

Agenda Item No:	4	
Committee:	Overview & Scrutiny	
Date:	3 October 2016	
Report Title:	Asset of Community Value, The Carpenters Arms, Coates	

Cover sheet:

1 Purpose / Summary

To consider an appeal lodged by the Owner of the Carpenters Arms Public House relating to a Cabinet Decision on 11th August 2016 to nominate of The Carpenters Arms Public House, Coates as an Asset of Community Value.

2 Key issues

Statutory Framework:

- In November 2011 Government introduced the Localism Act which included ways in which local communities and local groups could play a more active role in how to shape where they live.
- Within the Localism Act 2011 there are a number of community rights including the Community Right to Bid. It enables local groups to have the opportunity to nominate a building, part of a building or piece of land, for listing by a local authority as an "Asset of Community Value". For guidance the Community Right to Bid: Non-statutory advice note for local authorities is used (see appendix 1) However, there was a requirement for local authorities to devise their own policies to address this (see appendix 2).
- The Localism Act 2011 states that land is to be classed as an asset of community value if
 - a) an actual current use of the building or land furthers the social wellbeing or social interests of the local community and
 - b) it is realistic to think that there can continue to be use of the building or land which will further the social wellbeing or social interests of the local community
- It is for the authority to decide if the asset meets this criteria.

Background to this decision

- Peterborough CAMRA submitted a nomination form to register the Carpenters Arms Public House as an Asset of Community Value under the Community Right to Bid.
- The nomination was initially received on 18th June 2016.
- The nominator and owner of the premises were invited (on the 25th & 26th July) to attend the Cabinet meeting and were given the opportunity to speak for 5 minutes and invited to provide further information which could be submitted prior to the meeting. If the parties wanted to take up these opportunities they were requested to contact officers by 4th August. Both parties confirmed that they were unable to attend (via email on 28th July in respect of the nominator organisation and via telephone conversation with the owner on 8th August), no additional information was received by the 4th August.

- At its meeting on 11th August 2016 the Cabinet considered the nomination (see Appendix 3) and agreed that the nomination was valid. Consequently the Carpenters Arms Public House, Coates was entered onto the successful list of Assets of Community Value, with effect from the 19th August 2016. The minutes are attached as Appendix 4.
- Following the successful nomination the asset had to be placed on the local land charges register and we had to apply for a restriction on the Register Title to the land at the Land Registry.
- The Council received a request from Peterborough CAMRA to withdraw the nomination. This request was sent by email only (and received in an officer's email inbox) at 7:43am on the day of the Cabinet meeting (11th August at 9:30am). The officer to whom the email was sent was on leave (an out of office message had been set up to respond to this effect), and by the time the email had been seen the Cabinet meeting had taken place and the decision had been made.
- Legal advice was obtained and concluded that a legitimate application had been received for consideration;. The fact that the nominator regretted the decision to put in the application in the first place is a matter for the organisation's own processes and systems in place before agreeing to submit an application.

Request for a review

- If the owners of any asset objects to their property being placed on the Asset List they have the right to an internal review by the Council of decision to list.
- The owner of the Carpenters Arms Public House lodged an appeal against the decision on the 5th September 2016. Therefore, the Council has to determine the appeal by the 30th October 2016.
- The owner of the Carpenters Arms has provided information for consideration of the panel, setting out the grounds for the appeal, alongside supporting information from the original applicant, Peterborough CAMRA (See Appendix 5). If further additional information is received then this will be provided to members on the day to read. The owner has also been invited to attend the panel to set out her case.
- As a point of clarity on the Peterborough CAMRA information submitted, the nominator has been only ever been CAMRA as an organisation (as indicated on the completed nomination form that the Council received) and as a company limited by guarantee they are considered an eligible incorporated organisation.
- If after the review the owner still disputes the listing they have the right of appeal to an independent Tribunal through HM Courts and Tribunals.

3 Recommendations

Overview & Scrutiny are asked to either:

- endorse the decision made by Cabinet on 11th August 2016 or to
- recommend reconsideration of the decision back to Cabinet at their meeting on the 20th October to consider the further evidence submitted as part of the objection

Wards Affected	Benwick, Coates and Eastrea Ward
Forward Plan Reference	
Portfolio Holder(s)	Councillor Simon King
Report Originator(s)	Carl Suckling, Senior Community Support Officer
Contact Officer(s)	Carl Suckling (as above) Dan Horn, Head of Housing & Community Support Richard Cassidy, Corporate Director
Background Paper(s)	Cabinet Report 11th August 2016 Asset of Community Value, Carpenters Arms, Coates Cabinet Report 25 April 2013: 'Community Rights under the Localism Act 2011 - Community Right to Bid'



Department for
Communities and
Local Government

Appendix One

Community Right to Bid: Non-statutory advice note for local authorities

Part 5 Chapter 3 of the Localism Act 2011 and the Assets of
Community Regulations 2012

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Ministerial foreword



From local pubs and shops to village halls and community centres, the past decade has seen many communities lose local amenities and buildings that are of great importance to them. As a result they find themselves bereft of the assets that can help to contribute to the development of vibrant and active communities. However on a more positive note, the past decade has also seen a significant rise in communities becoming more active and joining together to save and take over assets which are significant for them.

Part 5 Chapter 3 of the Localism Act, and the Assets of Community Value (England) Regulations, which together deliver the Community Right to Bid, aim to encourage more of this type of community-focused, locally-led action by providing an important tool to help communities looking to take over and run local assets. The scheme will give communities the opportunity to identify assets of community value and have them listed and, when they are put up for sale, more time to raise finance and prepare to bid for them.

This scheme requires an excellent understanding of the needs of the local community. As such local authorities will have a pivotal role in implementing the Community Right to Bid, working with local communities to decide on asset listing, ensuring asset owners understand the consequences of listing, enforcing the Moratorium period and in taking decisions as part of any appeals process

This advice note, which has non-statutory status, is aimed at helping local authorities to implement the scheme so that they can work with their communities to protect the buildings and amenities which are of great local significance to the places where people live and work.

A handwritten signature in black ink, appearing to read 'Don Foster', written over a horizontal line.

The Rt Hon Don Foster MP

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Section 1

Introduction and scope of advice

- 1.1 The Localism Act (“the Act”) was enacted on 15 November 2011¹, and the Assets of Community Value provisions in Part 5 Chapter 3 were commenced for England at the same time as the Regulations made under those provisions came into force, both on 21 September 2012.
- 1.2 The status of this advice note is non-statutory and applies only to England.
- 1.3 A glossary of terms is at Annex A at the end of this guidance.

¹ <http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3/enacted>

Section 2

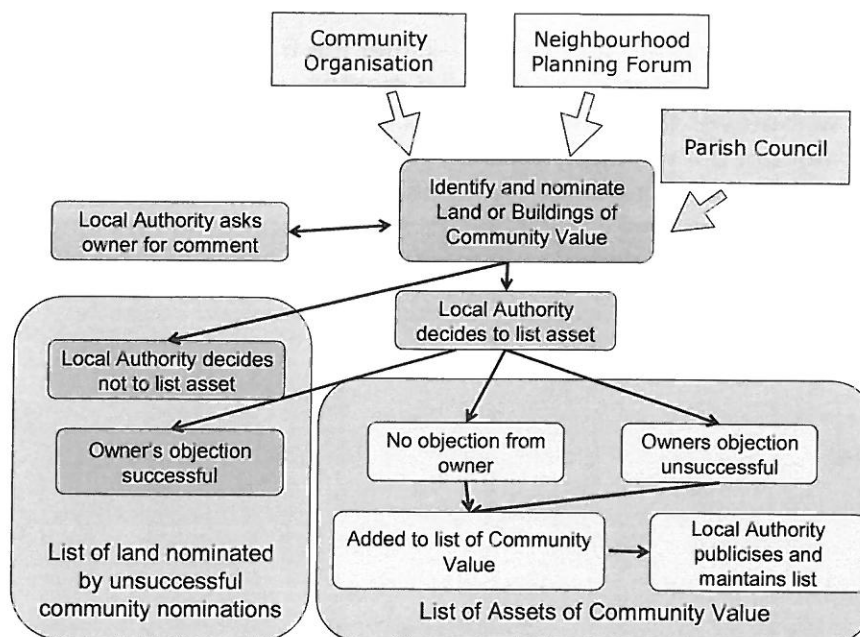
Outline of how the scheme works

- 2.1 The provisions give local groups a right to nominate a building or other land for listing by the local authority as an asset of community value. It can be listed if a principal (“non-ancillary”) use of the asset furthers (or has recently furthered) their community’s social well-being or social interests (which include cultural, sporting or recreational interests) and is likely to do so in the future. When a listed asset is to be sold, local community groups will in many cases have a fairer chance to make a bid to buy it on the open market.
- 2.2 The Assets of Community Value legislation places requirements on the following local authorities in England:
- (a) a district council,
 - (b) a county council for an area for which there are no district councils,
 - (c) a London borough council,
 - (d) the Common Council of the City of London, or
 - (e) the Council of the Isles of Scilly.
- 2.3 The scheme has two main parts: nominating and listing assets and the moratorium.

Nominating an asset

- 2.4 It is open to parishes and community organisations, including neighbourhood forums (as constituted under section 61F of the Town and Country Planning Act 1990, added to that Act by the Localism Act) to nominate local assets to their local authority, to be included on the list of assets of community value. Nominated assets may be owned by anybody, including the local authority and the Crown.
- 2.5 A neighbouring parish council can nominate an asset. Where the land is in a parish area, this means a parish which shares a border with it; or if an asset is in an unparished local authority area, so that there is no immediately adjoining parish council within the same local authority area, a parish council that borders the local authority could nominate an asset.

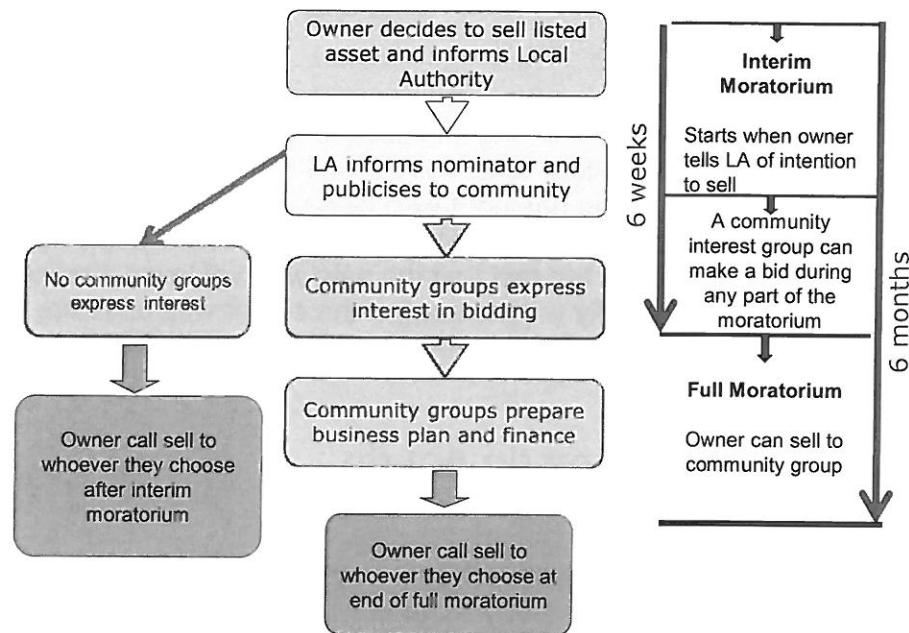
- 2.6 The local authority will then have 8 weeks to make a judgement about whether the asset meets the definition set out in section 88 of the Act or whether it falls into one of the excluded categories, including residential property, set out in Schedule 1 to the Regulations.
- 2.7 If the nominated asset is properly nominated, is in the local authority's area, meets the definition, and is not excluded, the local authority must list it and inform all specified parties (including the parish council). They must also place the asset on the local land charges register and, if the land is registered, apply for a restriction on the Land Register in Form QQ (for details see below under Enforcement).
- 2.8 If the owner objects to their property being placed on the List, they will have a right to an internal review by the council of the decision to list. The details of this process are set out below. If the owner remains in disagreement with the listing after the internal review they have a right of appeal to an independent Tribunal.
- 2.9 If the local authority do not agree that the asset nominated meets the section 88 definition, or it is in one of the excluded categories, they must place it on a list of assets nominated but not listed. If an owner is successful in their appeal against listing at internal review or Tribunal stage then the asset must also be moved to the list of unsuccessful nominations. It is for the local authority to decide how long they hold unsuccessful nominations on this list. The intention of this is to ensure transparency and to avoid multiple nomination of an asset that does not meet the definition.



