

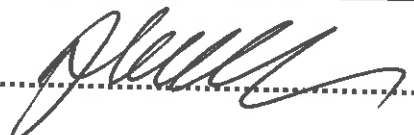


EXECUTIVE DECISION NOTICE

SERVICE AREA:	GOVERNANCE, RESOURCES AND PENSIONS Legal Services
SUBJECT MATTER:	ASSET OF COMMUNITY VALUE – THE CHAPEL HOUSE PUBLIC HOUSE, DENTON
DECISION:	That the land known as The Chapel House Public House Stockport Road Denton be added to the Council's list of assets of community value.
DECISION TAKER	Councillor John Taylor
DESIGNATION OF DECISION TAKER(S):	Deputy Executive Leader
DATE OF DECISION:	
REASON FOR DECISION:	The Council has received a nomination to add The Chapel House public house to the register of assets of community value and it meets the criteria.
ALTERNATIVE OPTIONS REJECTED (if any):	Not registering the land, but since it meets the criteria for registration and the Council has no discretion, this is not appropriate.
CONSULTEES:	The registered owner and occupier of the property.
FINANCIAL IMPLICATIONS: (Authorised by Borough Treasurer)	There are no immediate financial implications as a result of this report. However section 7 explains that in certain circumstances compensation can be payable by the Council as a result of listing an asset of community interest. There is no specific budget for such costs and therefore additional resources would have to be identified in the event that compensation becomes payable.
LEGAL IMPLICATIONS: (Authorised by Borough Solicitor)	Under the Localism Act 2011 and the regulations made under it the Council must consider nominations received from qualifying bodies to add properties to its list of assets of community value. Where the property is within the Council's area and is of community value the Council is required to list the property, the effect of which will prevent the property being sold other than to the nominating body for a period of between 6 weeks and 6 months depending on whether the body wishes to be treated as a bidder.
CONFLICT OF INTEREST:	None
DISPENSATION GRANTED BY STANDARDS COMMITTEE ATTACHED:	Not Applicable
ACCESS TO INFORMATION:	The background papers relating to this report can be inspected by contacting the report writer, Daniel Howard – Corporate lawyer by:  Telephone: 0161 342 3194  e-mail: daniel.howard@tameside.gov.uk



Signed.....

Date: 3/10/2016

Councillor John Taylor - Deputy Executive Leader

EXECUTIVE DECISION REPORT

SERVICE AREA:	GOVERNANCE, RESOURCES AND PENSIONS Legal Services
SUBJECT MATTER:	ASSET OF COMMUNITY VALUE – THE CHAPEL HOUSE PUBLIC HOUSE, DENTON
DATE OF DECISION:	
DECISION TAKER	Councillor John Taylor - Deputy Executive Leader
REPORTING OFFICER:	Sandra Stewart – Executive Director of Governance, Resources and Pensions (Borough Solicitor)
REPORT SUMMARY:	The report acknowledges receipt of a nomination from the CAMRA (Campaign for Real Ale), a voluntary organisation to list The Chapel House public house as an asset of community value under the provisions of sections 87 to 108, chapter 3 of part 5 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012
RECOMMENDATIONS:	That the land known as The Chapel House Public House Stockport Road Denton be added to the Council's list of assets of community value.
JUSTIFICATION FOR DECISION:	The Council has received a nomination to add The Chapel House public house to the register of assets of community value and it meets the criteria.
ALTERNATIVE OPTIONS REJECTED (if any):	Not registering the land, but since it meets the criteria for registration and the Council has no discretion, this is not appropriate.
CONSULTEES:	The registered owner and occupier of the property.
FINANCIAL IMPLICATIONS: (Authorised by Borough Treasurer)	There are no immediate financial implications as a result of this report, however if in the future that compensation is deemed to be payable then resources would need to be identified from within the Corporate budget following full evaluation.
LEGAL IMPLICATIONS: (Authorised by Borough Solicitor)	Under the Localism Act 2011 and the regulations made under it the Council must consider nominations received from qualifying bodies to add properties to its list of assets of community value. Where the property is within the Council's area and is of community value the Council is required to list the property, the effect of which will prevent the property being sold other than to the nominating body for a period of between 6 weeks and 6 months depending on whether the body wishes to be treated as a bidder.
RISK MANAGEMENT:	If the Council decides to list The Chapel House on its register of assets of community value, the owner may be entitled to compensation from the Council under the Assets of Community Value (England) Regulations 2012. Details of this can be found in paragraph 7 below. The cost of compensation must be funded from

