

Notice under Section 91 of the Localism Act 2011

3rd April 2023

Entry of Waldegrave Arms Public House, Church Lane, East Harptree BS40 6BD, into Bath & North East Somerset Council's List of Assets of Community Value

1. Background

On **22nd February 2023**, Bath & North East Somerset Council received a nomination under Section 89 of the Localism Act 2011 ("the Act") to list **Waldegrave Arms Public House, Church Lane, East Harptree BS40 6BD** as an Asset of Community Value. The nomination was made by **East Harptree Parish Council**. A map setting out the boundaries of the asset nominated to be listed ("The Asset") is provided as an Appendix to this notice.

Under Section 87 of the Act the Council must maintain a list of assets of community value.

Section 88 of the Act states that

- (1) For the purposes of this Chapter but subject to regulations under subsection (3), 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.

- (2) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority—
 - (a) 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, and
 - (b) 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.

Under Section 89 of the Act, the Council can only enter assets into the list of Assets of Community Value in response to community nomination.

2. Decision-Making Process

The Council's Cabinet on October 10th 2012 resolved to agree that:

2.1 Decision-making in response to nominations for entry into the List of Assets of Community Value under the Localism Act 2011 be delegated to the Director of People & Policy (and, in the event of this Director having a conflict of interest, to a Director nominated by the Corporate Director), drawing on the decision-making guidance as set out in Appendix One (of the report)

2.2 The Director of People & Policy be delegated decision-making with regard to updating this guidance, in consultation with the Council Leader, in response to experience of implementing the provisions, new regulations and emerging case law

2.3 The internal review process in relation to listing be undertaken by a Director not involved in the initial decision

2.4 The Director for Property Services be delegated to make arrangements relating to the procedures following listing, including moratorium and compensation provisions, as set out in Appendix Two (of the report)

In accordance with this decision, the Director of People & Policy has now fully considered the nomination in light of the Act and the Assets of Community Value (England) Regulations 2012 ("the Regulations"). Following this consideration, the Director of People & Policy has decided to enter the property into its list of Assets of Community Value.

This decision has been taken because:

(1)

- a) The Asset lies within the administrative boundaries of Bath & North East Somerset Council and the parish of **East Harptree**
- b) **East Harptree Parish Council** is entitled under 89(2)b)(iii) of the Act to make a community nomination in respect of the Asset
- c) The nomination from **East Harptree Parish Council** includes the matters required under Regulation 6 of the Regulations
- (d) The Asset does not fall within a description of land which may not be listed as specified in Schedule 1 of the Regulations

and

(2) in the opinion of the Authority,

- (a) The actual current use of the Asset that is not an ancillary use furthers the social wellbeing and interests of the local community;
- (b) Given that the Asset remains fit for purpose to further the social interest and social wellbeing of the local community, and considering also that there are examples of similar and comparable assets serving these interests, it is realistic to think that the current non-ancillary use of the Asset will continue to further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

The detailed assessment on which this decision is based, following the criteria adopted by the Council Cabinet on 10th October 2012, and fully considering information supplied by the nominee and other parties (including the owner), is set out in 4 below.

3. What Happens Next

The Asset will now be placed on the list of Assets of Community Value which the Council is required to maintain under Section 87 of the Act.

In accordance with Section 91 of the Localism Act the Council will send this notice to:

The owner of the property East Harptree Parish Council

The information will also be published on the Council's website. The Asset will remain on the Council's List of Assets of Community Value for a period of five years from the date of this notice unless removed with effect from some earlier time in accordance with the provisions of the regulations.

The Localism Act 2011 requires that the Council draw particular attention to the following:

- (a) the consequences for the land and its owner of the land's inclusion in the list, and
- (b) the right to ask for review

The consequences for the land and its owner of the land's inclusion in the list

Inclusion of assets on the List of Assets of Community Value is a local land charge under the Local Land Charges Act 1975. The Council is required under Schedule 4 of the Regulations to apply to the Land Registry for a restriction to be added to the registered title of the land that "no transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene Section 95(1) of the Localism Act 2011".