Moratorium

- 2.10 Once an asset has been listed nothing further will happen unless and until the owner decides to dispose of it, either through a freehold sale, or the grant or assignment of a qualifying lease (i.e. originally granted for at least twenty-five years).
- 2.11 Unless an exemption applies, the owner will only be able to dispose of the asset after a specified window has expired.
- 2.12 The first part of this window is a 6 week interim period, which will apply in all cases, from the point the owner notifies the local authority. This will allow community interest groups to make a written request to be treated as a potential bidder. If none do so in this period, the owner is free to sell their asset at the end of the 6 weeks.
- 2.13 If a community interest group as defined in regulation 12 of the Regulations (referring to the bodies in paragraph (1) (d) to (g) of regulation 5) does make a request during this interim period, then the full 6 month moratorium (again from the point the owner notifies the local authority) will operate. During this period the owner may continue to market and negotiate sales, but may not exchange contracts (or enter into a binding contract to do so later). There is one exception. The owner may sell to a community interest group during the moratorium period.
- 2.14 After the moratorium period – either the 6 weeks if there has been no community interest, or the full 6 months – the owner is free to sell to **whomever they choose and at whatever price**, and no further moratorium will apply for the remainder of a protected period lasting 18 months (running from the same start date of when the owner notified the local authority of wishing to sell). The process and lengths of the moratorium periods are contained in section 95 of the Act².

² <http://www.legislation.gov.uk/ukpga/2011/20/section/95/enacted>



2.15 Not all proposed sales have to be notified to the local authority however. A range of disposals will be exempted from the provisions. A number are set out in section 95(5) of the Act, and others are in the Regulations. The full list of exemptions is given in Annex A.

Compensation

2.16 The scheme recognises that these provisions may have some financial impact on owners and provides a compensation scheme for private property owners. This will not be available to public bodies. The local authority will be responsible for administering the compensation scheme, including assessing and determining compensation awards. Owners and former owners will have rights of review and appeal regarding the authority's compensation decisions (see Section 10).

Enforcement

2.17 The scheme provides for various mechanisms to encourage compliance by requiring local authorities to:

- Inform owners and other interested parties that an asset has been listed
- enter on the local land charges register the fact that an asset has been listed; and

- in the case of registered land, apply for a restriction on the Land register.
- 2.18 Additionally, to give a strong incentive to owners to comply with the scheme, non-compliant sales will be void (ineffective), meaning that the change of ownership has not taken place (regardless of whether it has erroneously been registered on the Land Register - which would have to be rectified once the fact that the sale was void was discovered). However this penalty will not apply if the owner was unaware through no fault of their own that the land was listed when it was sold.

What the provisions do not do

- 2.19 These provisions do **not** restrict in any way who the owner of a listed asset can sell their property to, or at what price. They also do **not** confer a right of first refusal to community interest groups (unlike the Scottish scheme).³
- 2.20 The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.

³ <http://www.scotland.gov.uk/Topics/farmingrural/Rural/rural-land/right-to-buy/Community>

Section 3

List of assets of community value

- 3.1 In addition to the list of assets, local authorities are required to maintain a list of assets nominated unsuccessfully by community nomination. The local authority may remove land from this second list whenever it considers would be appropriate. Local authorities must publish both lists; it is up to them to decide how they publish them, but they must make them available for free inspection by any person and must provide a free copy of either to anyone who asks for it (but are not required to provide more than one free copy of each). The two lists may be combined into one document if the local authority wishes. The list of unsuccessful nominations must include reasons for the land not being listed.
- 3.2 It is up to local authorities to decide on the detailed contents and layout of the lists and when to modify them, except for the following requirements.
- 3.3 Local authorities are required to add to the list of assets, as soon as practicable:
- a) that a notification by the owner of intention to dispose of the land has been received by the local authority and the date this was received
 - b) in all cases under (a), the end dates of the interim and full moratorium periods and the protected period
 - c) where relevant, that the full moratorium has been triggered
 - d) where (c) applies, the identity of the community interest group that triggered the full moratorium
- 3.4 Local authorities are required to remove an asset from the List, as soon as practicable:
- a) after a relevant disposal (other than an exempt disposal)
 - b) when an appeal against a listing has been successful
 - c) when they form the opinion that the land or building is no longer of community value
 - d) or no later than 5 years from the date of entry on the list.

Land which may, and may not, be listed as an asset of community value

3.5 If a local authority receives a valid nomination, it must determine whether the land or building nominated meets the definition of an asset of community value as set out in section 88 of the Act. A building or other land in a local authority's area is land of community value if in the opinion of the authority —

- (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and;
- (b) 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.

(Section 88(1) Localism Act 2011)

Section 88(2) of the Act extends this definition to land which has furthered the social wellbeing or social interests of the local community in the recent past, and which it is realistic to consider will do so again during the next five years.

3.6 There are some categories of assets that are excluded from listing. The principal one is residential property. This includes gardens, outbuildings and other associated land, including land that it is reasonable to consider as part of the land with the residence where it is separated from it only by a road, railway line, river or canal where they are in the same ownership as the associated residence. Details of this are set out in paragraphs 1 and 2 of Schedule 1 to the Regulations. "The same ownership" includes ownership by different trusts of land settled by the same settlor, as well as literally the same individual owner.

3.7 There is an exception to this general exclusion of residential property from listing. This is where an asset which could otherwise be listed contains integral residential quarters, such as accommodation as part of a pub or a caretaker's flat.

3.8 There are two further categories of assets excluded from listing:

- (a) Land licensed for use as a residential caravan site (and some types of residential caravan site which do not need a licence), in paragraph 3 of Schedule 1 to the Regulations.

(b) Operational land of statutory undertakers as defined in section 263 of the Town and Country Planning Act 1990, in paragraph 4 of Schedule 1 to the Regulations.

Section 4

Who may nominate

4.1 Local authorities cannot list land on their own initiative - it must be nominated. For a local group to be able to nominate land it will have to demonstrate that its activities are wholly or partly concerned with the local authority area where the asset sits or with a neighbouring authority (an authority which shares a boundary with the authority in which the asset is located).

4.2 The voluntary or community bodies which may make community nominations are set out below:

Parish Councils. This may be for an asset in its own area, or in the neighbouring parish council.

Neighbouring Parish Councils. If the parish council borders an unparished area, then they may nominate an asset within that neighbouring local authority.

Unincorporated groups. Nominations can be accepted from any unincorporated group with membership of at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring local authority. This will for instance enable nomination by a local group formed to try to save an asset, but which has not yet reached the stage of acquiring a formal charitable or corporate structure.

Neighbourhood forums. The procedure for becoming a neighbourhood forum is set out in section 61F of the Town and Country Planning Act 1990, added by the Localism Act 2011. There can only be one neighbourhood forum for an area. Existing community groups, civic societies and others can put themselves forward to be a 'neighbourhood forum'. Prospective neighbourhood forums need to ensure they meet the conditions for designation set out in the legislation, for example a forum should have an open membership policy and seek to draw its membership from across the neighbourhood area and from different sections of the local community.

Community interest groups with a local connection. These must have one or more of the following structures:

- a) A charity
- b) A community interest company
- c) A company limited by guarantee that is non profit distributing

d) An industrial and provident society that is non-profit distributing (these groups will be renamed as community benefit societies by the Co-operative and Community Benefit Societies and Credit Unions Act 2010 when it comes into force)

- 4.3 In this context, non-profit distributing means that any surplus is not distributed to its members but is wholly or partly applied to the local authority area where the asset is based or to a neighbouring authority area.

Section 5

Contents of a nomination

- 5.1 A nomination must include the following information for the local authority to consider:
 - I. A description of the nominated land including its proposed boundaries. These boundaries do not have to be the same as ownership boundaries, for instance as shown on the Land Registry plan if the land is registered; nor is it necessary for all parts of the nominated site to be in the same ownership.
 - II. Any information the nominator has about the freeholders, leaseholders and current occupants of the site.
 - III. The reasons for nominating the asset, explaining why the nominator believes the asset meets the definition in the Act.
 - IV. The nominator's eligibility to make the nomination.
- 5.2 Local authorities may wish to consider having a named point of contact for community groups to send their nominations to.
- 5.3 Community nominations may be made at any time, including after an asset has been put onto the market. However no restrictions on sale arise from nomination - it is only listing which brings the statutory provisions into play.

Section 6

Procedure when considering listing

- 6.1 The local authority is required to make a decision in response to a nomination within 8 weeks of receiving the nomination.
- 6.2 The local authority must take all practicable steps to inform the following if an asset has been nominated:
- a parish council (if any) in which the land lies (or partly lies),
 - the owner as defined in section 107 of the Localism Act. This definition ensures that only one level of legal proprietary rights will qualify as ownership for the Act. In summary this is the freeholder or, if the asset is leased, the leaseholder with the lease most distant from the freehold which when granted had at least 25 years to run. So if there are a number of leases the leaseholder with a qualifying lease or sub-lease most distant from the freeholder is the owner for the purposes of these provisions.
 - all others with a legal estate, i.e. if the owner is not the freeholder then the holder of the freehold estate, and any other leaseholder apart from the owner; and
 - any lawful occupant (which could include a licensee).
- 6.3 When an asset is added to or removed from the list, the local authority must inform the owner, the occupier of the land if not the owner, and the successful community nominator of the asset. This is set out in section 91(2) of the Localism Act.⁴
- 6.4 Local authorities must also inform any freeholders and leaseholders of the asset who are not the owners, together with the parish council the land lies in (or partly lies in), that an asset has been added to, or removed from, the list. (See regulation 9 of the Regulations)
- 6.5 A local authority which is not able to give notice to any of these people in the usual way – for instance due to lack of names or addresses – can take reasonable alternative steps to bring the notice to a person’s attention. This could include, for instance, a notice attached to the property. (See section 91(2) of the Act)

⁴ <http://www.legislation.gov.uk/ukpga/2011/20/section/91/enacted>

Section 7

Procedure to be followed for listing review

- 7.1 If an asset has been included on the List, an owner has the right to request the local authority to review its decision, under section 92 of the Act. The deadline for the owner to request this review is set out in paragraph 1 of Schedule 2 to the Regulations: it is 8 weeks from the date written notice of listing was given (or from the date that alternative steps were completed to bring listing to the owner's attention) or a longer period allowed by the authority in writing. The property will remain listed while the review is carried out.
- 7.2 Basic procedural rules for the review are set out in Schedule 2 to the Regulations. It must be conducted by an officer of appropriate seniority, who did not take part in the decision to list. The owner may appoint a representative and the local authority will be required to provide all relevant documents to the representative.
- 7.3 The owner and/or their representative may make representations to the reviewer orally and/or in writing. The authority must complete their review within 8 weeks, unless a longer period has been agreed in writing.
- 7.4 The owner and authority will bear their own costs of the review.
- 7.5 If the owner is not satisfied with the outcome of the internal review they have the right to appeal to the First-Tier Tribunal against the local authority's review decision. The written response following the internal review should inform the owner of their right to an independent appeal. The owner making the appeal can be either the same owner who requested the review, or - if the property has been sold in the meantime - the new owner.

Section 8

Appeal against a listing review

- 8.1 An owner's appeal against a local authority listing review must be made to the General Regulatory Chamber of the First-Tier Tribunal. The deadline for appealing is specified in the procedural rules of that Chamber as 28 days from the date on which notice of the decision appealed against was sent to the owner. Appeals may be both on points of law and on findings of fact. The property will remain listed during the appeal process.
- 8.2 Owners should send the appeal in writing to the First-Tier Tribunal at:
- Tribunal Clerk,
Community Right to Bid Appeals
HM Courts & Tribunals
First-tier Tribunal (General Regulatory Chamber)
P.O. Box 9300
Leicester, LE1 8DJ
- 8.3 Owners may also send an appeal to the First-Tier Tribunal by email at: GRC.CommunityRights@hmcts.gsi.gov.uk

Section 9

Moratorium

- 9.1 The moratorium requirements, as set out in section 95 of the Act, apply only to relevant disposals. "Relevant disposal" is defined in section 96. It means a transfer of the freehold or grant or assignment of a qualifying lease which gives vacant possession of the buildings and other land in question. However they will not apply to all relevant disposals, as some types of relevant disposal are exempt. These exemptions are partly in the Act and partly in the Regulations; the full combined list is set out in Annex A below. The moratorium provisions apply only to disposals, so for example if a building listed as an asset of community value is to be demolished without being sold, the moratorium rules in section 95 do not apply.
- 9.2 An owner of a listed site may not make a relevant disposal of their asset during the 6 week interim moratorium period (unless it falls within one of the exemptions or is to a community interest group). This interim moratorium runs from the date the local authority receives notification from the owner of their intention to dispose of their listed asset
- 9.3 Once the local authority has been notified of the intent to dispose, they are required to update the list to show the owner's intention to dispose and to give the interim and full moratorium end dates, and the end date of the protected period. The nominating community group must be informed. The local authority must also publicise all of these matters in the neighbourhood of the asset in question. It is for the local authority to determine how they do this.
- 9.4 During the interim moratorium period a community interest group may request in writing to be treated as a potential bidder for the asset; this will bring the full moratorium period into force. The community interest group does not have to provide any evidence of intention or financial resources to make such a bid. A community interest group must have one or more of the following structures:
- (a) A charity
 - (b) A community interest company
 - (c) A company limited by guarantee that is non profit distributing
 - (d) An industrial and provident society that is non profit distributing
- (these groups will be renamed as community benefit societies by the

Co-operative and Community Benefit Societies and Credit Unions Act 2010 when the relevant provisions come into force)

- 9.5 Once a local community interest group makes a written request to the local authority during the interim moratorium period to be treated as a potential bidder, the owner may not dispose of their asset during the full 6 month moratorium (except as permitted). The local authority must as soon as practicable let the owner know that this request has been received (section 98 of the Act).
- 9.6 There is one type of disposal that may be made during a moratorium. An owner may sell during the interim or full moratorium period to a local community interest group – i.e. one which either did, or would have been eligible to, trigger the full moratorium.
- 9.7 There are a number of types of disposals which are exempt from the moratorium requirements, as set out in section 95(5) of the Act and in Schedule 3 to the Regulations. The full list of exemptions is set out in Annex A.

