



Nailstone Parish Council
46 Main Street
Nailstone
WORKS
CV13 0QE

27th June 2024

Yoanna Gardner
Planning Officer
Hinckley and Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
LEICS
LE10 0FR

Dear Yoanna,

Re: Asset of Community Value nomination dated 1st March 2024, made in respect of The Bull's Head, 88 Main Street, Nailstone, CV13 0QB ("the Property"). Your ref: ACV3/2024

Nailstone Parish Council was disappointed by your decision letter of 22nd May and I write to seek clarification of some points, and to offer explanations for some parts of the application.

There was a delay in preparing the application because the previous Parish Clerk had left the post because of a dispute, resulting in a delay of six months before a Locum Clerk could be appointed. A back-log of other urgent work meant that a further three months elapsed before the application could be prepared, and the final draft approved by the PC for submission.

Sub section 2, Test A. The decision letter states categorically that this test could not be satisfied because the public house has been closed since March 2020.

This point was queried in January 2024, when Daisy Shields advised as follows: "It is not a simple yes or no I'm afraid, and would be assessed on the merits of the evidence and supporting information submitted as part of any valid application you submit. This is because there is no statutory definition or guidance on what qualifies or is meant by recent past. The government's definition is deliberately loose to allow recent past to cover different time periods when the circumstances are appropriate i.e. where the applicant can clearly demonstrate a long standing and substantial community use. From recent appeal decisions across England, the implication is that the longer the period of use furthering a community benefit, the longer the period which will constitute the recent past. For example, if community use as a public house for over two

hundred years can be demonstrated, this is relevant to allowing a longer period to satisfy the recent past. That said, the same principle works vice versa, so if the community use does not go back as far, the definition may not be as lenient. What I would say though is if you do submit the application under the 2nd statutory test (and therefore need to satisfy the recent past rule), is that given you are on the 3.75-4 year mark by the time a valid application is submitted, you will need to place a much higher emphasis on your evidence (especially of the most recent evidence of community use and also the length of time of historic community use) to make your case to support a successful listing.”

Could you please reassure the Parish Council that proper account was taken of these special circumstances when this decision was reached.

Abundant evidence was submitted of community use in the recent past, from 2017 to 2020. Evidence was also submitted of social uses between 1951 and 2017, which included the holding of Parish Council meetings, and of the use of the building as a public house from 1865. In practice it has proved very difficult to find evidence of social and public uses before the advent of social media. For example, inquiries were made of the local sports and darts leagues, but they come and go and do not keep records, and their results do not appear to have been published in the local press. The Parish Council cannot provide more evidence than has been submitted. If the evidence submitted so far is inadequate, the PC will not be able to proceed further at this time. Could you please confirm that the submitted evidence is inadequate.

Sub-section 2, Test B. It is impossible to answer this question at the present time. The pub is being refurbished as part of a housing scheme, and the owners have said that they intend to sell or lease it as public house. If all goes according to plan, the pub will be reinstated, and a new period of use will begin later this year and no intervention will be necessary. However, if the pub cannot attract a buyer or tenant or does not prove viable, the owner may decide to offer it for sale or apply for change of use to a dwelling. In these circumstances, the position would be reviewed.

There is strong community support for retaining a public house in Nailstone. A measure of this support is that 14 members of the public attended the last meeting of Nailstone Parish Council specifically to ask about the rejection of the ACV application. A copy of the relevant page of the minutes of this meeting is attached. The Nailstone Community Group prepared the first (successful) application, and visited a number of community pubs to see how they worked. A local resident has advised the Parish Council that he has prepared the paperwork for the creation of a Community Interest Company should this prove necessary. Nailstone PC holds a significant sum of Community Benefit Funding and might use this to lever in additional grant support to purchase the Bulls Head, or to support the Nailstone Community Group to do so. However, the Parish Council would need to carefully consider the financial implications and risks of such a move, and would also need to carefully consider the business case before proceeding. These processes would take time, which is why ACV registration is being sought.

In the current circumstances no decision can be taken and no plans can be made as to whether the Nailstone Community Group or Nailstone Parish Council would be prepared to purchase the Bulls Head public house. I understood that only an expression of interest was required to support an ACV application.

Could you please confirm whether the information provided above is sufficient to satisfy Sub-section 2, Test B.

Yours sincerely,

Kerry Bates
Parish Clerk