

CABINET

16 FEBRUARY 2024

REPORT OF THE PORTFOLIO HOLDER FOR PARTNERSHIPS

A.2 DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: THE LION PH, THE STREET, ARDLEIGH, ESSEX, CO7 7LD

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To determine whether The Lion Public House meets the criteria set out in the Localism Act 2011 (“the Act”) and the Assets of Community Value (England) Regulations 2012 (“the Regulations”) following its nomination as an Asset of Community Value by an unincorporated body made up of at least 21 residents from different households that are eligible to vote in the required area. No other criteria are pertinent.

EXECUTIVE SUMMARY

A valid nomination to register an asset of community value has been received from an unincorporated body made up of at least 21 residents from different households that are eligible to vote in the required area as shown identified in the plan included within Appendix A.

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 Localism Act 2011 and The Assets of Community Value Regulations 2012.

The Government’s non statutory guidance defines an asset of community value as: “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”. The Report provides an assessment of the nomination.

Cabinet should consider the content of the nomination against the statutory criteria (and no other factors) and determine whether the asset should be included within the Council’s List of Assets of Community Value.

Taking the evidence provided into account, it is recommended that the building nominated does meet the criteria set out Section 88 of the Localism Act 2011. Accordingly, it is recommended that the criteria are met and that the building should be listed as an Asset of Community Value.

Cabinet adopted the formal procedure for administering Assets of Community Value in January 2015, when the legislation and the supporting procedures were new to local government. The Council has been operating within this procedure for 8 years and it is considered appropriate for a review to be undertaken, taking into account the experiences of past applications, case law around the subject matter, the strict criteria applied in making such determinations, number of successful community bids and reviews requested.

Cabinet Members have previously expressed informal support for officers to be provided with the appropriate delegations to enable applications to be determined quicker within the strict legislative framework. However, the formal procedure will require amendment and due to the time passed since its adoption, a thorough review of operating procedures is suggested, including how reviews would be undertaken if the decisions were delegated to officers.

RECOMMENDATION(S)

That Cabinet agrees that The Lion Public House, The Street, Ardleigh, Essex, CO7 7LD meets the definition of an Asset of Community Value, as set out in Section 88 of the Localism Act 2011, and that the asset be added to the Council's list of Assets of Community Value.

REASON(S) FOR THE RECOMMENDATION(S)

- **The public house has for many years, up until its closure in March 2020, been used by both the community of Ardleigh and also tourists visiting the area.**
- **Officers consider the building to have been recently used for community purposes. Although a fundraising group may not be off the ground it is reasonable to conclude that they plan to do it or that someone else might buy and run it for some community purpose. Government guidance indicates that authorities should lean towards the potential for some group to acquire properties even if one is not immediately in a position to do so.**

ALTERNATIVE OPTIONS CONSIDERED

- **Not adding the property to the list of Assets of Community Value – not recommended – the criteria are met.**
- **Adding the property to the list of Assets of Community Value – recommended – the criteria are met.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Assets of Community Value exist in a range of forms and functions. Individual properties may contribute in different ways across the spectrum of Council priorities.

A review of the procedure for administering Assets of Community Value demonstrates effective and positive governance ensuring procedures remain efficient and comply with best practice and guidance.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The owners of the property have been informed of the application via letter.

No response has been received at the time of writing. Any response received prior to the Cabinet meeting date will be provided for members' consideration. In the application nominators drew attention to the proposed auction sale of the property. Officers found the listing on the auction website of a well-known Auction company, due to take place that week. Officers contacted the

auctioneers to inform them of an application for an Asset of Community Value listing in relation to the property and were informed that the property had been withdrawn from the auction. No reason was given.

The Act and Regulations are intended to increase public engagement.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	No	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	

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 Localism Act 2011:

- (1) 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(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.

Under Schedule 2 of the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, the determination of an appeal against any decision made by or on behalf of the authority can be made by the Executive or another Committee. It is considered that as Cabinet will be the decision maker of the outcome of the nomination, any review received should be considered and referred to the Community Leadership and Partnerships Overview and Scrutiny Committee, which already includes within its terms of reference review of Cabinet decisions.