	the Council's own resources.
LINKS TO COMMUNITY PLAN:	Growing and encouraging local community groups to take responsibility for delivering some services in their local area helps to reduce dependency on public services and build community spirit and self-worth for those involved.
ACCESS TO INFORMATION:	<p>The background papers relating to this report can be inspected by contacting the report writer, Daniel Howard – Corporate lawyer by:</p> <p> Telephone:0161 342 3194</p> <p> e-mail: daniel.howard@tameside.gov.uk</p>

1. BACKGROUND

- 1.1 The Localism Act 2011 ("the Act") received Royal Assent on 15 November 2011. The provisions relating to assets of community value are contained within sections 87 to 108 of the Act and came into force in England on 21 September 2012. Since that time parish councils, community councils, and local voluntary and community organisations have been able to nominate local land or buildings to be included in the Councils list of community assets.
- 1.2 The Council has 8 weeks from receiving an application to decide whether a property must be listed, according to a number of criteria. A property will qualify where its current primary use furthers the social wellbeing or social interests of the local community, and where it is realistic to think that this use will continue. A property will also qualify when it has been in such use in the recent past, and this may realistically recur within the next five years (whether or not in the same use as before). Social interests include culture, recreation and sport.
- 1.3 The effect of a property's inclusion on the list will be to require the owner of the property to notify the Council when intending to dispose of a listed asset, so triggering a moratorium period during which community interest groups can apply to be treated as potential bidders.
- 1.4 The owner will be able to begin the sale process after an interim period of six weeks if no bidder has come forward; if a written intention to bid is received in that time then the full six month moratorium period will apply. The sale itself takes place under normal market conditions. An eighteen month protection period has also been created: if this expires before the property is sold the original notification process must start again.
- 1.5 The owner is not compelled at any point to sell the asset to the voluntary or community body – the law simply says that they cannot sell it to anyone else within the moratorium period.

2. NOMINATION

- 2.1 On 26 April 2016 the Council received a nomination from the CAMRA, the Campaign for Real Ale to add the Chapel House public house to the Council's list of assets of community value. A copy of the nomination is listed at **Appendix 1**. The Council has 8 weeks from receipt of the application to consider the nomination and determine whether it should be listed or not.
- 2.2 Upon receipt of a nomination the Council needs to determine whether it qualifies as a community nomination. To be a qualifying nomination the land must be within the local authority's boundary and the nomination must be made by a voluntary or community body with a local connection. The Chapel House public house is located on Stockport Road in Denton. CAMRA qualifies as a voluntary or community body with a local connection as it is a Private company limited by guarantee without share capital who do not distribute surplus to its members. The company is active in Tameside and neighbouring authorities. The nomination therefore qualifies for the purposes of the Act.
- 2.3 Under the Act and regulations made under it, some types of properties are not able to be considered as assets of community value. The Chapel House does not fall within any of the excluded asset.

3. CONSULTATION

- 3.1 The registered owner and the occupier of the Chapel House have been advised that a qualifying nomination has been received and have been invited to comment.

