

**Notice of a public
Decision Session - Executive Leader (incorporating Finance &
Performance)**

To: Councillor Carr

Date: Monday, 13 March 2017

Time: 3.00 pm

Venue: The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democratic Services by **4:00 pm on Wednesday 15 March 2017.**

*With the exception of matters that have been subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Corporate and Scrutiny Management Policy and Scrutiny Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **Thursday 9 March 2017 at 5.00pm.**

1. **Declarations of Interest**

At this point in the meeting, the Executive Leader is asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which he might have in respect of business on this agenda.

2. **Minutes** (Pages 1 - 2)

To approve and sign the minutes of the Decision Session held on 13 February 2017.

3. **Public Participation**

At this point in the meeting, members of the public who have registered their wish to speak at the meeting can do so. The deadline for registering is **Friday 10 March 2017 at 5.00 pm.**

Members of the public may register to speak on:-

- an item on the agenda
- an issue within the Executive Leader's remit;

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Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at: http://www.york.gov.uk/download/downloads/id/11406/protocol_filming_and_recording_of_council_meetings_20160809.pdf

4. Application for Community Right to Bid under the Localism Act 2011 - The Deramore Arms Public House, Heslington (Pages 3 - 18)

This report presents an application to list the Deramore Arms Public House, Heslington, York, as an Asset of Community Value (ACV), for consideration by the Council.

5. Urgent Business

Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officer:

Name- Jayne Carr

Telephone No.- 01904 552030

Email-jayne.carr@york.gov.uk

For more information about any of the following please contact the Democratic Services Officers responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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City of York Council

Committee Minutes

Meeting	Decision Session - Executive Leader (incorporating Finance & Performance)
Date	13 February 2017
Present	Councillor Carr

26. Declarations of Interest

The Executive Leader was asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that he may have in respect of business on the agenda. No additional interests were declared.

27. Minutes

Resolved: That the minutes of the Decision Session held on 16 January 2017 be approved and signed by the Executive Leader as a correct record.

28. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

29. HR Advisory Services to Schools - Future Model of Service Delivery

The Executive Leader (incorporating Finance and Performance) considered a report which asked him to agree to the transfer of City of York Council (CYC) HR School Advisory support to North Yorkshire County Council (NYCC), with the CYC function maintaining a strategic overview of service delivery. This partnership would ensure the local authority could continue to take a strategic role for school improvement across the city and could discharge its statutory duties as an employer.

The Executive Leader considered the following options:

- Option 1 – to continue with the current secondment working arrangements delivering the service in partnership with NYCC.
- Option 2 – to fully resource a dedicated school advisory team fully and invest to develop the service offer.
- Option 3 – to agree a formal partnership arrangement between NYCC and CYC with NYCC to deliver HR advisory services to York schools.

The Executive Leader sought assurances that Option 3 did not compromise the Authority's statutory responsibilities as the employer of staff in maintained schools. He was informed that the proposed arrangements would fulfil the Council's statutory obligations. The Executive Leader was also assured that the proposed arrangements were robust but that they could be terminated in the future should this become necessary.

Resolved: That Option 3 be approved (i.e. to agree the formal partnership arrangements to work in partnership with North Yorkshire County Council to deliver HR advisory services to York schools).

Reason: This option is the most effective at achieving the aim of a resilient and sustainable HR advisory support service for York schools.

Executive Leader (incorporating Finance and Performance)

[The meeting started at 4.45 pm and finished at 4.55 pm].

13th March 2017

Executive Leader (incorporating Finance and Performance Decision Session

Report of the Assistant Director of Regeneration and Asset Management

Applications for Community Right to Bid under the Localism Act 2011

Summary

1. This report presents an application to list the Deramore Arms Public House, Heslington, York, as an Asset of Community Value (ACV), for consideration by the Council.

