

Notice of a public

Decision Session - Executive Member for Finance and Performance

To: Councillor Ayre (Executive Member)

Date: Monday, 13 September 2021

Time: 10.00 am

Venue: The Snow Room - Ground Floor, West Offices (G035)

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 **4:00pm** on **Wednesday 15 September 2021**.

*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 items that are called in will be considered by the Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5:00pm** on **Thursday 9 September 2021**.

1. Declarations of Interest

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

- any personal interests not included on the Register of Interests

- any prejudicial interests or
 - any disclosable pecuniary interests
- which they may 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 21 July 2021.

- 3. Public Participation**
At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee. The deadline for registering at this meeting is at **5:00pm on Thursday 9 September 2021.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting please contact the Democracy Officer for the meeting whose details can be found at the foot of the agenda.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

- 4. Health & Safety Update Report** (Pages 3 - 14)
This report provides the Executive Member for Finance & Performance with:
- the Health & Safety (H&S) 2020/2021 outturn report from the Head of Health & Safety;
 - an update on the action being taken to address the risks raised in the report;
 - key areas of work for 2021;
 - client overview of the performance of Health & Safety (H&S)

shared service formed by North Yorkshire County Council (NYCC) and City of York Council (CYC) which operates under a partnership agreement.

5. Application for Community Right to Bid (Pages 15 - 34) under the Localism Act 2011

This report details an application to list The Spread Eagle Public House, Walmgate, York as an Asset of Community Value (ACV), for consideration by the Council. The application has been received from the Campaign for Real Ale – York Branch.

6. Urgent Business

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

Democracy Officer:

Name: Angela Bielby

Telephone: (01904) 552599

Email: a.bielby@york.gov.uk

For more information about any of the following, please contact the Democracy 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.

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

City of York Council

Committee Minutes

Meeting	Decision Session - Executive Member for Finance and Performance in consultation with the Executive Member for Housing and Safer Neighbourhoods (for agenda item 4 -Local Covid Support Grant Scheme (LCSG))
Date	21 July 2021
Present	Councillors Ayre and Craghill
Apologies	

27. Declarations of Interest

The Executive Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests that they might have had in respect of business on the agenda. They confirmed they had none.

28. Minutes

Resolved: That the minutes of the Decision Session held on 12 July be approved as a correct record and signed by the Executive Member.

29. Public Participation

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

30. Local Covid Support Scheme (LCSS)

Officers provided an update to the report noting that an Officer Decision had been made by officers in consultation with the Executive Members to support the Holiday Activities and Food (HAF) scheme. The HAF scheme would operate for 4 weeks in the summer holiday, so the Local Covid Support Grant Scheme (LCSG) would supply funding for Free School Meal Vouchers in the remaining 2 weeks of the summer holiday at a cost of £100k from the LCSG. This decision was taken due to preparation being required ahead of the impending summer holidays. Executive Members noted the decision and the update to the report.

Members considered the proposed scheme to distribute monies from the LCSG. Officers noted that swift action was required to ensure the Council

meet the deadline for distribution set out by Central Government. Officers noted that the scheme would contain an application process due to the Council not holding all relevant information that the scheme required, to pay out the grants to individuals already identified as being in need. It was confirmed that the Council would approach individuals in need such as those on Council Tax Support directly to encourage applications.

Members discussed how the Council could ensure take up of the grant and recommended that details be shared with Ward Councillors to promote, it was also confirmed that check points would be kept on the scheme by officers to ensure the grants were being distributed. For those that the Council would contact directly about applying, discussion took place on what communications would be in place and officers noted that a range of communications would be used to promote the scheme including text messages. Finally Members requested that a full range information of available support in the city be provided to those that apply to the scheme.

