



Aylesbury Vale District Council

Community nomination in respect of

The Swan Public House , 1 Chapel Square, Stewkley LU7 OHA

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 Swan Public House, 1 Chapel Square, Stewkley Buckinghamshire LU7 OHA as an asset of community value. The nomination was made by "Friends of the Swan" an unincorporated community group with at least 21 individuals who appear on the electoral roll. 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 1 Chapel Square, Stewkley, Buckinghamshire LU7 OHA in the middle of Stewkley within yards of the Village Hall and School.
- (b) During term time the Swan car park is used for dropping off and picking up children with up to 15 cars parked for this purpose. Which cars were it not for the Swan would have to park on the road.
- (c) a copy of the title registered title indicates that the land is owned by Unique Pub Properties Ltd and is subject to a Lease to Karen Foster the occupier.
- (d) The Swan Public House is a meeting place for its regulars some of whom have made business contacts in the pub.
- (e) The Swan Public House has a reputation for being child friendly(having a safe and secure boundary for children) and hosts Halloween parties: easter egg hunts; visits from Father Christmas and children's discos.

Representations received:

In addition to the reasons set out in the nomination Stewkley Parish Council made representations in favour of the nomination and they stated that :

"The oldest part of the Swan was built in the 17C. Records of it being licensed premises date from 1796 but it is likely to have been an inn long before then. As well as serving its own customers, the Swan had a maltings and brewery to brew beer for wider distribution. In the 19C it was one of ten public houses in Stewkley, now only two remain.

The inn dispensed sustenance for locals but being located alongside an important Drovers' Road, it also provided for drovers as they passed through the parish with their animals. Again in earlier times and the absence of a village hall, public meetings and other events such as auctions often took place in the centrally located Swan. It is still the case today that events take place in the public rooms and also in the garden. However primarily the Swan continues to be a meeting place; predominantly for

Stewkley residents but also for casual passing trade. It provides room for anyone to meet, drink and air their views. Over centuries the Swan has contributed enormously to community life in Stewkley.

The Swan is a listed building and is part of Stewkley's cultural heritage. The building is in a poor state of repair; it needs care, attention and money spent on it so that it will remain an invaluable community asset in the future. "

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 by Friends of the Swan and includes The Swan Public House, 1 Chapel Square, Stewkley, LU7 OHA in its list of assets of community value.

The reasons for this decision are as follows:

- (a) The land and building comprising The Swan Public House, 1 Chapel Square, Stewkley, LU7 OHA lies within the administrative area of Aylesbury Vale District and within the parish of Stewkley.
- (b) The Friends of The Swan are eligible under section 89(2) b) (iii) to make a community nomination in respect of The Swan Public House, 1 Chapel Square, Stewkley, LU7 OHA .
- (c) The community nomination made by The Friends of The Swan 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

2. Next Steps

The Swan Public House, 1 Chapel Square, Stewkley, LU7 OHA 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) Stewkley Parish Council
- (d) Friends of The Swan as the nominee body

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

22nd October 2014

Head of Legal Services and Estates Services

COMMUNITY RIGHT TO BID NOMINATION FORM

Aylesbury Vale District Council

6 - AUG 2014

Legal and Estates
Services

Section 1 ABOUT YOUR COMMUNITY ORGANISATION

Q1 Name and address of your organisation

Organisation name:	FRIENDS OF THE SWAN
Address and postcode:	
Registration number: (if you are a charity, company, CIC or social enterprise)	—

Q2 Please specify what type of organization 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:	MR S R NEALE
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 SWAN
Address and postcode:	1, CHAPEL SQUARE, STEWKLEY L07 0HA
Name of property owner	ENTERPRISE INNS PLC
Address and postcode:	3, MONKSPATH HALL ROAD, SOLIHULL, WEST MIDLANDS B90 4SJ
Telephone number	0121 7337700
Email address (if known)	NOT KNOWN
Current occupier's name (if different from property owner)	KAREN FOSTER
Details of occupier's interest in property	LEASEHOLDER AND LANDLADY

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>There are many reasons why the Swan in Stewkley should be regarded as an asset to the village. First and foremost it is a local pub used by the regulars to meet, talk about ridiculous topics, argue over current events and to generally wind down after a day's work. Some of these regulars have their own businesses which have all benefitted from the contacts made whilst using the Swan.</p> <p>The Swan is situated in the middle of Stewkley within yards of the village hall and the school. During term time the pub's car park is full with mums cars dropping off or picking up their children up to fifteen cars would have to park on the road if this wasn't available.</p> <p>The garden at the Swan is ideal for children being safe and with a secure boundary keeping them away from the roads. It has a reputation of being very child friendly with Halloween parties, Easter egg hunts, visits from Father Christmas and children's discos.</p>
CONTINUED