Section 10

Compensation

- 10.1 Private owners may claim compensation for loss and expense incurred through the asset being listed or previously listed. The Regulations specifically provide that this will include a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period; or for legal expenses incurred in a successful appeal to the Tribunal.
- 10.2 The time limit for making a compensation claim is specified in Schedule 2 to the Regulations as whichever is earlier of 13 weeks from the end of the interim or full moratorium period (as appropriate) or from the date when the land ceases to be listed. The assumption is that most claims for compensation will arise from a moratorium period being applied; however the wording allows for claims for loss or expense arising simply as a result of the land being listed.
- 10.3 Claims must be made in writing, state the amount of compensation sought and provide supporting evidence. The burden of proving the claim falls on the owner.
- 10.4 The local authority must consider the claim and is required to give written reasons for its decision. No time limit is specified for responding to the claim. The reason for this is that it may take the authority some time to assemble all the necessary evidence; however once it has all the facts the authority should reach a decision as quickly as is practicable.
- 10.5 The compensation scheme does not extend to public authorities and bodies. These are defined as:
- Government departments, authorities and other bodies to which section 6 of the National Audit Act 1983 applies;
 - bodies which receive the majority of their funding from public sources which may be examined by the Comptroller and Auditor General under section 7 of the National Audit Act 1983; and,
 - local authorities and other public authorities and bodies that are required to be audited under section 2 of the Audit Commission Act 1998

10.6 As with other costs incurred by local authorities in meeting the requirements placed on them, we have reflected the estimated costs of compensation within the new burdens funding. The compensation elements of new burdens funding are estimated on the basis of 40 successful claims for compensation across all administering local authorities over a year.

10.7 In addition to the amount included within the new burdens assessment, the Government will meet costs of compensation payments of over £20k of compensation costs in a financial year. This could occur through a local authority paying out over £20k in one financial year either on one large claim or as a combined total on a number of smaller claims.

10.8 Local authorities can write into the department with a request for financial support providing evidence of the compensation costs incurred either in writing to:

Albert Joyce,
Community Assets Team,
5/A4 Eland House,
Bressenden Place
London
SW1E 5DU

or by email at: righttobid@communities.gsi.gov.uk

10.9 New Burdens payments will be processed and made available to all administering local authorities in England (as set in section 106 of the Localism Act) on 15 October. We will write to local authority finance officers to inform them about the payment. The department will also notify local authorities in the same way for the periods April 2013 and April 2014.

Section 11

Internal review of compensation decision

- 11.1 The Regulations provide that an owner who is not satisfied with the local authority's response to the compensation claim may request a review by the local authority of its compensation decisions. Schedule 2 to the Regulations provides that the owner must make the request within a period of 8 weeks, beginning on the date on which the local authority provides the owner with written notification of the decision. The local authority may allow longer for a review request to be made.
- 11.2 The local authority must review their decision, and notify the owner of the result within 8 weeks of receiving the request, with reasons. The procedure for the review, in Schedule 2 to the Regulations, is the same as for the local authority's review of a listing decision.

Independent Appeal

- 11.3 An owner may appeal to a Tribunal against the local authority's review decisions on compensation. As with listing appeals, the deadline for the appeal is in the Tribunal Rules – 28 days from receiving the local authority's decision on the compensation review. Only the owner – or former owner – who requested the review may appeal against the review decision (i.e. unlike with listing appeals, a new owner who bought the land following a request for a review may not appeal against the compensation review decision).
- 11.4 As with listing appeals, the current position is that the appeal will be to the General Regulatory Chamber of the First-tier Tribunal.

Section 12

Enforcement

- 12.1 The Regulations introduce a clear penalty for non compliance, and measures to minimise the chance of a disposal not being compliant with the scheme. These will be achieved partly by amendment to the Land Registration Rules 2003.
- 12.2 Local authorities are required to add that an asset has been listed to the local land charges register. This will ensure that all prospective new owners will be aware that an asset has been listed, since local land charges apply to both registered and unregistered land.
- 12.3 Local authorities are required to notify the owner that their asset has been listed and inform them of the implications. Owners are required to inform local authorities that the land has been entered on the Land Register as a result of an application for first registration, and also to inform the local authority if they have become the new owner of listed land (together with giving their name and address details) .
- 12.4 Amendments to the Land Registration Rules 2003 have been made to add further safeguards against non-compliance. Local authorities are required to apply to the Land Registry for entry of a restriction on the Land Register when they list a building or other land as an Asset of Community Value, or, if necessary, where the owner of the listed asset has changed. This restriction will be in a form of wording newly added to Schedule 4 to the Rules, as Form QQ. This is "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". An owner of previously unregistered listed land, who applies to the Land Registry for first registration (or a mortgagee who applies for first registration on behalf of the owner), is required at the same time to apply for a restriction against their own title. The local authority is also required to apply to the Land Registry for cancellation of the restriction when it removes an asset from its list.
- 12.5 When a listed asset is disposed of, and a new owner applies to the Land Registry to register a change of ownership of a listed asset, they will therefore need to provide the Land Registry with a certificate from a conveyancer that the disposal (and any previous disposals if this is the first registration) did not contravene section 95(1) of the Localism Act (the moratorium requirements).

Annex A

Exemptions

With regard to the following exemptions (with the exception of the first), the local authority will usually not know that the disposal is taking place, because an owner who is confident that the transfer they contemplate will be exempt will not need to notify the authority of intention to sell under section 95(2) of the Act. In some cases an owner may not be sure whether they are going to succeed in making an exempt disposal or not – for instance if they wish to sell the land together with a business sold as a going concern – and may notify the authority as a precaution. In that situation, if they were successful in arranging an exempt disposal, they could enter into a binding contract during the moratorium period. There is no requirement in the legislation that in such circumstances the owner has to explain to the local authority that the disposal is exempt. However it would be helpful for them to do so, and authorities might want to include advice to this effect in any explanation they send to owners about how the moratorium rules work.

The full list of exemptions is as follows. The first is in a different category to the remainder, in that the moratorium rules will have been triggered by notification from the owner, but the sale will be able to take place during the moratorium. Categories (b) to (j) are in section 95(5) of the Act, and (k) to (y) are in Schedule 3 to the Regulations. Item (f) – part-listed land – is partly defined in the Act, and partly in the Regulations.

- a. disposal to a local community interest group, which can be made during a moratorium period (interim or full) – see regulation 13(1)
- b. disposals which are gifts (including transfer for no payment to trustees by way of settlement upon trusts)
- c. disposals by personal representatives in accordance with the will of the deceased owner or under intestacy rules
- d. disposal by personal representatives of the deceased owner in order to raise money for matters connected with administration of the estate
- e. disposals between family members (“family member” is defined in section 95(7) of the Act as the owner’s spouse or partner and descendants of grandparents – which includes the owner’s own parents, but not the grandparents)
- f. part-listed land – i.e. sale of a site only part of which has been listed – where it meets the requirements set out in the Regulations (see concluding paragraph for details)

- g. sale of land on which a business is carried on, together with sale of that business as a going concern (in such circumstances there would normally be payment separately for the business as a going concern, e.g. the value of equipment, stock and goodwill)
- h. disposals occasioned by somebody becoming or ceasing to be a trustee
- i. disposal by trustees in connection with the trust, as specified
- j. a disposal occasioned by a person becoming or ceasing to be a partner in a partnership
- k. transfers made in pursuance of a court order
- l. transfers (not in pursuance of a court order) as part of a separation agreement between spouses or civil partners (or ex ditto) including agreements for care of dependent children
- m. a transfer (not in pursuance of a court order) for the purposes of any enactment relating to incapacity, with "incapacity" being widely defined to include physical and mental impairment and any interference with capacity to deal with financial and property matters
- n. a disposal made in pursuance of a legally enforceable requirement that it should be made to a specific person, including disposals required under planning obligation agreements; and in the case of an option to buy, nomination right, pre-emption right or right of first refusal only if the agreement was entered into before the land was listed (and in this context it should be noted that an option etc entered into *after* the land is listed would count as a relevant disposal under section 96(4) of the Act)
- o. disposals of a description which brings them within the Crichton Down rules (where the land was acquired by compulsory purchase but is no longer needed, and the disposal is by way of return to the original owner or their descendants) – see DCLG Circular 06/04 "Compulsory Purchase and the Crichton Down Rules":
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1918885.pdf>
- p. sale by a lender under a power of sale (i.e. where the land was security for a loan)
- q. disposal of land under bankruptcy or other insolvency proceedings – the wording is "insolvency proceedings as defined by Rule 13.7 of the Insolvency Rules 1986", which gives a very wide definition of insolvency proceedings
- r. compulsory purchase disposals (see the wide definition of "statutory compulsory purchase" in regulation 1, which includes disposals by a purchaser deemed to acquire the land compulsorily under a statutory blight notice, and also disposals by agreement where a compulsory power could be used)

- s. the grant of a agricultural tenancy to a successor on the death or retirement of the current tenant pursuant to Part 4 of the Agricultural Holdings Act 1986
- t. transfers between connected companies in a group of companies (using the definition of “group undertaking” in section 1161(5) of the Companies Act 2006, modified to restrict “undertaking” to a body corporate)
- u. disposals of part-listed land – this is the second part of the definition, the other part being in the Act – section 95(5)(e)⁵. See final paragraph below for details.
- v. disposals of closed Church of England churches under Part 6 of the Mission and Pastoral Measure 2011: the lengthy process in Part 6 of the Measure involves public consultation, and at the end of it the building will either be sold or leased for an agreed purpose, or demolished, or transferred to the Churches Conservation Trust for preservation – following which outcomes it will once more be possible to list the building and land if appropriate.
- w. disposals by any owner for the purpose of continuing health service provision on the land (in accordance with section 1(1) of the National Health Service Act 2006)
- x. a disposal of land to be held for the purpose of a school (excluding independent schools), further education institution or 16 to 19 Academy
- y. disposal of land subject to a statutory requirement regarding the making of the disposal, where that requirement could not be observed if the Assets moratorium rules were complied with.

Details regarding part-listed land and land with a residence

Similar rules apply for determining how much land constitutes land with a residence (for exclusion from listing in Schedule 1 to the Regulations) and how much land constitutes a single site for qualifying as a part-listed site (as an exempt disposal in Schedule 3 to the Regulations). In order to ensure that the same rules apply to registered and unregistered land, the approach taken has not been based on title. Instead, it is necessary to look at whether the site in question is one coherent parcel of land all owned by a single owner, so

⁵ the disposal is a part-listed disposal of a description specified in regulations made by the appropriate authority, and for this purpose “part-listed disposal” means a disposal of an estate in land –

- (1) part of which is land included in a local authority's list of assets of community value, and
- (2) part of which is land not included in any local authority's list of assets of community value.

that it is possible to reach one part from another without crossing land owned by somebody else. However there are two qualifications to be taken into account:

- Firstly, “a single owner” has an expanded meaning covering more than simply the same person or joint owners. It includes also trustees of different trusts of land which was settled by the same settlor – see definition of “single owner” in regulation 1.
- Secondly, where it would otherwise be reasonable to regard the land as one coherent parcel, the fact that it is crossed by a road, railway, canal or river in other ownership is to be ignored.

Annex B

Glossary

<i>Asset</i>	A building or other land
<i>The Community Right to Bid</i>	The name by which the Assets of Community Value scheme is commonly known.
<i>Land of community value</i>	Building or other land whose main (i.e. “non-ancillary”) use furthers the social wellbeing or social interests of the local community, or has recently done so, and is likely to do so in the future. See section 88 of the Act.
<i>List of assets of community value</i>	A list maintained by a local authority of land in its area of community value. See section 87 of the Act.
<i>Voluntary or community body</i>	A group which can nominate land, so long as it has a local connection with the land. See regulation 5.
<i>Local connection</i>	The requirement that a group’s activities and use of any profits (where relevant) must be concerned with the local authority area or a neighbouring authority area. In the case of a parish council, the requirement is that it must share a border with the relevant area in which the asset lies. See regulation 4.
<i>Relevant disposal</i>	The transfer of the freehold, or the grant or assignment of a lease originally granted for at least 25 years, giving vacant possession to the new owner. See section 96 of the Act.

Exempt disposal

A relevant disposal for which the land owner does not have to observe section 95(1) of the Act. There are two sorts of exempt disposal:

- one where the owner does notify the local authority of intention to sell, so that the moratorium applies, but can sell during the moratorium to a community interest group;
- fully exempt disposals where the owner can simply go ahead without notifying the local authority at all. These are set out in section 95(5) of the Act and Schedule 3 to the Regulations.