Wrexham Court Parish Council v Slough Borough Council on 5 January 2024 (Ref: [2024] UKFTT 33 (GRC)). A claim was lodged by a parish council in Berkshire against a decision by Slough Borough Council not to designate an asset of community value under the Localism Act 2011 (“the Act”).

Section 91 of the Act requires the Council to give statutory notice of inclusion or removal of an asset in its list of Assets of Community Value. The Council’s decision letter, which the parish council sought to appeal referred to the Act and explained that the parish council’s nomination of an asset for inclusion on the list was unsuccessful. Regulation 11 of the Assets of Community Value (England) Regulations 2012 states that a review of the council’s decision could only be requested by the owner of the asset. Judge Alison Mckenna, rejected the parish council’s claim because the General Regulatory Chamber had no jurisdiction to determine the appeal or that a right of appeal existed for a nominator against an unsuccessful nomination. The right of appeal was only available to a relevant owner and in respect of a listing review decision, rather than against an initial decision not to include any property in the list.

However, on this basis, as is the situation for all council decisions, it is still challenged by way of judicial review, as confirmed by the judge in the above case, although this is a separate court procedure, and can only proceed if the court give permission to judicially review a council decision after considering the grounds for doing so and the council’s response. Therefore, the short answer is that a nominator could only challenge the Cabinet’s decision not to include the property on the ACV list through a judicial review process.

The term “in the recent past” has no statutory definition (i.e. not set down in the legislation) and has been left deliberately imprecise. In [Sandhu v South Oxfordshire DC](#) CR/2019/0008 Upper Tribunal Judge O’Connor sitting as a First-Tier Tribunal Judge emphasised that the term “*is a flexible concept and must depend upon all the circumstances of a particular case*” (para. 15). As with earlier appeals the judge highlighted as one material factor the length of time the public house had operated before the closure. In that case it “was for over 100 years in a very small community area”. The White Lion had in fact been run for about eight years as a restaurant until it closed in August 2013. It was listed as an ACV in October 2013 and came off the list in October 2018. The Parish Council nominated it again in May 2019 which is just short of six years since the closure of the business. It was held that the activities prior to that closure were within the recent past. The same judge adopted a similar approach in [Roffe v West Berkshire Council](#) CR/2019/0010. As the closure in that case was only just over two years before nomination it was unsurprising that the activities relied on were held to be within the recent past.

In contrast in [Milton v North Devon DC](#) CR/2020/0001 the White Hart in Bratton Fleming had closed in December 2012, been placed on the ACV list on 19th September 2014 and removed from that list on 19th September 2019. Upon the expiry of the statutory five year period the Parish Council made a fresh nomination which as the public house had never re-opened directly raised the issue as to whether the activities relied on to establish the qualifying use for the satisfaction of the first statutory condition in the recent past with regard to the first nomination could still be relied on for that same purpose in relation to the second nomination. Judge J. Findlay adopted the same approach to the term “in the recent past” as that expressed in the *Roffe* case. The judge stated that

she relied on the ordinary meaning of the word “*recent*” stating that in her “*view the word refers to something that happened not long ago*” (para. 16). Even though the White Hart had been a public house since 1812 the judge did not accept that something that happened nearly eight years ago can be described as recent (para.15).

YES The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:

No additional comments to those set out in the report in relation to the current application. A review of the operating procedures for administering Assets of Community Value should be undertaken using experiences from past applications and case law on the subject matter and should be reflected in any revised procedures.

FINANCE AND OTHER RESOURCE IMPLICATIONS

There are circumstances where the Council may be required to pay compensation. It is hard to quantify this risk and it is therefore not proposed to make a specific allocation. The Advice Note issued by Department of Communities and Local Government (“DCLG”) states that if compensation exceeds £20,000 in any one financial year support can be requested through their burdens funding scheme. In this case, the current owner has suspended a planned sale of the site and this may give rise to a compensation claim.

X The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:

No additional comments

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The Council has an adopted Financial Strategy.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks,; and	The Council has an adopted procedure for considering nominations of assets of community value.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	The Council has an adopted Financial Strategy.

MILESTONES AND DELIVERY

If Cabinet determines to add the property to the list it will be added directly and will remain on the list for five years unless there is an appeal, review or relevant transaction.