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 attachments

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: MR S R NEALE

Position in Organisation:

Date: 4/8/14

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
<p>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.</p> <ul style="list-style-type: none"> • 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 <p>If you are a charitable organisation or company you must provide your charity number.</p>

Q3 Who to contact about the nomination
<p>Contact details</p> <p>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).</p>

Section 2

ABOUT THE PROPERTY TO BE NOMINATED

Q4 Which asset do you wish to nominate?
<p>Enter the full name and postal and address of the property you wish to nominate.</p> <p>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.</p> <p>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.</p> <p>It is particularly important that this question is completed as correctly and accurately as possible as this could delay the assessment of your nomination.</p>

Section 3

DEMONSTRATING THE COMMUNITY VALUE OF THE ASSET

Q5 Why do you feel the property is an asset of community value?
<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>Social interests include (a) cultural interests; (b) recreational interests; (c) sporting interests.</p> <p>Social well-being relates to social interaction and engagement. It is a sense of involvement with other people and their communities</p>

Q6 What do you consider to be the boundary of the property?
<p>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.</p> <p>If possible please include a plan with the boundary marked on it.</p>

Section 3

Q5 (continued)

It is often used as a music venue providing live entertainment, in addition a loose collection of local folk musicians meet once a month for an impromptu “jam” session.

Many locals have had parties there to celebrate their significant birthdays. It is also often used for committee meetings for village societies such as the tennis club and drama group. Even the nearby teachers have taken advantage of the facilities from time to time.

There are regular events held in favour of charities eg. charity balls, the annual sloe gin and onion competitions. More recently a sweepstake was held on the World Cup with all proceeds going to charity.

Last Christmas a group of single locals who were expecting to spend the day on their own were invited to the pub and enjoyed a full Christmas dinner after the lunchtime closing. This has developed into a regular Sunday lunch event.

The Swan employs nine members of the community, albeit on a part time basis.

And finally, in the course of putting the information for this appeal together I was told by two people who were new to the village that they were very grateful to the Swan for inducting them into the village as a whole. Soon being recognised and waved to as they drove through the village.

Without doubt an asset to the village and long may it continue.