Moratorium period

A period of time during which the owner of listed land cannot make a non-exempt relevant disposal, other than to a voluntary or community body. There are two moratorium periods (see section 95(6) of the Act), both running from the same start date (when the owner notifies the local authority of an intention to sell):

- the interim moratorium - 6 weeks;
- the full moratorium - 6 months.

Protected period

A period of 18 months (running from the date the owner notified the local authority of an intention to sell). Once any moratorium period has finished, the same owner can sell during the remainder of the protected period without having to comply with the section 95 requirements again.

Listing review

A review by a local authority at the request of the owner of their decision to list a building or other land as an asset of community value. See section 92 of the Act, and for procedure on the review Schedule 2 to the Regulations.

<i>Compensation review</i>	A review by a local authority at the request of the owner of their decision in response to a claim for compensation for loss or expense caused by listing their building or other land as an asset of community value. See section 99 of the Act, regulation 16, and for procedure on the review Schedule 2 to the Regulations.
<i>Conveyancer</i>	The owner of listed, or formerly listed, land will in some circumstances have to provide a certificate by a conveyancer that a disposal has not contravened section 95(1) of the Act. "Conveyancer" in this context has the meaning given in rule 217A of the Land Registration Rules 2003, including a solicitor, a barrister, and a licensed conveyancer.
<i>The Act</i>	The Localism Act 2011
<i>Community interest group</i>	<p>A group which, for land with which it has a local connection, may –</p> <ul style="list-style-type: none"> ○ ask to be treated as a potential bidder for listed land which the owner wishes to sell, thus triggering the full moratorium of 6 months ○ buy listed land during the moratorium period ○ nominate land for listing (since the requirements for a voluntary or community body include the requirements for a community interest group). <p>It must be a charity or community interest company, or a non-profit distributing industrial and provident society or company limited by guarantee.</p> <p>See sections 89 and 95, and regulations 5 and 12.</p>
<i>Nomination</i>	A request to the relevant local authority that land be entered on its list of assets of community value, containing the information specified in regulation 6. See also section 89 of the Act.

(Note that although the Act allows for a possible distinction between community nominations and other nominations, the regulations provide only for community nominations – therefore all nominations will be community nominations.)

Local authority

In England, a district council, county council for an area with no district councils, London borough council, the Common Council of the City of London, or the Council of the Isles of Scilly. See section 106 of the Act.

Restriction on the Land Register

An entry on the register preventing dealing with the land until the requisite condition has been complied with – in this case set out in Form QQ to be added to Schedule 4 to the Land Registration Rules 2003:

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.

Ineffective transfer of land

A purported disposal of land which in fact does not have any effect – ownership of the land remains with the original owner.

Agreed at Fenland District Council Cabinet 25th April 2013

Community Right to Bid and Assets of Community Value Policy Document

1. Introduction

- 1.1 The Localism Act, which was passed in November 2011, supports the Government's commitment to decentralising the control of public services.
- 1.2 Within the Localism Act 2011 there are a number of community rights including the Community Right to Bid. It enables local groups to have the opportunity to nominate a building, part of a building, or piece land, for listing by the local authority as an "Asset of Community Value". This includes assets that have a value of social interest or supports the social wellbeing of a local community, enabling groups to have the opportunity to bid for the asset on the open market if the property owner decides to sell. Currently only eligible community groups, local parish council or local neighbourhood planning forums and charities can nominate assets.
- 1.3 This document sets out the main elements of the Community Right to Bid and the protocol for registering an Asset of Community Value in Fenland but it is not exhaustive in its explanation of all of the details within the Localism Act. Further, more conclusive details relating to the Community Right to Bid can be obtained from the "Assets of Community Value (England) Regulations 2012" as set out in the Localism Act 2011.

2. What is defined as an asset of community value?

- 2.1 The Localism Act 2011 states that any asset of community value must meet with the definition as set out in section 88 of the Act. This includes the following information;
 - An asset of community value is described in the Localism Act 2011; "as a building or other land that is not an ancillary use (i.e. the main use of the facility) which furthers the social well-being or social interests of the local community".¹
 - The building or land must be located or partially located within the boundaries of the district of Fenland,

¹ Community Right to Bid- Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community regulations 2012 3.5 (a)

- An asset can continue to be of non-ancillary use of the building or other land which will further (whether or not in the same way) the social well-being or social interests of the local community,²
- If an asset (either land or building) has supported the social interests or social wellbeing of the local community in the recent past then these assets can also be registered.
- Each asset must meet the social well-being or social interests of the community which could include the cultural, recreational and sporting interests of local people.

3. Which organisations can nominate an asset?

3.1 Local Authorities are not able to nominate an asset themselves; therefore any nomination must be submitted by a voluntary or community body. The asset must have its activities wholly or partly concerned with the authority boundary of Fenland District Council.

3.2 The following voluntary and community groups which may make nominations are as follows;³

- **Parish and Town Councils.** This may be for an asset in its own area, or in the neighbouring parish council
- **Unincorporated community group with at least 21 members.** The members must appear on the electoral roll within our local authority area, or a neighbouring local authority.
- **Neighbourhood Forums** - as defined in section 61F of the Town and Country planning Act 1990 and added by the Localism Act 2011.
- **Community interest groups with a local connection**-These must have one or more of the following structures; a charity, industrial or provident society that is non-profit distributing (also known as community benefit societies), company limited by guarantee or a community interest company (definitions of these bodies can be found in the Localism Act 2011).

² Community Right to Bid- Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community regulations 2012 3.5 (b)

³ Community Right to Bid: Non statutory advice for local authorities Section 4 - 4.2

4. Contents of a nomination

- 4.1 A nomination form can be obtained from Fenland District Council, but the nomination form must include but not limited to the following information;
 - 4.1.1 A description of the nominated asset including its proposed boundaries
 - 4.1.2 Any information the nominator has about the freeholders, leaseholders and current occupants of the site
 - 4.1.3 The reasons for nominating the asset
 - 4.1.4 The nominator's eligibility to make the nomination
- 4.2 Fenland District Council is required to make a decision in response to a nomination within 8 weeks of receiving the fully completed nomination form (if a nomination form is not fully completed, Fenland District Council will not be able to assess it for consideration).
- 4.3 Fenland District Council will inform the following if an asset has been nominated;
 - 4.3.1 The Parish or Town Council within which the land lies,
 - 4.3.2 The owner of the asset (as defined in the Localism Act 2011)
 - 4.3.3 Any lawful occupant
 - 4.3.4 All others with a legal estate i.e. if the owner is not the freeholder then the holder of the freehold estate
- 4.4 If Fenland District Council is not able to contact the above in the usual way then we will endeavour to use alternative steps to communicate this information e.g. putting up notices on the asset.

5. What is the process for nominating an asset of community value?

- 5.1 A nomination must be submitted to the Council on the "List of Assets of Community Value Nomination Form" (without this Fenland District Council will not be able to consider the nomination) .
- 5.2 A nomination must include the following information for Fenland District Council to consider:⁴
 - 5.2.1 A description of the nominated land including its proposed boundaries
 - 5.2.2 Details of the owner of the site
 - 5.2.3 Details of the current occupants, freeholder and/or leaseholder,
 - 5.2.4 The reasons for nominating the asset

⁴ Community Right to Bid: Non statutory advice for local authorities Section 5 5.1-5.3

- 5.2.5 The nominator's eligibility to make the nomination
- 5.3 Nominations can be submitted at any time (including after an asset has been put on the market)
- 5.4 Once a nomination is received, the Council will then have 8 weeks to make a judgement about whether the asset meets the definition as set out in section 88 of the Localism Act 2011 or whether it falls into one of the excluded categories, including residential property, set out in Schedule 1 of the Regulations (which determines the ancillary use of the nominated asset).⁵ Following an Officer assessment the recommendation will be passed to Cabinet for consideration.
- 5.5 If the nominated asset is properly nominated, the asset must also be placed on the local land charges register and if registered, apply for a restriction on the Land Register in Form QQ i.e. "No transfer or lease 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".
- 5.6 If the owner objects to their property being placed on the Asset List, they will have the right to an internal review by the Council of the decision to list (to be undertaken through our 3C's process). In accordance with Schedule 2 of the Regulations, the owner has 8 weeks from the date that the notice is written to object to the listing (or the date that alternative steps were taken if we were unable to contact the owner). Fenland District Council will carry out a review of the listing within 8 weeks. If at this point the owner still disputes the listing they have the right of appeal to an independent Tribunal through HM Courts and Tribunals (details can be found in the Localism Act 2011).
- 5.7 Once the nomination has been agreed the appropriate parish or town council, the lease holder and any freeholder will also be notified of the decision.
- 5.8 If the Council does not agree that the asset nominated meets the section 88 definition, i.e. that the building must further the social interests and social well-being of the local community or it is one of the excluded categories e.g. a residential property where there is no ancillary community use of the asset, the unlisted nomination must be publicised (to be decided by the Council). Fenland District Council will keep the unlisted nomination on the list for 3 years
- 5.9 Once an asset is agreed for listing, then nothing will happen unless and until the owner decides to dispose of it, either through a freehold sale, or the grant or assignment of a qualifying lease (i.e. originally granted for at

⁵ Community Right to Bid- non-statutory advice note for Local Authorities section 7 7.1-7.5

- least 25 years). However, we will revise each nomination every 5 years to ensure that it still meets with the criteria of the listing. If an asset is removed from the list then Fenland District Council will inform both the nominator and the owner of the asset.
- 5.10 If Fenland District Council is unable to give notice of the listing to the owner then the authority will make reasonable steps to bring the notice to their attention e.g. by placing an information notice directly on the asset itself.
- 5.11 Fenland District Council will place the asset on one of two Assets of Community Value listings; “The Assets of Community Value list” and “List of unsuccessful community assets nominations”. These lists will both be made public on the Council’s website. The Asset List must include the following information;
- 5.11.1 That a notification by the owner of intention to dispose of the land has been received by the Fenland District Council and the date of when it was received
- 5.11.2 In all cases under (5.11.1) the end dates of the interim and full moratorium periods and the protected period
- 5.11.3 Where relevant, that the full moratorium has been triggered
- 5.11.4 Where (5.11.3) applies, the identity of the community interest group that triggered the full moratorium
- 5.12 If the owner of the listed asset decides to dispose of the asset then a 6 week interim period will apply (the start of the moratorium period, unless it falls within one of the exemptions or is sold to a community interest group). This will enable community groups to make a written request to be considered as a potential bidder of the asset.
- 5.13 Fenland District Council are required to update the Asset List, inform the nominating community group and publicise these matters in the neighbourhood of the asset in question (to be determined by the Council).
- 5.14 If no community interest group contacts Fenland District Council in writing within the 6 week period, the owner is free to sell their asset at the end of the 6 weeks.
- 5.15 If a community group (as defined in regulation 12 of the Regulations) registers an interest in writing, then a full 6 month moratorium period will be undertaken upon which point Fenland District Council will inform the owner. The owner, within this time, may continue to market and negotiate sales, but may not exchange contracts or enter into any binding agreement (unless the owner sells to a community group during the moratorium period).

- 5.16 If the sale does not progress after the completion of the moratorium period, the owner of the asset is free to choose who they would like to sell the asset to and at what price and no further moratorium will apply for the remainder of a protected period last 18 months.
- 5.17 Not all proposed sales have to be notified to the local authority. A range of disposals will be exempt from the provisions as set out in the Localism Act 2011 in Section 95(5).

6. Enforcement

- 6.1 Fenland District Council must inform owners and interested parties that the asset has been listed.
- 6.2 Fenland District Council must enter the local land charges register the fact that an asset has been listed.
- 6.3 In the case of restricted land, the Council must apply for a restriction on the Land Register.
- 6.4 Non-compliant sales will be deemed void (ineffective) which states that the change in ownership has not taken place (regardless of whether it has been registered on the Land Register).