The review of the procedures could be brought to Cabinet in March 2024.

ASSOCIATED RISKS AND MITIGATION

The Property was due to go to auction, but it was withdrawn from the auction for unspecified reasons.

There is always some risk that the decision in relation to the nomination will be controversial whether it is listed or not.

The suspension of the planned sale by the current owners and a decision to add the property to the list of assets of community value may give rise to compensation requirements.

EQUALITY IMPLICATIONS

The nominating body lists a number of social and community activities that we likely on the whole to be progressive in terms of equality and diversity.

SOCIAL VALUE CONSIDERATIONS

Assets of Community Value exist in a range of forms and functions. Individual properties may contribute in different ways across the spectrum of implications.

IMPLICATIONS FOR THE COUNCIL’S AIM TO BE NET ZERO BY 2030

The proposed decision is neutral in relation to the Council’s emissions ambitions.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	The nominating body lists a number of social and community activities that are likely on the whole to be progressive in terms of crime and disorder
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Health Inequalities	The nominating body lists a number of social and community activities that are likely on the whole to be progressive in terms of health equalities.
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Area or Ward affected	Ardleigh & Little Bromley
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PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Act and Regulations, also collectively known and described as Community Right to Bid place a duty on local authorities in England and Wales to maintain a list of land in their areas that is land of community value as nominated by the local community.

The local authority must consider only if the nominated asset meets the criteria set out in Section 88 Localism Act 2011 in that it is satisfied:

- (a) the actual use, not an ancillary one, that furthers social wellbeing or social interest of the local community; and

- (b) that there can continue to be a non-ancillary use, which will further the social well-being or social interests of the local community.

The Council must maintain:

- A list of assets that are held to be of community value; and
- A list of assets identified in unsuccessful nominations.

If land or buildings are placed on the list of assets of community value:

- They remain on the list for five years;
- They are subject to a local land charge;
- If the owner wishes to sell (some exemptions apply) the asset they must notify the Council;
- The Council must notify the nominator and publicise the potential sale;
- All community groups have a six week window to register their intent to bid for the asset;
- If no registration of intent is received the owner may then sell the asset as they see fit (subject to any normal legal processes);
- If intent is registered community groups are then allowed a further 20 weeks (strictly 6 months from the date of the owner's notice) to raise money, reach agreement or otherwise bid for the asset;
- The owner may sell to a community group at any time but is never obliged to do so;
- If no community bid is made or accepted within the six months the owner may then sell the asset as they see fit;
- No further bid or moratorium can be made for a period of 18 months from the owner's notice; and
- If the owner suffers financial loss as a result of the imposition of either moratorium the Council must compensate the owner.

The provisions of the community right to bid does not:

- Restrict who the owner of a listed asset can sell their property to, nor at what price;
- Confer a right of first refusal to community interest groups,
- Enable a community group to trigger disposal of a site;
- Place any restriction on what an owner can do with their property, once listed, if it remains in their ownership.

Only the owner of the land has the right to seek a review of the decision to include any land on the list in accordance with Section 92 of the Localism Act 2011. This must be done in writing within 8 weeks of the written notice of inclusion of the land in the list.

The table below, based on guidance produced by the Public Law Partnership sets out an overview of what the Act and Regulations intend to constitute as an "Asset of Community Value".

The Act intends to apply to Land and Buildings where:

1. The main use of the land or building **further the social wellbeing or social interests of the local community** at the present time AND it is

realistic to think that this can continue into the near future (even if the type of social use or benefit might change), or;

2. The main use of the land or building **furthered the social wellbeing or social interests of the local community** in the recent past AND it is realistic to think that this could again happen **in the next five years** (even if the type of social use or benefit might change).

The Act does not intend to apply to land where:

1. The main use of the land or **building furthered the social wellbeing or social interest of the local community some years ago** but is not presently in use for a social purpose, or;
2. The land or building has **not recently been, and is not currently, in use for a primarily social purpose**, or;
3. The land or building has been **empty or derelict** for many years and remains so today.