3.2 The registered owner has responded to the consultation advising that:-

"The Chapel House is one of some one hundred and eleven pubs we currently operate within our Community Pub Division, and by definition, these will all typically incorporate a variety of the facilities listed in the reasons for the nomination, and in many cases more. In 2013 we made a substantial investment in the Chapel House on a full refurbishment scheme which further enhanced the facilities on offer to the local community, and demonstrated our continuing commitment to its operation. We do not therefore consider that the reasons given for nominating the Chapel House are either sound or exceptional enough to merit a listing in this instance."

A copy of the response is detailed in **Appendix 2**.

4. DETERMINATION OF THE NOMINATION

4.1 Under section 88 of the Act the Council must then determine whether the nominated land is of community value. Land is of community value where

- (1) the actual current primary use of the building furthers the social wellbeing or social interests of the local community, and it is realistic to think that it can continue or
- (2) there was a time in the recent past when an actual primary use of the building furthered the social wellbeing or interests of the local community, and it is realistic to think that there is a time in the next five years when it could again be used to further (whether or not in the same way as before) the social wellbeing or social interests of the local community. Social interests include culture, recreation and sport.

For the purposes of section 88 "social interests" includes (in particular) each of the following—

- (a) cultural interests;
- (b) recreational interests;
- (c) sporting interests;

4.2 The current use of the Chapel House supports the social wellbeing and social interests of the area and therefore the Council must accept the nomination and the land added to the list of assets of community value. The owner's response to the consultation acknowledges that the reasons for nomination occur at the property. The letter advises that they do not consider that the reasons given for nominating the Chapel House are either sound or exceptional enough to warrant listing however the decision to list is factual and whether the current primary use of the building furthers the social wellbeing or social interests of the local community, if it does, the Council must list the property. A draft letter to CAMRA is attached at **Appendix 3** and a draft notice of listing is attached at **Appendix 4**. A draft letter to the owner is attached at **Appendix 5**.

5. EFFECT OF INCLUSION ON THE LIST

5.1 The effect of the inclusion of the Chapel House in the list of assets of community value means that the owner is unable to dispose of the land unless a number of conditions are all met.

5.2 The conditions are:

- (1) The owner of the land must notify the Council of its intention to dispose. This notification must also be recorded in the list of assets of community value and publicity must be given to the intention to dispose. The Council must then advertise in the press

and on the land of the owner's intention to dispose and request properly constituted community interest groups to express a wish to be treated as a bidder.

- (2) If within 6 weeks a properly constituted community interest group express a wish to be treated as a bidder the owner will be unable to sell it other than to the community group within a period of six months from the date of the notice of proposal to dispose.

5.3 Once the notice has been given, the land can be disposed of:

- (a) after six weeks, if no notification is received from a community interest group within that period;
- (b) to any community interest group who has asked to bid (at any time).
- (c) after six months, if notification is received from a community interest group that they wish to bid.

5.4 If the disposal has not taken place within 18 months of the initial notice being given then the process has to start again.

5.5 The owner will clearly remain responsible for upkeep and security of the property until such time that the owner decides to dispose of its interest in the property.

6. RIGHT TO APPEAL LISTING

6.1 The owner of The Chapel House first has the right to request a review of the Council's decision to list the property. Such a request must be made in writing within 8 weeks of the Council giving notification of inclusion of the property on the register of assets of community value. Where the Council has carried out such a review, the owner may appeal to the First-Tier Tribunal against any decision within 28 days of the Council giving notification of the review decision.

7. COMPENSATION

7.1 Compensation may be payable to the owner of the Chapel House where it has incurred a loss or expense in relation to the land which would be likely not to have been incurred if the land were not listed.

7.2 Such claims for loss may for example be made, without prejudice to other types of claim, where:

- a) loss arises from any period of delay in entering into a binding agreement to sell the land which is wholly caused by either of the moratorium periods outlined at Paragraph 5.3 above;
- b) the owner incurs reasonable legal expenses in a successful appeal to the First-Tier Tribunal against the Council's decision either to list the land or refuse to pay compensation, or with respect to the amount of compensation offered or paid by the Council.

