



Aylesbury Vale District Council

Community nomination in respect of

The Phoenix Public House, 11 Queen Catherine Road, Steeple Claydon, Buckingham MK18 2PZ

Notice under section 91 of the Localism Act 2011

1. The Nomination

On 13 May 2014 Aylesbury Vale District Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list The Phoenix Public House, 11 Queen Catherine Road, Steeple Claydon, Buckingham, MK18 2PZ as an asset of community value. The nomination was made by Steeple Claydon Parish Council following a resolution of the Council dated 6 May 2014. A copy of the nomination is attached at Appendix 1 and the plan showing the boundaries of the nominated land is attached at Appendix 2.

A summary of the nomination is set out below:

- (a) the land/property is located at 11 Queen Catherine Road, Steeple Claydon, Buckingham MK18 2PZ.
- (b) the property comprises a public house including two bars, a large garden, car park, and vehicular access to the rear of the property. There is landlord's accommodation above the public house.
- (c) a copy of the title registered title BM203331 indicates that the land/property is owned by Wraith Trading Limited.
- (d) the Property is considered to be an attractive and historic building with a significant garden area which is attractive to families and others.
- (e) the Community are dependent on the property as a place for social gatherings.
- (f) the Phoenixbury music festival is held at the property annually.
- (g) there are a variety of clubs and societies which have used the property in the past and various community meetings, charity events quiz nights and darts matches are held at the property.
- (h) the local football club meets at the property.

2. The Law and Statutory Guidance

Under section 87 of the Act the Council must maintain a list of land of community value in its area. A building or other land is of community value if in the Council's opinion an actual current use of the building or other land that is not 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.

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 Owner of the Property has indicated that The Phoenix Public House is not viable as it is and there is a proposal that the outbuildings/garage/rear barn are developed in order to fund the refurbishment and future of the Public House. In the circumstances the nomination affects just the Public House, part of the rear garden & car parking and not the outbuilding/garage/rear barn. The Council accepts the nomination by Steeple Claydon Parish Council and includes The Phoenix Public House shown edged red on the attached plan in its list of assets of community value.

The reasons for this decision are as follows:

- (a) The land and building comprising The Phoenix Public House, 11 Queen Catherine Road, Steeple Claydon, Buckingham, MK18 2PZ lies within the administrative area of Aylesbury Vale District and within the Parish of Steeple Claydon.
- (b) Steeple Claydon Parish Council are eligible under section 89(2) b) (i) to make a community nomination in respect of The Phoenix Public House, 11 Queen Catherine Road, Steeple Claydon, Buckingham, MK18 2PZ
- (c) The community nomination made by Steeple Claydon Parish Council includes the matters required under regulation 6 of the Assets of Community Value (England) Regulations 2012
- (d) The land and building 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 land and building 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 land and building 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 land and building which will further the social wellbeing and social interests (whether or not in the same way) of the local community.

4. Next Steps

The Phoenix Public House, 11 Queen Catherine Road, Steeple Claydon, Buckingham, MK18 2PZ as edged red on the attached plan will be included in the list of assets of community value maintained by the Council under section 87 of the Act.

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

- (a) the owner of the land
- (b) the occupier of the land if the occupier is not the owner
- (c) Steeple Claydon Parish Council as the nominee body

5. Consequences of Listing

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

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

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

Under section 95 of the Act an owner must notify the Council by writing to the Head of Legal and Estates Services at Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF if they wish to enter into a relevant disposal of the land. Relevant disposal is defined in section 96 and (subject to exemptions in section 95(5) and Schedule 3 of the Regulations) means, a freehold disposal or the grant or assignment of a qualifying leasehold interest, with vacant possession.

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

6. Right of Review

In accordance with section 92 of the Act the owner of the land is entitled to request a review of this decision. The review will be carried out by a senior officer of the Council nominated by the Chief Executive. A request must be made in writing and received by the Council within 56 days of the date of this notice or such longer period as the Council may agree in writing. Please ensure that the request explains on what grounds the decision should be reviewed.

If a request is made the Council will complete the review within 56 days of receiving the request or such longer period as is agreed with the owner in writing. A request must be addressed to The Chief Executive, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF

7. Right to Compensation

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

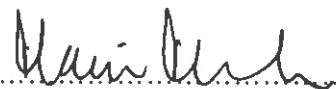
A claim for compensation must be made in writing within 91 days of the loss or expense being incurred (or as the case may be) finish being incurred; must state the amount of

...compensation sought for each part of the claim and be accompanied by supporting
...evidence for each part of the claim.