Resolved:

- i. Noted the top slice of £100k from the new LCGS grant for free school meal vouchers during the remaining two weeks of the school summer holidays (as outlined in paragraph 10 of the report);
- ii. Approved the methodology outlined in paragraph 16 of the report for allocating the remaining grant to families identified as in need using the Council Tax Support (CTS) scheme entitlement criteria;
- iii. Approved the continuation of the existing scheme for anyone not on CTS but requires help with food and bills (paragraph 18 of the report).

Reason: To ensure government funding is utilised in the fairest and most direct way to support as many families as possible affected by the financial impacts of the Covid19 Pandemic.

Councillor Ayre, Executive Member for Finance and Performance
[The meeting started at 12.00 pm and finished at 12.15 pm].



Executive Member for Finance & Performance

13 September 2021

Report of Head of HR & OD

Health & Safety Update Report

Summary

1. This report provides the Executive Member for Finance & Performance with:
 - the Health & Safety (H&S) 2020/2021 outturn report from the Head of Health & Safety;
 - an update on the action being taken to address the risks raised in the report;
 - key areas of work for 2021;
 - client overview of the performance of Health & Safety (H&S) shared service formed by North Yorkshire County Council (NYCC) and City of York Council (CYC) which operates under a partnership agreement.
2. The report will assist the Executive Member in proactively monitoring the overall systems and management of health and safety across the council. This report brings reporting back in line with annual reports following the pandemic.

Recommendations

3. The Executive Member is asked to:
 - a) note the report covering the 12 month period including the council's response to managing and responding to significant H&S risks including those relating to the pandemic;
 - b) note the performance of the Shared H&S Service;
 - c) consider any areas of H&S risk management for further reporting at future decision sessions.

Reason: To ensure the Executive Member and residents are assured that H&S services are appropriately managed and resilient and the council has proper arrangements in place for managing and responding to H&S risks.

Background

4. The annual report of the Head of Health & Safety is attached as the Annex to this report. It covers work relating to the 2020/2021 financial year. It summaries key points relating to:
 - the council's H&S performance for the period;
 - key areas of the H&S Team's work;
 - accident and incident statistics including RIDDOR¹ reportable incidents;
 - a look forward to the key areas of work planned for 2021 including the priorities of the Health & Safety Executive (HSE).
5. In response to the areas of concern raised, the council's Joint Health & Safety Committee (JHSC) receives reports back from Directorate representatives (normally at Chief Officer level) on action being taken to review risks and learning from accidents and incidents.
6. The committee is attended by Trade Union representatives, Public Health and Communications.
7. The new B-safe H&S system is also now in operation and the committee can now monitor other activity and receive reports.
8. The council's client officer for the Shared Health and Safety Service, has transferred from the Assistant Director for Customer & Digital Services to the Head of Human Resources with effect from 1 April 2021. An analysis of the key areas of performance as laid down by Schedule 1 of the shared service Collaboration Agreement has been carried out and included within this report.
9. The analysis is shown in the table below and this is based on the fortnightly review meetings attended by the client officer (author of this report) with the Head of Health & Safety and the quarterly meetings of the Client Officer Group, at which both client officers for NYCC and CYC meet with the Head of Health & Safety and respective accountants from both councils.

Reference	Requirement	Achieved
1.1	Provision of a competent H&S Service to CYC	Yes
1.2 i	Promotion of a Health and Safety Culture in CYC	Yes
1.2 ii	Assistance and support in accident and incident	Yes

¹ notifiable under the provisions of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013

