

## **Scarborough Borough Council**

**Re: Community nomination in respect of:-**

**The Station Tavern, Front Street, Grosmont, Whitby, YO22 5PA  
(hereinafter referred to as 'the Property')**

### **Notice under section 91 of the Localism Act 2011**

#### **1. The Nomination**

On 31 March 2015 Scarborough Borough Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list the Property as an asset of community value. The nomination was made by Grosmont Parish Council, Hillcrest, Glaisdale, Whitby, YO21 2PU. The full information required to determine the nomination was received from the Grosmont Parish Council on 8<sup>th</sup> November 2016.

A copy of the nomination, including a plan showing the boundaries of the Property edged red, is attached at Appendix 1.

#### **2. The Law and Statutory Guidance**

Under section 87 of the Act the Council must maintain a list of assets of community value in its area. A building or other land is of community value if in the Council's opinion an actual current use of the building or land, that is not ancillary use, furthers the social wellbeing or social interests of the local community and it is realistic to think that there can continue to be non-ancillary use of the building or land, which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

Under section 89 the Council can only include land in its list of assets of community value in response to a community nomination or where permitted by regulations. A community nomination in England can only be made by either a parish council in respect of land within its area or by a person that is a voluntary or community body with a local connection. Where a valid community nomination is made the Council must consider it and must accept the nomination if the land is within its area and is of community value.

### **3. Decision and Reasons**

The Council accepts the nomination by Grosmont Parish Council and includes the Property in its list of assets of community value.

- (a) The Property lies with the administrative area of Scarborough Borough Council and within the parish of Grosmont
- (b) Grosmont Parish Council is eligible under section 89(2) b) (i) to make a community nomination in respect of the Property
- (c) The community nomination made by Grosmont Parish Council includes the matters required under regulation 6 of the Assets of Community Value (England) Regulations 2012
- (d) The Property does not fall within a description of land which may not be listed as specified in Schedule 1 of the Assets of Community Value (England) Regulations 2012 (the Regulations)
- (e) The Council considers that the current use of the Property as a public house is not an ancillary use, that this use furthers the social wellbeing and social interests of the local community and that the Property is of community value.
- (f) The Council also considers it is realistic to think that there can continue to be non-ancillary use of the Property which will further (whether or not in the same way) the social wellbeing and social interests of the local community.

### **4. Next Steps**

The Property will be included in the list of assets of community value maintained by the Council under section 87 of the Act.

In accordance with section 91 of the Act the Council will send this notice to:-

- (a) the owner of the Property
- (b) the occupier of the Property if the occupier is not the owner
- (c) Grosmont Parish Council as the nominee body.

## 5. Consequences of Listing

The Property will remain on the list of assets of community value for a period of 5 years from the date of this notice unless removed with effect from some earlier time in accordance with the provision of the Regulations.

Inclusion of the Property in the list of community assets is a local land charge under the Local Land Charges Act 1975.

The Council is required under Schedule 4 of the Regulations to apply to the Land Registry for a restriction to be added to the registered title of the Property that "No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011".

Under section 95 of the Act an owner must notify the Council by writing to the Legal Services Manager at Scarborough Borough Council, Town Hall, St Nicholas Street, Scarborough YO11 2HG if they wish to enter into a relevant disposal of the Property. Relevant disposal is defined in section 96 and (subject to exemptions in section 95(5) and Schedule 3 of the Regulations) means, a freehold disposal or the grant or assignment of a qualifying leasehold interest, with vacant possession.

A moratorium period is triggered by notification under section 95 to allow any community interest group to submit a written request to be treated as a potential bidder for the Property. Owners are advised to refer to Part 5 Chapter 3 of the Act and the Regulations in full and to seek legal advice if they wish to dispose of the Property. **A disposal of listed land which contravenes the requirements of Act and Regulations will be ineffective.**

## 6. Right of Review

In accordance with section 92 of the Act the owner of the Property is entitled to request a review of this decision. This review will be carried out by a Director of the Council. A request must be made in writing and received by the Council within 56 days of the date of the date of this notice or such longer period as the Council may agree in writing. Please ensure that the request explains on what grounds the decision should be reviewed, with reference to the appropriate parts of the legislation to support such grounds.

