

## Notice of public Decision Session - Leader (incorporating Finance and Performance)

**To:** Councillor Steward

**Date:** Monday, 22 February 2016

**Time:** 4.45 pm

**Venue:** The Auden Room - Ground Floor, West Offices (G047)

### AGENDA

#### Notice to Members – Calling In

Members are reminded that, should they wish to call in any item\* on this agenda, notice must be given to Democracy Support Group by 4.00pm on **Wednesday 24 February 2016**.

\*With the exception of matters that have been the 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 Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00pm on Thursday 18 February 2016**.

#### **1. Declarations of Interest**

At this point in the meeting, the 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 - 4)  
To approve and sign the minutes of the Decision Session held on 20 October 2015.

- 3. Public Participation**  
At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Leader's remit can do so. The deadline for registering is **5:00 pm on Friday 19 February 2016**.

**Filming, Recording or Webcasting Meetings**

Please note this meeting may be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

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 [https://www.york.gov.uk/downloads/file/6453/protocol\\_for\\_webcasting\\_film\\_and\\_recording\\_council\\_meetingspdf](https://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_film_and_recording_council_meetingspdf)

- 4. Application for Community Right to Bid under the Localism Act 2011 - The Bay Horse, Murton** (Pages 5 - 26)  
This report presents an application from the Friends of the Bay Horse, to list The Bay Horse, Murton Way, Murton, as an Asset of Community Value.
- 5. Urgent Business**  
Any other business which the Leader considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Jayne Carr

Contact Details:

Telephone – (01904) 552030

Email – [jayne.carr@york.gov.uk](mailto:jayne.carr@york.gov.uk)

For more information about any of the following please contact the Democratic Services Officer 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

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Meeting	Decision Session - Leader (incorporating Finance and Performance)
Date	20 October 2015
Present	Councillor Steward
In Attendance	Councillor Warters

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**10. 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 the business on the agenda. None were declared.

**11. Minutes**

Resolved: That the minutes of the Decision Session held on 22 July 2015 be approved and signed as a correct record.

**12. Public Participation**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme and that one Member of Council had registered to speak at the meeting.

Mr Paul Crossman, landlord of the Swan Public House, spoke in respect of agenda item 4 – Applications for Community Right to Bid. He advised that The Swan was the epitome of a community pub and that he had run the pub for many years. Nationwide there was a loss of 30 pubs per week, particularly pubs which belong to national chains, such as The Swan, which is why he felt it was worth nominating The Swan as an asset of community value.

Councillor Warters spoke in respect of agenda item 4 – Applications for Community Right to Bid in relation to the Derwent Arms Public House. He advised that the whole site was

of value as a community asset and he believed that the field should also be included in the application.

**13. Applications for Community Right to Bid under the Localism Act**

The Executive Leader considered a report which presented applications to list the following assets as Assets of Community Value (ACV):

- The Derwent Arms Public House, 39 Osbaldwick Village, Osbaldwick, York YO10 3NP
- The Swan Public House, 16 Bishopgate Street, York YO23 1JH

The comments made by the registered speakers under Public Participation were noted. In relation to the field at The Derwent Arms, the Executive Member was happy to include the field in the application.

- Resolved:
- (i) That the application to list the Derwent Arms Public House as an Asset of Community Value (ACV) be agreed, as the criteria have been met for the reasons set out in the report.
  - (ii) That, in respect of the adjacent field included within this application, the Executive Member decided that the usage specified in the application did constitute a principal use and hence the field did come under the statutory definition of “land of community value” and should be listed as an ACV.
  - (iii) That the application to list The Swan Public House as an Asset of Community Value be agreed, as the criteria have been met for the reasons set out in the report.

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

**14. Aviator Court, Units A and E - Application to remove restrictive covenant**

The Executive Leader considered a report which detailed an application to lift the restrictive covenant of an office site on Aviator Court at Clifton Moor for low-cost residential development. The application was in accordance with the Asset Management Policy on lifting restrictive covenants on Clifton Moor and a capital receipt had been agreed in accordance with the policy.

