

DECISION NOTICE
THE LOCALISM ACT 2011 Section 88
Decision on the nomination of an asset of Community value.
The Anchor Inn Eling Lane Totton

I, John Mascall, Executive Director of The District Council of New Forest, pursuant to delegated powers, have considered an application made by The Anchor Inn Supporters to nominate The Anchor Inn, Eling Lane Totton as an asset of community value. Having considered the application I have decided that the application should be accepted for the following reasons:

In the opinion of the local authority, the actual current use of the Property or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

It therefore meets the criteria set out in the Localism Act 2011 to be eligible for listing.

Signed J F MASCALL
John Mascall
Executive Director

Dated: 06/08/14

For further information please contact:

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REPORT TO JOHN MASCALL

Application to nominate The Anchor Inn Eling Lane Totton as an asset of community value

1.0 INTRODUCTION

- 1.1 This report relates to an application made to the Council by The Anchor Inn Supporters to nominate The Anchor Inn, Eling Lane Totton (“the Property”) as an asset of community value (“the Application”). The report reviews the Application, the criteria against which a decision has to be made, the result of consultations and makes recommendations.

A copy of the Application is annexed to this report.

2.0 BACKGROUND

- 2.1 The Application to nominate The Anchor Inn, Eling Lane Totton as an asset of community value is made pursuant to the Community Right to Bid, arising out of the Localism Act 2011 (“the Act”). Under the Act, the Council must make a decision on the Application before 15th August 2014. If the Council accepts that the nomination meets the criteria set down in the Act, the Property must be added to the Council’s published list of assets of community value, registered as a local land charge and registered against the freehold title to the Property.
- 2.2 If the Property is listed as an asset of community value, the owners must notify the Council if they wish to dispose of the Property. The Council would notify community interest groups of the proposal. If such a group expresses an interest in the Property, a moratorium period of 6 months on the sale is imposed to allow the community interest group to prepare a bid and raise finance.

3.0 THE APPLICATION

- 3.1 The Application was made by The Anchor Inn Supporters (“the Supporters”) and was received by the Council on 20th June 2014. The Council is the proper decision making authority to determine the Application and delegations have been granted to the Executive Director to make a decision on the matter. The Application is valid under the criteria laid down by the Act and the Property is not within one of the exceptions laid down in the Act.
- 3.2 The Supporters are an unincorporated body comprising more than 21 local individuals who are on the Electoral Register for the District. A copy of the body’s constitution is attached to the Application. The Supporters are not profit making and any surplus is wholly applied to activities in support of the aims of the association. The Supporters are entitled to make an application to list the Property as an asset of community value.
- 3.3 The Property is currently owned freehold by Enterprise Inns PLC. The Application makes reference to a possible occupant or tenant of the Property. The Property is presently used as a public house. The Property is located on a waterside location next to the river Test and other local facilities such as the local sailing club.
- 3.3 The Application contends that the current and main use of the Property furthers the social well-being or cultural, recreational or sporting interests of the local community and that it is likely to continue to do so in the future.

- 3.3 The Supporters provided details about the use of the Property by the local community in the statement accompanying the Application. The Supporters say the Property is used as a public house and also has community uses and is important to social well being.

The Supporters give a number of examples, including:

- catering for a mixed clientele including local families, social groups and pensioners
- weekly quiz nights
- hosting meetings for local groups such as Eling sailing club, a local running club and by local retired workers from Exxon
- Involvement in a local arts festival
- Use as a venue following funerals and christenings
- Provision of crabbing lines and nets for children's use at the waterside location
- Local families use the Inn for a variety of celebratory events

- 3.4 The Supporters say in the Application that these community uses and contributions to the social well being of the community will continue into the future, providing facilities in the same manner that it does now. The Supporters say there are many ideas for future uses of the Anchor Inn, including using flour from Eling Tide Mill, to encourage more social groups and a suggestion the Property may be used as a collection point for a Credit Union. Although no material has been produced in support of these assertions, equally it seems realistic to think that the Anchor Inn will continue to function as it does presently. The Council has recently secured lottery funding for the refurbishment and improvement of Eling Tide Mill, which is nearby and which will provide an improved tourist destination.

- 3.5 A review of the web site for the Anchor Inn gives further examples of the community based activities, such as weekly quiz nights, weekly curry nights and Sunday roasts, live music events and so forth.

- 3.6 The Supporters attached a petition containing just over 100 signatories in support of the Application.

4.0 LEGAL POWER AND DELEGATIONS

- 4.1 The Council must consider the nomination and decide whether to list the Property as an asset of community value.
- 4.2 The Council has put in place delegated powers for an Executive Director to make the decision in consultation with the Head of Legal and Democratic Services, relevant heads of service and portfolio holder(s).
- 4.3 The legal criteria to make the decision are laid down in the Act and supporting regulations. The Council must decide whether the Property is of community value.
- 4.4 The land is of community value if, in the opinion of the local authority 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 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. "Social interests" include cultural interests, recreational interests and sporting interests.

4.5 On the basis of the Application it appears the test that the land is of community value as set out above is met and the Property should be listed as an asset of Community Value.

5.0 CONSULTATIONS

5.1 A number of consultations have been made as summarized below.

5.2 The Owner and the occupant of the Anchor Inn were informed of the Application and invited to provide comments. No comments have been received from them.

5.3 Totton & Eling Town Council was informed of the Application and was invited to provide comments. The Town Council commented that they were unable within the timescales to make a formal view and had asked their members to contact me directly if they had any views. No comments have been received.

5.4 The Head of Planning and Transportation commented that the Inn “is in a very attractive location close to the Quay and this setting could be significantly enhanced if the adjoining site is redeveloped for housing and commercial uses.” The Council has recently provided a scoping opinion for a possible mixed – use development of Eling wharf.

5.5 The Head of Leisure and Employment agreed with the comments of the Head of Planning and Transportation.

5.6 The Head of Legal and Democratic Services had no comments to make on the Application.

5.7 Cllr Jill Cleary was informed of the Application as portfolio holder for Housing and Communities and she had no comments on the Application.

5.8 Cllr Di Brooks was informed of the Application as portfolio holder for Health and Leisure and she commented that she was not aware of any other local group asking for this measure and had not received any other contact about it from any local people.

5.9 Local ward members Cllr David Harrison and Cllr Michael Southgate supported the Application.

6.0 CONCLUSION

6.1 As described in section 4 above the Application appears to meet the legal criteria set out in the Localism Act 2011 for the Council to accept the nomination, for the reasons explained above.

7.0 RECOMMENDATION

7.1 It is recommended that you as an Executive Director of the Council decide this Application pursuant to delegated powers as follows:

- (1) In the opinion of the local authority, the 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 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. It does

therefore meet the criteria set out in the Localism Act 2011 to be eligible for listing.

For Further Information Contact:

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Background Papers:

Application by Anchor Inn
Supporters