BOUNDARY OF PROPERTY



The Swan

B4032

Ivy Ln

High St N

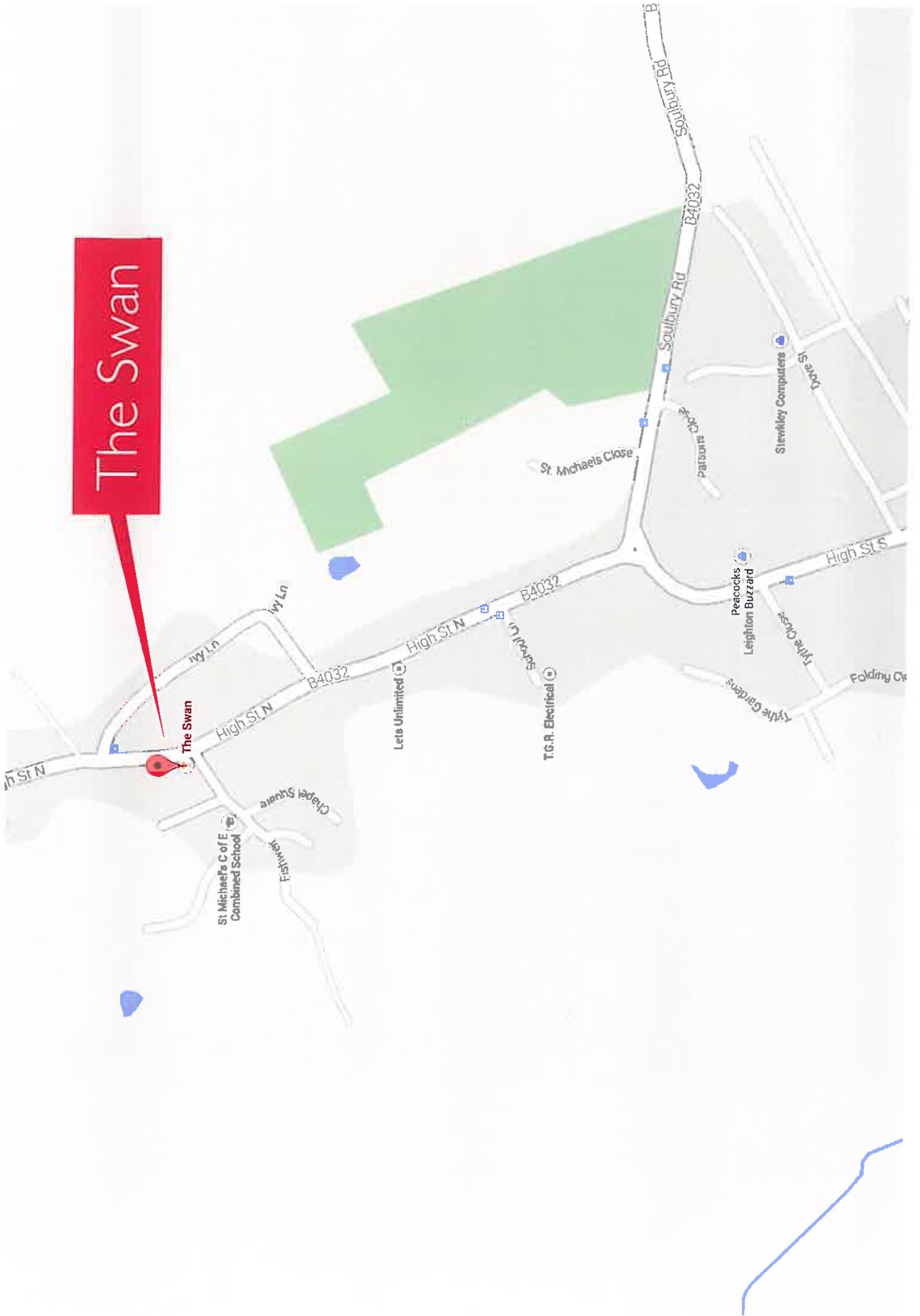
The Swan

Charles Square

Charles Square

12/15/15

The Swan





FRIENDS of the SWAN

J M Perry	Carrington Hall, Drayton Parslow	MK17 0SJ
S R Neale	70 High St South, Stewkley	LU7 0HR
J Whitehead-Nudd	96 High St South, Stewkley	LU7 0HR
M S Heritage	107 High St North, Stewkley	LU7 0EX
S G Jones	64 High St South, Stewkley	LU7 0HR
M Sear	14 Holts Green, Gt Brickhill	MK17 9AJ
P A Haupt	Hillview Farm, Dean Farm Lane, Soulbury	LU7 0DE
B Chambers	28 High St South, Stewkley	LU7 0HR
J Luxford	Hilltop, Dunton Rd, Stewkley	LU7 0HZ
R Reed	24 High St North, Stewkley	LU7 0EW
A Whittaker	18 High St North, Stewkley	LU7 0HH
M J Reed	24 High St North, Stewkley	LU7 0EW
C Foster	1 Chapel Square, Stewkley	LU7 0HA
M Grimsey	5 Fishweir, Stewkley	LU7 0HO
J Connolly	42 Dove St, Stewkley	LU7 0HJ
J F Luxford	12 Ivy Lane, Stewkley	LU7 0EN
M Hughes	29-33 High St South, Stewkley	LU7 0HP
I Leary	White Horse Lodge, High St North, Stewkley	LU7 0EX
M White	4 Chapel Square, Stewkley	LU7 0HA

P Harvey	139a High St North, Stewkley	LU7 0EY
N Hull	12 Orchard Lane, Stewkley	LU7 0HS
I O'Neill	7 Parsons Close, Stewkley	LU7 0HG
L Chadd	1 Folding Close, Stewkley	LU7 0XE
R Tofield	18 Griffin Field, Stewkley	LU7 0GZ
C Luxford	Hilltop, Dunton Rd, Stewkley	LU7 0HZ
B W J Gray	11 Dunton Rd, Stewkley	LU7 0HY
J Hall	28b High St South, Stewkley	LU7 0HR
K Smith	48 High St North, Stewkley	LU7 0EW
L Haupt	Hillview Farm, Dean Farm Lane, Soulbury	LU7 0DE
A McCulloch	48 High St North, Stewkley	LU7 0EW
I Stedman	12 Orkney Close, Stewkley	LU7 0JF
K Matthews	1 High St North, Stewkley	LU7 0HP
D Teary	106 High St North, Stewkley	LU7 0EP
E Robinson	61b High St North, Stewkley	LU7 0EZ
J Axten	18 Ivy Lane, Stewkley	LU7 0EN
J Ginn	3 Old School House, High St North, Stewkley	LU7 0HG
N Ledger	Bleak House, 146 High St North, Stewkley	LU7 0EZ
N Pollard	6 St Michaels Close, Stewkley	LU7 0HN
L Crow	11 Tweedale Close, Mursley	MK17 0SB
J Chamberlain	1 The Slade, Newton Longville	MK17 0DR