Background

2. An application has been received, for a decision by the Executive Member in the Council's statutory capacity as an Asset of Community Value (ACV) listing authority.
3. The purpose behind these provisions is to ensure that property (land and building) assets which are currently used to the benefit of the local communities are not disposed of without the local community being given a fair opportunity to bid for these assets when they are put on the open market. This right is not simply to accommodate 'public assets' but also private assets, the test is whether such assets are viewed as 'assets of community value'. These assets therefore could be currently owned by the public, private or voluntary sector.
4. The definition of 'land of community value' is set out in section 88 of the Localism Act 2011. To be considered as an asset of community value the land or property must satisfy either of the following criteria:
 - a. an actual current non-ancillary use of the building or other land furthers the well-being or social interests of the community and 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 well-being or social interests of the local community

OR

- b. there is a time in the recent past when an actual non-ancillary use of the building or other land furthered the social well-being or social interests of the local community and it is realistic to think that there is a time within the next 5 years when there could be non-ancillary use (whether or not the same use as before) that would further the social well-being or social interests of the local community
5. There is no exhaustive list of what is considered to be an asset of community value but cultural, recreational and sporting interests are included. Excluded specifically are residential type properties (such as hotels, housing in multiple occupation and residential caravan sites) and operational land of statutory undertakers.
 6. It should also be noted that changes to the General Permitted Development Order have been made with effect from the 6th April 2015, which means that where a pub is listed as an asset of community value a planning application is required for a change of use or demolition of the pub building. However this should not be a factor in determining any application for listing of a pub as an Asset of Community Value.

The process

7. The regulations set out how potential assets can be listed which in brief is as follows:
 - **Nomination** – this can be by a voluntary or community body with a local connection. Includes parish councils, neighbourhood forums, charities, community interest groups but excludes public or local authorities (except parish councils).
 - **Consideration** – the local authority have 8 weeks to make the decision. Under the Council's procedures the Executive member is the decision maker. If the nomination is successful the asset details are entered onto the 'Community Value list' – see below – and also the local land charges register. If unsuccessful then the details are entered onto an 'unsuccessful nominations' list for a period of 5 years to prevent repeat nominations. The owner can request a review of the

decision which must be completed within 8 weeks and the owner can further appeal within 28 days of the review outcome to a Tribunal.

- **Disposal of assets on the list** – if a building or piece of land which is on the list is going to be sold with vacant possession then the owner of the asset needs to give notice to the local authority. There is then a 6 week moratorium period for any community group to express interest in writing and if they do then a 6 month period for that group to prepare it's bid. After that period the owner can market the property and any bid from the community group will be considered with bids from other interested parties. There is no guarantee that the offer from the community group will be successful as the owner of the asset will dispose of the property in accordance with its own criteria for disposal. There are a number of exceptions contained within the legislation that mean that this moratorium period does not apply and the owner does not need to give notice of it's intention to sell. This includes when there is a legally enforceable requirement, which pre-dates the listing, to sell to a specific party.
- **Compensation** – the presence of the land or building asset on the community value list may result in additional expenditure or a loss to the owner and therefore the owner can apply for compensation from the local authority. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value)..

The Deramore Arms, Heslington, York

8. The freehold of The Deramore Arms is owned by Greene King plc. The nomination is being made by Heslington Parish Council. Legal Services have confirmed that a nomination must be considered by the Council if the nominator is someone who meets the eligibility criteria specified in the relevant legislation and if the nomination form includes the information specified in regulation 6 of the ACV Regulations 2012. The Parish Council are an eligible body. In accordance with the regulations, the freehold owner of the property has been informed in writing that the application has been made. They have been invited to make representations regarding the nomination and no representations have been received. The property is currently vacant. However, the owners are currently actively

seeking a new licensee, with a view to reopening the pub as soon as possible.

9. The Parish Council state in the nomination form that The Deramore Arms is a village community pub serving a varied customer demographic in an area where this type of facility is needed, given that it is one of two public houses that serve a significant immediate population, including the York University campus. The Parish Council say that the other pub, the Charles XII, is deliberately student orientated, with cheap drinks and jukebox, whereas the Deramore Arms is designed to appeal to local residents and diners, as well as students. They also state that the community facilities offered by the Deramore Arms are not replicated elsewhere nearby.
10. Local/University sports teams meet in the pub, and it has a wide appeal to all social groups, as well as attracting local families to the dining facility. The large car park at the rear has hosted small market events for local residents, such as garden plant sales and car boot sales.
11. The Parish Council claim that temporary loss of the Deramore Arms is keenly felt by the local community, which they want to protect and cherish. With the right investment from the pub company, the Parish Council feel that the Deramore Arms can serve residents well into the future.
12. Full details are provided in the attachment to the nomination form in Annex 1.
13. There is significant precedent set elsewhere in the country from other authorities who have accepted pubs onto the list, even where they are currently run as commercial businesses.
14. The application meets the basic criteria for listing and no objection has been raised by the owner to the nomination. Whilst the property is currently vacant it has been used for the purposes described above, within the recent past. It is therefore recommended that the Deramore Arms, Heslington should be listed on the ACV register.

