horwood Parish Council resolved at its meeting on 19th December 2013 to **nominate** the Shoulder of Mutton as an Asset of Community Value (minute 13/97 refers)

Names and home addresses of 21 members registered to vote in nomination area (if group is not constituted)

YES

Site boundary plan (if possible)

www.theshoulderofmutton.org.uk/

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: Bridget Bradford

Print Name:

Position in Organisation: Acting Clerk

Date: 22nd January 2014
26/2/14

FOR OFFICE USE ONLY

Date received:

Decision deadline:

Raw Notes
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