7. Exemptions from the moratorium period

- 7.1 All owners who have an asset listed on the “The Assets of Community Value list” should contact Fenland District Council if they believe that they are exempt from the moratorium period under section 95(2) of the Localism Act 2011.
- 7.2 The list of some of the exemptions are as follows (a full list can be found in the Localism Act in section 95(5));
 - 7.2.1 Disposal to a local community interest group, which can be made during the moratorium period
 - 7.2.2 Disposals which are gifts
 - 7.2.3 Disposals by personal representatives in accordance with the will of the deceased owner or under intestacy rules
 - 7.2.4 Disposals by personal representatives of the deceased owner in order to raise money for matters connected with administration of the estate
 - 7.2.5 Disposals between family members

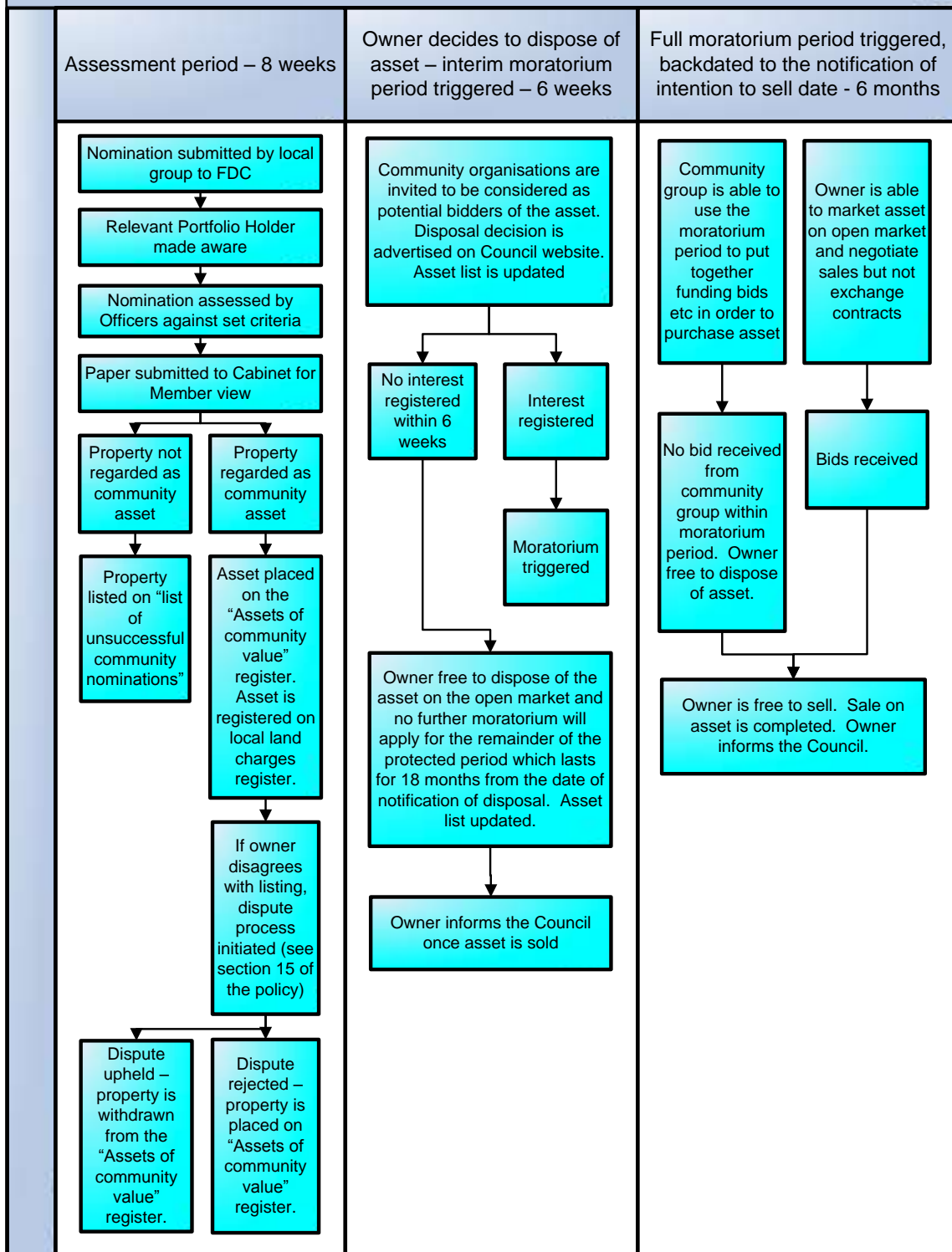
8. Land which may, or may not be listed as an asset of community value

- 8.1 There are some categories of assets that are excluded from the listing, the main one being residential property. This includes gardens, outbuildings and other associated land, including land that it is reasonable to consider as part of the land with the residence where it is separated from it only by a road, railway line, river or canal (further details can be found in the Localism Act 2011).
- 8.2 Where an asset which could otherwise be listed contains integral quarters, such as accommodation as part of a pub or caretaker's flat this forms a general exclusion of the property from listing (for full details of other exclusions please refer to the Localism Act 2011).

9. Compensation

- 9.1 A compensation scheme has been set up by Central Government which aims to support the financial impact on owners which will be administered by Fenland District Council.
- 9.2 The time limit for making a compensation claim is specified in Schedule 2 of the Regulations as whichever is earlier of 13 weeks from the end of the interim or full moratorium period, or from the date when the land ceases to be listed.
- 9.3 Claims must be made in writing.
- 9.4 There is no time limit for responding to the claim but Fenland District Council will endeavour to resolve the claim as quickly as is practicable.
- 9.5 For further details of the Community Right to Bid can be obtained from the Localism Act 2011.

Flowchart showing the timescales and processes for registering an "Asset of Community Value"





Nomination form for listing an Asset of Community Value

Fenland District Council request that all sections of this form must be completed in full. If you require further assistance please refer to the Community Right to Bid policy document located on the council's website or contact the Community Support Team at Fenland District Council.

Please note that the details submitted within this form may be shared with the owner of the asset and will form part of a public record.

Section 1- Details about your voluntary or community body
Organisation Name: Peterborough CAMRA Branch
Organisation Address (including postcode): c/o 4 Cissbury Ring, Peterborough, PE4 6QH
Name of main contact: Richard Bird
Contact telephone number: 07731993896
Address of main contact: 4 Cissbury Ring, Peterborough, PE4 6QH
Please tick below which type of voluntary or community body you are; <input type="checkbox"/> An un-incorporated body <i>(if this applies to your group please attach a list of 21 names and addresses of members registered as local electors for the district of Fenland).</i> <input type="checkbox"/> A Charity <input type="checkbox"/> An industrial or provident Society <input type="checkbox"/> A neighbourhood forum <input type="checkbox"/> A Community Interest company <input type="checkbox"/> A Parish Council <input checked="" type="checkbox"/> A Company limited by guarantee <input type="checkbox"/> A neighbouring parish or town council
Please attach copies of your eligibility such as company or charity number, constitution, articles of association, terms of reference or governance documents.

1 As designated pursuant to section 61F of the Town and Country planning Act 1990 (b)

Section 2- Local connection

Please give full details on the local connection to the asset you are nominating

The Peterborough CAMRA Branch has the following local connections to the area:

- The Peterborough CAMRA Branch hosts a beer festival in the local area
- The Branch nominates a local Pub of the Year in this area
- The Branch presents awards to pubs in the area
- The Branch runs campaigns to save local pubs in the area

Section 3- Description of the asset you are nominating

Name of the asset	The Carpenters Arms
Address of the asset (including postcode)	1 North Green Coates Whittlesey PE7 2BQ
Name and contact address of occupier (if different from the above)	Please see attached Land Registry documentation which confirms this information.
Name and address of owner (if different from the above)	Please see attached Land Registry documentation which confirms this information.
Name and address of those holding a freehold or leasehold interest in the asset	Please see attached Land Registry documentation which confirms this information.
A plan of the site detailing geographical location and boundaries of asset	The nominated asset is a public house. Please see attached the Title Plan and Register from the Land Registry which confirm the boundaries of the property.
Evidence of land registry records (please detail the evidence and include it within the nomination form)	The nominated asset is a public house. Please see attached the Title Plan and Register from the Land Registry which confirm the boundaries of the property.
Please provide details why you believe that Fenland District Council should list the asset on the "Assets of Community Value list" providing as much information as possible. Please explain how the asset has furthered in the recent past, or continues to further the social well-being or social interests of the local community i.e. within cultural, recreational or sporting interests. Please also detail how the asset could provide a realistic future contribution (over the next five years) to community value?	

The pub provides the following services which further the social well-being and interests of the local community:

- The pub enables local people to enjoy a range of drinks (and food) in a pleasant, convivial atmosphere, which furthers their individual well-being
- The pub enables local people to meet and socialise in a welcoming environment which, individually, they find rewarding and enjoyable. Such social interaction is also in the interests of the locality as a whole as it encourages community cohesion and a collective sense of well-being.
- New research from Oxford University shows that people who have a 'local' pub are happier, are more satisfied with their life and have a wider network of friends. The research is available at: <http://www.camra.org.uk/pubs-wellbeing>
- Live music events are often hosted at the pub
- The pub hosts advertising for local events
- Free wifi is available for customers
- There is free parking available which is accessed by the wider community
- There is good access for disabled people at the pub
- The pub has special value to local heritage and culture which should be protected
- Meeting spaces are available for local community groups and charities to use
- The pub offers a Quiz Machine and Pool Tables

² A voluntary or community body making an application for nominating an asset must have a local connection as defined in Regulation 4 Assets of Community Value (England) Regulations 2012

Section 4 Checklist

Please ensure that you attach all of the following;

- A copy of the organisation's constitution if it has one
- If your organisation is unincorporated, the names and address of 21 members who are registered to vote in the electoral area of Fenland District Council boundaries
 - A site plan showing the property location and its boundaries
 - Copies of land registry records

Section 5 Declaration

I confirm that I have completed the nomination form in full and that the information is, to the best of my knowledge, accurate to enable the council to consider the nomination in accordance with the provisions as detailed within the Localism Act 2011 and the Assets of Community Value regulations 2012.

Signed



Print Name Richard John Bird.

Date 18th June 2016

If you are sending a copy of the completed form by email please send it to;
communityrighttobid@fenland.gov.uk

If you would like to send hard copies of the nomination form then please send to the following address;

Hetty Thornton
Senior Community Support Officer
Community Right to Bid nomination form
Fenland District Council
Fenland Hall
County Road
March
PE15 8NQ

Once a nomination form is submitted Fenland District Council will undertake an internal assessment to decide whether the asset is able to be listed as an Asset of Community Value.

Fenland District Council will endeavour to decide on a listing within 8 weeks from receiving the nomination form (further details of the assessment process is explained within the Community Right to Bid policy on the Council website).

You can get this document in another language, in large print, in Moon, in Braille, on audio cassette and in electronic format. Please ask if you would like this document in any of these formats.

Fenland District Council, Fenland Hall, County Road,
March, Cambridgeshire, PE15 8NQ Telephone 01354321
Website www.fenland.gov.uk

THE COMPANIES ACT 2006

PRIVATE COMPANY LIMITED BY GUARANTEE

ARTICLES OF ASSOCIATION

OF

CAMPAIGN FOR REAL ALE LIMITED

1. In these articles:-

"Articles"	means these Articles of Association.
"The Act"	means the Companies Act 2006.
"The Seal"	means the Common Seal of the Company.
"Secretary"	means any person appointed to perform the duties of the Secretary of the Company.
"United Kingdom"	means Great Britain and Northern Ireland.
"CAMRA"	means The Campaign for Real Ale Limited.
"National Executive"	means the Directors of the Company.

Expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography, and other modes of representing or reproducing words in visible form.

Unless the context otherwise requires, words or expressions contained in these articles shall bear the same meaning as in the Act or any Statutory modification thereof in force at the date at which these Articles become binding.

2. The objects for which CAMRA is established are:-

- a. To protect the interests of all those who wish to drink real beer.
- b. To campaign for an improvement in the quality and variety of British beer.
- c. To draw to the attention of members and the general public those places where real beer can be found.
- d. To promote and foster activities concerned with the consumption of good quality beer.
- e. To campaign for the retention and reinstatement of the facilities of the traditional British pub including the public bar.

- f. To ensure in every manner possible that producers and retailers of beer act in the best interests of the customer.
 - g. To ensure that the knowledge and expertise of brewing real beer is kept alive.
 - h. To improve the standards of food, drink (whether intoxicating or not), service, hygiene and facilities in all establishments subject to the provisions of the Licensing Act 1964 or any subsequent similar legislation.
 - i. To publish and issue to members magazines or news letters.
 - j. To publish or sponsor the publication of books, articles, magazines, photographs, films, radio, television and internet content programmes or any similar material connected in any way with the items mentioned above, and to market them and otherwise assist in the collection and dissemination of information.
3. CAMRA is formed as a non-political body to pursue these aims.
4. In furtherance of the above objects but not otherwise CAMRA shall have power:-
- a. To purchase, acquire, sell, exchange and otherwise deal in any way, whatsoever with freehold, leasehold or other property, chattels and effects.
 - b. To borrow or raise or secure the payment of money in such manner and on such terms as may seem expedient.
 - c. To co-operate with and assist in any way, including the investment of monies, by way of purchase of shares or the making of loans, whether secured or unsecured, or in any other manner whatsoever, any other organisation or corporation or company which is sympathetic to the objects of CAMRA.
 - d. To participate in bank direct debiting schemes as an originator for the purpose of collecting membership subscriptions and any other amounts due to CAMRA; in furtherance of this, CAMRA may enter into any indemnity required by the banks upon whom direct debits are to be originated, and any such indemnity may be executed on behalf of CAMRA by its authorised company account signatories.
 - e. To invest in shares or otherwise in any organisation, company or corporation.
 - f. To undertake, encourage and provide finance for research or experimental work connected with the said objects or any of them.
 - g. To manufacture, sell, treat and deal in all kinds of services, commodities, substances, materials, articles and things.
 - h. To establish and support branches whose objects are the same as the objects of CAMRA and to supply or aid in the establishment and support of clubs or associations whose objects are sympathetic to the objects of CAMRA.