Under Section 95 of the Act an owner must notify the Council (at the following address: Director, Property Services, Lewis House, Manvers Street, Bath BA1 1JG) if they wish to enter into a relevant disposal (as defined in Section 96 of the Act) of that asset. Some types of disposal of listed assets are exempt and these are set out in full in Annex A of the document Community Right to Bid: Non-statutory advice note for local authorities. Annex A also identifies circumstances where, although there is no requirement in the legislation that the owner has to explain to the local authority that the disposal is exempt, it would be helpful for them to do so.

A moratorium period is triggered by notification under Section 95 to allow a Community Interest Group to submit a written request to be treated as a potential bidder for the asset. The owner is advised to refer to Part 5 Chapter 3 of the Act and the Regulations in full and to seek legal advice if they wish to dispose of the asset. A disposal of listed land which contravenes the Regulations and Act will be ineffective.

The owner of the asset does not have to sell the asset to the Community Interest Group. There is also a 'protected period' (18 months from the time that the owner notified the local authority of their intention to dispose of the asset) and during this time there can be no further moratoriums on sale and the owner is free to dispose of the property as they see fit.

The right to ask for review

Asset owners have the opportunity to request a review of the decision to enter an asset on the List of Assets of Community Value, within 8 weeks of listing. The internal review process in relation to listing will be undertaken by a Director not involved in the initial decision.

Landowners wishing to request a review of the decision should do so in writing to the above address or to assets@bathnes.gov.uk by **29th May 2023**, setting out the grounds for review and whether they are requesting an oral hearing.

Private owners may claim compensation for loss and expense incurred through the asset being listed including a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period. Regulation 14 of the Regulations contains more detail on this.

Part 5, Chapter 3 of the Localism Act 2011 and the Assets of Community Value (England) Regulations provide further detailed information.

4. Detailed Assessment of the Nomination of Waldegrave Arms Public House, Church Lane, East Harptree BS40 6BD, as an Asset of Community Value

Assets of Community Value Nomination – Assessment			
DATE OF SUBMISSION:	20/02/2023	DATE DECISION TO BE MADE BY:	03/04/2023
NOMINATED ASSET:	The Waldegrave Arms, Church Lane, East Harptree BS40 6BD – (“The Waldegrave”) The boundary of the asset is set out in the map which has been provided..		
NOMINATION SUBMITTED BY:	East Harptree Parish Council		

