

Community Right To Bid Determination Form
Localism Act 2011
The Assets of Community Value (England) Regulations 2012
Determination by Planning Manager (Development Management)

Nomination Reference: BL/2019/ENQ/08690	
Date of Nomination: 16 th September 2019	
Site Address:	Uncle Jack's Public House Branch Road, Lower Darwen BB3 0PQ
Land/Property Description	Public House

Asset Owners:

Name & Address of Asset Owner	Connection to the asset
Star Pubs Limited 3-4 Broadway Park Edinburgh EH12 9SZ	Freeholder

Nominating Organisation:

Name of Organisation:	Proof of eligibility to make a community nomination:
Save Uncle Jack's	
Type of Organisation: Unincorporated Body of 21 named members	Constitution with 22 signatories

Summary of Reasons given by Nomination Organisation as to why the asset should be identified to qualify as an asset of community value:

An extract from the submission is below.

In the village of Lower Darwen stands a building now known as Uncle Jacks, originally it was known as the Swan Hotel and according to archives it has been stood there as a public house since 1907. The building sadly has been boarded up since November 2018 and since then the other 2 pubs in the village have also closed. One of them, The Hindle Arms was bought in 2018 by a property developer who has submit 2 planning applications to develop the building into flats, both of which have failed.

During a meeting in the village held on August 27th 2019, concerns were made by many residents about the future of this building. It's beginning to encourage unwanted crime in the area, and there are major concerns that whatever the building turns into, whether it be more housing or a retail unit, it could bring even more unwanted traffic into the village.

It's become very clear that the loss of these focal meeting places in the village is having a detrimental effect on the dynamics of our community. It is a known fact that that the pub trade is

dying and lots of areas have lost their pubs, but up and down the country communities like ours are coming together for the good and saving their public houses.

However, we feel this building can be more than a pub, we want to create a hub, where all the village can benefit from this huge building. If it is used by local people, then parking will not be an issue. It has got so much potential of providing a place for groups to meet, bringing the young people in off the street, preventing loneliness for our elderly and widowed members of our community, some of whom feel stranded in our village since the recent loss of the local bus service. By doing this we can aim to improve people's mental health, reduce crime and keep the house prices up. We already have an amazing team of litter pickers who constantly strive to keep our village clean but by turning this impressive building, which is already a focal point into a place everyone can share, will be encouraging people to take pride in where they live.

We recently had the welcome addition of the Beechwood Haven in the village, the old community centre became a café, this has created a place where people can come together during the day in the week and has been an amazing addition to the area. However, the café isn't open in the evenings or on a Sunday, its not open when people want to come together to watch sporting events. It also isn't big enough to host large social events, it's not open in an evening to host quiz nights, or to gather together and listen to music. We have recently been working with our neighbouring community who themselves created their own community Pub, they have been successfully running the Dog at Belthorn since 2015. We have the perfect opportunity in Lower Darwen to create what they have, but because of the dynamics, our village is very different, and we feel we could create even more, helping to solve social issues which are increasingly forming in our village.

Therefore, the residents of Lower Darwen would like to place a bid so that this building cannot be bought and changed into something our community will potentially fail to benefit from. This bid gives us more time to raise the money through shareholders and applying for grants, to restore the focal point of our village and bring the people of Lower Darwen back together again.

Response to the Consultation:

Councillor Dave Smith, Chair of the Planning & Highways Committee on the 16th September 2019 supported the nomination.

Mike Kershaw, Pub Preservation Officer, CAMRA East Lancs Branch on the 5th October 2019, submitted their support for their nomination:

"CAMRA East Lancs Branch unreservedly supports the nomination request submitted by the "Save Uncle Jack's" unincorporated group to include the public house on the Council's list of Assets of Community Value.

Prior to the its closure, the pub was run by a succession of landlords who struggled to make a living as they had to cover the very high overheads and the very expensive beer prices imposed on them by the pub company. These charges have, in our opinion, deterred prospective landlords from coming forward and have caused the pub to be boarded up for some eleven months despite it being in a village where all the pubs have closed.

Free of this oppressive regime of charges we consider that the pub is fundamentally viable provided it could be bought at a competitive price and provided it is run by a community group with drive and initiative. The neighbouring village of Belthorn successfully saved the Dog Inn and it goes from strength to strength as a community-owned local. We would contend that the group submitting this nomination could do the same with Uncle Jack's.