Implications

15. **Financial** – Compensation may be payable by the Council to the owner of any property which is listed. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value).

Human Resources (HR) – none

Equalities, Crime and Disorder and IT - none

Legal – Legal advice has been incorporated within this report.

Property – All property issues included in the report

Other – none

Risk Management

16. There are no significant risks to this application.

Recommendations

17. The Executive Member is asked to.

Agree to the listing of the Deramore Arms Public House, Heslington, York as an Asset of Community Value (ACV), because it meets the required criteria.

Reason: To ensure the Council meets its legislative requirements of the Localism Act 2011 and promotes community access to community facilities.

Contact Details

Author:

Tim Bradley
Asset Manager
Asset and Property Management
Tel No. 01904 553355

Chief Officer Responsible for the report:

Tracey Carter
Assistant Director
Regeneration and Asset Management
Tel. No. 01904 553419

Report
Approved



Date 2nd March 2017

Ward Affected: Heslington

For further information please contact the author of the report

Annexes

Annex 1 – The Deramore Arms Public House – Application to add to the List of community assets

Annex 2 – Current list of assets of community value

Abbreviations used in the report

ACV - Assets of Community Value



ASSETS OF COMMUNITY VALUE NOMINATION FORM

If you need assistance completing this form, then please refer to the guidance document which can be downloaded from the website www.york.gov.uk/assetsofcommunityvalue or alternatively call 01904 553360.

Section 1

About the property to be nominated

Name of Property:	The Deramore Arms
Address of Property:	Main St, Heslington, York
Postcode:	YO10 5EA

Property Owner's Name:	Greene King
Address:	Westgate Brewery, Bury St Edmunds, Suffolk
Postcode:	IP33 1QT
Telephone Number:	01284 763222
Current Occupier's Name:	Currently unoccupied

Section 2

About your community organisation

Name of Organisation:	Heslington Parish Council
Title:	Mr
First Name:	Peter
Surname:	Hall
Position in Organisation:	Parish Councillor
Email Address:	01904 553360 4@hotmail.com
Address:	18 Turners Croft, Heslington, York
Postcode:	YO10 5EL
Telephone Number:	01904 553360

Organisation type:

Click in field for options

Organisation size

How many members do you have?

Section 3**Supporting information for nomination**

Any information entered in this section only may be copied and passed onto the owner of the property you are nominating. Definition of an asset of community value can be found in the guidance document.

Why do you feel the property is an asset of community value? Please give as much information as possible.

See separate accompanying document: Why The Deramore Arms is an Asset of Community Value

Section 4**Boundary of Property**

What do you consider to be the boundary of the property? Please give as much detail/be as descriptive as possible. Please include a plan.

Section 5**Attachment checklist**

- Copy of group constitution (if you are a constituted group)
- Name and home address of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan (if possible)

Section 6**Declaration**

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

Signed:



Dated:

29/12/16

Please e-mail your completed form to property.services@york.gov.uk or post to:

Asset and Property Management
 City of York Council
 West Offices
 Station Rise
 York
 YO1 6GA

Why The Deramore Arms is an Asset of Community Value

The Deramore Arms is a village community pub serving a varied customer demographic in an area that much needs facilities, given that when open it is one of only two public houses that serve a significant immediate population in the Heslington area which is home to the vast York University campus.

It is currently shut but the owners Greene King, one of the largest pub companies in the UK, has indicated in the local press that it is actively seeking a new licensee with a view to opening it as soon as possible.

When it is open, the pub appeals to different social groups by offering an alternative to other amenities in the area that appeal to other demographics. The nearest and only other public house in the village is the Charles XII – which is deliberately student orientated with cheap drinks deals and a jukebox, whereas The Deramore is designed to appeal to local residents and diners as well as students by offering a different ambience. The village benefits from having these 2 distinct offerings that caters for all tastes.

There are not replicated by nearby community facilities or any other local public house within 1.2 miles – i.e. reasonable walking distance.