In their Guidance Public Law Partnership provide some helpful interpretation of these terms:

This could apply to a broader set of activities and not just cultural, recreational and sport interests as provided by the Act. Working with local communities it could include: any land or building where the main purpose is for the provision of public services for education, health and wellbeing or community safety e.g. nurseries, schools, children's centres, health centres, surgeries, hospitals, day care centres, and residential care homes. Sport, recreation & culture e.g. parks and open green spaces, sports and leisure centres, libraries, theatres, museums and heritage sites, cinemas, swimming pools. Community services e.g. community centres, youth centres, and public toilets. Any economic use which also provides important local social benefits e.g. village shops, pubs, markets.

For the use which is **currently ongoing**, the working assumption should be that the present use can continue into the future, unless the local authority is able to identify evidence that is unlikely to be the case. In other words where the asset is presently in social use there should be a **presumption of continued viability**, unless clear evidence suggests otherwise. For a **social use which has lapsed** and needs to be re-established the local authority will need to take a view on the realism of re-establishing this. A new approach can help to re-establish services that were previously not viable.

Decisions and appeals

If a community organisation nominates land or buildings that meet the definition of an Asset of Community Value, and the nomination process was undertaken correctly (i.e. came from a group entitled to nominate), then the local authority must include the asset on its list.

Assets will remain on the list for at least five years. If the council decides that the nomination does not meet the criteria, then they must write to the group who nominated the asset and provide an explanation. They must also keep a list of unsuccessful nominations for at least five years. Landowners can ask local

authorities to review the inclusion of an asset on the list, and this triggers an appeal to an independent body, called a First Tier Tribunal. See Appendix D

Cabinet adopted the formal procedures for administering Assets of Community Value at its meeting in January 2015, which was based on Cabinet determining all applications, whether the criteria under the Act was met or not. This approach was adopted at the time, because the legislation and its process was new to local government.

CURRENT POSTION

The Nomination Form has been submitted by unincorporated body made up of at least 21 residents (attached at Appendix A) and contains at B4 and B5 reasons why the nominators consider that the building is of community value and how the land could be acquired and used in the future.

The property is currently closed as a public house but was used before it closed by locals, visitors to the area and the local Crib team for many years.

In accordance with the Regulations the landowner has been notified. The owners of the property have not been in touch with Tendring District Council at the time of writing this report.

At the time of the nomination being received by the Council, the property was due to be auctioned the same week. The property was withdrawn from the auction, without notification of the reason(s). Officers have contacted the auction company but have not received a reply.

It is recommended that the building does meet the criteria set out in Section 88 (2) (a) of the Act:

there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community

The Nomination request is being sought with the stated intention of continuing the main use which furthers the social wellbeing or interests of the local community.

Taking the above into account it is recommended that the matter for consideration is whether the building nominated does meet the criteria set out in Section 88 (2) (b) of the Localism Act 2011, specifically:

it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

Nominators view the premises as an asset of community value: *“Prior to its closure the pub received very positive reviews and was considered an important gathering venue for many in the community. Recollections from those in the village note the diversity of those who frequented it, there was a Crib Team (who have subsequently had to relocate to a pub approximately 3 miles away), and being located across the road from St Mary’s Church, the pub held gatherings for families following funerals and other services.*

The Lion is located in the centre of the village part of the quintessential aspects of a local community with the church, post office and local shop all within short line of sight. It is well supported by transport links with the village's main bus stop opposite and located at the crossroads of the village centre on the road from Manningtree to Colchester and linking Tendring District through to Dedham Vale. Not only is this the only pub within easy, safe pedestrian walking distance for those with limited mobility, but across the road is a free, 24/7 car park for 35 cars. This allows people to get to/from the pub safely when transport systems may be down. It also means that families can access the pub easily.

When it was open, the pub enabled local people to enjoy a range of drinks (and food) in a pleasant, convivial atmosphere, which furthered their individual well-being. It also provided a location for 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."

