

DECISION NOTICE
THE LOCALISM ACT 2011 Section 88
Decision on the nomination of an asset of Community value.
The Fleur de Lys Pilley Street Pilley Lymington SO41 5QG

I, John Mascal, Executive Director of The District Council of New Forest, pursuant to delegated powers, have considered an application made by The Fleur de Lys Supporters to nominate The Fleur de Lys Pilley Street Pilley Lymington SO41 5QG 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 Mascal
John Mascal
Executive Director

Dated: 5 June 2015

For Further information Please Contact:

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Application to nominate The Fleur de Lys Pilley Street Pilley Lymington SO41 5QG as an asset of community value

1.0 INTRODUCTION

- 1.1 This report relates to an application made to the Council by The Fleur de Lys Supporters to nominate The Fleur de Lys public house, Pilley Street, Pilley, Lymington SO41 5QG (“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 Fleur de Lys public house Pilley Street, Pilley Lymington SO41 5QG 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 12th June 2015. 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 Fleur de Lys Supporters (“the Supporters”) and was received by the Council on 17th April 2015. 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.
- 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 is important to the social well-being of the local community. In particular the Supporters assert:

- The Property caters for a varied clientele in the community from families with young children to pensioners.
- The Property has been used as an inn for hundreds of years, with records showing its use as an inn since the 14th Century. This would make it one of the oldest recorded inns in the District.
- It is important to residents that the Property continues to be a focal point of the community and supports their well-being.
- The Pilley village shop is run by a local community association. The Supporters say that the future of the shop is uncertain and that the shop could be relocated to the Property. The Supporters assert that Hampshire County Council have indicated that grants may be available for a community shop were it to be located within a pub.
- The Property should continue to be a focal point for the community as it has done for over 500 years.

3.4 The Supporters attached a petition containing around 59 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 Fleur de Lys were informed of the Application and invited to provide comments. No comments have been received from them.

- 5.3 Boldre Parish Council was informed of the Application and was invited to provide comments. The Parish Council supported the nomination at a meeting on 11th May 2015.
- 5.4 The Head of Planning and Transportation had no comments to make on the application.
- 5.5 The Head of Leisure and Employment raised a query about whether the Fleur de Lys Supporters was an unincorporated body. However the application is clear that the nomination was made by the Fleur de Lys Supporters and nominations by unincorporated bodies are valid for these purposes. The nomination was accepted as being valid.
- 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 James Binns, Portfolio Holder for Health & Leisure, supported the Application.
- 5.9 Local ward member Cllr Colin Wise supported the Application in line with the unanimous decision of Boldre Parish Council.

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:

Background Papers:

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Application by Fleur de Lys
Supporters