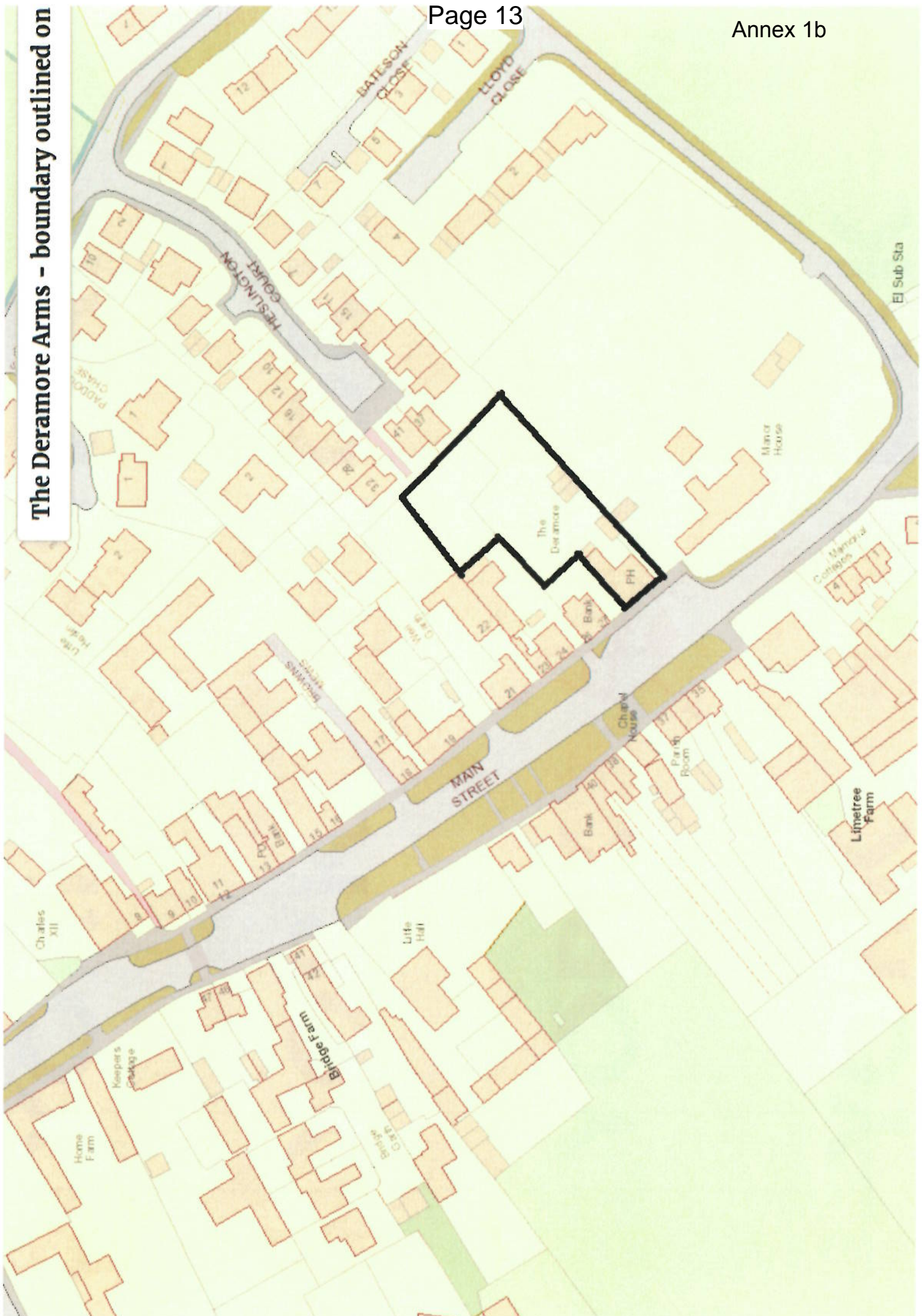
Patrons of The Deramore Arms say that they value the unique atmosphere and social network of this particular public house which is not replicated elsewhere nearby.

When open, The Deramore makes a tangible contribution within local community which will be detailed below.

1. During term time it has laid on free food to sports teams competing on the local playing fields in return for them using the pub as their clubhouse for post-match socialising with visiting teams.
2. It had a thriving local community of patrons that used it not only for socialising but formed domino and darts teams (including ladies) which actively participated in local leagues.
3. Over previous Christmas periods the pub hosted the local church carol singing evening which proved popular with residents in the local village.
4. The pub looked after the key and managed bookings of the Village Meeting Room which houses meetings for instance of the local parish council who used to use the pub post-meetings to socialise.
5. It hosted events for York University Roses matches (against Lancaster University) – providing post-match entertainment and space for teams to eat and drink.
6. There is a huge car park and gardens at the rear of the pub that hosted small-market events for local residents such as garden plants sales and car boot sales.
7. The pub was a popular venue for “occasions” such as weddings or birthday receptions as well as hosting wakes after funerals – given it was able to provide a high standard of catering in spacious surrounding plus it has copious parking facilities and is easy to get to from the A64 and Fulford.
8. It provided a distinct alternative to the Charles II as a dining facility for families and friends of local residents and indeed visitors to the area. The ambience was different in that it didn’t include music and relied on the hum of good conversation and socialising.
9. It had a wide appeal to all social groups and attracted local families; tourists from York in the car; local students as well as single residents (young and old) in the village who used it as a social meeting point and a refuge from isolation.