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Non-statutory advice note for local authorities produced by DCLG Community Right to Bid – October 2012

APPENDICES

Appendix A – Nomination Form (Redacted)
Appendix B – Title Plan
Appendix C - Unincorporated Body Nomination Form
Appendix D – Is a building or other land an “asset of community value”

REPORT CONTACT OFFICER(S)

Name	Kirstin Foley
Job Title	Economic Growth Officer
Email/Telephone	01255 686149 kfoley@tendringdc.gov.uk



LOCALISM ACT 2011

THE COMMUNITY RIGHT TO BID

NOMINATION FORM

A: You and your organisation

Your Name Redacted
Your Organisation (full official name) N/A – Unincorporate body
Your position in the organisation N/A – Unincorporate body
Organisation address (including postcode) Redacted, Station Road, Ardleigh
Daytime telephone no. Redacted
Email address Redacted
How and when can we contact you?*
Preferably by email or phone.

*other correspondence address or preferred way or time for us to contact you

Type of organisation

Description	Put a cross X against all those that apply	Registration number of charity and/or company (if applicable)
Neighbourhood forum		
Parish Council	X	
Charity		

Community interest company		
Unincorporated body	X	
Company limited by guarantee		
Industrial and provident society		

Unincorporated bodies only:

21 different households from the village or surround area, members of which are eligible to vote, signed the attached ACV nomination form. Additional details below.

Local connection

While the attached form of the signatures outlines 21 separate households, occupants of which are registered to vote within the local authority or that of neighbouring authorities, these were collected within 36 hours and it was clear that this application would have received even wider support from the village had there been time to collect them and submit this application prior to the auction.

Ardleigh Parish Council is also supporting this application and attached with this submission is their letter of support as a Parish Council. They have separately emails TDC with details of their support.

A6 Distribution of surplus funds (certain types of organisation only)

N/A – No funds have or will be collected as part of this ACV application.

A7 More about your organisation

Members of the local community of Ardleigh came together for the purpose of applying for ACV status for The Lion. The sale of the premises at auction, within the literature of which it speculates a change of use could be possible, raised concern that this potential community asset could be lost.

A8 Your organisation's rules

Please send us a copy of the relevant type of document for your organisation, and put a cross in the next column to indicate which one this is	X
Memorandum and Articles of Association (for a company)	N/A
Trust Deed (for a trust)	N/A
Constitution and/or rules (for other organisations)	N/A

1 Part B: About the land or building(s) you are nominating

B1 Description and address

What it is (eg. pub, local shop) A pub
Name of premises (eg. Royal Oak / Littletown stores) The Lion
Address including postcode (if known) The Street, Ardleigh, Essex, CO7 7LD

B2 Sketch plan

Please include (here or on a separate sheet) a sketch plan of the land. This should show:-

- The boundaries of the land that you are nominating
- The approximate size and position of any building(s) on the land.
- Any roads bordering the site.

This application is proposing to cover the pub itself and all property and land within its boundary, including the outside courtyard, external structure and land within the title plan (attached).

Details of the property size, taken from the property listing by the auctioneers are:

Ground Floor

- Main Pub space including Bar & Fireplace- 36'1" x 33'8"
- Gents WC- 10'5" x 5'9"
- Ladies WC- 8'2" x 7'5"
- Rear Store/Kitchen- 18' x 17'7" max
- Cellar- 12'8" x 12'1"

First Floor

- Former Bathroom- 7'7" x 7'3"
- Potential Bedroom/Living- 16' x 9'6"
- Potential Bedroom/Living- 32' x 16'
- Potential Bedroom/Living- 17'7 x 9'5"

Land Registry title number: EX533682

The Title Plan is supplied with this application as an indication of what is proposed to be covered by the ACV application.

B3 Owners and others with an interest in the building or land

You should supply the following information, if possible. If any information is not known to you, please say so.

	Name(s)	Address(es)
Names of all current occupants of the land	Unknown	<i>Same as B1.</i>
Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor)	Unknown	
Names and current or last known addresses of all those having a leasehold interest in the land (ie. tenant, intermediate landlord, intermediate lessor)	Unknown	

PLEASE NOTE:

Ownership not known but the auction of the property is being handled by Dedman Gray Auction Ltd.

B4 Why you think the building or land is of community value

Note that the following are not able to be assets of community value:-

- *A building wholly used as a residence, together with land “connected with” that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.*
- *A caravan site.*
- *Operational land. This is generally land belonging to the former utilities and other statutory operators.*

Does it currently further the social wellbeing or social interests* of the local community, or has it done so in the recent past? If so, how?