If a request is made, the Council will complete the review within 56 days of receiving the request or such longer period as is agreed with the owner in writing. A request must be addressed to the Legal Services Manager, Town Hall, St Nicholas Street, Scarborough YO11 2HG.

## **7. Right to Compensation**

In accordance with paragraph 14 of the Regulations an owner or former owner of the Property is entitled to claim compensation from the Council of such amount as the Council may determine, where they have incurred loss or expense in relation to the Property which would be likely not to have been incurred if the Property had not been listed.

A claim for compensation must be made in writing within 91 days of the date the loss or expense is incurred or (as the case may be) finishes being incurred; must state the amount of compensation sought for each part of the claim and be accompanied by supporting evidence for each part of the claim.

If a claim is made, the Council will consider the claim as expeditiously as possible. A request must be addressed to the Legal Services Manager at Scarborough Borough Council, Town Hall, St Nicholas Street, Scarborough, YO11 2HG.

## **8. Additional Help**

Further information about assets of community value is available from the website <http://mycommunityrights.org.uk/community-right-to-bid/> If you need any additional support in relation to disposal of the Property, the right of review or right to compensation you are advised to seek independent legal advice.

Signed:



Rebecca Jackson  
Legal Services Manager

Dated: 12<sup>th</sup> January 2017



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## Asset of Community Value Nomination Form

If you need assistance completing this form please refer to the guidance notes.  
Or telephone 01723 232307

### Section 1 About the property to be nominated

Name of Property THE STATION TAVERN

Address of Property FRONT STREET, CROSMONT, WHITBY

Postcode YO22 5PA

Property owner's name PUNCH TAVERNS

Land Registry Title Number (if applicable) \_\_\_\_\_

Address SUBILEE HOUSE  
SECOND AVENUE  
BURTON ON TRENT  
STAFFORDSHIRE Postcode DE14 2WF

Tel: \_\_\_\_\_

Current occupiers name VACANT

### Section 2 About your Community Organisation

Name of Organisation CROSMONT PARISH COUNCIL

Contact name LUCY FLETCHER

Position in Organisation CLERK

Email address/contact number crosmont-pc@hotmail.co.uk 01947 897430

Address HILLCREST, CHAISDALE, WHITBY

Postcode YO21 2PU

- Organisation type
- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Parish Council      | <input type="checkbox"/> Unincorporated Community Group       |
| <input type="checkbox"/> Neighbourhood Forum            | <input type="checkbox"/> Community Interest Company           |
| <input type="checkbox"/> Industrial & Provident Society | <input type="checkbox"/> Company Limited by Guarantee Charity |

How many members do you have (this is particularly important for unincorporated community groups)

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### Section 3 Supporting information for nomination

**Any information entered in this section only may be copied and passed onto the owner of the property you are nominating.** Definition of an asset of community value can be found in the guidance document

Why do you feel the property is an asset of community value? Please give as much information as possible

IT IS THE ONLY PUB IN THE VILLAGE.  
USED BY HOLIDAY MAKERS/WALKERS STAYING IN  
VILLAGE AND NEEDING AN EVENING MEAL

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### Section 4 Boundary of the Property

What do you consider to be the boundary of the property? Please give as much detail/be descriptive as possible (Please include Land Registry Plan where the property is registered).

I HAVE SEARCHED ON THE LAND REGISTRY WEBSITE BUT WITHOUT  
SUCCESS.

I UNDERSTAND THE FRONTAGE, CAR PARK TO THE SIDE + SOME  
LAND (SMALL AREA) TO THE REAR BELONGS TO THE PROPERTY.

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### Section 5 Attachment checklist

- Copy of group constitution (if you are a constituted group)
- Name and home addresses of 21 members registered to vote in nomination area (if group is not incorporated)
- Land Registry Register of title and plan (where property is Registered)

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### Section 6 Declaration

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

Signed L. Fletch Dated 31.03.15

#### Data protection statement

We will process the information provided in accordance with the data protection Act 1998 and in line with the council's data protection policy. Information is stored securely for six years after which time it will be destroyed.

