



Newton and Biggin Parish Council

Minutes of the extraordinary meeting held in Newton Village Hall on Wednesday the 23rd of August 2017 at 7.30 p.m.

1. Present. D. Carter (Chair), F. Preston, A. Davis, I. Davis and 25 members of the public. I. Davis took the minutes.
2. Apologies were received from J. Hotten, H.Miles and Cllr. Leigh Hunt.
3. There were no declarations of interest.
4. To consider and determine the asset of community value legislation with regard the Stag and Pheasant Public House.

DC moved and ID seconded the suspension of Standing Orders to allow the members of the public to engage in the debate. This was carried unanimously.

DC explained the provisions of the Localism Act 2011 with respect to Assets of Community Value with particular reference to the ability of a Community Interest Group (CIG) to trigger a moratorium in the event of an asset (in this case the Stag and Pheasant) being offered for sale. He drew particular attention to the proviso that the owner of a Community Asset 'may only sell the Asset during the full moratorium period to a CIG that either did, or would have been eligible to, trigger the full moratorium'. In this instance the only CIG was the Parish Council which was not in a position to make a bid for the property. The Village Group was not a CIG nor could it become one in the time available. Consequently, the effect of the Parish Council triggering the moratorium would be to prevent any bids being made for a 4.5 month period. Not only would this be counter productive but it could well lead to a claim for costs from the owner.

ID had been in contact with the owner earlier in the day and summarised her current position as follows.

1. Wants to sell the pub, preferably as a going concern to somebody who will maintain the pub use.
2. Is prepared to sell the pub to the Village under certain conditions.
3. If a group of villagers want to buy the pub and are prepared to pay a deposit they can rent it whilst raising finance.
4. If the moratorium is triggered the pub will be closed immediately.

A number of questions and comments from those present were then raised and discussed which included the following.

1. The dates upon which RBC had notified the PC of the proposed sale.
2. Whether with hindsight, the Village Group should have constituted itself as a CIG some years ago.
3. Whether an existing charity could fulfil the role of a CIG.
4. Had anybody invested money in the pub to date?
5. Whether a structural survey had been undertaken.
6. Would the pub be kept open during the period of sale?
7. The process involved in seeking a change of use to residential and the chances of success.

On determining that there were no further questions DC proposed and ID seconded that Standing Orders be reinstated in order for the matter to be put to a vote. This was agreed unanimously.

ID then proposed the following-



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' On 21st August 2017 Rugby Borough Council confirmed to the Newton Village Residents Group that the 'Localism Act 2011 provides that the owner may only sell the Asset during the full moratorium period to a CIG that either did, or would have been eligible to, trigger the moratorium'. The only CIG eligible to trigger the moratorium in this case is Newton and Biggin Parish Council. The Parish Council is not in a position to purchase the pub and triggering the moratorium would prevent it's sale to any other parties, including the Newton Village Residents Group. Furthermore, the owners of the pub have said that they will close it immediately if the moratorium is triggered. The Parish Council will not therefore trigger the moratorium as it would be counter productive to do so. However it is committed to seeking ways of maintaining the pub into the future and will work with the owner, local residents and other parties in an effort to achieve this aim'. The motion was seconded by DC and carried unanimously.

5. MOTION TO EXCLUDE THE PUBLIC UNDER SECTION 100(A)(4) OF THE LOCAL GOVERNMENT ACT 1972.

Proposed by DC, seconded by FP, carried unanimously.

6. EXEMPT INFORMATION – RESIGNATION.

Parish councillor Jim Hotten had tendered his resignation. In his absence Mrs. Gwen Hotten was invited to attend this item. It was agreed that Jim's resignation would be noted but not actioned at this time. Jim would be given time to reflect on his situation and the Parish Council would return to the issue in October 2017 after first seeking the views of Jim or Mrs Hotten as appropriate.

The meeting closed at 20.40 p.m.

Chairman

7th September 2017