The Executive Leader noted the options detailed in paragraphs 8 and 9 of the report.

Resolved: That the request to remove the restrictive covenant in return for the capital sum of £75,000 be approved.

Reason: To enable the provision of apartments at reasonable cost in an area of surplus office accommodation.

**15. Land at Piccadilly and Bouthwaite Drive**

The Executive Leader considered a report that asked him to agree the purchase of an area of land immediately adjoining the former Reynard's Garage site at 17-21 Piccadilly and the disposal of an area of land at Bouthwaite Drive, Holgate.

The Executive Leader considered the options detailed in paragraph 12 of the report.

Resolved: That the purchase of the land at Piccadilly for £38,000 and the disposal of the land at Bouthwaite Drive for £38,000 be approved.

Reason: To consolidate the council's interest strategically at 17-21 Piccadilly as a development site to facilitate improvement of the area as part of the Southern Gateway Project. Also in the Holgate area to promote the provision by a Housing Association of affordable homes in the city in support of the council's housing policy.

Councillor Steward, Chair

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

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22<sup>nd</sup> February 2016

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## **Leader (incorporating Finance and Performance) Decision Session**

Report of the Assistant Director of Finance, Asset Management and Procurement

### **Applications for Community Right to Bid under the Localism Act 2011**

#### **Summary**

1. This report presents an application from The Friends of the Bay Horse, to list The Bay Horse, Murton Way, Murton, YO19 5UQ, as an Asset of Community Value (ACV), for consideration by the Council.

#### **Background**

2. On 6<sup>th</sup> March 2014 the Cabinet Member approved the proposals for the implementation of a process for the Community Right to Bid legislation to ensure the Council has a process in place for dealing with any applications and the establishment and maintenance of a list of Assets of Community Value. Three applications have recently been received under this legislation, for a decision by the Executive Member.
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 'community value' is set out in the regulations and can be summarised as
  - The actual current use of the building/land furthers social well being or the social interests of the local community
  - Realistically this use can continue for the next 5 years

- There was a time in the recent past where actual use furthered these aims.
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.

### The process

6. 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 which is decided by an ‘appropriate group’. The process adopted for City of York Council is an initial consideration by the Capital and Asset Board (CAB) which has cross-Council representation at a senior level (the Board is chaired by the Director of Customer and Business Support Services). A report is then written to the Leader (incorporating Finance and Performance) who will then formally take the decision. 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.
  - **The ‘Assets of Community Value’ List** – this needs to be published and reviewed regularly and must be accessible in electronic and paper format.
  - **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 its 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). This compensation is determined by the local authority (the adopted policy states that this is carried out by the Capital Asset Board) and the owner can have the compensation reviewed within 8 weeks and appeal to a Tribunal if still not satisfied. It should be noted that compensation can only be claimed by private owners (no compensation for public authorities) and the government has not provided any funding for this compensation (or for any costs associated with any of these provisions). However this should not be a factor in determining any application for listing of a pub as an Asset of Community Value.

7. For a nominated property to be included on the Council's ACV register the Council must consider that the property falls within the statutory definition of 'land of community value' which is that either:
  - (i) A current principal use of the property furthers the social well-being or social interests of the local community and there is a realistic prospect of such use continuing

OR

  - (ii) A principal use of the property in the recent past has furthered the social well-being or social interests of the local community and there is a realistic prospect of such use commencing again within the next 5 years

If the nominated property falls within either (i) or (ii) and the nominators are a group entitled to submit the nomination then the local authority must list the asset as an ACV.