7.3 Any claim for compensation from the Council by the owner must be made in writing before the end of 13 weeks after the loss or expense was incurred or has finished being incurred.

7.4 The owner has the right to request a compensation review by the Council in response to a decision as to whether compensation is paid, and as to the amount of any compensation. Any such request must be made within 8 weeks by writing, starting with the date on which

the Council gives written notification of its decision. Where the Council has carried out such a review, the owner may appeal to the First-Tier Tribunal against any decision.

8. RECOMMENDATIONS

8.1 As detailed at the front of the report.

APPENDIX 1



Nomination
(Redacted).pdf

Appendix 2

Aileen Johnson
Head of Legal Services
Tameside Metropolitan Borough
Dukinfield Town Hall
King Street
Dukinfield,
SK16 4LA

1st June 2016

Your Ref: GL/GB/ACV

BY EMAIL & POST

Dear Sirs

**Re: Chapel House, 145 Stockport Road, Denton, Manchester
Nomination as an asset of community value**

Your letter dated the 12th May 2016 to the occupier of the above premises inviting any comments or observations on the above nomination has been passed to me for my attention. You have kindly enclosed a copy of the evidence in support of the nomination listing the ways that CAMRA consider this pub significantly contributes to the wellbeing of the local community, and I would comment on these as follows:

The Chapel House is one of some one hundred and eleven pubs we currently operate within our Community Pub Division, and by definition, these will all typically incorporate a variety of the facilities listed in the reasons for the nomination, and in many cases more. In 2013 we made a substantial investment in the Chapel House on a full refurbishment scheme which further enhanced the facilities on offer to the local community, and demonstrated our continuing commitment to its operation. We do not therefore consider that the reasons given for nominating the Chapel House are either sound or exceptional enough to merit a listing in this instance.

Yours faithfully,

ESTATES MANAGER

Direct Dial: [REDACTED]

E-mail: [REDACTED]

APPENDIX 3

Letter to CAMRA

The Chapel House, Stockport Road, Denton

Further to my letter dated [] I am pleased to inform you that on [] your community nomination was successful and the property has been included on the Council's list of assets of community value. Please find enclosed the notice of listing.

In the event that the owner notifies the Council of its intention to enter into a relevant disposal of the above property, the following moratorium periods will apply:

Interim moratorium period	-	<i>[6 weeks from the date of receipt of notice of intention to sell]</i>
Full moratorium period	-	<i>[6 months from receipt of an expression to be treated as a bidder]</i>
Protected period		<i>[18 months from the date of receipt of notice of intention to sell]</i>

As the nominator for this listing, the Council will give written notice to CAMRA should the owner give notification of an intention to sell the land in the future.

Further guidance and information is available from the Department for Communities and Local Government at: <https://www.gov.uk/government/publications/community-right-to-bid-non-statutory-advice-note-for-local-authorities>

APPENDIX 4

TAMESIDE METROPOLITAN BOROUGH COUNCIL
REGISTER OF ASSETS OF COMMUNITY VALUE
NOTICE OF LISTING – LOCALISM ACT 2011

On [] the Council accepted a nomination for inclusion of the Property in its list of assets of community value. In accordance with section 91(2) of the Act the consequence of such listing will prevent the Owner from disposing of the Property otherwise in accordance with the provisions of the Act.

The Owner of the land included in the list may ask the Council to review its decision to include the land in the list by writing to the undersigned at the address below within 8 weeks of this notice.

The Property

The Chapel House Public House Stockport Road Denton shown edged red on the attached plan.

Dated []

Sandra Stewart, Borough Solicitor, Council Offices, Dukinfield Town Hall, King Street, Tameside, SK16 4LA.

APPENDIX 5

Letter to owner

The Chapel House, Stockport Road, Denton

Further to my letter dated [] I write to inform you that on [] the community nomination regarding the above land was successful and the property has been included on the Council's list of assets of community value. Please find enclosed the notice of listing.

