

EMAIL : 180121

Dear Stoke Ferry Council,

Having considered the information supplied by Stock Ferry Community Enterprise Limited ("SFCE") as nominee and all additional written representations from all interested parties the Council has categorised this nomination as **SUCCESSFUL**.

The Council's reasoning for determining the nomination in this way is as follows:-

Eligibility of the nomination

Part 5, Chapter 3 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 (2012 Regulations) allows a nomination to be accepted from; a Parish Council, Neighbourhood Forum, an Unincorporated body or a Community Interest Group with a local connection.

The Borough Council of King's Lynn and West Norfolk ("the Council") has received a community a nomination from Stock Ferry Community Enterprise Limited ("SFCE") which is a community benefit society registered within England. Regulation 5 (1) (f) of the Assets of Community Value Regulations 2012 provides that a community benefit society falls under the definition of 'voluntary or community body'.

SFCE have provided a nomination that includes i) a description of the nominated land, including its boundaries, ii) details of current owners and those that hold a freehold or leasehold estate in the land, iii) the societies reasons for thinking the Council should include the land on their list of assets of community value, iv) evidence that the society is eligible for a community nomination and v) official copies of tile and plan. The nominator has also provided a copy of survey of various members of the community in support of the society's nomination. The Council is therefore of the opinion that the applicant is eligible to make a community nomination and that they have submitted a valid nomination.

Does the Asset meet the test for an asset of community value?

Section 88 (1) Localism Act 2011 provides that 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.

The nominated asset is a public house situated within the village of Stoke Ferry. The Blue Bell ceased trading to the general public in March 2018. The Blue Bell remains

the only remaining public house within the village and is centrally positioned on the main route of the village.

It must be noted that the Blue Bell has previously been listed as an Asset of Community Value (“ACV”) following successful petitions from the Parish Council and various members and groups of the local community. The Blue Bell is once again up for determination following its removal from the Council’s list of ACV in November 2020 owing to a sale of ‘part of the building’ by the owner.

The first test within section 88 (1) requires for there to be a present qualifying use of the Asset which is not ancillary and that furthers the social wellbeing or interests of the local community. In this consideration, the applicant notes that the nominated asset ‘lies empty’ with all the fixtures and fittings removed from the property. Accordingly, applying the test set in section 88 (1) of the Localism Act 2011, there is no current actual use of the building or land that would further the social wellbeing of the local community. As such, it is not possible to apply the test set in subsection 88 (1) (b) in considering whether it is ‘realistic’ that there can continue to be community use of the nominated land.

With that in mind, the Council must also take into account the criteria set in subsection (2) in determining whether the Blue Bell is an ACV. The test in subsection 88(2) of the Localism Act 2011 provides;

Section 88 (2) a building or other is of community value if it is in the opinion of the local authority;

- a) there is time in the recent past when an actual use of the building or other land that was not ancillary use furthered the social wellbeing or interest of the local community, and;
- b) it is realistic to think that there is 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) further the social wellbeing or social interests of the local community

As previously determined, the Council is of the view that in the ‘recent past’ the Blue Bell has continued to be a ‘necessary public meeting place and place of recreation and companionship” for the local Stoke Ferry Community. From the applicant’s evidence, it is clear that when opened, the Blue Bell not only provided employment opportunities for residents but it was vital in promoting the social well-being and interests of the community.

Great weight is given the applicant’s comments that “the Blue Bell plays an important role as a community asset in a rural setting in helping overcome isolation especially for residents who was new to the village, elderly or living alone”. Taking into account increasing demands of amenities in villages such as Stoke Ferry, the Council understands how vital assets such as public houses are to the local community in

tackling issues such as loneliness or isolation. Moreover, how such assets give the local community a sense of belonging and further social interests and well-being.

The commitment shown by the local community in its efforts to save the Asset has been considerable, ranging from the comments of support on various social media platforms and the website www.bluebellstokeferry.org. In support of their application, SFCE submitted a survey conducted by the local community. In reviewing the survey, it is clear that there continues to be great support within the local community in retaining the nominated asset. In response to the survey question "What are the main reasons that you visit the pub", over hundred and fifty people responded with various reasons as to why they used to visit the public house; all of the responses were examples of how the nominated asset further their social interest or well-being.

The applicant also notes that when opened, the Blue Bell was host to a number of events such a quizzes, disco, karaoke evenings, lunches and private dinners for local guests/groups. Based on the information above, it is clear that the Blue Bell provided these activities for the purposes of increasing trade, custom and community well-being to the area. This is further supported by the fact that the Blue Bell remains the last public house within Stoke Ferry and without the public house, there are no other amenities that are able to provide the public with the same benefits.

It must be noted that in the course of determining this application, the Council received notification from the owner that the building was up for sale at auction on the 16th December 2020. The proposed sale at auction was the sale of part of the land at the rear of the property. The Council has since received confirmation from the owner's Solicitors that the property was not sold at auction. The Blue Bell is therefore now subject to two proprietors, both who have not provided any representations in response or objecting to the SFCE's application.

In determining whether 'it is realistic to think that there will be a time in the next five years when there could be non-ancillary use of the asset that would further (whether or not in the same way as before) the social wellbeing of the local community' the Council has considered the applicant's plans for future use.

In particular the applicant notes that there are plans in place to continue operating the nominated asset as a public house or as another form of community use. In *Evenden Estates v Brighton and Hove City Council CR/2014/0015* Judge Lane stated that "what is "realistic" may admit a number of possibilities, none which needs to be the most likely outcome". In this consideration, the owner's application for a change of use from a public house to residential use has been rejected suggesting it is very realistic to determine that the nominated asset can continue to operate as a public house in the next five years.

There has also been significant fundraising efforts made by the applicant and community in relation to the potential purchase of the Blue Bell. In particular, the applicant notes that they have been awarded a £50 thousand pound grant from the

Plunkett Foundation and have also raised more funds from the local community through various community events they have organised.

Having taken all the above into account, the Council is of the opinion that the Blue Bell Public House meets the test for an Asset of Community Value. The Council will now add this nomination to the List of Assets of Community Value for a period of five years. This list is available to view on the Council's website.

If you have any questions regarding this letter please contact the Council using the details shown above.

Yours faithfully

Eastlaw on behalf of Borough Council of King's Lynn and West Norfolk