If a claim is made the Council will consider the claim as expeditiously as possible. A
request must be addressed to the Director of Finance at Aylesbury Vale District Council,
The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF

6. **Additional Help**

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

Signed 

Dated 8 July 2014

Maria Memoli, Head of Legal Services and Estates Services

COMMUNITY RIGHT TO BID NOMINATION FORM

ABOUT YOUR COMMUNITY ORGANISATION

Name and address of your organisation

| | |
|---|---|
| Organisation name: | STEEPLE CLAYDON PARISH COUNCIL |
| Address and postcode: | 2A ST MICHAELS WAY STEEPLE CLAYDON MK18 2QD |
| Registration number: (if you are a charity, company, CIC or social enterprise) | |

Q2 Please specify what type of organisation you are.

| Category | Tick ✓ |
|--|--------|
| Parish/Town Council | ✓ |
| Unconstituted / unincorporated Community Group whose members include at least 21 individuals who appear on the electoral roll | |
| Neighbourhood Forum designated as pursuant to section 61F of the Town & Country Planning Act 1990 | |
| Industrial & Provident Society which does not distribute any surplus it makes to its members | |
| Company Limited by Guarantee which does not distribute any surplus it makes to its members | |
| Community Interest Company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004 | |
| Charity | |

Q3 Who should we contact to discuss this nomination?

| | |
|-----------------------|---|
| Name: | NICK DSGERBY, PARISH CLERK |
| Address and postcode: | 2A ST. MICHAEL'S WAY STEEPLE CLAYDON BUCKINGHAMSHIRE MK18 2QD |
| Telephone number | 01296 738 570. |
| Email address | Nick.Dsgerby@btinternet.com |

ABOUT THE PROPERTY TO BE NOMINATED

Asset do you wish to nominate?

| | |
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| Property: | THE PHOENIX PUB |
| Address and postcode: | QUEEN CATHERINE ROAD STEEPLE CLAYDON BUCKINGHAMSHIRE MK18 2PZ. |
| Name of property owner | JOHN WRAITH |
| Address and postcode: | 10 ROGER LACHMAN-BROWN (agent) 84 YORK TERRACE 84 CHILTERN ST MARLEBORNE W14 5AL |
| Telephone number | 0207 4866090 |
| Email address (if known) | |
| Current occupier's name (if different from property owner) | N/A (LANDLORD IN SITU) |
| Details of occupier's interest in property | N/A |

Section 3 DEMONSTRATING THE COMMUNITY VALUE OF THE ASSET

Q5 Why do you feel the property is an asset of community value?

Please give as much information as possible about the current use of the asset i.e. what activities take place, what groups use the facility currently or in the recent past etc. Continue on a separate sheet if necessary. Definition of an asset of community value can be found in the guidance document.

Note: Any information entered into this section only may be copied and passed onto the owner of the property you are nominating.

CURRENTLY THERE IS AN ANNUAL MUSIC FESTIVAL;
THERE ARE A VARIETY OF CLUBS AND SOCIETIES HAVE
USED THE FUNCTION ROOM IN THE PAST. THE SIGNIFICANT
GARDEN AREA IS ATTRACTIVE TO FAMILIES AND
OTHERS AND IT IS AN AMENITY WHICH WOULD BE
MUCH MISSED BY THE COMMUNITY DEPENDENT ON ITS PLACES
A SOCIAL GATHERING AREA.

...consider to be the boundary of the property?
...as much detail as you can and include a plan if possible.

PLEASE SEE ATTACHED OS MAP. INCLUDING CAR PARKING
& GARDEN AREAS.

