

Notes that may be of assistance at Parish Council meeting.

ASSETS OF COMMUNITY VALUE Nomination

1. Is the nominating group required to buy the pub if it goes on sale?

The nomination and right to bid processes are separate and there is no obligation for a group nominating a pub to purchase it in the future.

Nominating a pub as an ACV removes permitted development rights – meaning any pub nominated as an ACV cannot be demolished or converted without the owner seeking planning permission.

2. When there's a nomination, who must the Council inform?

The Council will inform the owner i.e. the freeholder / leaseholder and Parish Council of any nomination.

3. Can the owner demand that the ACV be restricted to the pub building itself?

No. Several judgements have held that car parks and gardens, for instance, are integral parts of the pub and therefore covered by the Regulations. As one Judge said, "It is simply not possible rationally to contend that the community's relevant use is confined merely to those areas where the sale of alcohol may take place."

4. What information about ACVs must a Council publish?

The Council must publish and maintain a list of assets registered as ACVs, plus a list of assets nominated unsuccessfully by communities. See HDC website. There is no requirement to publish information about nominations or their subsequent progress through the system.

5. If the Council turns down our nomination, can we appeal?

No but you can reapply and address any issues when you find out the reasons why.

6. Can the owner appeal against a Council's decision to register a pub as an ACV? - Yes

7. If the owner decides to sell the pub, can only the nominating group express an interest in buying it?

No, any community group which meets the definition in the Regulations can tell the Council that it wants to be treated as a potential bidder.

8. If the pub is sold as a pub (i.e. as a going concern) does the moratorium and community right to bid still apply?

No. In most cases this shouldn't be a problem as the sale is genuine. There have however been instances of owners selling pubs to developers as 'going concerns' only for the developer to close the pub shortly afterwards.