

## ANNEX C PART 1:

### ORIGINAL NOMINATION FROM OLD WUGHTON PARISH COUNCIL



## Asset Nomination form

**For including land on the List of Assets of Community Value**  
Community Right to Bid - Assets of Community Value Regulations 2012

Please ensure that you provide adequate and accurate information to enable Milton Keynes Council to make a decision on your nomination. You may attach photos, maps, plans and other documents to help us correctly identify the asset and to support your nomination.

For information and guidance about how Milton Keynes Council considers nominations for assets of community value, please visit: <http://www.milton-keynes.gov.uk/leisure-tourism-and-culture/community-right-to-bid> or contact 01908 254038.

Completed forms should be sent either via email to [paul.davey@milton-keynes.gov.uk](mailto:paul.davey@milton-keynes.gov.uk) or by post to:

Community Asset Transfer Team  
Community Facilities Unit  
502 Saxon Court  
Avebury Boulevard  
Milton Keynes  
MK9 3HS

### 1. About your organisation

#### a) Contact Details

Name of your organisation:	<input type="text" value="Old Woughton Parish Council"/>
Address:	<input type="text" value="PO Box 7575&lt;br/&gt;Milton Keynes MK11 9GR"/>
Name of Contact Person:	<input type="text" value="Peter Mcdonald"/>
Phone:	<input type="text" value="01908 673279"/>
Email:	<input type="text" value="pmcdonald@oldwoughton.org.uk"/>

b) Eligibility for applying

To be eligible to nominate a community asset for listing, you must be a voluntary or community body:

- A neighbourhood forum
- An unincorporated body whose members include at least 21 members and does not distribute any surplus it makes to its members
- A charity
- A company limited by guarantee which does not distribute surplus to members
- An industrial and provident society which does not distribute surplus to members
- A Parish Council
- A community interest company

Also please demonstrate how a 'local connection' exists: namely how your organisation's activities are wholly or partly concerned with the local authority's area.

In the case of an unincorporated body, company limited by guarantee and an industrial and provident society, these have a 'local connection' if any surplus generated is applied for the benefit of the borough, or a neighbouring borough.

In the case of an unincorporated body it has a local connection if the body has 21 local members, namely persons who are on the register of local government elections for Milton Keynes.

1. If you are an incorporated organisation please describe the legal form of your organisation including registration number(s) where applicable (e.g. company limited by guarantee, charitable organisation, community interest company etc.)

Organisation Type:	
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Registration Number(s):	
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2. If your organisation carries out activities for profit please describe below how you use the surplus that is generated.

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3. If you are an unincorporated organisation please describe below what provisions are made for community benefit in your constitution:

**Old Woughton Parish Council was set up on 13 March 2012 under the Local Government and public involvement in Health Act 2007 and the Milton Keynes(Reorganisation of Community Governance order 2012). This covers the areas of Passmore, Woughton Park and Woughton on the Green.**

4. Please describe how your organisation has a local connection to the area where the asset has been identified:

The Parish Council boundary includes within it the pub called the old Swan

## 1. About the Asset

- a) Please give your reasons why Milton Keynes Council should include the land on its List of Assets of Community Value

In order to list land or buildings the Council must be of the opinion that:

1. *An actual current use of the building or other land ( which is not ancillary use) furthers the social wellbeing or social interests of the local community and*
2. *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.*

**OR**

3. *There is a time in the recent past when an actual use of the building or other land (that was not an ancillary use of the building or other land) furthered the social wellbeing or social interests of the local community and*
4. *It is realistic to think there is a time in the next five years (where 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*

Please provide information below which supports your nomination with regard to the criteria set out above.

The Old Swan is a successful community focused local business and key community asset. It has a key role in the social well being of the community in providing social interaction and engagement. Old Woughton Parish Council would like to nominate the site as an Asset of Community Value on the basis that:

1. *An actual current use of the building or other land ( which is not ancillary use) furthers the social wellbeing or social interests of the local community and*
2. *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.*

- b) Description of the nominated land including its proposed boundaries – please include with your application a site plan which has been prepared to Land Registry or Ordnance Survey standard, with the nominated land clearly and neatly outlined.