Attachment checklist

- Copy of group constitution (if applicable)
- Names and home addresses of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan (if possible)
- Evidence of current community use e.g. activity programmes, website links etc

Declaration

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

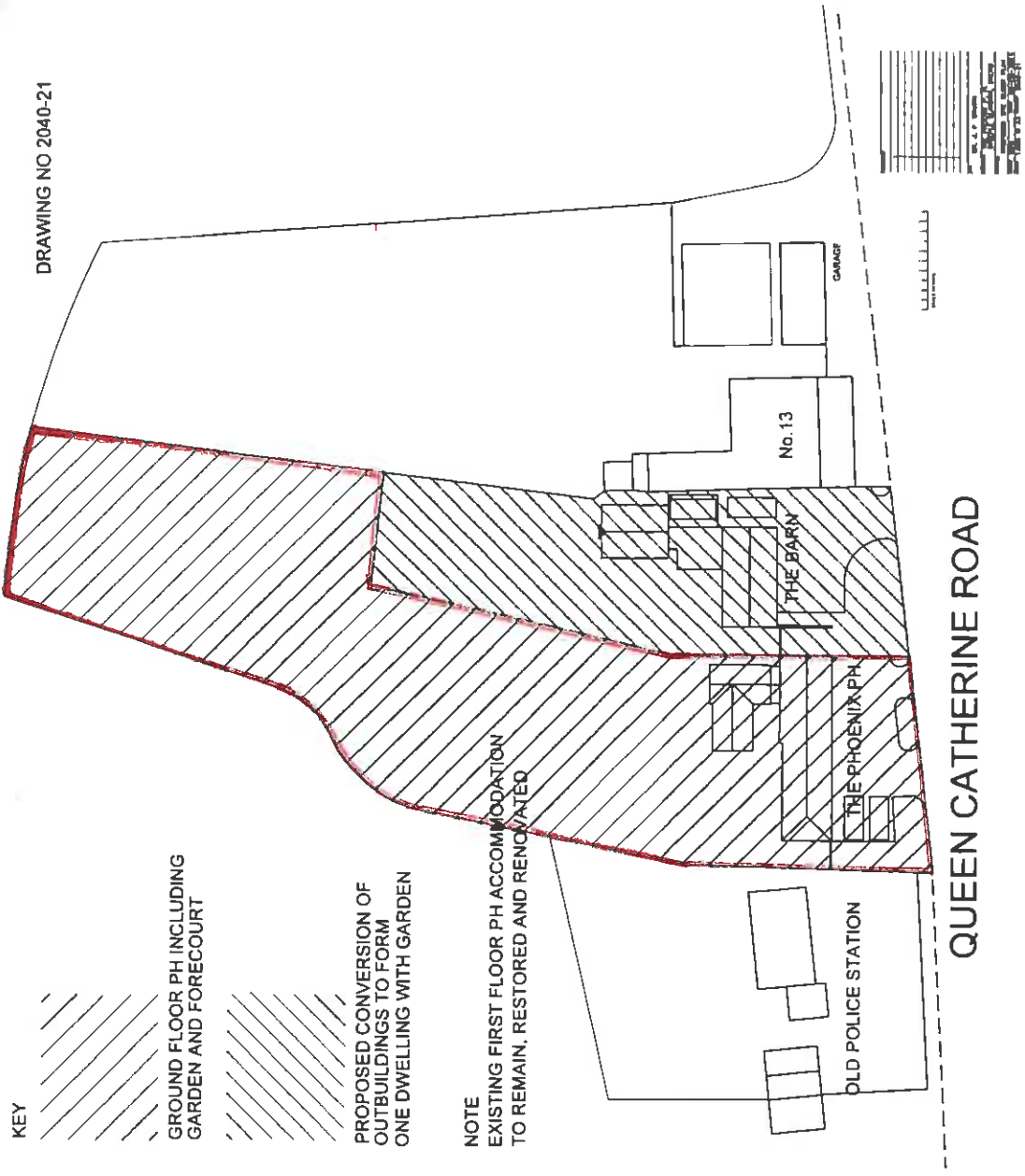
Signed:

Print Name: ... NICHOLAS OSHERBY

Position in Organisation: ... ~~CHURCH~~ CLERK, STEEPLE WAYDON PARISH COUNCIL

Date: ... 7.5.2014

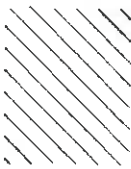
DRAWING NO 2040-21



KEY



GROUND FLOOR PH INCLUDING GARDEN AND FORECOURT



PROPOSED CONVERSION OF OUTBUILDINGS TO FORM ONE DWELLING WITH GARDEN

NOTE

EXISTING FIRST FLOOR PH ACCOMMODATION TO REMAIN, RESTORED AND RENOVATED

| NO. | DESCRIPTION | DATE |
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DATE: 11/01/2020

QUEEN CATHERINE ROAD