As a result, you must give notification to the Council of any current or future intention to sell the land. On such notification, the following moratorium periods will apply:

Interim moratorium period	-	<i>[6 weeks from the date of receipt of notice of intention to sell]</i>
Full moratorium period	-	<i>[6 months from receipt of an expression to be treated as a bidder]</i>
Protected period	-	<i>[18 months from the date of receipt of notice of intention to sell]</i>

Please note that the listing does not compel you to sell the land, nor do the above moratorium periods compel you to sell to any specific individual or organisation. The listing does however prohibit you from selling to anyone other than a Community Interest Group during the Interim and Full moratorium periods (provided the Council receives a written request from a Community Interest Group to be treated as a potential bidder within the first 6 weeks).

If notice to sell the land is given and a disposal has not taken place within the 18 month protected period then the notice and moratorium process must begin again if you still intend on disposal.

Further guidance and information is available from the Department for Communities and Local Government at: <https://www.gov.uk/government/publications/community-right-to-bid-non-statutory-advice-note-for-local-authorities>

CHAPEL House

Don't Tell

Voluntary or Community Body Details	
Name of Organisation (full name as written in your constitution or rules, if appropriate):	High Peak and North East Cheshire
Address including postcode:	5 Lindisfarne Drive, Poynton, STOCKPORT, Cheshire SK12 1EW
Registered or trading name and address if different from above	
Contact Name:	[REDACTED]
Position in Organisation:	Pub Protection Officer
Correspondence address if different from above	
Daytime telephone number:	[REDACTED]
Email address:	[REDACTED]
Web address (if applicable)	http://hpneccamra.org.uk/
Is your organisation a (Tick all that apply):	<input type="checkbox"/> Parish Council; <input type="checkbox"/> Unincorporated Body; <input type="checkbox"/> Charity; <input checked="" type="checkbox"/> Social Enterprise (company limited by guarantee that doesn't distribute any surplus it makes to its members); <input type="checkbox"/> Industrial or Provident Society which does not distribute any surplus it makes to its members; <input type="checkbox"/> Community Interest Company.
Company registration number, registered charities number, or Financial Services Authority registration number (list all that apply).	1270286

--	--

Community Nomination - Asset Detail

Asset Address including postcode (if known):	Chapel House 145, Stockport Rd, Denton, Manchester M34 6AQ
What is the asset (e.g. public house, local shop)?	Public House
Asset Owners – Include the names and contact details of the current occupants of the land, and the names and current/last-know addresses of all those holding a freehold or leasehold interest in the land:	PROPRIETOR: JOSEPH HOLT LIMITED (Co. Regn. No. 182757) of Empire Street, Cheetham, Manchester M3 1JD
Asset / Land Use – Please can you provide details of the use of land over the past 5 years	As a public house

Evidence: Asset of Community Value

The Localism Act 2011 defines an asset or land of community value if:
 Its actual or current use (or its use in the recent past) furthers the social wellbeing or social interests of the local community, and
 It is realistic to think that there can continue to be (or it is realistic to think that there is a time in the next 5 years when) non-ancillary use of the building or land that would further the social wellbeing or social interests of the local community.

Confirm why you feel that the aforementioned asset is an asset of community value?	Yes
Can you provide evidence of this?	Yes - please see attached Reasons for Nomination Word document

Name of person authorised to sign on behalf of the organisation:	[REDACTED]
Position/status in the organisation:	Pub Protection Officer
Date:	10/4/16
Signature:	[REDACTED]

Reasons for Nomination

Chapel House, M34 6AQ

The pub significantly contributes to the wellbeing of the local community in the following ways:

Live music events are often hosted at the pub which brings the whole community together – further people's individual wellbeing. This also provides a platform for local music artists and contributes to the local area's culture

There is a beer garden attached to the pub which is used and enjoyed by local people including families. This is particularly enjoyed in the summer months and brings different groups of people together to use the pub in furthering the recreational interests of the community.