8. It should also be noted that changes to the General Permitted Development Order have been made with effect from the 6<sup>th</sup> 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 Bay Horse Public House, Murton Way, Murton, York.**

9. The freehold of The Bay Horse is owned by Unique Pub Properties Theta Ltd. The nomination is being made by The Friends of The Bay Horse on the basis that the public house is the only public meeting place and community centre in the village. Any evening will show that the pub furthers the social well-being and interests of the local community through its food, drink and facilities as a meeting place. In addition, a tug of war club meets in the paddock behind the pub, there is a monthly 'ladies lunch', a very popular quiz night on Wednesdays, and regular themed restaurant evenings.
10. The Friends understand that the pub, financially, is breaking even on a monthly basis, suggesting that it could be brought into profitability through community involvement. The pub's current owners are not able to invest in facilities that would make it more profitable, leaving the current tenants stuck for improving trade. For instance the Murton Village Design Statement from 2005 showed that the residents had a desire for a children's play area. Using the pub to host such a facility could be a way of building up trade and putting the pub back in the centre of the Murton village community.
11. Unique Pub Properties Theta Ltd is a subsidiary of Enterprise Inns, who have responded to the application as follows.
12. The pub is not unique in the area and there are other pubs in the immediate vicinity offering a range of services and facilities.
13. The pub sits within a conservation area and any change of use would be subject to the usual planning process.

14. The pub is currently on the market for sale on an unrestricted basis and has been since November 2015. They think it likely that any interested party would look toward continued pub use.
15. The community group state that one of the reasons for the nomination is in fact to allow them to raise funds and purchase the property. They feel it is unlikely that the community group would be able to raise the funds required for the purchase.
16. The community have failed to support the pub over the years. They have marketed the pub to let for over 12 months and have had little interest.
17. The current tenant has tried a variety of events to attract local custom with little success or support from the community.
18. Over the last 5 years, Enterprise have spent in excess of £100,000 on improvements to the property and this has had little impact on the sustainability of the property as a business.
19. 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.
20. If the decision is taken to include this application on the list of assets of community value, the owner has the right to request the Council to review its decision. The deadline is eight weeks from the date written notice of listing was given, or a longer period allowed by the authority in writing. The property will remain listed while the review is carried out.

### **Implications.**

21. **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** – Organisations falling within any of the following categories are eligible to submit an ACV nomination relating to property within their local area:

- (i) a parish council
- (ii) a charity, non-profit making company or community interest company with a local connection to the nominated property
- (iii) an unincorporated association which has at least 21 members registered to vote in the local area

The organisations who have submitted the nominations covered by this report fall within the above criteria and are therefore entitled to submit their ACV nominations.

Paragraph 7 of the report contains the statutory definition of ‘land of community value’. If the listing authority considers that a nominated property falls within that definition then it must include the property on its ACV register.

**Property** – All property issues included in the report

**Other** – none

## **Risk Management**

22. There are no significant risks to this application.

## **Recommendations**

23. The Executive Member is asked to agree to the application to list The Bay Horse Public House as an Asset of Community Value as the criteria have been met for the reasons set out above.

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.553355

Chief Officer Responsible for the  
report:

Tracey Carter  
Title - AD Finance Property  
Procurement

**Report  
Approved**



**Date** 11 February  
2016

**Specialist Implications Officer(s)**

Implication Legal  
Name Andy Docherty  
AD Governance and ICT  
Tel No. 551004

**Wards Affected: Osbaldwick and Derwent**

**All**

**For further information please contact the author of the report**

**Annexes**

Annex 1 – The Bay Horse Public House – Application to add to the List of  
community assets

Annex 2 – Letter from Enterprise Inns

Annex 3 – Current list of assets of community value

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# 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](http://www.york.gov.uk/assetsofcommunityvalue) or alternatively call 01904 553360.

## Section 1 About the property to be nominated

Name of Property:	The Bay Horse
Address of Property:	Murton Way, Murton, York
Postcode:	YO19 5UQ
Property Owner's Name:	Unique Pub Properties Theta Ltd.
Address:	3 Monkspath Hall Road, Solihull, West Midlands
Postcode:	B90 4SJ
Telephone Number:	
Current Occupier's Name:	Collette Douglas & Matt Ryan (tenant landlords)

## Section 2 About your community organisation

Name of Organisation:	Friends of the Bay Horse
Title:	Mr
First Name:	Matthew
Surname:	Bloch
Position in Organisation:	Organiser
Email Address:	
Address:	Casa, Murton
Postcode:	YO19 5UQ
Telephone Number:	

### Organisation type:

*Click in field for options*

UNINCORPORATED COMMUNITY GROUP

### Organisation size

How many members do you have?