Both this point and the one below are addressed jointly in the response to the below question.

Could it in future further the social wellbeing or social interests* of the local community? If so, how? (This could be different from its current or past use.)

The pub has been closed for a number of years due (we believe) to the owners' desire not to no longer run it. It is understandable that the pub would have remained closed due to the challenging market for the hospitality sector during the pandemic and the subsequent inertia for both the seller or potential buyers.

Prior to its closure the pub received very positive reviews and was considered an important gathering venue for many in the community. Recollections from those in the village note the diversity of those who frequented it, there was a Crib Team (who have subsequently had to relocate to a pub approximately 3 miles away), and being located across the road from St Mary's Church, the pub held gatherings for families following funerals and other services.

The Lion is located in the centre of the village and is part of the quintessential aspects of a local community with the church, post office and local shop all within short line of sight. It is well supported by transport links with the village's main bus stop opposite and located at the cross roads of the village centre on the road from Manningtree to Colchester and linking Tendring District through to Dedham Vale. Not only is this the only pub within easy, safe pedestrian walking distance for those with limited mobility, but across the road is a free, 24/7 car park for 35 cars. This allows people to get to/from the pub safely when transport systems may be down. It also means that families can access the pub easily.

When it was open, the pub enabled local people to enjoy a range of drinks (and food) in a pleasant, convivial atmosphere, which furthered their individual well-being. It also provided a location for 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.

With all these factors in its favour, there is every reason to believe that under appropriate management or as a Community Owned Pub, it would be viable and successful as an important community asset.

The pub has appropriate space to provide hot and cold food, live music and accommodate public meetings or social gatherings for community groups.

The local cribbage team used to play at the pub and now have to drive 3 miles to Dedham to play instead. They have said they would very much like to see the pub open so they could play at The Lion instead and represent the village players at the village pub.

There is the potential for televisions screening sporting events to be enjoyed by patrons. This allows people in the community to come together to enjoy specific sporting events – providing a safe place to enjoy a drink and a specific sporting event for vulnerable members of society.

Free wifi could be made available for customers which allows people to access the internet that otherwise would not be able to. The pub therefore provides a vital facility for people wanting to use the pub for more than just a social event.

Finally, as referenced above, this is the only pub in the village with pedestrian access, public transport links directly opposite and ample free parking across the road.

**These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.*

B5 How could the building or land be acquired and used in future?

If it is listed as an asset of community value, community interest groups (not just limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the building or land, and how they could run it for the benefit of the community.

The land is currently up for auction and at this stage the ACV application is to ensure that those purchasing the property do so in the knowledge that it should be retained as a pub.

There have not yet been advanced discussions about the pub becoming a Community Owned pub, however, members of the community have experience of this and it could be considered an option at a later stage.

2 Section C: Submitting this nomination

C1 What to include

- The rules of your organisation (question A8).
- Your sketch plan (question B2).

C2 Signature

By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.

Signature

C3 Where to send this form

You can submit this nomination:-

- **By post to: Kirstin Foley** Tendring District Council, Town Hall, Station Road, Clacton on Sea, Essex, CO15 1SE
- **By email to:** kfoley@tendringdc.gov.uk

A.2 Appendix B

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.