- i. To carry out all or any of the foregoing objects as principals or agents or in partnership, co-operation or conjunction with any person, firm, organisation, company or corporation and in any part of the world.
 - j. To do all such other things as may be incidental or conducive to the attainment of the said objects or any of them.
5. The income and property of CAMRA whencesoever derived shall be applied solely towards the promotion of the objects of CAMRA as set forth in these Articles, and no portion thereof shall be paid or transferred directly or indirectly, by way of dividend, bonus or otherwise howsoever by way of profit to the members of CAMRA, providing that nothing herein contained shall prevent the payment of reasonable remuneration to any of the National Executive or other members for services actually rendered.
6. The liability of the members is limited.
7. Every member of CAMRA undertakes to contribute to the assets of CAMRA in the event of its being wound up while he is a member, or within one year after he ceases to be a member, in respect of the payment of the debts and liabilities of CAMRA contracted before he ceases to be a member, and of the costs, charges and expenses of winding up, and for the adjustment of the rights of the contributors amongst themselves, such amount as may be required not exceeding £1.
8. If upon winding up or dissolution of CAMRA there remains after the satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid to or distributed among the members of CAMRA but shall be given or transferred to some other institution or institutor having objects similar to the objects of CAMRA and which shall prohibit the distribution of its or their income and property amongst its or their members to an extent at least as great as is imposed on CAMRA under or by virtue of Article 5 hereof, such institution or institutions to be determined by the members of CAMRA at or before the time of dissolution or in default thereof by a Judge of the High Court of Justice having jurisdiction in regard to charitable funds and if and so far as effect cannot be given to the aforesaid provision then to some charitable object.

MEMBERS

9. The number of members with which CAMRA has been registered is unlimited.
10. No corporation may be a member of CAMRA, but clubs, associations and other organisations whose objectives are in keeping with the objectives of CAMRA may be deemed "affiliated bodies" by decision of the National Executive on payment of the fee from time to time set by the National Executive for affiliation and on registration of a representative member.
11. Such persons as the National Executive shall admit to membership shall be members of CAMRA on payment of a subscription of such sum as the members in a General Meeting may from time to time decide. The members in a General Meeting may stipulate types of membership and the payment appropriate to each type. Any member in arrears with payment of such subscription shall not be entitled

to any of the benefits of membership, and after being in arrears for one month shall be deemed to have resigned. Any member may resign at any time by notice in writing to the Registered Office of CAMRA, but shall not be entitled to repayment of any part of his/her subscription for any type of membership.

Application for membership of CAMRA shall be made on such form as shall from time to time be prescribed by the National Executive and shall be considered by the National Executive who shall not refuse to grant membership save for good reason.

Without prejudice to the foregoing CAMRA shall not at any time discriminate on the grounds of social status, politics, race, sex or religion.

The submission of an application for membership shall be regarded as an acknowledgement by the applicant that, if elected, he or she will abide by the Articles of CAMRA, a copy of which shall be available to every member subject to payment of the fee allowed by law, and by all the rules and regulations of CAMRA for the time being in force. .

12. No member may make any public statement or announcement in the name of CAMRA without the consent of the National Executive.
13. The National Executive shall have power to suspend from membership any person who does anything which is prime facie detrimental to the interests of CAMRA. The decision to suspend a person from membership shall be given to that person in writing within one week, and the person shall at the same time be given notice of the next meeting at the National Executive, which he/she may attend in order to state his/her case. If the person cannot attend, a written statement of case may be submitted, or if good reason for absence is given, the hearing of the case may be deferred until the next meeting of the National Executive. If the National Executive considers that a reasonable case has been made by the person suspended, it shall lift the suspension forthwith. If, on consideration of the case, the National Executive believes that the person's action was clearly detrimental to the interests of CAMRA, it shall have the power to expel the person from membership. Notice of a decision to expel a person from membership shall be given to that person in writing within one week, and at the same time the person shall be informed of the right to appeal to the General Meeting. Any person so expelled from membership may send a notice of appeal in writing to the Chairman of the National Executive and provided that such notice of appeal is received at least one week before a General Meeting, any such appeal shall be heard at the next General Meeting of CAMRA, and the person shall have the right to address the meeting but not to vote.

GENERAL MEETINGS

14. CAMRA shall in each year hold a General Meeting as its Annual General Meeting in addition to any other meeting in that year, and shall specify the meeting as such in the notice calling it; and not more than fifteen months shall elapse between the date of one Annual General Meeting of CAMRA and that of the next. The Annual General Meeting shall be held at such time and place as the National Executive shall appoint.
15. All meetings other than Annual General Meetings shall be called General Meetings. The National Executive may convene a General Meeting if they consider such a meeting necessary in the interests of CAMRA. A General Meeting shall also be convened by the National Executive (or, if there are no current members of the National Executive, by the Company Secretary or senior officer of CAMRA) within 90 days of the receipt at the Registered Office of CAMRA of a written requisition of

such a meeting signed by not less than 200 members or by one tenth of the membership (whichever is the lesser number). Such written requisition shall be accompanied by a sum of money sufficient to meet the cost of convening such a meeting.

If at any time there are not within the United Kingdom sufficient members of the National Executive capable of acting to form a quorum, any member of the National Executive capable or any other two members of the National Executive may convene a General Meeting in the same manner as nearly as possible as that in which meetings may be convened by the National Executive.

NOTICE OF GENERAL MEETINGS

16. An Annual General Meeting and a General Meeting called for the passing of a Special Resolution shall be called by giving not less than 14 days' notice in writing. The notice shall be exclusive of the day on which it is served or deemed to be served and of the day for which it is given, and shall specify the place, the day and hour of the meeting and, in case of special business, the general nature of that business and shall be given in a manner hereinafter mentioned or in such other manner, if any, as may be prescribed by CAMRA in a General Meeting, to such persons as are, under the Articles of CAMRA, entitled to receive such notices from CAMRA.
17. The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any person entitled to receive notice shall not invalidate the proceedings at the meeting.

PROCEEDINGS AT GENERAL MEETINGS

18. All business shall be deemed special that is transacted at a General Meeting and also all that is transacted at an Annual General Meeting with the exception of consideration of the accounts, balance sheets, and the reports of the National Executive and Auditors, the election of members of the National Executive in the place of those retiring and the appointment of and the fixing of the remuneration of the Auditors.
19. No business shall be transacted at any General Meeting unless a quorum of members is present at the time when the meeting proceeds to business; save as hereinafter otherwise provided 100 members present in person shall form a quorum.
20. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; in any other case, it shall stand adjourned to the same day in the next week, at the same time and place, or to such other day and at such other time and place as the National Executive may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the members then present shall be a quorum.
21. No business shall be transacted at any General Meeting except that included in the notice calling the meeting unless written notice shall be given to the Registered Office of CAMRA of the intention to raise that business at least forty-two clear days' notice before the date of the General Meeting or, if less than forty-nine days clear notice of the General Meeting shall have been given, within seven days of the giving of such notice.
22. The Chairman, if any, of the National Executive, shall preside as Chairman at every General Meeting of CAMRA, or if there is no such Chairman, or if he shall not be present within 15 minutes after the time appointed for the holding of the

meeting or is unwilling to act, the members of the National Executive present shall elect one of their number to be a Chairman of the meeting.

23. If at any meeting no member of the National Executive is willing to act as Chairman or if no member of the National Executive is present within 15 minutes after the time appointed for holding the meeting, the members present shall choose one of their number to be Chairman of the meeting.
24. The Chairman may solely at his own discretion or on the direction of the meeting adjourn the meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the notice of the adjournment took place. When a meeting is adjourned for 30 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid it shall be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.
25. At any General Meeting a Resolution put to the vote of the meeting shall be decided on a show of hands unless a poll is (before or on the declaration of the result of the show of hands) demanded,
 - (a) by the Chairman; or
 - (b) by not less than 5 members present in person and having the right to vote at the meeting.

Unless a poll be so demanded, a declaration by the Chairman that a Resolution has on a show of hands been carried or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book containing the minutes of proceedings of CAMRA shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such Resolution. The demand for a poll may be withdrawn.

26. Except as provided in article 25, if a poll is duly demanded it shall be taken in such manner as the Chairman directs, and the result of the poll shall be deemed to be the Resolution of the meeting at which the poll was demanded.
27. A poll demanded on the election of a Chairman, or on a question of adjournment, shall be taken forthwith. A poll demanded on any other question shall be taken at such time as the Chairman directs and any business other than that upon which a poll has been demanded may be proceeded with pending the taking of a poll.
28. In case of an equality of votes, whether on a show of hands, or on a poll, the Chairman on the meeting shall be entitled to a second or casting vote.

VOTES OF MEMBERS

29. Every member shall have one vote.
30. A member of unsound mind or in respect of whom an Order has been made by a Court having jurisdiction in lunacy, may vote, by his Committee, receiver or curator bonis or other person in the nature of a Committee, receiver or curator bonis appointed by the Court.
31. No member shall be entitled to vote at any General Meeting unless all monies presently payable by him to CAMRA have been paid.

NATIONAL EXECUTIVE

32. Unless a greater or lesser number is specified by an Ordinary Resolution carried at a General Meeting, there shall be 12 places on the National Executive.
33. The remuneration (if any) to be paid to any member of the National Executive shall be determined by the members in a General Meeting. The members of the National Executive shall be entitled to be repaid all travelling, hotel and other expenses properly incurred by them in or about the business of CAMRA including their expenses of travelling to and from the National Executive or committee meetings.
34. No person shall, at the same time, be a member of the National Executive and an employee of CAMRA; provided that a General Meeting of CAMRA may authorise a member of the National Executive to be or become an employee of CAMRA; and an employee of CAMRA may continue in his employment if elected a member of the National Executive in accordance with these Articles. A member of the National Executive who is an employee of CAMRA shall retire as a member of the National Executive and may submit himself for re-election at every Annual General Meeting, but shall not be taken into account in determining the members of the National Executive who are to retire by rotation at such meetings.

BORROWING POWERS

35. The National Executive may exercise all the powers of CAMRA to borrow money, and to mortgage or charge its undertaking and property, or any part thereof, and to issue debentures, debenture stock and other securities whether outright or as security for any debt liability or obligation of CAMRA or of any third party.

POWER AND DUTIES OF THE NATIONAL EXECUTIVE

36. The business of CAMRA shall be managed by the National Executive who may pay all expenses incurred in promoting and registering CAMRA and may exercise all such powers of CAMRA as are not, by the Act or by these Articles, required to be exercised by CAMRA at a General Meeting, subject nevertheless to the provisions of the Act or those Articles and to such regulations, being not inconsistent with the aforesaid provisions, as may be prescribed by CAMRA in General Meetings; but no regulation made by CAMRA in General Meetings shall invalidate any prior act of the National Executive which would have been valid if that regulation had not been made.
37. All cheques, promissory notes, drafts, bills of exchange and other negotiable instruments, and all receipts for money paid to CAMRA shall be signed, drawn, accepted, endorsed, or otherwise executed, as the case may be, in such manner as the National Executive shall from time to time by resolution determine.
38. The National Executive shall be empowered to form Committees or appoint Officers for any special purpose and may co-opt any member of CAMRA to undertake these tasks and these members shall be entitled to travelling and hotel expenses etcetera, as allowed to members of the National Executive under article 33.
39. The Chairman and any other 3 members of the National Executive shall be empowered to make emergency decisions in the interest of CAMRA without reference to a full meeting to the National Executive and such decisions shall be binding pending the next full meeting of the National Executive. Any such decision shall have to be ratified at the next properly convened meeting of the National Executive but the presumption shall exist that the decision is acceptable unless the circumstances are exceptional.

40. The National Executive shall cause Minutes to be made in books providing for the purpose:-
- (a) of all appointments of Officers made by the National Executive;
 - (b) of names of the members of the National Executive present at each meeting of the National Executive and of any Committee of the National Executive;
 - (c) of all resolutions and proceedings at all meetings of CAMRA and of the National Executive, and of Committees of the National Executive.
41. The National Executive shall be empowered to make rules and regulations which they consider to be in the interest of CAMRA which shall be binding on all members until revoked or countermanded by the members in General Meeting. Such rules and regulations shall not conflict with the Act or with the Articles.

DISQUALIFICATION OF MEMBERS OF THE NATIONAL EXECUTIVE

42. The Office of members of the National Executive shall be vacated if the member of the National Executive:-
- (a) becomes an employee of CAMRA other than in accordance with article 34 hereof; or
 - (b) becomes bankrupt or makes any arrangements or composition with his creditors generally; or
 - (c) becomes prohibited by law from being a member of the National Executive; or
 - (d) becomes of unsound mind; or
 - (e) resigns his office by notice in writing to CAMRA; or
 - (f) ceases to be a member of CAMRA; or
 - (g) is removed by resolution in General Meeting pursuant to section 168 of the Act or according to article 49 hereunder; or
 - (h) is directly or indirectly interested in any contract with CAMRA and fails to declare the nature of his interest in a manner required by section 177 of the Act.

A member of the National Executive shall not vote in respect of any contract in which he is interested or any matter arising there out after declaring his interest and if he does so vote his vote shall not be counted.