They could also draw on the expertise of the group in Belthorn. We would point out that all the community-owned pubs in the UK are, to the best of our knowledge, still trading successfully. They are able to tap into a pool of volunteer labour with diverse expertise and can buy supplies at far cheaper prices, often from local brewers such as the nearby Three B's Brewery, another Blackburn success story. Buying from local producers would attract custom from not just villagers but from further afield. The pub would also attract football supporters on match days at nearby Ewood Park, especially if it were to retain its current name.

This pub is eminently viable and we wholeheartedly support this nomination (ref: BL\2019\ENQ\08690)."

No other comments were received.

Assessment:

Firstly, it is confirmed that the nominating organisation, Save Uncle Jack's is a community organisation for the purposes of the Regulations.

The Regulations state that a local authority should make a decision within 8 weeks of receiving a nomination.

The Council has also consulted the local Blackburn South & Lower Darwen Ward Councillors. No representations have been received.

The Council (as Listing Authority) may under section 89 (1) of the Localism Act 2011 ("the Act") include land/property in its area on its list of community value in response to a "community nomination". Under section 89(2) of the Act a "Community Nomination" includes a nomination which nominates land in the local authority's area for inclusion in the local authority's list of assets of community value and "by a person that is a voluntary or community body with a local connection". Regulation 5(1) of The Assets of Community Value (England) (Regulations) 2012 ("the Regulations") a "voluntary or community body" includes a community interest company (CIC). Under Regulation 4, a body has a "local connection" with land in a local authority's area if the body's activities are wholly or partly concerned with the local authority's area.

Under Regulation 6(d) a community nomination must include evidence that the nominator is eligible to make a community nomination. The Group has provided a copy of its Constitution, and a list of members. In particular, the Group seems to have been formed specifically for the social activities in connection with the Uncle Jack's Public House and its current membership of 22 people are from the local area.

In the circumstances, the Council, acting reasonable has considered the information submitted and is satisfied that the nomination submitted is a "community nomination" made by a voluntary or community body with a local connection.

The Council must consider whether the Uncle Jack's Public House meets the definition of an Assets of Community Value as set out in Section 88 of the Localism Act 2011 i.e in this

case that it is currently is use that furthers the social well-being and interests of the local community, or a use in the recent past has done so, and also that it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further the social well-being or social interests of the local community (whether or not in the same way).

Whether the current use furthers the social well-being and interests of the local community?

The Save Uncle Jack's Group has indicated that the Uncle Jack's Public House was frequently used by the local community up until the public house closed in November 2018, being the only local public house in the Lower Darwen area, apart from the Brewers Fayre Oakenhurst Farm establishment adjacent to the Premier Inn South off Riversway Drive, Darwen. Evidence has shown the public house had a pool team in the local league, and was used on a regular basis for social events such as birthday celebrations. In addition, the premises were a regular meeting point for fans visiting nearby Ewood Park. From this it can be seen that the public house is a valued asset to the local community.

Whether 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.?

From the submission it is evident that the nominating group aim to provide a public house/community hub, which will serve the local community. Whilst the public house has now been vacant for eleven months, the Council consider that with the right management in place to run a successful public house with support and investment from the owners, the fortunes of the business can be turned around, which has been proven successfully elsewhere in the borough or elsewhere, for example Hare & Hounds Public House, Sir Charles Napier, the Dog Inn in Belthorn. This is evidence from the support provided by CAMRA.

The Group consider in their submission the public house could have non-ancillary uses to help further the social well-being of the community. The Group is keen to place a bid for the building so that the building cannot be bought and changed into something their community will potentially fail to benefit from. The Council considers this should be supported, and encouraged, to support the social well-being of the local community.

In summary, the Council considers that for the reasons stated, the nomination is a "community nomination", the current use furthers the social well-being of the community, and it is realistic to consider that the use of the building as proposed will further the social well-being of the community for the foreseeable future in accordance with the Regulations.

Decision

I confirm that:

Nominated Asset: Uncle Jack's Public House, Branch Road, Lower Darwen

Should be an Asset of Community Value and included on the Council's Local Assets of Community Value Register and placed on the Local Land Charge Register.



Gavin Prescott,
Planning Manager (Development Management)

Date: 25th October 2019

Background Papers: Nomination application, supporting statement.

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Date: 25th October 2019