	investigations including RIDDOR reporting and liaison with regulators and other agencies (including HSE, Fire and Rescue Services and Police)	
1.2 iii	Advice on local policy and procedure development	Yes
1.2 iv	Provision of Health and safety advice and guidance	Yes
1.2 v	Assistance to managers in the conduct of risk assessments and/or assistance in completion of fire risk assessments	Yes
1.2 vi	Asbestos Management Reviews	Yes
1.2 vii	Assistance with training identification and delivery of health and safety courses	Yes
1.2 viii	Audit and monitoring of services as regards health and safety performance	Yes
1.2 ix	Assistance with measuring and reviewing H&S performance	Yes
1.2 x	Attendance at relevant Portfolio Holder, Executive and Council meetings as appropriate	Yes
1.2 xi	Advice to the CYC Safety Advisory Group (SAG) regarding Event Safety	Yes
1.2 xii	Presence at appropriate formal Trade Union Health and Safety meetings in particular the Joint Health and Safety Committee quarterly and the Department Health and Safety as appropriate	Yes
1.3 i	Contribute to CYC's business planning	Yes
1.3 ii	Attend Departmental Management Team and Council Team Meetings as required	Yes
1.3 iii	Contribute as a Member of the council's management arrangements such as the CYC Leading Together cohort	Yes
1.4	The Service to NYCC and CYC will be tailored to meet the needs and priorities of NYCC and CYC through liaison with the Nominated Officers.	Yes

Consultation

10. The Council Management Team have received and considered the content of the Annual Report.

Options

11. There are no options in this report given that the recommendations on the content of the Annual Report are to note the content only. As part of his portfolio monitoring role of H&S matters the Executive Member can identify any areas of specific H&S risk for further reporting at future decision sessions.

Analysis

12. All information is contained in the body of the report.

Council Plan

13. Outcomes achieved by the activities covered in this report help to deliver all priorities in the Council Plan, ensuring that as an employer the council sets a positive example of supporting employees to achieve their full potential in a safe working environment

Implications

- 16.
- a. **Financial:** None
 - b. **Human Resources (HR):** The report relates to all employees of the council. The H&S shared service is hosted by NYCC.
 - c. **Equalities:** there are no equality implications of the report
 - d. **Legal:** The content of this report contributes to evidence that the council is complying with the Regulatory Reform (Fire Safety) Order 2005 and the Health and Safety at Work etc. Act 1974 and associated regulations.
 - e. **Crime and Disorder:** There are no crime and disorder implications to this report.
 - f. **Information Technology (ICT):** None
 - g. **Property:** None
 - h. **Other:** No known implications.

Risk Management

17. The controls and evidence in this report mitigate/minimise risks associated with any breach of H&S and fire safety regulations.

Contact Details Author:

Stuart Langston
Shared Head of Health and
Safety
Tel No. 01904 552621

Chief Officers Responsible for the report:

Ian Floyd
Chief Operating Officer
Tel No. 01904 552909

Trudy Forster

Head of HR & OD
Tel No. 01904 553984

Report Approved

Date 8/7/2021

Specialist Implications Officer(s)

Wards Affected: *List wards or tick box to indicate all* All

Background Papers:

Health & Safety (H&S) 2019/20 outturn and the 2020/21 midterm report from the Head of Health & Safety; [\(Public Pack\)Agenda Document for Decision Session - Executive Member for Finance and Performance, 18/01/2021 14:00 \(york.gov.uk\)](#)

Annexes

Annex A Health & Safety Report – 2020/2021

List of abbreviations used in this report

H&S	Health & Safety
CYC	City of York Council
NYCC	North Yorkshire County Council
HSE	Health & Safety Executive
HR	Human Resources
JHSC	Joint Health & Safety Committee
RIDDOR	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
SAG	Safety Advisory Group