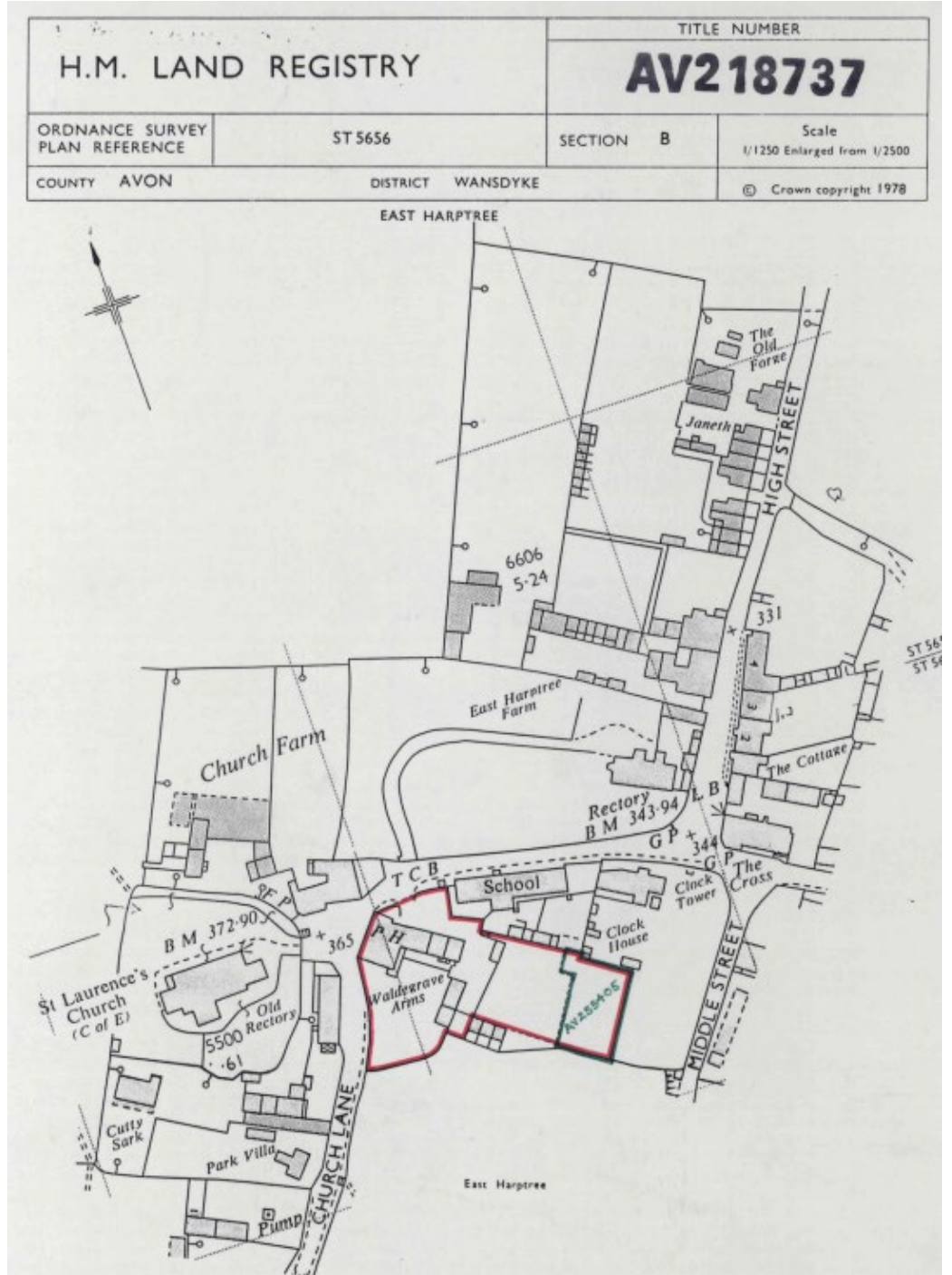
STEP A: This section considers the eligibility of the nominating body to make a nomination and of the asset to be an Asset of Community Value. It does this through a series of YES/NO ANSWERS

A1. Is the nominating organisation an eligible body to nominate?	
Evidence supplied by nominee:	Sarah-Jane Streatfeild-James East Harptree Parish Council c/o Sutton Cottage, Church Lane, Bishop Sutton BS39 5XA
Feedback from other parties and other information gained in relation to this criterion:	None
Score (YES/NO) and any comments:	YES - The Council is satisfied that the nominating body is an eligible body to nominate.

A2. Does the nominating body have a local connection to the asset nominated?	
Evidence supplied by nominee:	<p>The Waldegrave Arms Public House is in the village of East Harptree, and we are the Parish Council for East Harptree. The Waldegrave is entirely contained within the East Harptree Parish Boundary.</p> <p>The Waldegrave is in the historic centre of the village, next to the school, opposite the Church and within the village Conservation Area designated on 17th May 1978. It is a Grade II listed building and considered to be one of the oldest buildings in the village. It has been used widely by the community (see below) and the Parish Council is representing the community's view that this property should be registered as a community asset. Whilst the survey referred to below was undertaken in 2017, it is considered that the views referred to are still accurate and relevant today. The use by the community groups listed below has been verified by the Clerk in Feb 2023 with direct conversations with key group leaders.</p>
Feedback from other parties and other information gained in relation to this criterion	<p>David Wood, Ward Councillor for Mendip Ward has responded to notification of this application and has stated</p> <p>“I feel the Waldegrave Arms is one of the most important community centres in East Harptree, deeply valued by local residents. I support its nomination as an Asset of Community Value.”</p> <p>East Harptree Parish Council Minutes 21.02.2023</p>
Score (YES/NO) and any comments:	YES- The Council is satisfied that the nominating organisation has a local connection to the nominated asset.