Pub and Land covered by Land registry BM 191797

c) Names of current occupants of nominated land

Spirit Pub Company (Managed) Limited (co regn 5269240) of Sunrise House, Ninth Avenue, Burton upon Trent Staffordshire DE14 3JZ

d) Names and addresses (or last known address) of all those holding a freehold or leasehold interest in the nominated land

**McMullen and Sons Limited co regn 00051456 of the Hertford Brewery, 26 old Cross Hertford Hertfordshire. SG 14 1RD**

## ANNEX C PART 2:

### Input from Robert Wilson MKC Development Plans Manager

Is the land and/or building...Ye Olde Swan Woughton.... an asset of Community Value?

(Please place your comments in the boxes)

EXPRESSION BY: **OLD WOUGHTON PARISH COUNCIL**

Nature of Use	Long Past	Recent Past	Present	Future
(1) The main use of the land and/or building furthers the social wellbeing or social interests of the local community at the present time AND it is realistic to think that this can continue into the near future (even if the type of social use or benefit might change)	17 <sup>th</sup> Century Grade 2 listed building.	This has been a successful pub for several years.	The public house remains a popular venue. It is identified as a local commercial use in the 2005 Local Plan.	Given the number of pub closures across the country this may be less certain.
(2) The main use of the land and /or building furthers the social wellbeing or social interests of the local community in the recent past AND it is realistic to think that this could happen again in the <b>next five years</b> (even if the type of social use or benefit might change)				See above comment
(3) The main use of the land and/or building furthered the social wellbeing or social interests of the local community <b>some years ago</b> but it is not presently in use for a social purpose.	N/A			
(4) The land and/or building has not recently been, and is <b>not currently, in use</b> for a primarily social purpose	N/A			
(5) The land and/or building has been empty or derelict for many years and remains so today.	N/A			

## ANNEX C PART 3:

### Input from Site Owner McMullen & Sons Ltd



Paul Davey  
Milton Keynes Council  
Community Facilities Unit  
502 Avebury Boulevard  
Milton Keynes  
MK9 3HS

**McMullen & Sons, Limited**  
The Hertford Brewery  
26 Old Cross  
Hertford  
SG14 1RD  
**Tel:** 01992 584911  
**Fax:** 01992 500729  
[www.mcmullens.co.uk](http://www.mcmullens.co.uk)

2<sup>nd</sup> December 2014

Dear Mr Davey

#### **Assets of Community Value**

Thank you for your email, dated 18<sup>th</sup> November, which has been passed to me to address. I have reviewed Old Woughton Parish Council's nomination of Ye Old Swan in Woughton on the Green as an Asset of Community Value (Community Right to Bid). We have no comment on the completed Asset Nomination Form other than to note that it exclusively refers to the pub and not the wider land holding.

The plan attached to your email provides a title plan that identifies the curtilage of the pub and the curtilage of the surrounding land including the pub garden and car park. While we do not intend to contest the listing of the public area of the pub this is conditional on the correct curtilage being identified.

The first floor of the pub is private residential accommodation not accessible to the public. We assume that the nomination does not seek to incorporate residence that is subject to private benefit only, and is outside the trading area accessible to the public, as this would set a grave precedent for ourselves and any property owner in this country. We should be free to lease private accommodation without restriction. This part of the building does not satisfy the express provisions of section 88 Localism Act 2011 and such a nomination is surely outside the intention of Parliament.

The car parking use of Ye Olde Swan car park is ancillary to the main use of the premises as a public house and would not therefore meet the criteria in section 88(1) of the Localism Act. Furthermore, there is no evidence to indicate that "it is realistic to think that there is a time in the next five years when there could be non-ancillary use ...that would further the social wellbeing or social interest of the local community. This is a commonly accepted argument by District Authorities. For example please see (<http://www.rushcliffe.gov.uk/community/assetsofcommunityvalue/> )

As a result I have attached the land registry plan showing the pub garden hatched to indicate that this land is not contested as an asset of community value and showing the pub itself dash hatched to show that the ground floor is not contested as an asset of community value.

By way of comfort McMullens are intending to either renew Spirit's lease at the end of its term or operate the pub itself. McMullens has a long term history of owning and operating pubs the average of which has been in the Company's ownership for 99 years. We are also aware that the Old Woughton Parish Council is consulting to incorporate the whole site into a new conservation area and is proposing to issue an Article 4(2) direction on the area.

I trust that this is of assistance but please do not hesitate to contact me if you have any further questions.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'Tom McMullen', with a small dot at the end.

Tom McMullen  
McMullen & Sons, Limited





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