

Assets of Community Value: Listing Decision Notice

Date of Nomination Application: 20 August 2015

Application Number: ACV3/2015

Nominated Asset: The Portmanor Pub

Site Address: 104 Portland Rd, South Norwood, SE25 4UF

Ward: South Norwood

Nominator: Croydon Community Pub Company Ltd

1. Outcome of Listing Decision: The Head of Communities, as listing decision maker, having regard to the relevant statutory provisions within the Localism Act 2011 (“The Act”), the Assets of Community Value (England) Regulations 2012 (“The Regulations”) and in so far as is relevant, the non-statutory guidance (“Community Right to Bid: Non-Statutory advice note for local authorities”, October 2012), has considered the nomination application, the supporting documentation and the nomination report and concluded, for the reasons set out in the decision notice below that:

- a. The nominator does not satisfy the requirements of a community or voluntary body
- b. The nomination does not satisfy the requirements of a community nomination
- c. The Listed Asset should not be listed as an Asset of Community Value;
- d. Instructs that the asset be listed on the list of unsuccessful Community Nominations and that interested parties (and local land charges where relevant) be notified accordingly.

2. Background to Decision:

1. The Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 set out the opportunities and procedures to follow for communities wishing to identify assets of community value and have them listed.
2. The Council is required to list an asset only in response to a valid community nomination and provided that the land is of community value.
3. Land is land of community value if, in the opinion of the Council:

- an actual current use (not an ancillary use) of the building or other land is one that 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 that will further the social wellbeing or social interests of the local community (whether or not in the same way as the current use).
- [Section 88(1)(a) & (b)]

OR

- there was a time in the recent past when an actual use (not an ancillary use) of the building or other land is one that furthered the social wellbeing or interests of the local community; AND
 - it is realistic to think that there is a time in the next 5 years when there could be non-ancillary use of the building or other land that would further the social wellbeing or social interests of the local community (whether or not in the same way as before).
- [Section 88(2)(a) & (b) of the Act]

3. Nominator:

The Statutory requirements which the Nominator must meet in order to be eligible to make a community nomination within the meaning of the Act are set out below with the listing officers' assessment of each requirement:

- a. Is the nominator a voluntary or community body within the meaning of Regulation 5?

Assessment:

Regulation 5 sets out that a nominator is regarded as a voluntary or community body if it is:

“ a company limited by guarantee which does not distribute any surplus it makes to its members” [Regulation 5(1)(e)]

The Nominator states that it is a company limited by guarantee however the Memorandum and Articles of Association both indicate that it is a company limited by shares. Furthermore, there is no evidence before the Council that surplus is not distributed to its members.

Accordingly the nominator is not a voluntary or community body within the meaning of Regulation 5 and is not eligible to make a community nomination.

Accordingly there is not a valid application before the Council by a voluntary or community body and the Council has not further considered the merits of the application

Review Decision

I confirm that:

Nominated Asset: The Portmanor Pub

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Should not be an Asset of Community Value and included on the Council's Register of Assets of Community Value and placed on the Local Land Charge Register / included on the list of unsuccessful Community Nominations and that interested parties be notified accordingly.

Date: 14 October 2015

Name: Sharon Godman

Title: Head of Strategy and Communities

Signature: **Signature redacted**-----

Background Papers: Nomination form, correspondence from nominator, report from the voluntary sector manager in relation to the application, copies of the Memorandum and Articles of Association.