ROTATION OF THE MEMBERS OF THE NATIONAL EXECUTIVE

43. The election for membership of the National Executive shall take place at each Annual General Meeting of CAMRA. For each resolution to fill a place on the National Executive, each member shall have one vote; thus each member is entitled to as many votes as there are vacant places on the National Executive but is not required to exercise all or any such votes. The ballot shall be declared by simple majority, with the candidate polling the highest number of votes being declared elected to the vacant places in descending order of number of votes. No member of the National Executive elected at a General Meeting shall hold office for more than three years without retiring. In each year, one-third of the members of the National Executive (or if their number is not three or a multiple of three, then the number nearest one-third) shall retire from office. The members of the National Executive to retire in any one year shall be those who will have held office for three years since their last election, then, to make up the one-third or number nearest one-third, those who have been in office longest since their last election. As between members of the National Executive elected as such on the same day,

- those to retire shall be determined by agreement between such members, or, if there is no such agreement, shall be those who received the least number of the votes cast for any candidate elected at the election. The computation of the members of the National Executive to retire at any Annual General Meeting follows this formula:
- a) Any member of the National Executive who is also an employee of CAMRA must retire at each Annual General Meeting.
 - b) Any member co-opted by the National Executive must retire at the Annual General Meeting following his/her co-option.
 - c) Take one third of the remaining number of members, or the number nearest one third (e.g. 4 of 11; 3 of 10; 3 of 8; 2 of 7 etc.).
 - d) Any member who will have been in Office for three years since his/her last election must retire.
 - e) The number to retire is then made up to the one-third or number nearest one-third by the length of service agreement/least votes formula e.g. if the three next longest serving members of the National Executive have all held office for two years, and two must retire, the three may agree unanimously among themselves which two shall retire, but failing this agreement, the two polling the least votes when elected shall retire.
44. Any retiring member of the National Executive whether elected at an Annual General Meeting or co-opted shall be eligible for re-election.
 45. The members of CAMRA at the meeting at which a member of the National Executive retires in accordance with articles 43 or 34 may fill the vacated office by electing a person thereto, and in default, the retiring member of the National Executive shall, if offering himself for re-election, be deemed to have been re-elected, unless at such meeting it is expressly resolved not to fill such vacated office or unless a resolution for the re-election of such member of the National Executive shall have been put to the meeting and lost.
 46. No person shall be eligible for election to the office of Member of the National Executive at any General Meeting unless not less than 42 or more than 60 days before the date appointed for the meeting, there shall have been left at the Registered Office of CAMRA notice in writing, signed by a member duly qualified to attend and vote at the meeting for which such notice is given, of his intention to propose such person for election, and also notice in writing signed by that person of his willingness to be elected.
 47. CAMRA may from time to time by ordinary resolution increase or reduce the number of members of the National Executive and may also determine in which rotation the increased or reduced number is to go out of office.
 48. The National Executive shall have power at any time to co-opt any person to be a member of the National Executive so long as the number of members of the National Executive shall not thereby come to exceed the number fixed in accordance with article 32 above. Any member of the National Executive so appointed shall hold office only until the next following Annual General Meeting, and shall then retire and be eligible for re-election, but shall not be taken into account in determining the number of members of the National Executive who are due to retire by rotation in accordance with article 43 above.
 49. By ordinary resolution at a General Meeting, of which notice has been given according to section 168 of the Act, CAMRA may remove any member of the National Executive from that office. This removal from office shall take effect

immediately, notwithstanding anything in these Articles, or in any agreement or contract between CAMRA and the member of the National Executive so removed from office, but shall be without prejudice to any rights that member may have either under any agreement or contract with CAMRA or generally at law.

50. If the removal from office of a member of the National Executive by resolution according to article 49 above occurs at an Annual General Meeting, the vacancy so created shall be filled in the normal course of election of members of the National Executive under article 43 above. If the removal from office occurs at any General Meeting, the meeting may by ordinary resolution (of which due notice has been given under articles 14 and 21 above) appoint a person to fill any vacancy so created, and that person's term of office as a member of the National Executive shall be as stated under article 43 above. If no appointment to any vacancy so created is made at a General Meeting, the National Executive shall have power according to article 48 above to co-opt a person to fill the vacancy, except that it may not co-opt the person dismissed from office under article 49 above.

PROCEEDINGS OF THE NATIONAL EXECUTIVE

51. The National Executive may meet together for the despatch of business, adjourn and otherwise regulate their meeting as they think fit. Questions arising at any meetings shall be decided by a majority of votes. In the case of an equality of votes the Chairman shall have a second or casting vote. The Secretary shall on the requisition of the Chairman or four other members of the National Executive at any time summon a meeting of the National Executive. At least six days' clear notice shall be given of such a meeting. It shall not be necessary to give notice of a meeting of the National Executive to any member of the National Executive for the time being absent from the United Kingdom.
52. The Chairman of any meeting of the National Executive shall be the Chairman presiding at the previous meeting of the National Executive or such other person as the National Executive may appoint by a majority vote at any meeting from time to time. Any member of the National Executive who ceases to be a member of the National Executive shall automatically cease to be Chairman.
53. The quorum necessary for the transaction of the business of the National Executive shall be fixed by the National Executive at a figure being not less than four.
54. The continuing members of the National Executive may act notwithstanding any vacancy in their body, but, if and so long as their number is reduced below the number fixed by or pursuant to the Articles of CAMRA as the necessary quorum of members of the National Executive, the continuing members of the National Executive or member of the National Executive may act for the purpose of increasing the number of members the National Executive to that number, or of summoning a General Meeting of CAMRA, but for no other purpose.
55. If the Chairman is not present within 15 minutes after the time appointed for holding a meeting of the National Executive, the members of the National Executive present may choose one of their number to be Chairman of that meeting.
56. The National Executive may delegate any of its powers to Committees consisting of such member or members of CAMRA as they think fit, and any Committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the National Executive.

57. Any member of CAMRA may be invited by the Chairman to attend a meeting of the National Executive subject to the approval of the members of the National Executive at that meeting.
58. A Committee may elect a Chairman of its meeting. If no such Chairman is elected or if at any meeting the Chairman is not present within 15 minutes after the time appointed for holding the same, the members present may choose one of their number to be Chairman of the meeting.
59. A Committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in the case of an equality of votes the Chairman shall have a second or casting vote.
60. All acts done by any meeting of the National Executive or of a Committee of the National Executive or any Committee of the National Executive and ordinary members of CAMRA or by any person acting as a member of the National Executive shall notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such member of the National Executive or person acting as aforesaid or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a member of the National Executive.
61. A Resolution in writing signed by all the members of the National Executive for the time being entitled to receive notice of a meeting of the National Executive shall be as valid and effectual as if it had been passed at a meeting of the National Executive duly convened and held.
62. No decision at a meeting of the National Executive shall be rescinded at any future meeting of the National Executive unless notice of the intention to rescind the same shall have been given in the notice convening such meeting or unless two-thirds of those present being in number not less than four shall agree to waive the need for such notice.
63. Business to be conducted at each meeting of the National Executive shall, whenever practicable, be stated on the notice convening the meeting. Business of which notice has not been given on the convening notice shall not be transacted at the meeting except with the consent of at least three-fourths of those persons present, being in number not less than four.

SECRETARY

64. The Secretary, who shall not be also a member of the National Executive, shall be appointed by the National Executive for such term, at such remuneration and upon such conditions as they may think fit; and any Secretary so appointed may be removed by them.
65. A provision of the Act or these Articles requiring or authorising a thing to be done by or to a member of the National Executive and the Secretary shall not be satisfied by its being done by or to the same person acting both as a member of the National Executive and as, or in place of, the Secretary.

THE SEAL

66. The National Executive shall provide for the safe custody of the Seal, which shall only be used by the authority of the National Executive or of a Committee of the National Executive authorised by the National Executive in that behalf, and every instrument to which the Seal shall be affixed, shall be countersigned by the Secretary or by a second member of the National Executive or by some other person appointed by the National Executive for that purpose.

ACCOUNTS

67. The National Executive shall cause proper books of accounts to be kept with respect to:-
- (a) All sums of money received and expended by CAMRA and the matters in respect of which the receipt and expenditure takes place;
 - (b) All sales and purchases of goods by CAMRA; and
 - (c) The assets and liabilities of CAMRA.

Proper books shall not be deemed to be kept if there are not kept such books of accounts as are necessary to give a true and fair view of the state of CAMRA's affairs and to explain its transactions.

68. The books of account shall be kept at the Registered Office of CAMRA or subject to Section 388 of the Act at such other place or places as the National Executive think fit, and shall always be open to inspection of the National Executive.
69. The National Executive shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounts and books of CAMRA or any of them shall be open to the inspection of members not being members of the National Executive, and no member, not being a member of the National Executive, shall have any right of inspecting any account or book or document of CAMRA except as conferred by statute or authorised by the National Executive or by CAMRA in General Meeting.
70. The National Executive shall from time to time in accordance with Sections 394, 398 and 415 of the Act cause to be prepared and to be laid down before CAMRA in General Meetings such profit and loss accounts, balance sheets, group accounts (if any) and reports as referred to in those sections.
71. A copy of every Balance Sheet (including every document required by law to be annexed thereto) which is to be laid before CAMRA in General Meeting together with a copy of the Auditors' Report, shall not less than 14 days before the date of the meeting be sent to every member of, and every holder of debenture of, CAMRA. Provided that this Article shall not require a copy of those documents to be sent to any person of whose address CAMRA is not aware or more than one of the joint holders of any debentures.

AUDIT

72. Auditors shall be appointed and their duties regulated in accordance with sections 475 to 479 of the Act.

NOTICES

73. A notice may be given by CAMRA to any member either personally or by sending it by post to him or to his registered address, if any, within the United Kingdom supplied by him to CAMRA for the giving of notice to him. Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing pre-paying and posting a letter containing the notice, and to have been effected in the case of notice of a meeting posted by first or second class post at the expiration of 72 hours after the letter containing the same is posted and in any other case at the time at which the letter would be delivered in the ordinary course of post. Notices of General Meetings shall be deemed to be sufficiently served if incorporated in, included with or annexed to any magazine circulated by CAMRA to the whole of its membership.

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

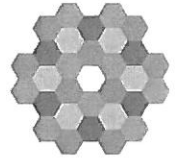
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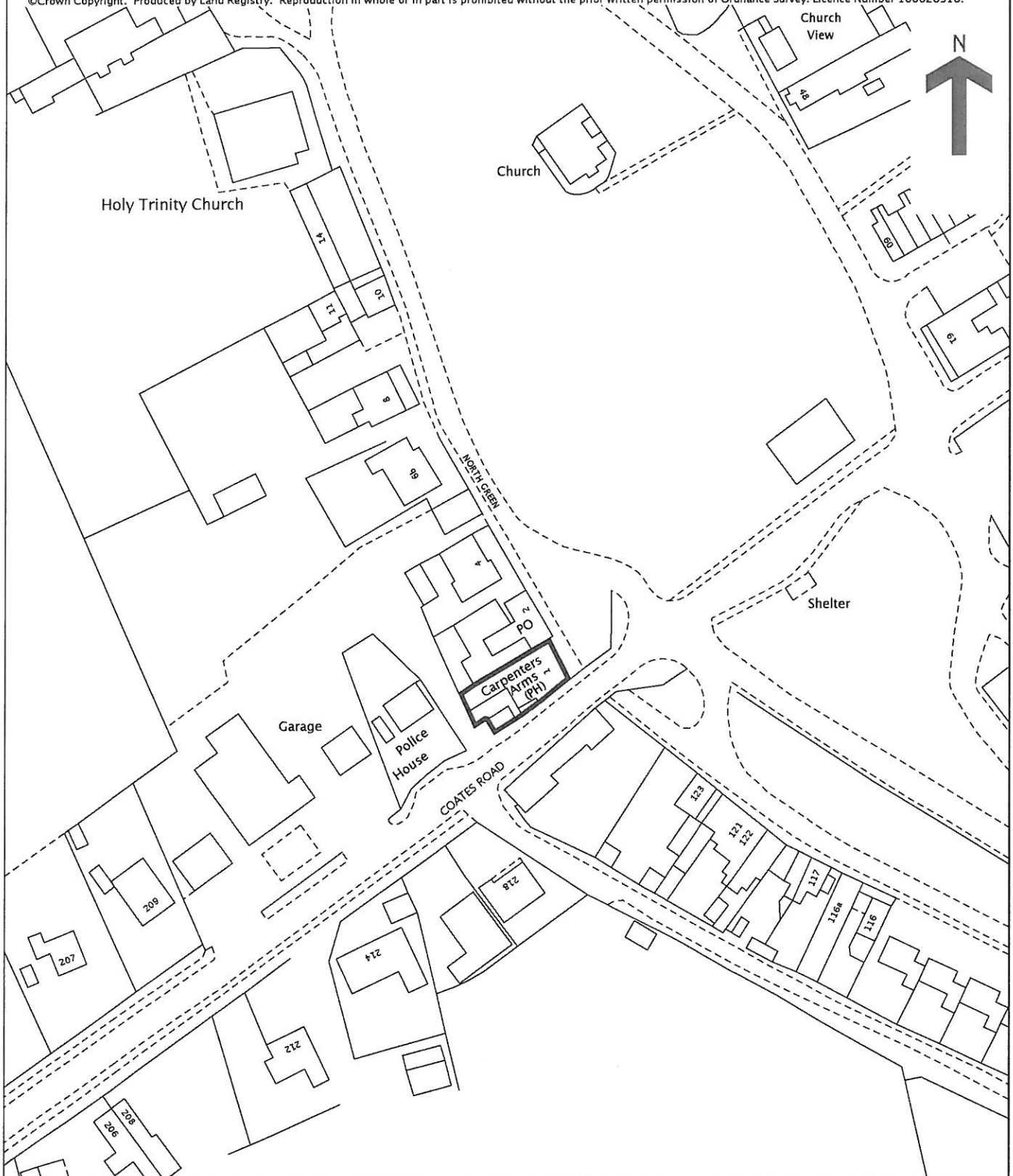
This official copy is issued on 16 June 2016 shows the state of this title plan on 16 June 2016 at 13:52:29. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the Land Registry, Peterborough Office .

