

**TO: THE MONITORING OFFICER
(TOM CLARK, SOLICITOR TO THE COUNCIL)**

**RECORD OF ACTION TAKEN BY A CABINET MEMBER
UNDER DELEGATED POWERS**

Subject: Review of the recent Asset of Community Value Registration for the Royal Oak Public House site at Crawley Down	
Cabinet Member: The Leader Councillor Jonathan Ash-Edwards.	
Has the Cabinet Member received a report prior to making the decision?	Yes
In the case of a key decision where the Cabinet Member has received a report, please state the date a copy of the report was made available to the Chair of the relevant Scrutiny Committee and placed in the public domain:	N/A
Record of decision taken: To maintain the registration of the site given the likelihood of a public house facility providing social and community use within the next 5 years.	
Date of decision: October 2019	
Statement of reasons for making the decision: The public house added to the social and community well-being of the area when it was first registered as an asset of community value in September 2014. While it is accepted that the public house building is no longer viable there is the prospect of a public house facility being on part of the site within the next 5 years.	
Alternative options considered and rejected: To allow the review request and take the premises off the asset of community value register.	
Code of Conduct Interest of Cabinet Members? None	
Is the decision to be protected from call-in? (i.e if any delay would seriously prejudice the Council's or the public's interest) - see Scrutiny Procedure Rule 14 (M)	No
If so, please state:	



Signed:.....
Cabinet Member

This record must be forwarded immediately to the Monitoring Officer (TC) and copied to the relevant Cabinet Member.

For Monitoring Officer

Date of publication of Member Information Service Bulletin	
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Date of decision can be implemented (on the Thursday after publication of the Member Information Service Bulletin, unless already protected from call-in)	
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Review request against the re-listing of the Royal Oak Crawley Down as an Asset of Community Value (ACV)

REPORT OF: Tom Clark, Head of Regulatory Services
Contact Officers:
Wards Affected: Crawley Down
Key Decision: N/A
Report to: The Leader Councillor Jonathan Ash-Edwards

PURPOSE OF REPORT

1. The purpose of this report is to consider a review request by the current owners of the Royal Oak Crawley Down against the re-registration of the Royal Oak public house as an Asset of Community Value which was first registered as an ACV in September 2014.

SUMMARY

2. Under the Localism Act 2011, it is possible for local communities to register Assets of Community Value. Under the instigation of Worth Parish Council, the Royal Oak at Crawley Down was first registered in September 2014. That registration was due to expire in September 2019. Prior to the expiry of the registration, Worth Parish Council re-submitted an application to retain the registration. That application was successful and the decision published on the 4th July 2019. The present owners of the property applied to have that decision reviewed. That review has to be considered under Section 92 of the Localism Act 2011. Given the premises have not been open to the public since 2015, the application is considered under Section 88 (2) of the Localism Act 2011. The decision on the review is made by the Solicitor and Head of Regulatory Services who consults the Leader of the Council.

RECOMMENDATION

3. It is recommended that the registration of the Royal Oak, Crawley Down, as an Asset of Community Value, remains.
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BACKGROUND

4. On the 28th August 2019, solicitors on behalf of the current owners of the Royal Oak, submitted a request for a review of the decision of the 28th August 2019 and therefore within the 8 week time limit. The request to re-register the Royal Oak Crawley Down was made by Worth Parish Council who are empowered by the legislation to make such a request.
5. The request for review was accompanied by a Counsel's opinion and a viability assessment of the present closed public house. Representations against the review request were made by the Save The Royal Oak Team of local residents.
6. It is acknowledged that the premises may have a future public house element to them, given there is currently a planning application which includes a public house facility. However, the review request questions whether the pub should have been registered in 2014 given the lack of evidence that it was ever an Asset of Community Value. Looking back at the file from 2014, the public house did provide opening hours until midnight, a quiz evening on a Thursday and live music on a Friday and Saturday. In the circumstance it would seem that it was an Asset of Community Value at that time.
7. Since 2014, there has been a local group called Save the Royal Oak Team, who worked to initially purchase the premises from the current owner, and subsequently to try and get a public house re-opened on the site. They believe there will be a public house element re-opened in the next 5 years, given the current planning application. They contend the reason the public house closed down in February 2015 was because of a lack of effort by the current owner to keep it open. No food was offered from September 2014 and the drinks offer was sporadic. The present owner does not believe the existing pub has a viable future and has produced professional evidence to that effect.
8. It is believed there is sufficient evidence to indicate the public house did function as an Asset of Community Value, enhancing the social wellbeing or interests of the local community, albeit that this dates back to early 2014 and prior to the present ownership. Given the present intentions of the owner and the present planning application, it is believed there is a realistic possibility of a public house facility providing social wellbeing or interests of the local community in the next 5 years. The registration as an Asset of Community Value is therefore upheld.

POLICY CONTEXT

9. The Localism Act 2011 introduced the possibility of the registration of Assets of Community Value and Councils are required to administer this regime in accordance with the law. The procedure for dealing with such matters is set out in the Assets of Community Value (England) Regulations 2012, Schedule 2.

OTHER OPTIONS CONSIDERED

10. The review could have revoked the present registration as an Asset of Community Value. The evidence suggests back in early 2014 that the public house did fulfil a role as promoting the social wellbeing or social interests of the local community. There is a possibility of such a role being resumed should the present planning application be permitted and implemented. There is a local body wishing to see this happen.

FINANCIAL IMPLICATIONS

11. Those disappointed by the decision can ask for a full review from the First Tier Tribunal, and this could involve the Council in paying costs in defence of its decision.

RISK MANAGEMENT IMPLICATIONS

12. The decision of the Council on the review is in accordance with the regulations.

EQUALITY AND CUSTOMER SERVICE IMPLICATIONS

13. The representations have been considered from both sides of the discussion and a conclusion has been reached on the body of the evidence provided.