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Health and Safety

Report

1st April 2020 – 31st March 2021

Introduction

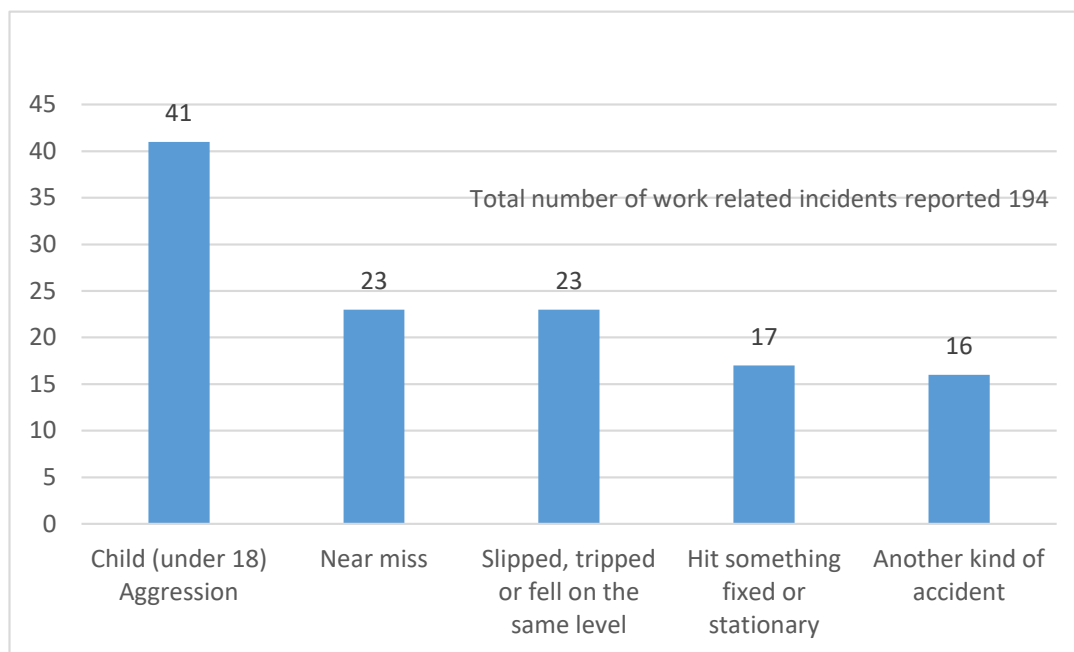
1. The last report produced covered an 18-month period from 1 April 2019 to 30 September 2020 due to the impact of COVID-19 and its associated variants which continue to impact services and communities. Consequently this annual report will cover the period 1 April 2020 to 31 March 2021 but will be slightly amended to avoid any duplication but will allow for some comparison of incident data.
2. The Shared Health and Safety Service has continued to deliver services and to respond to requests for support and assistance throughout the pandemic. This has included undertake a significant number of inspections of council workplaces to ensure they are Covid Secure - this included unannounced visits, monitoring and providing advice and guidance to colleagues to support the organisation to continue to deliver services. This has also included developing template risk assessments, in consultation with public health colleagues, to support managers implement COVID controls in what has been a fast moving environment.
3. In addition the service has continued to consider other health and safety risks in particularly in relation to construction related activities as these have continued through the pandemic. One particular achievement has been the launch of a new health and safety incident reporting and risk assessment system (B-Safe) across the council and this is now being widely used.

Key areas of Health and Safety Work in 2020/21

4. The Corporate Health and Safety Policy was reviewed and revised to recognise the risks from COVID-19 and the new management structure. This was approved by the newly appointed Chief Operating Officer and Corporate Management Team for issue on 1st April 2021 ready for the new financial year.
5. COVID-19 has continued to dominate the work of the service for most of period covered by this report with 45 Covid Secure inspections of CYC occupied premises taking place by the team. These inspections were supported by numerous support calls, visits and advice over the year. This also involved responding to any requests for information from the Health and Safety Executive.
6. The service has also been supporting a number of significant construction projects across the council. This involves working closely with procurement to ensure health and safety has been included in any project tender documents, thereby ensuring health and safety is considered at the design stage to minimise risk not only during the construction phase but once the facilities become operational. Construction activities, including designing and planning, continue to be a priority.