A3. Does the nomination include the required information about the asset?	
<ul style="list-style-type: none"> • Description of the nominated land including its proposed boundaries • Names of current occupants of the land • Names and current or last-known addresses of all those holding a freehold or leasehold estate in the land 	
Evidence supplied by nominee:	<p>The Waldegrave including its associated garden and car park and outbuildings, and its boundaries are detailed in the Land Registry Title AV218737, a copy is attached, and this also sets out a plan of the nominated land. According to the Land Registry at 3rd February 2023</p> <p>The Waldegrave is owned by Admiral Taverns. The Waldegrave is currently open and managed by a tenant but is currently for sale.</p>

The full details of the freeholder of The Waldegrave are Admiral Taverns Limited of 4th Floor, HQ Building, 58 Nicholas Street, Chester, CH1 2NP
<https://www.admiraltaverns.co.uk>



Feedback from other parties and other information gained in relation to this criterion:

None

Score (YES/NO) and any comments:	YES- the Council is satisfied that the nomination has included the required information about the asset.
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<p>A4. Is the nominated asset outside of one of the categories that cannot be assets of community value (as set out in Schedule 1 of the Assets of Community Value (England) Regulations 2012):</p> <ul style="list-style-type: none"> • A residence together with land connected with that residence • Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960 • Operational land as defined in section 263 of the Town and Country Planning Act 1990. 	
Evidence supplied by nominee:	Nomination and supporting evidence sufficiently demonstrates that the asset is outside of the categories of assets within Schedule 1 of the Regulations
Feedback from other parties and other information gained in relation to this criterion:	None
Score (YES/NO) and any comments	YES- the Council is satisfied that the nomination is outside of one of the categories that cannot be assets of community value.

If YES to all of Part A, move on to Step B. If NO to one or more parts, please inform the nominator that the nomination is ineligible. Place nomination on list of unsuccessful nominations.

STEP B: This section considers the current or recent usage of the asset. It does this through a YES/NO answer and an identification as to whether the use is current or in the “recent past”

<p>B1. Is the current or recent usage which is the subject of the nomination an actual and non-ancillary usage?</p> <ul style="list-style-type: none"> • NOTE 1: A working definition of “recent past” is “within the past three years” • NOTE 2: A working definition of “non-ancillary” is that the usage is not providing necessary support (e.g. cleaning) to the primary activities carried out in the asset, but is itself a primary, additional or complementary use. 	
Evidence supplied by nominee:	<p>In 2017 evidence was gathered of the non-ancillary uses of The Waldegrave by:</p> <p>Interviewing relevant people in the parish, holding a public meeting on 13th March 2017 at which 49 people were in attendance, and conducting an online and paper-based survey in East Harptree which received responses from 112 people. The total population at this time was 644 and consisted of 267</p>

households.

A combination of information from the survey and updated information, the non-ancillary users and uses of The Waldegrave in 2023 have included:

East Harptree C of E Primary School (the school is adjacent to The Waldegrave and the school uses the land now held by B&NES and referred to in the freehold title of The Waldegrave as AV255405. The school has access to that land from The Waldegrave car park). The Waldegrave car park is used daily during school term times as parking by the schoolteachers (at least 8 cars). Because of the narrow road in front of the school and the lack of parking outside the school (that area of the street is primarily used by minibuses that collect children from outlying homes) The Waldegrave is used daily during term time for parking by parents dropping off and collecting children at the beginning and end of the school day.

- The Waldegrave car park is essential for the children at the school with Special Needs and their parents. The Waldegrave car park is used as the principal fire assembly point by the school, there being no other suitable space nearby for that. The Waldegrave car park is used by suppliers to the school and by contractors doing maintenance at the school. The Waldegrave itself has been used for meetings by teachers and for interviewing prospective teaching candidates and for lunches after staff training and end of term and leaving parties.
- Harptree Villages Cricket Club - after home match drinks and food for the team and opposition - 9 Saturdays and some midweek dates a year.
- St Laurence's church has strong historical connections with the pub as the pub was previously formally attached to the church and was used as a meeting space by the church. The pub is used now as an important adjunct for events at the church including wakes after funerals, celebrations after Baptisms and Weddings and as a place to meet before such events, and also for concert goers who come to the increasing number of musical events at the church and which we anticipate will only increase further after the conservation and renovation works referred to below. The pub parking area is used for all these purposes as well. The church choir use the car park as well and for drinks after their weekly choir practice in the church. Prior to COVID the pub was used for Sunday school.

It is the intention to reinvigorate that usage when the church is reopened in the spring of 2023. The pub is often used for other meetings connected with the church such as by the Friends of St Laurence.