65

### 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.

The Bay Horse is Murton's only public house, and has been trading for at least 80 years. As such, it is the only public meeting place and community centre in the village of Murton.

Murton's current status as a Conservation Area, surrounded by Green Belt land means that it will be extremely difficult to replace the Bay Horse if it is sold and (most likely) turned into a private residence.

Any evening will show the pub furthers the social wellbeing and interests of the local community through its food, drink and facilities as a meeting place. Trade has suffered after a succession of unsuccessful landlords, but as recently as 3 years ago it was popular with e.g. the Osbaldwick bowling club and others who travelled to visit it.

Even with trade in its current state, I am told that it is breaking even on a monthly basis, suggesting that it can be brought to profitability through community involvement. Despite the low numbers, 7 of our 49 signatories are from outside Murton village (we might have had more but I'm told the pub's owners ordered the landlords to stop distributing our forms).

The pub's current owners are not able to invest in facilities that might make it more profitable, leaving the landlords in stuck for improving trade. For instance, the Murton Village Design Statement from 2005 showed that the residents had a desire for a children's play area - by using the pub to host such a facility, this could be a plank in building the trade back up and putting it back in the centre of community activity.

For these reasons it seems likely that it could continue to thrive and further the wellbeing of the Murton village community, if the community is able to raise funds to buy it.

### 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.

The boundary of the property consists of (what we believe) is the current freehold, namely the front garden, house itself, rear car park and paddock, obtained from a past planning application: [https://planningaccess.york.gov.uk/online-applications/files/BE788D52B510F3FB97DA5008B05031C4/pdf/06\\_02060\\_ADV--249571.pdf](https://planningaccess.york.gov.uk/online-applications/files/BE788D52B510F3FB97DA5008B05031C4/pdf/06_02060_ADV--249571.pdf)

Please find attached an aerial photograph of Murton, with the boundary of The Bay Horse highlighted.

### 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 possible)
- 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: 10/1/2016

Please e-mail your completed form to [property.services@york.gov.uk](mailto:property.services@york.gov.uk) or post to:  
**Asset and Property Management**  
**City of York Council**  
**West Offices**  
**Station Rise**  
**York**  
**YO1 6GA**

## Sheet1

<b>Name</b>	<b>Address</b>	<b>Postcode</b>
Anthony Leach		YO10 3BG
Liz Chapman		YO10 3BG
Dave Fawcett		YO10 3NG
Peter Balding		YO19 2UJ
John Turner		YO19 5UF
Amy Smith		YO19 5UG
Denise Smith		YO19 5UG
Kevin Smith		YO19 5UG
Martin Smith		YO19 5UG
Carole Broughton		YO19 5UG
David Broughton		YO19 5UG
Gavin Broughton		YO19 5UG
Nicola Broughton		YO19 5UG
Peter Richmond		YO19 5UH
John Milner		YO19 5UH
Richard Dean		YO19 5UH
Andrew Wells		YO19 5UJ
Pete Acomb		YO19 5UJ
P Richardson		YO19 5UL
Tricia Brobyn		YO19 5UL
Rosie Bramley		YO19 5UL
John Humble		YO19 5UL
S Plows		YO19 5UL
SP Plows		YO19 5UL
Eric Surtees		YO19 5UL
Sylvia Surtees		YO19 5UL
John Anderson		YO19 5UL
Anne Reilly		YO19 5UL
Brendan Reilly		YO19 5UL
David Jenkins		YO19 5UQ
Laura Mansfield		YO19 5UQ
Mike Mansfield		YO19 5UQ
Richard Kettlestring		YO19 5UQ
Mrs Suzanne Pickerin		YO19 5UQ
Alice Tomlinson		YO19 5UQ
Matthew Bloch		YO19 5UQ
Debra Rhodes		YO19 5UQ
Geoff Wrigglesworth		YO19 5UQ
Anne Kettlestring		YO19 5UQ
Maurice Kettlestring		YO19 5UQ
David Vickers		YO19 5UQ
Anthony Aydon		YO19 5UQ
Judith Mary Aydon		YO19 5UQ
A Kettlestring		YO19 5UQ
Helen Kettlestring		YO19 5UQ
David Waddington		YO19 5UQ
Isobel Waddington		YO19 5UQ
Tony Greenway		YO19 5UQ
Kate Haywood		YO19 5UQ
Graham Scaife		YO19 5UQ
Lynn Scaife		YO19 5UQ
Andy Theyers		YO19 5UQ

