

# **CAMRA AGM Workshop 2015:**

## **Assets of Community Value**

### **Information Guide**



**CAMPAIGN  
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**AGM 2015: Assets of Community Value Workshop**

Dear CAMRA Member,

Thank you for attending CAMRA's AGM workshop on Assets of Community Value. We hope you found it an informative session and that you can take forward the ideas with your local branch or committee.

As discussed, pubs listed as Assets of Community Value (ACV) will now be subject to a full planning application should the owner wish to demolish or convert the pub into an alternative use.

With 29 pubs closing every week, this gives us a unique and exciting opportunity to protect thousands of pubs across England by listing them as ACVs. CAMRA will now work closely with branches and campaigners across the country to ensure thousands of pubs are protected through this scheme.

**Please see attached additional information on listing your pub and CAMRA's guide to nominating your pub as an Asset of Community Value (hard copy)**

**Should you require any further information, please do not hesitate to contact CAMRA on [acv@camra.org.uk](mailto:acv@camra.org.uk)**

Thank you very much once again for attending, and we look forward to working with you on this campaign in the near future.

Best wishes,

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# CAMRA Briefing 2015:

## Listing your pub as an Asset of Community Value

### 1. Introduction

Pubs nominated or successfully listed as Assets of Community Value (ACV) via the Local Authority will now be subject to a full planning application should the owner wish to demolish or convert the pub into an alternative use through the removal of national permitted development rights (England Only).

Nominating your local pub as an ACV this provides a vital opportunity for local people to comment on planning applications which determine the loss of a local pub. This success is testament to the thousands of CAMRA members who lobbied their MP to abolish permitted development rights for all pubs.

### 2. Summary of the new legislation

The changes laid before Parliament on 12<sup>th</sup> March 2015 came into force on 6<sup>th</sup> April 2015 and can be summarised as follows:

- Pubs listed as ACVs will require planning permission to change their use or be demolished for the period of their listing. This includes pubs already listed as ACVs.
- In addition to this planning permission will be required to change the use or demolish a pub from the point of nomination. CAMRA requested this to be included in the amendments and the Government obliged.
- As part of the changes, pub owners and developers will be required to ascertain whether pubs not on the asset list have actually been nominated. This must be done formally in writing to the host Council.
- The local authority has 56 days to confirm whether the pub is listed or nominated. This means that the owner cannot change use or demolish a pub lawfully within the prescribed 56 day period.

### 3. Nominating a pub to be listed as an ACV as a CAMRA Branch

There is now strong evidence that CAMRA branches are able to nominate pubs to be listed as ACVs. South East London CAMRA recently nominated the 'Windmill' as an ACV. In brief, the owner questioned Lewisham Council's decision to accept the nomination on the basis that the Local CAMRA branch is not a valid nominating body.

"CAMRA South East London Branch is entitled to rely on CAMRA's status as a company limited by guarantee which does not distribute any surplus it makes to its members in order to satisfy Regulation 5(1)(e). It is then entitled to rely on its own activities in order to satisfy Regulations 4(1)(a) and (b) and I find those sub-paragraphs to be satisfied in this case." He also stated:

*Taking into account the branch's link with CAMRA national, and having heard evidence of what the branch actually does with its money, I consider that as a matter of fact, CAMRA South East London branch would satisfy Regulation 5(1)(c)(ii).*

We are therefore confident that all CAMRA branches should be seen as eligible bodies to nominate pubs as ACVs.

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## Listing your pub as an Asset of Community Value

### 4. Additional Resources

On CAMRA's website you will find a number of useful resources to help you with your nomination: [www.camra.org.uk/listyourlocal](http://www.camra.org.uk/listyourlocal). This includes: Current list of ACVs, Government regulation on ACVs, information on community pub ownership and a document produced by Paul Ainsworth on Saving your Local Pub.

### 5. Frequently asked questions on Assets of Community Value

#### 1. Who can nominate pubs as ACVs?

1. On behalf of the local CAMRA Branch
2. As an Unincorporated Body (with 21 local people)
3. Parish/Town Council
4. Work with another local group such as a Party Association to list the pub

#### 2. What criteria will the Council use to decide to accept an ACV nomination?

The only criteria the Council should use to decide whether to accept a nomination are:

- The pub is of community value and is the main use of the land nominated
- That the building is currently operating as a pub of community value (or has in the recent past)
- That there is a realistic prospect that the building being used as a pub of community value during the next five years

We have encountered some cases of Councils refusing nominations that in CAMRA's view are invalid or immaterial. For example:

- That there are other community pubs nearby
- That the group nominating the asset may not be able to raise funds to buy it if it comes up for sale

In these circumstances, always email us and we can help.

#### 3. Can I nominate a closed pub?

We do know of some cases where even closed pubs have been listed as ACVs. This is because the Council decided that the pub fulfilled the criteria of having been community assets in the recent past, and there is a realistic prospect of it being of community value during the next five years.

#### 4. Should I contact the pub landlord and tell him I'm planning to make a nomination?

This needs to be sounded out depending on the specific circumstances - of course if the publican is retiring and supportive of keeping it as a pub then yes it could work to your advantage to have them on board.

However there have been some cases (particularly where the pub is owned by a large pubco), where they will try to get around the ACV legislation either by a quick sale or by leasing the pub out to a supermarket chain - negating the whole purpose of ACVs.

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## Listing your pub as an Asset of Community Value

### **5. My Council has not published a list of ACVs or any information on their website**

We know of a small handful of local Councils with no list and no information on the website. We are actively tackling this with several letters to these Councils highlighting their legal duty to publish successful and unsuccessful nominations and provide the information free of charge to anybody who asks.

Some Councils have also required that an FOI request is made before providing the information. We have discussed this with legal experts who assure us that the law is crystal clear and an FOI request absolutely should not be required.

Please contact CAMRA in these cases and we can contact them on your behalf.

### **6. What to do if your Council argues that your nomination form was missing some details, or did not go far enough in demonstrating community value:**

If your local Council suggests they will not accept a nomination because the form submitted was missing some details, or doesn't go far enough in demonstrating community value, ask to be allowed to submit a new nomination.

As long as the application hasn't been formally added to the Council's "List of Unsuccessful Nominations", it is good practice for Councils to permit new nominations that provide more detail.

### **7. What happens if the Council takes longer than 8 weeks to list an Asset of Community Value?**

Your local authority must make a decision on whether to list an asset within eight weeks of receiving the nomination.

We are actively contacting Councils who fail to issue a response within this timeframe to highlight their legal duty to respond and to express our concern that the pub has no protection from developers during this delay.

If your Council has not published a response to a nomination within 8 weeks, please contact us on the details below.

### **8. What rights do I have if the Council rejects the pub as an Asset of Community Value?**

Please be aware that at present the law states that only the owner of the asset has the right to formally appeal not the nominee.

However the regulations state that it is at the Council's discretion to remove an asset from the rejection list at any time and potentially accept new nominations. Therefore if you think your nomination was rejected unlawfully then please consider writing to your council to highlight this.

## **6. Contact us**

For more information please contact CAMRA's Public Affairs Department on [acv@camra.org.uk](mailto:acv@camra.org.uk) or by telephoning 01727 798 449