A children's play area for local families is also available at the pub.

There are televisions screening sporting events enjoyed by patrons. This allows people in the community to come together to enjoy specific sporting events – providing a safe place to enjoy a drink and a specific sporting event for vulnerable members of society

The pub hosts regular quiz nights which bring the community together. The regular quiz brings people together from a variety of different backgrounds and therefore furthers the recreational interests of the community

There is free parking available which is accessed by the wider community. This allows people to get to/from the pub safely when transport systems may be down. It also means that families can access the pub easily

There are good transport links available to/from the pub. This means that elderly members of the community can easily and safely get to/from the pub. It also means that people from surrounding areas can easily access and enjoy the pub's facilities.

The pub contributes to local culture by allowing local sport teams meet in this pub. This also encourages residents to take pride in their local area through the activities of local sports teams

The pub sponsors a team which represents it in sports leagues furthering the sporting interests of the community

There is good access for disabled people at the pub. This provides an easily accessible and inclusive space to meet with other members of the local community and provides a safe and enjoyable environment to be in furthering the persons individual wellbeing

A golf team and Darts team regularly use the pubs facilities

CHapel House
Denton



**CAMPAIGN
FOR
REAL ALE**

Campaign for Real Ale
230 Hatfield Road
St Albans
Hertfordshire
AL1 4LW

Telephone: 01727 867201
Fax: 01727 867670
Email: camra@camra.org.uk
www.camra.org.uk

Statement of Support

DATE 04/04/2016

I confirm that in putting forward the attached application to list Chapel House pub as an 'Asset of Community Value (ACV)' that High Peak and North East Cheshire branch of CAMRA is acting on behalf of and with full authority of the Campaign for Real Ale (CAMRA). CAMRA is a limited company, registered in England with company number 1270286.


Campaigns Officer
Campaign for Real Ale (CAMRA)

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from Land Registry.

This official copy is issued on 04 April 2016 shows the state of this title plan on 04 April 2016 at 10:11:40. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the Land Registry, Fylde Office .

© Crown copyright. Produced by Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316.