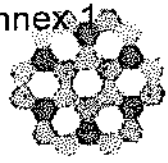
Sheet1

Dianne O'Brien		YO19 5UQ
Eamon O'Brien		YO19 5UQ
Jenny Jenkins		YO19 5UR
Sandra Wake		YO19 5WA
Steve Butler		YO19 5WA
Alastair McFarlane		YO19 5WA
Sarah McFarlane		YO19 5WA
C Chapman		YO19 5XE
Mrs D Chapman	1	YO19 5XE
R Nursey	1	YO19 5XG
Mr Ron Benson	1	YO19 5XL
Mr R Elmer	2	YO31 9JE
D Beattie	3	YO32 9TY

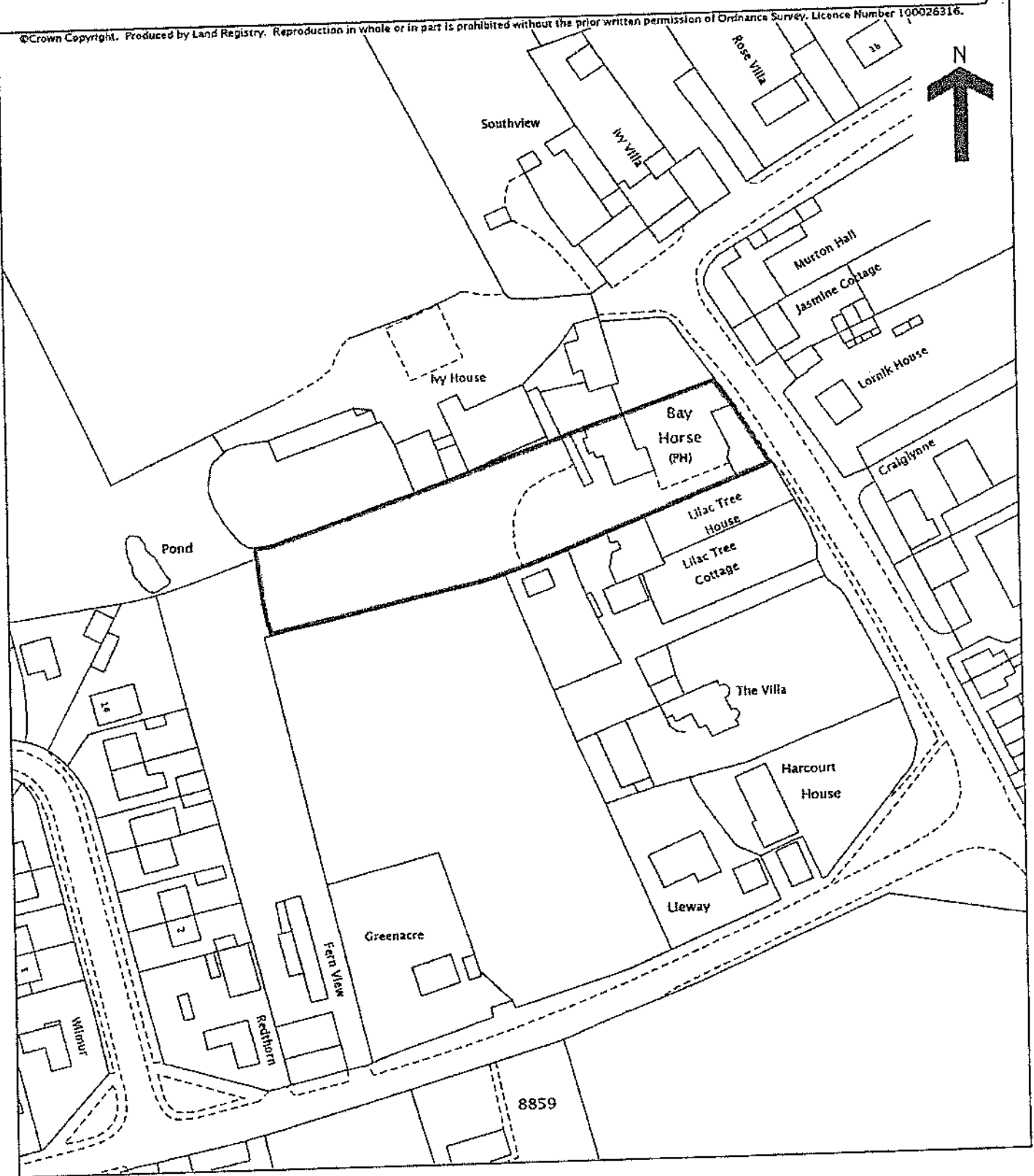
Land Registry  
Official copy of  
title plan