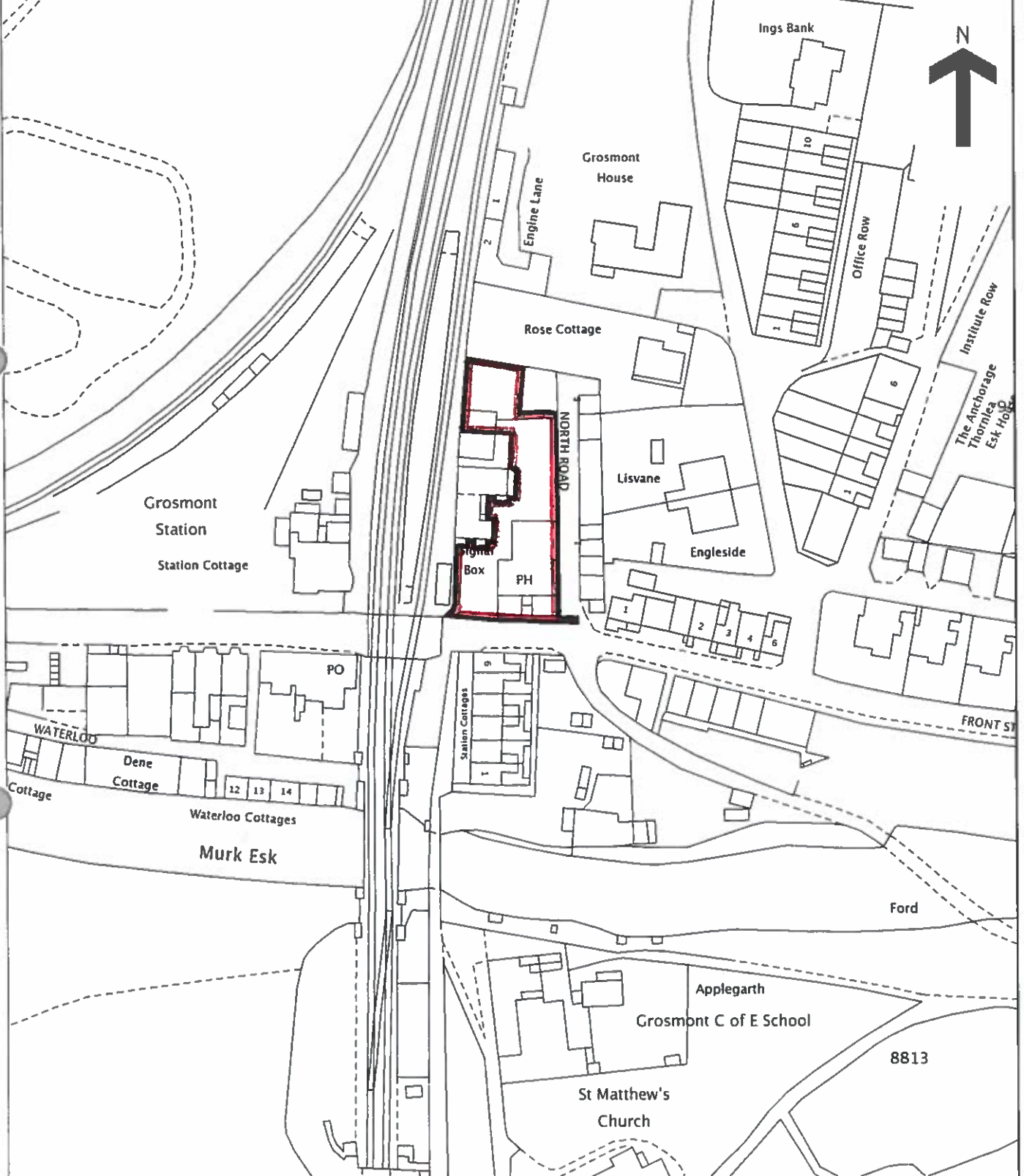
The information supplied will be subject to the freedom of information act, but personal information (names and contact details) will not be released in response to these requests

Land Registry  
Official copy of  
title plan

Title number NYK327456  
Ordnance Survey map reference NZ8205SE  
Scale 1:1250 enlarged from 1:2500  
Administrative area North Yorkshire :  
Scarborough



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**These are the notes referred to on the following official copy**

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

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

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from Land Registry.

This official copy is issued on 05 February 2016 shows the state of this title plan on 05 February 2016 at 10:09:55. 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, Durham Office .