

EAST LINDSEY DISTRICT COUNCIL EXECUTIVE DECISION NOTICE

1. Decision to be taken: Following an application form from Old Bolingbroke Parish Council in respect of The Black Horse Inn Moat Road Old Bolingbroke to be registered as an asset of community value under the Localism Act 2011 the decision by East Lindsey District Council is for the property not to be listed on the register of assets of community value.

2. This is a:

PORTFOLIO HOLDER SUPPORTED OFFICER DECISION

Note: This form should not be used for Key Decisions

3. The following is the decision making body or person:

The panel considering this application was Duncan Hollingworth, Diane Worth, Emma Thomas

LEAD OFFICER Duncan Hollingworth

4. Financial implications from this decision have been communicated to the Portfolio Holder for Finance and the Leader? N/A
5. The decision was taken on: 03/05/24

Note: - the above date to be completed by Democratic Services upon publication

6. Contact Officer and details: Duncan Hollingworth (Buildings and Property) Tel 01507 601111 e-mail Duncan.Hollingworth@e-lindsey.gov.uk
7. List of documents submitted for consideration in relation to the matter in respect of which the decision is to be made :

Application made Old Bolingbroke Parish Council

8. Where the documents are held and where they can be obtained from (except exempt items) when they become available:

Property Services Department, East Lindsey District Council, The Hub and Willow House Mareham Road Horncastle.

9. The reason for the decision and other alternative options considered and rejected:

The first test under Section 88 (1) of the act is.

- (a) *There must be an actual current use of the building or other land that is not ancillary use and which furthers the social well-being or social interests of the local community.*
- (b) *It must be realistic to think that there can continue to be a non-ancillary use of the building or land which will further the social well-being or social interests of the local community.*

Having read all representations the panel was not persuaded that the nomination provides any evidence of any present usage of the premises to provide cultural recreational or sporting interests activities. This was confirmed by written representation from the current owner. Whilst there is some information in the councils local plan that people would like to see the provision of a public house again there is no definite supporting information of the activities that the listing of this asset this would facilitate. Very limited and unsupported information was provided of historic use of the premises but no evidence of continuing activities was provided by the applicant. There is a village hall at the location and this could facilitate such activities both now and in the future but no information was provided in the application that gave any clarity on this matter. As such the first test (Sec 88 (1) failed

The second test under Section 88 (2) of the act is

- (a) *There is a time in the recent past when an actual use of the building or other land that is not ancillary use and which furthers the social well-being or social interests of the local community.*
- (b) *It is realistic to think that there is a time in the next five years when 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 well-being or social interests of the community.*

It would appear from all documentation submitted that there has been no clear evidenced use of this premises as a public house since 2012. We thought it would be entirely appropriate to use a period of time of five years as recent past in this particular determination. We are comfortable that's on this particular occasion five years is appropriate however we did also consider what would happen to application if we were to double the recent past time to ten years. Again from the information supplied there was no evidenced use of the premises that could be considered to support this application. On that basis this test was determined to have failed

Therefore, having taken all representations into account, it is recommended that The Black Horse Inn Old Bolingbroke is not listed as an Asset of Community Value.

10. Declaration of any conflicts of interest of the decision making body or the individual: None

11. Provide a note of any subsequent dispensations granted by the Head of Paid service: None

12. Financial Implications of this Decision:-

Estimated cost:- None

Funded from:- N/A

N.B. Please enter names below, signatures will be retained as a hard copy and will not be published therefore should be provided on page 5 of this form:

13. This decision has been signed off by:

Assistant Director General Fund - Assets - Andy Fisher

Lead Officer - Duncan Hollingworth

Portfolio Holder - Councillor Richard Fry