H. M. LAND REGISTRY

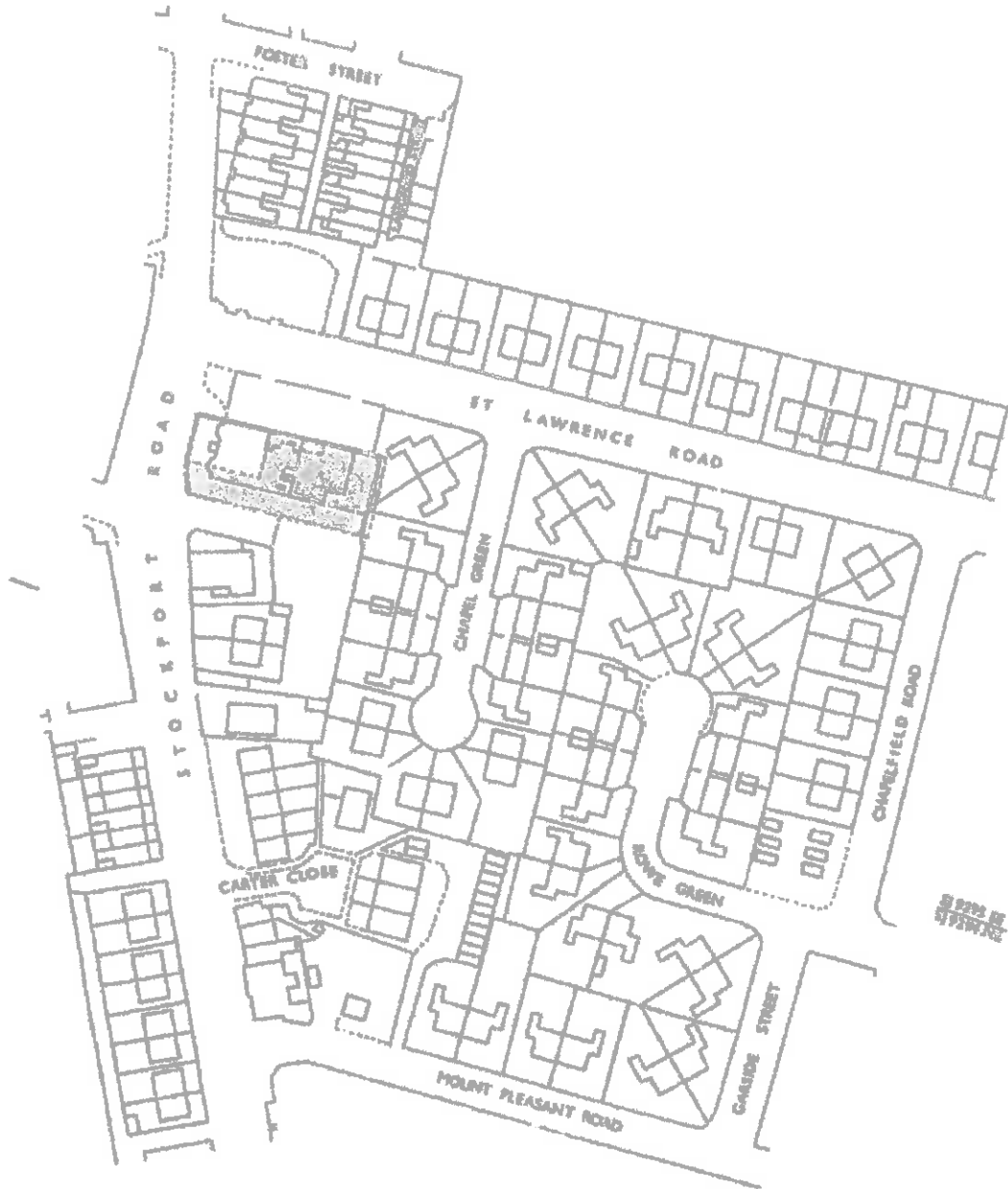
NATIONAL GRID PLAN
GREATER MANCHESTER

SJ9295

SECTION F

TAMESIDE DISTRICT

Scale 1/1250

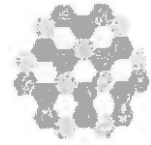


© Crown Copyright 1973

T. M. No. GM 653803

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number GM653803 Edition date 15.02.2008

- This official copy shows the entries on the register of title on 04 APR 2016 at 10:11:40.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 04 Apr 2016.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by Land Registry, Fyde Office.

A: Property Register

This register describes the land and estate comprised in the title.

GREATER MANCHESTER : TAMESIDE

- 1 (13.01.1994) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being The Chapel House, 145 Stockport Road, Denton (M34 6AQ).
- 2 (13.01.1994) The mines and minerals together with ancillary powers of working are excepted.
- 3 (13.01.1994) The land tinted pink has the benefit of the following rights granted by but is subject to the following rights reserved by a Conveyance of the land in this title and other land dated 31 December 1906 made between (1) Thomas Chesters, Edward Rogerson, Peter Jeffrey Ramsay and Robert Leach and (2) Chesters Brewery Company Limited:-

