

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive



Hinckley & Bosworth
Borough Council

Please ask for: Yoanna Gardner
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Our Ref: HBBC/ACV3/2024
Date: 22 May 2024

FAO: Miss Kerry Bates
Parish Clerk for Nailstone Parish Council


Dear Parish Clerk,

Re: Asset of Community Value (“ACV”) nomination dated 1 March 2024, made in respect of The Bulls Head, 88 Main Street, Nailstone, CV13 0QB (“the Property”).

I write on behalf of Hinckley & Bosworth Borough Council (“the Council”) in respect of the above.

The Council has judged all submitted evidence and considers that the Property does not meet the relevant criteria to be listed as an asset of community value and therefore cannot be listed by the Council as an asset of community value, pursuant to the Assets of Community Value (England) Regulations 2012 and the Localism Act 2011. The reasons for the decision are outlined below:

- Sub-section 1, test A, could not be satisfied as the actual current use of the building and car park as public house has ceased, being permanently closed since March 2020, and therefore the Property could not qualify under the provisions of sub-section 1.
- Sub-section 2, test A, was not satisfied at the time of assessment for the following reasons:
 - There is no statutory definition or clear guidance of what can be considered ‘recent past’. Hinckley and Bosworth Borough Council’s Community Right to Bid Policy 2015 states as a working test that “The principal use of the asset within the last two years has been for furthering the social wellbeing or cultural, recreational or sporting interests of the local community” (p.6). While this is only a working test, and it is not for the Council to make a definite definition of the recent past.
 - The evidence submitted to the council that proved a community use in the recent past was from 2017 to 2020.
 - Heritage interest is evidenced in terms of the building, and not in terms of an actual use of the building or other land in the recent past as the test requires.
- Sub-section 2, test B, was not satisfied at the time of assessment for the following reasons:
 - The Nominator has not explained in their application what plans by the nominator or community interested groups are for the purchase or re-establishment of the public house.

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Sub-section 2, test A and B, both would need to be satisfied for the Property to be listed by the Council, and thus the property has not been listed on the Council's list of assets of community value at this time.

The Property will remain on the Council's list of land nominated by unsuccessful community nominations, which will be published on the Council's website and available for public inspection.

Yours sincerely,

Yoanna Gardner

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Planning Officer (Policy)
Development Services

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