Title number **NYK114817**  
Ordnance Survey map reference **SE6452NE**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **York**

Annex 1



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**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 07 January 2016 shows the state of this title plan on 07 January 2016 at 10:26:53. 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, Durham Office .

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Enterprise Inns plc  
3 Monkspath Hall Road  
Solihull  
West Midlands  
B90 4SJ

T: 0121 733 7700  
F: 0121 733 6447

[www.enterpriseinns.com](http://www.enterpriseinns.com)

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

FAO Mr T Bradley

Our ref: JS/030141

1Feb 2016

BY POST AND BY EMAIL  
EMAIL: [tim.bradley@york.gov.uk](mailto:tim.bradley@york.gov.uk)

Dear Sir

**Re: Bay Horse Murton Way Murton York YO19 5UQ. Assets of Community Value  
Localism Act 2011.Your Ref TGB G00033**

Thank you for your letter dated 13 January 2016 in relation to the nomination of the above as a potential asset of community value.

I have several observations that I would like you to take into consideration in any decision you reach.

- 1) The pub is not unique in the area and there are other pubs in the immediate vicinity offering a range of services and facilities.
- 2) The pub sits within a conservation area and any change of use would be subject to the usual planning process.
- 3) The pub is currently on the market for sale on an unrestricted basis and has been since November 2015. We think it likely that any interested party would look toward continued pub use.
- 4) The community group state that one of the reasons for the nomination is in fact to allow them to raise funds and purchase the property. We feel it is unlikely that the community group would be able to raise the funds required for the purchase.
- 5) The community have failed to support the pub over the years. We have marketed the pub to let for over 12 months and have had little interest.
- 6) The current tenant has tried a variety of events to attract local custom with little success or support from the community.
- 7) Over the last 5 years we have spent in excess of £100,000 on improvements to the property and this has had little impact on the sustainability of the property as a business.

Enterprise Inns plc  
3 Monkspath Hall Road  
Solihull  
West Midlands  
B90 4SJ

T: 0121 733 7700  
F: 0121 733 6447

[www.enterpriseinns.com](http://www.enterpriseinns.com)

8) It is important to recognise that, in considering whether a property should be listed as an ACV, regard is to be had to section 88 (1) of the Localism Act, whereby the site is only capable of being listed as an ACV if:

*(a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and*

*(b) 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.*

It is clear that in order for the site to be listed as an ACV, its continuing use for a purpose which furthers social wellbeing or social interest has to be realistic.

We therefore respectfully request that the application to list the site as an ACV be rejected.

Yours faithfully  
**Enterprise Inns plc**



**John Strawinski**  
**Asset Director**

### **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

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