"TOGETHER with general rights of way at all times and for all purposes for the Company their successors and assigns owners for the time being of the land hereby conveyed and their tenants and servants and all other persons authorised in that behalf by them in common with the Vendors their heirs and assigns and all persons already authorised or hereafter authorised by them over and along the whole of the said intended Road and passage so far as the same respectively are coextensive with the plot of land hereby conveyed AND ALSO the use in common with the Vendors their heirs and assigns and all other persons already authorised or hereafter authorised by them general rights of way at all times and for all purposes in common with the Company their successors and assigns over such parts of the said plot of land hereby conveyed as are to be appropriated and left open and unbuilt upon for the purposes of the said Road and passage respectively by the Purchasers their heirs or assigns in pursuance of the covenant in that behalf hereinafter contained AND ALSO the right to lay down and renew and repair pipes under any part of the said Road and passage AND ALSO the use of the sewers hereinbefore mentioned and liberty to enter upon the said plot of land for the purpose of laying renewing or repairing the said pipes and constructing opening cleansing and repairing the said sewers and making communications therewith."

NOTE:- The intended road referred to is the strip of land 36'0" wide at the southern boundary of this title, the northern moiety of which falls in this title.

- 4 (13.01.1994) The land has the benefit of the following rights granted by a Conveyance of the land tinted blue on the filed plan dated 3

Title number GM653803

A: Property Register continued

February 1948 made between (1) Chesters Brewery Company Limited (The Company) and (2) The Urban District Council of Danton (The Council):-

"THE Council hereby grants unto the Company their successors in title the owner or occupiers for the time being of the adjoining land of the Company so far as the same is coextensive with the land hereby conveyed from time to time and at all times in the daytime to enter on the land hereby conveyed for the purpose of repairing and maintaining the adjacent buildings of the Company making good nevertheless at the expense of the Company all damage or disturbance which may be caused to any building or erection on or to the surface of the land hereby conveyed in relation to such repairs and maintenance."

5. (13.01.1994) A Transfer of the land in this title dated 4 January 1994 made between (1) Whitebread West Pennines Limited (2) Whitbread PLC (The Vendor) and (3) Joseph Holt PLC (The Transferee) contains the following provision:-

"AS between the parties hereto IT IS HEREBY AGREED AND DECLARED that (in case any covenants restrictive of the use of any premises for any licensed trade or business concerned with the sale of intoxicating liquor or restrictive of advertisements for intoxicating liquor being displayed have been imposed by the Vendor or any of its subsidiary or associated companies for the benefit of the Property and/or other property now or formerly owned by the vendor or any of its subsidiary or associated companies) the Transferee shall not be entitled to the benefit of such covenants and the Vendor and its subsidiary and associated companies shall be at liberty to enter into such negotiations to effect such modifications or release such covenants as it or they may think fit without reference to the Transferee or its successors in title to the intent that such release shall not only be effective as regards the other property now or formerly owned by the Vendor or its subsidiary or associated companies but also as to the Property and that if so required in writing by the Vendor or any of its subsidiary or associated companies or their successors in title the Transferee or its successors in title (as the case may be) will at the expense of the Vendor or its subsidiary or associated companies or their successors in title so requesting the same enter into such Deed or Deeds to give effect to such modification or release as the Vendor its subsidiary or associated companies or their respective successors in title may require."

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (13.01.1994) PROPRIETOR: JOSEPH HOLT LIMITED (CO. Reg. No. 182757) of Empire Street, Cheetham, Manchester M8 1LD.
- 2 (02.04.2001) RESTRICTION: Except under an order of the registrar no disposition by the proprietor of the land is to be registered without the consent of the proprietor of the Charge dated 25 September 2000 in favour of The Royal Bank Of Scotland PLC referred to in the Charges Register.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (02.04.2001) REGISTERED CHARGE Supplemental by Deed of Assignment dated 25 September 2000 affecting also other titles to secure the moneys including the further advances therein mentioned.

NOTE: Principal Deed and Supplemental Charge reference GM402840.

- 2 (02.04.2001) Proprietor: THE ROYAL BANK OF SCOTLAND PLC (Scot. Co.

Title number GM653803

C: Charges Register continued

Regn. No. 90312) of PO Box 356, 38 Mosley Street, Manchester M50 2BE.

End of register