P Walton

3 High St South, Stewkley

LU7 0HP

A Williams

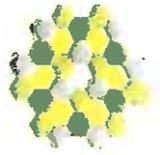
Broomhill House, Stoke lane,

Great Brickhill

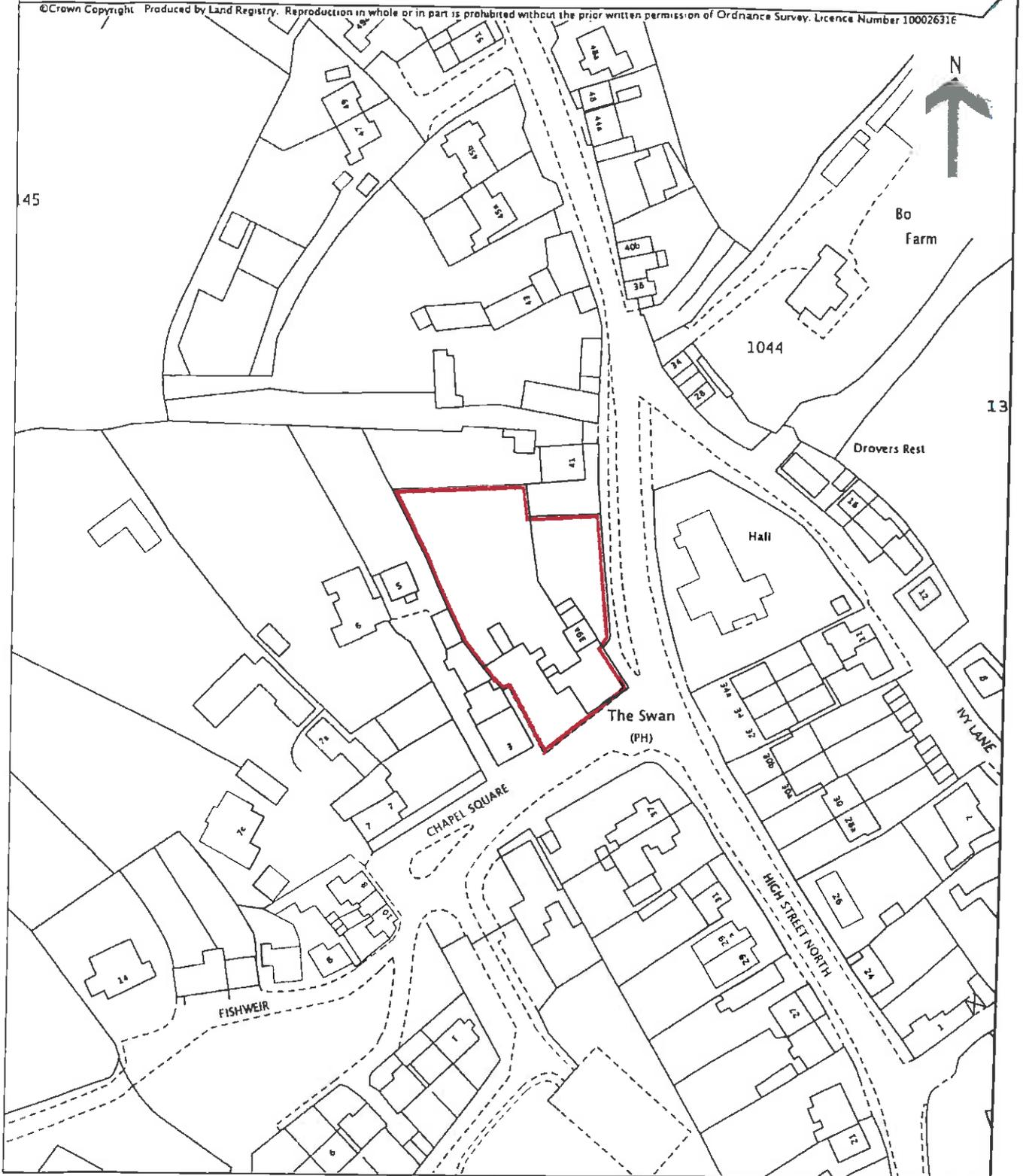
MK17 9AQ

Land Registry Current title plan

Title number **BM198369**
Ordnance Survey map reference **SP8526SW**
Scale **1:1250**
Administrative area **Buckinghamshire :**
Aylesbury Vale



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This title is dealt with by Land Registry, Leicester Office.