	<ul style="list-style-type: none"> • The pub is an important facility for all users of the church as the pub has toilets and the church does not. • The church has been closed since March 2022 for major renovation works. These are coming to an end shortly. However, the National Heritage Lottery backed project (Project Newton - https://eharptreechurch.co.uk) will continue until 2025. This latter part of the project aims to engage the church and community (not just the local community) much more actively. We anticipate increased visitor numbers to the church and the village and local area and therefore the pub as well. The relationship should hopefully become much stronger and will benefit both pub and church. The pub is an important asset for the church and its continued presence will only aid the further engagement of the community which is such a key part of Project Newton. • The East Harptree Flower and Craft Show - Committee meetings • The Friends of East Harptree C of E Primary School - Committee meetings • The Governors of East Harptree C of E Primary School - post governors meetings socialising • The Management Committee of the East Harptree Community Shop – Committee meetings • Chess Club • Carol Singing in December in support of Cancer Research • WI committee meetings and WI Christmas meal • Book club meetings • ‘Knit & Natter with Coffee’ group • Monthly senior citizens lunch • Weekly Bell ringers post practice venue • Walking Group meetings • Live music events and open mic evenings • Morris Dancers venue during the summer • Cycle club meetings • Football Club annual dinner • Discussion forum for broadband improvement • Informal meetings on the Chew Valley Neighbourhood Plan • Informal meetings of parish councillors and clerk • Village Fete meetings • Chew Valley Cancer Research fundraising meetings • Quizzes, wine tastings and many other social activities • WAGS golf society – monthly meetings • Jubilee and Coronation event planning meetings • East Harptree Environment Group post meeting socials • During the Covid pandemic proved much needed hot meals and veg boxes for the local community
Feedback from other	None

parties and other information gained in relation to this criterion:	
Score (YES/NO) and any comments:	YES- the current usage which is the subject of the nomination is an actual and non-ancillary usage.

If the current or recent usage that is the subject of the nomination is actual and non-ancillary, go to Step C. If not, place on the list of unsuccessful nominations.

STEP C: This section considers whether the use furthers (for current uses) or furthered (for uses in the recent past) the social interests or social wellbeing of the local community. It does this through a series of questions scored on the basis of evidence.

<p>C1. Who benefits from the use?</p> <ul style="list-style-type: none"> • Does it meet the social interests of the community as a whole and not simply the users/customers of the specific service? • Who will lose if the usage ceases? 	<p>Evidence provided by nominee</p>	<p>A detailed, evidenced, catalogue of usage is given in B1 above and the comments in the survey undertaken in 2017 provide extensive testimonials. The usage by East Harptree Primary School and the Local Group usage identified in B1 gives a clear picture of the extensive use made by the local community of The Waldegrave and how crucial The Waldegrave is to the school.</p> <p>The Waldegrave is the only pub in East Harptree. Significant numbers of people from the local community quite clearly use The Waldegrave both as normal customers and as part of a local community group. For the typical services provided by a public house, local residents would have to travel to outside of the village, and this informal meeting place for village residents would be lost if the pub is to shut.</p> <p>There used to be a Village Club in the village, but this shut in 2020. This puts even greater importance on The Waldegrave now it is the only place for residents to visit and meet socially. For some of the community groups using The Waldegrave these will again either relocate to outside of the village or cease to exist if the pub closes. Inevitably, there is also a loss in social cohesion as a result.</p> <p>It is also worth noting that The Waldegrave;</p> <ul style="list-style-type: none"> • Complements and supports other local businesses, notably Nettwood Farm campsite, the Shrowle accredited Caravan
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		<p>Site, Harptree Court and a number of Airbnb's in the village, as it provides a local and important additional facility for guests of these businesses, supporting the wider tourism economy.</p> <ul style="list-style-type: none"> • It is now the only location in the village which serves food, both bar and restaurant quality. • Provides flexible employment opportunities for local people, particularly local teenagers who could gain vital customer relation and hospitality work experience whilst being paid. • Contributes towards social cohesion by helping to provide a bridge and neutral meeting space between different generations of people in the community. <p>As referred to above East Harptree, in its central community complex, had a club which served alcohol and importantly had a skittle alley (unlike The Waldegrave Arms). The Village Club and The Waldegrave Arms operated harmoniously together for many years because the two have different facilities and services. The Village Club has now closed meaning The Waldegrave is the sole provider of served food and drink.</p>
	<p>Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council)</p>	<p>The Chew Valley Neighbourhood Plan</p> <p>Facebook – The Waldegrave Arms East Harptree</p> <p>Tripadvisor</p> <p>Good Pub Guide</p>
	<p>Enter score out of 25 and rationale</p>	<p>22 -The data obtained through the survey that was conducted in 2017 for the earlier nomination comprehensively demonstrated that the asset meets the social interests of the community as a whole.</p>
<p>C2. Is any aspect of the usage actively discouraged by</p>	<p>Evidence provided by nominee</p>	<p>No aspect of this proposed listing is contrary to any of the Council's Policy and Budget Framework.</p> <p>The application is supported by B&NES</p>