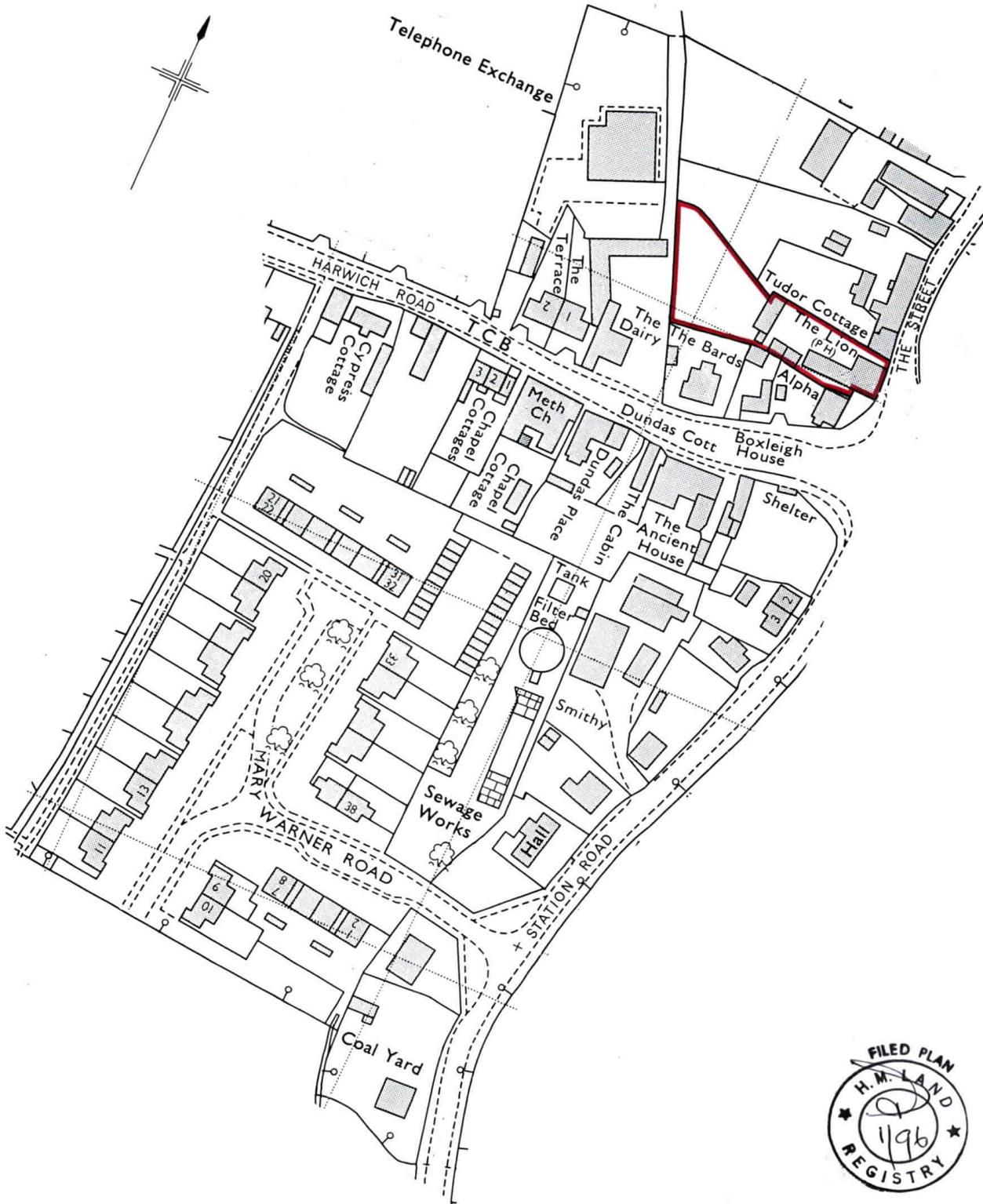
This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 05 December 2023 shows the state of this title plan on 05 December 2023 at 11:41:32. 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.

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H.M. LAND REGISTRY		TITLE NUMBER	
		EX533682	
ORDNANCE SURVEY PLAN REFERENCE	TM 0529	SECTION	Scale 1/1250 Enlarged from 1/2500
		B	
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A.2 Appendix C

Assets of Community Value: Unincorporated Body Nomination Form

Nominations to list pubs as 'Assets of Community Value' can be accepted from any group of at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring local authority. The names must also be from separate households.

By signing this form you are agreeing to sign up and support the principles of the group. At a later date we will also elect a Chair and Secretary to the group, simply to follow the application and . The only principle of this group will be to support the application to list the below pub as an Asset of Community Value. There are no further binding actions on individuals who sign this nomination form.

On behalf of the following members of the local community, please list this pub as an Asset of Community Value:

Name of Pub: The Lion

Address of pub: The St, Ardleigh, Colchester CO7 7LD

*Vote = Are you registered to vote within the local authority, or a neighbouring local authority?