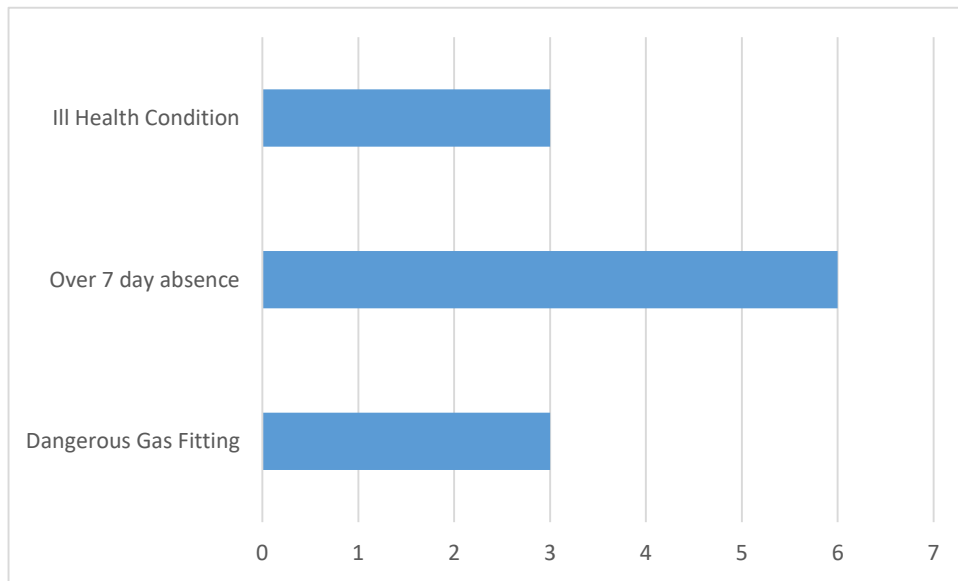
Accidents and Incidents

Table 1 - Top Five Work Related Incidents by Nature Apr 20 – Mar 21



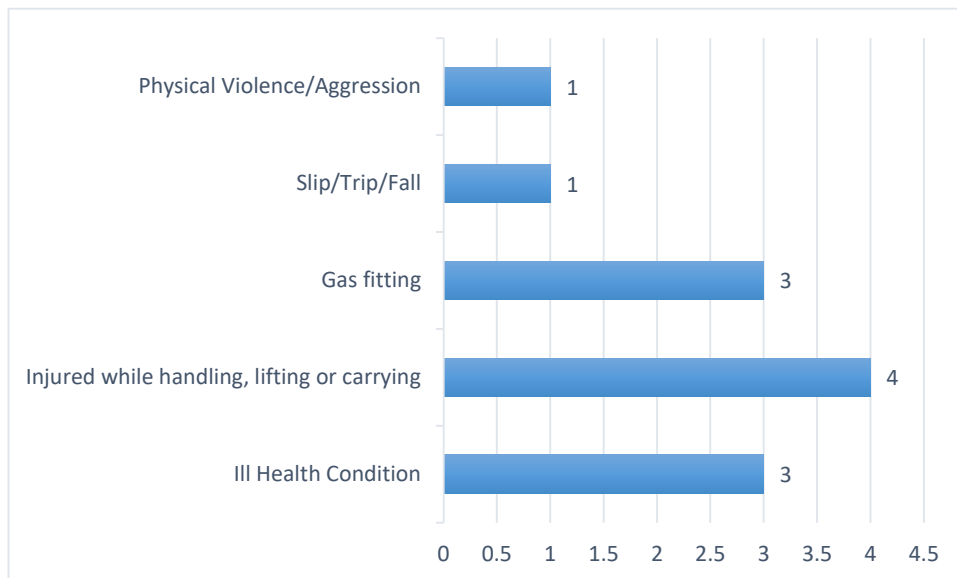
7. Table 1 shows the top five accidents by cause across CYC over the last financial year. A new system of reporting incidents (B-Safe) was introduced on 1 September 2020 - it is expected to take some time for staff to become used to the new system however it is positive that incidents are still being reported as there were 129 work related incidents reported from 1 September 2020 to 31 March 2021 so it is hoped that any issues due to the change in system will be minimal. In addition there has been a lot of work done to encourage reporting of incidents so it was pleasing to note that 23 near miss incidents were also reported. It is essential that these incidents are reported as they provide learning opportunities in order that control measures can be improved. Some of the near miss incidents included a number of close road traffic collisions.
8. Child aggression continues to be one of the highest causes of incident reported which demonstrates the role children's social care colleagues have been providing to some of our most vulnerable young people. Each incident is investigated to determine how such risks can be managed and these influence care plans and strategies.