In Summary

In an area only now served by a single pub, the local community feels keenly the temporary loss of The Deramore public house which is a social facility that they want to protect and cherish - not just for the pub's patrons today, but as a public house with the right investment from the pub company, that will serve future residents of this friendly village with a very large transitory population on its doorstep.



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We the undersigned wish to nominate **The Deramore Arms, Main St, Heslington, York, YO10 5EA** to be listed as an Asset of Community Value (ACV) by City of York Council

NAME	ADDRESS
AFTER HULL	18 TURNERS CROFT, HESLINGTON YORK
J. Hall	18 Turners Croft Heslington
L. FORREST	15, Turners Croft Heslington
A. FORREST	15 Turners Croft, York YO10 5EL
J BAXTER	17 TURNERS CROFT
Sue Baxter	17 Turners Croft YO10 5EL
MAUREEN Kelly	16 Turners Croft YO10 5EL
F. RUCKWITZ	16 Turners Croft YO10 5EL
DEAK	21 Turners CROFT
T. G. GATOR	" " "
NICK PARKER	140 HARRY ROAD YORK YO31 8SW
MAUREEN DOBSON	140 HARRY RD YORK YO31 8SW
CHRIS KYRIACOU	26 SUSSEX RD YORK YO10 5HX
MARTIN O'NEILL	14 TURNERS CROFT YORK YO10 5EL
MARILYN LEE	16 TURNERS CROFT, YO10 5EL
ANDREW BRADSHAW	2 WOODS CR. YO10 5EL
William McLean	Cherry Tree Cottages, YO10 5DX
Paula Clements	Derwent Barn YO10 5EJ
Richard Jones	Primrose Hill Farm Heslington York
Pauline Franley	Primrose Hill Farm Heslington York.
R.M. HATTON	46 MAIN STREET Heslington York
NICK LOVE	1 DEAN GATE, YORK
Melissa Read	30 Crichton Ave, York
Allan Conner	30 Crichton Ave. York
Geoff Mumford	17 Sator Close, York YO23 3T.
Richard Pitman	11, Fir Tree Close York YO24 4CU
MARU HODGSON	43 GULLY GATE YORK YO31 7EA
Paul Owens	2 Stoneleigh Gate Green Hammerton YO26 6L
KARL SMITH	10 HILLCREST AVENUE, POPPLETON YO26 6L

Current list of Assets of Community Value

1. The Golden Ball Public House, 2 Cromwell Road, York - approved March 2014.
2. The Fox Inn, 166 Holgate Road, York – approved July 2014
3. The Mitre Public House, Shipton Road, York – approved July 2014
4. The Winning Post Public House, 127-129 Bishopthorpe Road, York – approved November 2014
5. New Earswick and District Bowls Club, Huntington Road, York – approved November 2014.
6. Holgate Allotments, Ashton Lane, Holgate – approved June 2015
7. The Swan, Bishopthorpe Road, York – approved October 2015
8. The Bay Horse, Murton Way, Murton, York – approved February 2016.
9. The Derwent Arms, 29 Osbaldwick Village, Osbaldwick – approved March 2016.
10. The Jubilee Hotel Public House, Jubilee Terrace, York – approved July 2016.
11. The Minster Inn, 24 Marygate, York – approved July 2016.
12. The Wenlock Arms Public House, 73 Main Street, Wheldrake – approved July 2016.
13. Costcutter Shop, 58 Main Street, Wheldrake, York – approved July 2016.
14. Wheldrake Woods, Broad Highway, Wheldrake – approved July 2016.
15. The Blacksmiths Arms, Naburn York – approved September 2016.
16. The Grey Horse Public House, Main Street, Elvington – approved December 2016.
17. The Lord Nelson Public House, Nether Poppleton, York – approved January 2017.

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