No	Name (Please Print Clearly)	Your Full Address (Including Postcode)	*Vote	Signature
1	[REDACTED]	[REDACTED] WHEATLANDS, STATION ROAD ARDLEIGH CO77RS	✓	Signature redacted AW
2	[REDACTED]	[REDACTED] MALTINES FARM LANE ARDLEIGH CO77QA	✓	Signature redacted AW
3	[REDACTED]	[REDACTED] MAZELIA RD CO77RS	✓	[Signature]

No	Name (Please Print Clearly)	Your Full Address (Including Postcode)	*Vote	Signature
4	[REDACTED]	[REDACTED] HAWWICK RD CO77LS	✓	M Tim
5	[REDACTED]	[REDACTED] HAWWICKS CO77LS	✓	S. D. [REDACTED]
6	[REDACTED]	[REDACTED] HAWMEN ROAD CO77LS	✓	thor
7	[REDACTED]	[REDACTED] STATION RD CO77RR	✓	[REDACTED]
8	[REDACTED]	[REDACTED] STATION RD CO77RR	✓	S. W. [REDACTED]
9	[REDACTED]	[REDACTED] COLCHESTER ROAD CO77NS	✓	[REDACTED]
10	[REDACTED]	[REDACTED] COLCHESTER ROAD ARDLEIGH CO77WS	✓	[REDACTED]
11	[REDACTED]	[REDACTED] KHAETOOM VILLAS THE STREET CO77L1	✓	[REDACTED]
12	[REDACTED]	[REDACTED] STATION ROAD ARDLEIGH CO77RR	✓	[REDACTED]

*Vote = Are you registered to vote within the local authority, or a neighbouring local authority?

No	Name (Please Print Clearly)	Your Full Address (Including Postcode)	*Vote	Signature
13	[REDACTED]	[REDACTED] Foxwood Close Lawford Manningtree CO112LU	✓ ✓	P. [REDACTED]
14	[REDACTED]	[REDACTED] BADLISS HALL COTTAGES BADLISS HALL LANG ARDLEIGH CO77LX	✓	[REDACTED]
15	[REDACTED]	[REDACTED]	✓	[REDACTED]
16	[REDACTED]	[REDACTED] Harwich Rd Ardleigh CO77FJ	✓	[REDACTED]
17	[REDACTED]	[REDACTED] [REDACTED] ARDLEIGH CO77SY	✓	[REDACTED]
18	[REDACTED]	[REDACTED] Praking Road Ardleigh CO77SY	✓	[REDACTED]
19	[REDACTED]	[REDACTED], Chapel Lane Colchester CO77BS	✓	[REDACTED]
20	[REDACTED]	[REDACTED] SLOUGH LANG ARDLEIGH CO77LX	✓	[REDACTED]

No	Name (Please Print Clearly)	Your Full Address (Including Postcode)	*Vote	Signature
21		Radial Court, Turbule Road, Colchester, CO4 5EZ	✓	K. Richards
22		Gernon Road, Ardleigh CO7 7NU	✓	K. Richards
23		Kin Road, Ardleigh Colchester CO7 7FE	✓	K. Richards
24		PONDFIELD ROAD COLCHESTER CO4 3EQ	✓	G. B. Stone
25		Ingrams piece Ardleigh CO7 7PZ	✓	K. Richards
26		WHEATLANDS STATION ROAD ARDLEIGH CO7 7ES	✓	K. Richards
27		WHEATLANDS STATION ROAD, ARDLEIGH CO7 7RS	✓	J. M. Ridge
28				

*Vote = Are you registered to vote within the local authority, or a neighbouring local authority?

A.2 Appendix D

Nature of Use	Long Past	Recent Past	Present	Future	Covered by the Act
The main use of the land or building furthers the social wellbeing or social interests of the local community at the present time AND it is realistic to think that this can continue into the near future (even if the type of social use of benefit might change)			Yes	Yes	Yes
The main use of the land or building furthered the social wellbeing or social interests of the local community in the recent past AND it is realistic to think that this could happen again in the next five years (even if the type of social use or benefit might change)		Yes		Yes	Yes
The main use of the land or building furthered the social wellbeing or social interests of the local community some years ago but is not presently in use for a social purpose	Yes				No
The land or building has not recently been, and is not currently, in use for a primarily social purpose					No
The land or building has been empty or derelict for many years and remains so today					No