

# Nominating a pub as an ACV – a CAMRA guide

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## BACKGROUND

Under the Localism Act 2011, communities in England can ask their local Council to register valued local facilities, like pubs, as Assets of Community Value (ACV). If the Council accepts the nomination, then, should the pub be put up for sale, a local group can require a stopping of the clock for up to six months to enable a bid to be compiled to buy the pub.

CAMRA is keen to see as many pubs as possible registered as ACVs, given the extra protection this affords them. We are always happy to help and advise on all aspects of nomination – please contact [campaigns@camra.org.uk](mailto:campaigns@camra.org.uk)

## WHY NOMINATE?

Across the country, pubs are closing every week; the current pandemic has inevitably led to an acceleration in the threat level to pubs. Often, these pubs are greatly valued by local people but the owners are attracted by the short-term financial gains offered by converting them to a house or some other use. ACV registration is one way to help protect the future of a pub – even if it isn't currently under threat.

ACV status means that if the owner decides to sell the pub, then local people have six weeks in which to trigger a moratorium on the sale for up to six months. This gives the community valuable time to put together a bid to buy the pub and thus ensure that it continues to serve the local area. The owner isn't obliged to accept the bid but, given the delays and the existence of a ready buyer, many have done so.

Getting a pub listed has other advantages. Most local authorities have planning policies that help protect valued community facilities and ACV-listing is clear evidence that the community does indeed value the pub. Some Councils have policies which single out ACV-listed facilities for higher levels of protection. National planning policy recognises that ACV listing should be a 'material consideration' in planning decisions.

## WHO CAN NOMINATE?

The Act specifies the bodies which can nominate, including Parish Councils and community interest groups with a local connection. In most cases, however, nomination by an 'unincorporated group' is the simplest way forward. Such a group needs membership of at least 21 people who are on the electoral roll of the local Council or a neighbouring one. There is no need for such a group to have a formal constitution though Councils often (wrongly) ask for one – if you run into any problems on this, let us know.

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In most cases, finding 21 people to support the nomination should be easy enough – a visit to the pub itself may well suffice. Being one of this number does not bring with it any obligations at all. Any later community purchase bid will be an entirely separate exercise.

You can use this form -

[https://www.camra.org.uk/campaign\\_resources/unincorporated-group-acv-nomination-form/](https://www.camra.org.uk/campaign_resources/unincorporated-group-acv-nomination-form/) - to collect signatures.

If the pub is in an area covered by a Parish Council, then you could ask them to make the nomination. The possible advantages are threefold:

- the legislation gives Parish Councils an absolute right to nominate so there can be no argument that the nominating group is not entitled to apply or has not been properly constituted;
- most Parish Councils are familiar with the ACV process and many have successfully applied for registration of places like Community Centres and Village Halls;
- rightly or wrongly, Parish Councils will be seen by some Councils receiving applications as more 'credible' applicants and therefore will less likely suffer the over-zealous scrutiny sometimes inflicted on other applicants.

## HOW DO I GET A PUB LISTED?

Firstly, visit your Council's website. It should have a search facility and entering 'Assets of Community Value' should take you to the right pages. There ought to be advice and guidance plus a nomination form (if not, you can use this form - [https://www.camra.org.uk/campaign\\_resources/camra-template-acv-nomination-form/](https://www.camra.org.uk/campaign_resources/camra-template-acv-nomination-form/) )

Fill in the form with as much detail as you can on why the pub should be classified as a community asset. We have produced a 'pick and mix' list of suggestions on what you might include – [https://www.camra.org.uk/campaign\\_resources/what-to-include-in-acv-nominations/](https://www.camra.org.uk/campaign_resources/what-to-include-in-acv-nominations/) .We would especially recommend including one or both of those highlighted in red – they are applicable to the vast majority of pubs and ought, in themselves, to be sufficient to meet the registration criteria in the Act.

Include with the nomination the list of at least 21 people along with their addresses so that the Council can check the electoral roll if they wish.

The Council is supposed to respond within eight weeks though many miss this deadline. You might need to keep chasing them.

You might wish to let your local CAMRA Branch know that you have submitted a nomination. They will be able to lend support if it is required and will also be able to help with any associated campaigning to save and/or buy a pub. You can find out which is your local Branch and how to contact them by going to <https://www.camra.org.uk/about/camra-near-you/>

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If you live in an area with a Parish Council, it will also be worth informing them. Again, you can expect them to be supportive of an initiative to help protect a local community facility.

## **WILL REGISTRATION BE STRAIGHTFORWARD?**

It certainly ought to be. Judges have confirmed that the legislation sets the bar very low in terms of what should be registered. Sadly, this has not prevented some Councils being awkward or downright obstructive when it comes to considering nominations. In some cases, this is a result of pressures brought to bear on them by owners who have reasons for resisting ACV registration. As a consequence, some Councils 'gold-plate' their nomination requirements and/or look to find any reason to refuse a nomination.

Should you run into any such difficulties, please contact us for advice. Unfortunately, there is no right of appeal against the refusal of a nomination but there is nothing to prevent a further submission being made.

## **WHAT HAPPENS NEXT?**

Assuming your nomination succeeds, the pub will be placed on the Council's register of ACVs and will stay there for five years (at which point you can apply for renewal if need be).

Owners have the right to ask for a review of the decision if they believe it was wrongly made. Reviews are carried out by senior officers not involved with the original decision. Should they uphold the decision, the owner has a further right of appeal to a tribunal where a judge will make a final decision.

Should the owner wish to sell the pub, other than as a going concern, they must let the Council know and they in turn must then inform the nominators. There is then a 6 week period in which a community interest group can make a written request to the Council to be treated as a potential bidder. Community interest groups are defined, for this purpose, as:

- a charity
- a community interest company
- a company limited by guarantee that is non-profit distributing
- a community benefit society
- a parish council.

Please note that the original nominators can only make such a request if they have set themselves up as one of these groups. Alternatively, other local people may have established a group. The processes for setting up these groups does take some time so, if a community purchase is being contemplated, then early action needs to be taken so as to be prepared for any sale notification.

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When the expression of interest is sent to the Council, this triggers a full six-month moratorium period which gives a group time to raise funds, develop a business plan and make a purchase bid.

Much more information on all this can be found in our Community Owned Pub guidance - [https://www.camra.org.uk/campaign\\_resources/community-owned-pubs-a-camra-guide/](https://www.camra.org.uk/campaign_resources/community-owned-pubs-a-camra-guide/)

If the negotiations with the owner are unsuccessful then, at the end of the six months, they can sell to whomever they wish. Similarly, if the moratorium is not triggered in the first six weeks, the owner is free to sell and ACV status will be removed.