the Council's
Policy and Budget
Framework?

Councils own Placemaking Plan 2017 where it states in clause 399 that:
"It is recognised that public houses play an important role as a community resource, particularly in rural areas and local centres. They are also often used as a venue for social activities, offering a range of diverse services including libraries, childcare, meeting spaces for community groups, and shops. Loss of this resource and associated buildings can have a detrimental impact on both the economy of the settlement and the social wellbeing of the community. The NPPF also acknowledges that pubs are valued facilities, and that Local Authorities should guard against their unnecessary loss."

Furthermore, the National Planning Policy Framework 2012 (updated 2021) gives the following policy guidance for supporting a 'prosperous rural economy';

[Clause 28] Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

The NPPF goes further in the 'promoting healthy communities' section by adding:
[Clause 70] To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to

		<p>enhance the sustainability of communities and residential environments;</p> <ul style="list-style-type: none"> • guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; and • ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community. • Chapter 8, paragraph 93, (clause a) includes public houses in a list of community facilities which, "enhance the sustainability of communities and residential environments" and also clause c) which states planners should, "guard against the unnecessary loss of (<i>such</i>) valued facilities and services". <p>The Chew Valley Neighbourhood Plan (approved in a Referendum held on 16th February 2017) states on page 47 that: "Pubs, restaurants, cafes and shops are an important aspect of village life and a significant employment sector in the Plan Area. Residents value these facilities and have indicated a desire to ensure they are retained wherever possible. This will also help ensure economic sustainability in the Plan Area" [The Waldegrave is one of the pubs referred to in the Chew Valley Neighbourhood Plan].</p> <p>Policy at all levels is therefore quite clearly in support of the retention of this community asset as a public house.</p>
	Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council)	None
	Enter score out of 25 and rationale	25 No aspect of the land or buildings usage is actively discouraged by B&NES Council's Policy & Budget Framework.
C3. Why is the usage seen as having social value in the	Evidence provided by nominee	The importance of the social value of The Waldegrave arises as a consequence of its location at the historic core of East Harptree within the Conservation Area, and its very close

<p>context of the community on whose behalf the nomination is being made?</p>		<p>relationship to the Primary School, the central community complex (consisting of the village hall, pre-school, village shop and hairdressers) the Church and the many and varied uses of The Waldegrave referred to above. The usage detailed in B1 above demonstrates a close link between these centres of the community, and together they form an integrated and crucial part of the village's identity and sense of place. The Waldegrave has hosted many events which extend across these centres and the community as a whole. An example of this was a Jubilee Street Party organised by The Waldegrave in June 2022, held just outside the pub in the road, a spectacular event to which many residents attended.</p> <p>The 2017 survey referred to at B1 above is very clear about the social value of The Waldegrave and its importance to the village of East Harptree and attached separately are the words from the Survey which underpin this.</p> <p>The Survey and the Public Meeting, both in terms of the numbers involved and the substance of what has been communicated demonstrate the local community's pride in the village, and The Waldegrave is very much a key building within this. It is however, quite clearly more than just a building, its place in the village stems from its use. The loss of The Waldegrave would inevitably undermine the sustainability and viability of the village community, and the longer term viability and sustainability of the village itself.</p>
	<p>Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council)</p>	<p>None</p>
	<p>Enter score out of 25 and rationale</p>	<p>22 The high level of activity demonstrated around this property supports a high level of social value.</p>
<p>C4. How strongly does the local community feel about the usage as furthering their social interests?</p>	<p>Evidence provided by nominee</p>	<p>There is a very strong community feeling in support of the need to retain The Waldegrave as a Public House as evidenced by the Survey and the comments made at the public meeting. To receive 112 responses to the Survey and attendance of 49 at a public meeting to discuss</p>