Land Registry
Official copy of
title plan

Title number **CB167782**
Ordnance Survey map reference **TL3097NE**
Scale **1:1250**
Administrative area **Cambridgeshire : Fenland**

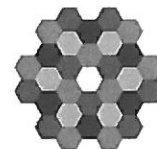


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The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number CB167782

Edition date 12.12.2013

- This official copy shows the entries on the register of title on 16 JUN 2016 at 13:52:29.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 16 Jun 2016.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by Land Registry, Peterborough Office.

A: Property Register

This register describes the land and estate comprised in the title.

CAMBRIDGESHIRE : FENLAND

- 1 (08.03.1994) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being The Carpenters Arms, 1 North Green, Coates (PE7 2BQ).
- 2 (08.03.1994) The land has the benefit of the following rights granted by a Deed dated 24 July 1975 made between (1) John Robert Brown and Phyllis May Brown and (2) Courage Brewing Limited:-

"In consideration of the covenant hereinafter contained the Grantors and Beneficial Owners hereby grant unto the Grantee full right and liberty for the Grantee and its successors in title owners and occupiers for the time being of the second land or any part thereof and its or their respective servants and licensees (in common with the Grantors and all other persons having the like right) at all times hereafter by day or night with or without vehicles to pass and repass along and over the land coloured yellow for all purposes connected with the use and enjoyment of the second land TO HOLD the said right of way unto the Grantee in fee simple

2. In consideration of the grant by the Grantors hereinbefore contained the Grantee hereby covenants with the Grantors and their successors in title that the Grantee and its successors in title will

(a) at its own cost tarmac the land coloured yellow and forever hereafter keep the same in a reasonable state of repair

(b) at its own cost provide the Grantors a new field gate as shown on the said plan"

NOTE: Copy plan filed.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

Title number CB167782

B: Proprietorship Register continued

- 1 (12.12.2013) PROPRIETOR: ANN ELIZABETH BAXTER of The Carpenters Arms, 1 North Green, Coates, Peterborough PE7 2BQ.
- 2 (12.12.2013) A Transfer of the land in this title dated 18 November 2002 made between (1) Thackeray Property Services (Transferor) and (2) Logical Properties Limited and Elusive Estates Limited (Transferee) contains purchaser's personal covenant(s) details of which are set out in the schedule of personal covenants hereto.

The Transfer to the present proprietor contains a covenant to observe and perform the aforesaid covenant(s) and of indemnity in respect thereof.
- 3 (12.12.2013) The price stated to have been paid on 6 November 2013 was £120,000.
- 4 (12.12.2013) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.
- 5 (12.12.2013) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 6 November 2013 in favour of Harpmanor Limited referred to in the Charges Register.

Schedule of personal covenants

- 1 The following are details of the personal covenants contained in the Transfer dated 18 November 2002 referred to in the Proprietorship Register:-

"The Transferee covenants with the Transferor that it and those deriving title under it will observe and perform the covenants conditions restrictions and stipulations on the part contained in the Occupational Lease and on the appropriate person where the Transferor has any liability under the Occupational Lease and will indemnify and keep indemnified the Transferor and their estates and effects from any future actions costs claims and expenses in any way relating thereto.

The Transferee covenants with the Transferor that the Transferee will at all times duly observe and perform all covenants conditions and obligations subject to which the Properties are transferred and will at all times save harmless and keep indemnified the Transferor and their estates and assigns from and against all actions proceedings costs claims demands and liabilities in respect of any future breach non-performance or non-observance of those covenants conditions and obligations or any of them"

NOTE: The Occupational Lease is not defined in the Transfer.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (12.12.2013) REGISTERED CHARGE dated 6 November 2013.
- 2 (12.12.2013) Proprietor: HARPMANOR LIMITED (Co. Regn No. 1954109) of Lake View, Lakeside, Cheadle, Cheshire SK8 3GW.

End of register

Cabinet Minutes

Date:

Thursday 11 August 2016

Time:

9.30am

Place:

Council Chamber, Fenland Hall, March

Please note: all Minutes are subject to approval at the next Meeting

Attendance Details

Present:

Councillor J F Clark(Chairman), Councillor T R Butcher, Councillor S J E King, Councillor P Murphy, Councillor D C Oliver, Councillor C J Seaton, Councillor W Sutton, Councillor M Tanfield

Apologies for absence:

Councillor M Cornwell

Support officers:

Richard Cassidy (Corporate Director)

Tanya Shepherd (Member Services)

Buttons

Item Number	Item/Description
PUBLIC	
C26/16	<p>TO RECEIVE MEMBERS' DECLARATIONS OF ANY INTERESTS UNDER THE LOCAL CODE OF CONDUCT OR ANY INTEREST UNDER THE CODE OF CONDUCT ON PLANNING MATTERS IN RESPECT OF ANY ITEM TO BE DISCUSSED AT THE MEETING.</p> <p>Cllr Ralph Butcher declared an interest in the Asset of Community Value- Carpenters Arms, Coates as he resides 200 yards from the location of the pub. He stated he would therefore abstain from voting.</p>
C27/16	<p>ASSET OF COMMUNITY VALUE - CARPENTERS ARMS, COATES</p> <p>Report (106K/bytes) Appendix 1 (878K/bytes) Appendix 2 (228K/bytes) Appendix 3 (171K/bytes)</p> <p>Cllr Simon King presented the reports as attached.</p> <p>Cllr John Clark proposed that they consider this in four parts:</p> <p>1) To consider if the propose asset is a valid community nomination</p> <p>Cllr Simon King stated he felt the application was a valid community nomination.</p> <p>Cllr Michelle Tanfield stated that she would rather have seen the local people</p>

Item Number	Item/Description
	<p>putting this forward and those that work in the local area.</p> <p>Cllr John Clark asked if there were any representations from the owner of the pub? Cllr Simon King stated there was no response from the owner. Cllr John Clark therefore stated that they determine that the applicant has provided a valid nomination.</p> <p>2) To consider whether the use of the building satisfies the qualifying criteria:</p> <p>Cllr John Clark stated that they should consider the current actual use of the nominated property</p> <p>Cllr Chris Seaton stated there was no evidence to suggest that the usage of the building outlined within the application was incorrect and therefore this property could be listed.</p> <p>Cllr Simon King stated that the Members need to consider the evidence that has been provided within the application when considering whether the use of the building satisfied the qualifying criteria.</p> <p>Cllr John Clark stated that based on the detail in the application, the usage of the building satisfies the qualifying criteria to be listed as an asset of community value.</p> <p>3) Social Wellbeing or Social Interest</p> <p>Cllr John Clark stated that this test relates to whether the asset under consideration meets the needs of the community. Cllr Michelle Tanfield stated that again, there is a lack of evidence to the contrary and the decision as to whether the application satisfies this test must be based on the information provided. She stated that there is another pub, not far from the one being considered. She also stated she is aware that the pub being considered does run events for the community.</p> <p>Cllr Peter Murphy stated he didn't feel the number of pubs in the village would make odds to the outcome.</p> <p>The Legal Services Officer, Ruth Lea advised Members that in order to consider if this building will further the social well-being or interests of the local community they should not be narrowly considering the local need for a pub, but considering whether or not this pub will further interest the well-being or social interests of the community.</p> <p>Cllr Will Sutton stated that he wasn't comfortable on several fronts, with the fact they can only go on what is in front of them, he stated it is a shame there was nothing from the community or the owner to give steer of what the applicant is saying. He stated he felt they were in a position where they have little choice but to agree to what the applicant is saying.</p> <p>Cllr Simon King stated in relation to these comments made by Cllr Will Sutton, he felt that Legal Services Officer, Ruth Lea had summed the issue up well -that members need to consider the evidence provided . He stated the evidence from the</p>

Item Number	Item/Description
	<p>applicant suggested this pub would further the social wellbeing and interests of the community, and there is no evidence to the contrary of this . If this isn't an asset the community uses, is it desirable for the community? The evidence provided suggests that it is.</p> <p>Cllr Chris Seaton stated that if the local community had put this proposal in, there would have been further evidence to suggest it would benefit the local community, and there would then have been a legal requirement to list this as an asset. He stated he felt there was limited information provided agreed with Cllr Will Sutton that there was nothing to suggest that the building should not be listed.</p> <p>The Legal Services Officer, Ruth Lea stated that taking on board the comments made by Cllr Will Sutton and Cllr Chris Seaton, she wanted to make members aware that they need to satisfy themselves that the list of activities being carried out at this building based on the report meets the social wellbeing and interest of the community and the information provided is what they need to go on. They stated that they appreciate there has been no local input and as stated CAMRA have made the nomination.</p> <p>Cllr John Clark stated that there is no evidence to suggest that the statement that applicant has made is incorrect.</p> <p>4) Realistic continuation of community use:</p> <p>Cllr John Clark stated that test four is in relation to whether or not the pub will continue to provide to the local community. Cllr Chris Seaton stated that there is no reason to believe that it will not.</p> <p>In relation to the nomination, Cllr John Clark asked the committee to vote, it was unanimous that this does meet the definition of an asset of community value.</p> <p>It was AGREED that the Carpenters Arms, Coates meets the definition of an Asset of Community Value as set out in Section 88 of the Localism Act 2011 and is placed on the Asset of Community Value list for 5 years at which point the nomination shall be reviewed.</p>

Carl Suckling

From: Dickie Bird
Sent: 06 September 2016 21:26
To: Carl Suckling
Subject: Re: ACV for the Carpenter's Arms

Hello Carl

Ann Baxter, landlady, owner and occupier (of the residential part, too) of the Carpenter's Arms, Coates, has asked me to urge you to ask for a review of the listing on the register of ACVs.

As discussed at our branch meeting of 5th Sept, Peterborough Camra now realise that the Carpenter's Arms is not suitable for ACV listing and that the original applicant(Jill Prince) had no real idea of what the imposition of an ACV might mean to an owner occupier. The branch had earlier sent a request to withdraw the nomination, although this was received too late for the Council's Cabinet meeting. Camra fully back Ann Baxter at the Carpenter's Arms request for a review.

Kind regards

Dickie Bird, Secretary, Peterborough and District CAMRA

Carl Suckling

From: Annie Baxter <anniemartell@hotmail.co.uk>
Sent: 05 September 2016 15:16
To: Carl Suckling
Cc: Dan Horn
Subject: Re: Appealing the carpenters arms as an asset of community value

Good afternoon,

I am writing to ask fenland district council to review the application made on The Carpenters Arms regarding the asset of community value which was passed sometime last week. This is a small village pub, which prior to myself taking it on was repossessed and closed for over a year. It took a £30,000 down payment from myself, a loan of £40,000 from a family investor and a £49,000 mortgage. The pub was in need of a lot of work all round, as had previously been run down for many years. Work is still in progress as and when we can afford too. We mainly run on family and friends, a handful of local regulars and a small amount passing trade which allows us to continue trading. It is a sad fact that not even a quarter of the village use the pub despite us trying to attract locals in. CAMRA, who nominated The Carpenters Arms, now realise that the nomination was a mistake and did send an email to withdraw the application before it got to the Committee meeting, and fully support us on this review. Furthermore, there is also another pub called "The Vine" directly opposite The Carpenters Arms, which has more facilities available than we do. For example, a fully equipped catering kitchen, large car park and large beer garden. Neither pub would be classed as an asset amongst Coates locals. I have no intention of selling or closing the business, and want to keep it up and running as long as we can. However, as much as I love my pub, I do not see how it can be classed as an asset of community. Following this email you should receive one from Richard Bird from the CAMRA group.

Best regards,

Mrs Ann Baxter,
Sole Trader
T/A The Carpenters Arms

On Wed, Aug 31, 2016 at 2:54 PM +0100, "Carl Suckling" <csuckling@fenland.gov.uk> wrote:

Hi Ann

As discussed, here is the current policy document. The relevant part is 5.6. Any written objection will need to be emailed to me and one of my managers Dan Horn dhorn@fenland.gov.uk

Please could you confirm receipt of this email and contact me if you have any further questions.

Best Wishes
Carl

Carl Suckling
Senior Community Support Officer
Fenland District Council