



## Community nomination in respect of

**The Oxleathers Public House, Cape Avenue, Stafford ST17 9FL**

Notice under section 91 of the Localism Act 2011

### 1 Nomination

On 27<sup>th</sup> April 2023 the Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list **The Oxleathers Public House, Cape Avenue, Stafford ST17 9FL** as an asset of community value. The nomination was made by **Highfields and Western Downs Community Group**. As an unincorporated body, the nominator was required to show that they had at least 21 members registered as local electors. This information was provided on 5<sup>th</sup> June 2023. A copy of the nomination is attached at **Appendix 1** and a plan showing the boundaries of the nominated land is attached at **Appendix 2**.

### 2 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 **Highfields and Western Downs Community Group** to include the **Oxleathers Public House** in its list of assets of community value.

The reasons for this decision are as follows:

1. The Oxleathers Public House lies within the Borough of Stafford. It consists of the pub building itself along with an enclosed garden to the side and the rear.
2. Highfields and Western Downs Community Group is a body eligible to make the application under section 89 of the Act.
3. The Nomination made by Highfields and Western Downs Community Group meets the requirements of the Assets of Community Value (England) Regulations 2012 (“the Regulations”).
4. The public house does not fall within a description of land which may not be included in the list as specified in Schedule 1 of the Regulations.
5. In order for a listing to be successful, a nomination must show that the land is of community value. This can be achieved by showing evidence of an actual, non-ancillary, use of the building that furthers the social wellbeing or social interests of the local community, currently, or that furthered such interests in the recent past.
6. The nomination states that the pub currently trades from 1pm until close; it has numerous community sports/activity teams associated with it including darts, pool, fishing, dominoes and is also starting a football team; it is used for karaoke every Saturday and Thursday nights; there is a Sunday pool tournament that is well attended; every bank holiday there are family fundays held at the pub; various community groups and church organisations (including local scouts committee, neighbourhood forums and church groups) use the pub to hold meetings.
7. The pub currently has a Facebook page on social media that appears to show recent community events such as “Pub Games Nights”, “Beer and Bible Nights” and pub quizzes.
8. The information available, therefore, appears to show that there is an actual current use of the pub that is not ancillary and which furthers the social wellbeing or social interests of the local community.
9. I am not aware of any evidence to suggest that it is not realistic to think that there can continue to be a community use of the pub going forward.
10. For the reasons set out above, the nomination of this land is successful, and the land will be listed on the register of community assets.

#### **4 Next Steps**

**The Oxleathers Public House, Cape Avenue, Stafford, ST17 9FL 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) Highfields and Western Down Community Group 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 Law and Administration, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ 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, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ.

## **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 Head of Law and Administration, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ.

## **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: 21 August 2023  
Head of Law and Governance