		this application from a community of 267 households is significant, and that and the comments made in the Survey and at the Public Meeting reflect the strength of feeling that the community has about The Waldegrave.
	Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council)	This nomination is also supported by the B&NES Ward Councillor for Mendip. "I feel the Waldegrave Arms is one of the most important community centres in East Harptree, deeply valued by local residents. I support its nomination as an Asset of Community Value."
	Enter score out of 25 and rationale	22 - There is strong evidence that the local community, places a high value on the social use of the Waldegrave for a variety of functions. The support of the Ward Councillor identifies the importance of this asset.
Total score:	91 /100	

If STEP C meets a minimum scoring of 55%, go to Step D

STEP D: This section considers whether 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.

For assets such as this where the actual non-ancillary usage is a **current** one (see Step B above), 88(1) (b) of the Localism Act requires the Council to consider whether in the opinion of the local authority **it is realistic to think that there can continue to be non-ancillary use of the building or other land that will further (whether or not in the same way) the social wellbeing or social interests of the local community.**

This will be considered through the following tests:

- If the asset is considered to remain fit for purpose (under D1 below), then this is considered to be sufficient grounds for thinking that it is realistic to think that continuing use of the asset will further the social wellbeing or social interests of the local community identified in Step C above.
- If the building is not considered to remain fit for purpose under D1, then an additional Test (under D2 below) will be applied to determine whether the asset could be made fit for purpose practically and within reasonable resource requirements and within timescales. The timescales to be applied for this to take place for assets with "recent usage" will be "within the next five years".

D1. Has the building/land-take/space/legal requirement for this usage changed
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significantly since its initial use so that the asset is not fit for purpose?	
Evidence supplied by nominee:	The Waldegrave remains in use as a public house and is fit for purpose. It is now for sale. The Waldegrave was closed briefly in 2017-2018, during which time Admiral undertook a c£140K refurbishment of the pub. It reopened in March 2018. It was closed in March 2020 in accordance with government guidelines during the pandemic.
Feedback from other parties and other information gained in relation to this criterion:	None
Score (YES/NO) and rationale	NO

If No to D1, place on register of Assets of Community Value, and do not go to D2. If Yes to D1, go to D2.

D2. Could the asset be made fit for purpose practically and within reasonable resource requirements and within timescales?	
Evidence supplied by nominee:	Having undergone a major refurbishment in 2018 The Waldegrave remains fit for purpose. It is now the only licenced premises within the village now the Club has closed, and that building is now the Pre-school.
Feedback from other parties and other information gained in relation to this criteria:	Not applicable
Score (YES/NO) and Rationale:	Not scored as NO answer to D1 above

If yes to D2, place on register of Assets of Community Value. If no to D2, place on list of unsuccessful nominations.

RECOMMENDATION:	THAT THIS ASSET BE PLACED ON THE ASSETS OF COMMUNITY VALUE
REASON FOR DECISION	(1) a) The Asset lies within the administrative boundaries of Bath & North East Somerset and Mendip Ward . b) East Harptree Parish Council is entitled under 89(2)b)(iii) of the Act to make a community nomination in respect of the Asset

	<p>c) The nomination from East Harptree Parish Council includes the matters required under regulation 6 of the Regulations</p> <p>(d) The Asset does not fall within a description of land which may not be listed as specified in Schedule 1 of the Regulations</p> <p>and</p> <p>(2) in the opinion of the authority,</p> <p>(a) The current and recent use of the Asset that is not an ancillary use furthers the social wellbeing and interests of the local community</p> <p>(b) Given that the Asset remains fit for purpose to further the social interest and social wellbeing of the local community, it is realistic to think that the current non-ancillary use of the Asset will continue to further (whether or not in the same way as before) the social wellbeing or social interests of the local community.</p>
<p>Decision Taken by</p>	 <p>Cherry Bennett Director of People & Policy Bath & North East Somerset Council</p>
<p>Date</p>	<p>3rd April 2023</p>