Table 2 - RIDDOR Notifiable Incidents by Reason for Apr 20 – Mar 21



9. As explained in previous reports some of the more serious incidents are notifiable the Health and Safety Executive (HSE) under the provisions of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) Table 2 show the notifiable incidents by reason with Table 3 providing more detail on the cause.

Table 3 RIDDOR Notifiable Incidents by cause for the last financial year



10. As explained in the previous interim report for the period 1 April 2019 to 30 September 2020 the impact on normal operations due to COVID makes meaningful comparisons with earlier years very difficult. In 2018/19 there were 34 RIDDOR notifiable incidents in 2019/20 this was 10 and for 2020/21 this was 12. Until such time as there is some consistency as to current operations it will be difficult to identify trends.

Performance of the Health & Safety Service

11. The Shared Health and Safety Service continue to monitor council activities and undertake formal inspections to identify any areas of concern. This work has been severely affected by COVID-19. However work in areas of high risk have continued with over 62 Fire Risk Assessment (FRA) completed across the corporate workplaces during the period of this report (see Table 4). Due to their risks some buildings have a FRA each year so will have had more than one assessment during the period covered by this report.

Table 4 - Summary of inspections and audits of CYC Properties

Type of Visit	Number of Visits*
School H&S Inspections (documentation checks)*	48*
School Fire Risk Assessment Reviews	22
COVID Secure formal H&S visits	45

*This visits were undertaken virtually due to COVID-19 as some visits brought forward and some delayed depending upon risk

National Issues

12. The Fire Safety Act 2021 has now received Royal Assent which is part of the government's strategy to introduce improvements in the wake of the Grenfell tragedy. To support this the government has introduced the Building Safety Bill which is currently now going through the approval stages of Parliament. In preparation for some of the potential impacts of these, a CYC Fire Safety Management Strategy is being considered by officers and will shortly be submitted to Corporate Management Team for approval.
13. A briefing was provided to head teachers on the current position and advised to be prepared for further tightening of guidance in the future especially when they are planning any alterations now. A key consideration being the installation of Fire suppression systems (sprinklers) with one local authority having three significant fires in schools in one year. The session also covered the planning and control of "hot works" during refurbishment and maintenance operations which remains an area of concern and a significant cause of premises fire across the country.

Looking forward to 2021/22

14. As COVID vaccinations continue to roll out and the associated COVID controls relax the team is preparing to respond to the other demand for works. For example there is expected to be particular demand to complete construction works in the summer although, there remain some supply chain issues within the construction industry particularly around sourcing materials and labour. This will

need to be monitored closely as projects may continue when pupils return to schools in September.

15. One issue when there may be pressures on labour supply, due to pent up demand, is to use inexperienced and/or young workers in the delivering projects so officers from the Shared Health and Safety Service will continue to be visiting sites to monitor standards.
16. As COVID controls are relaxed there is an expectation that more public events will be held and as the team support the Safety Advisory Group as one of the consultees. There is a risk that more applications are received and with short timescales prior to event which may place pressure of the service to provide advice to the Group as to whether such events should go ahead.



**Decision Session – Executive Member for
Finance and Performance.**

13 September 2021

Report of the Director of Housing, Economy & Regeneration.

Application for Community Right to Bid under the Localism Act 2011

Summary

1. This report details an application to list The Spread Eagle Public House, Walmgate, York as an Asset of Community Value (ACV), for consideration by the Council. The application has been received from the Campaign for Real Ale – York Branch.

Recommendations

2. The Executive Member is asked to consider:

Approving the listing of The Spread Eagle Public House, Walmgate, York, as an Asset of Community Value (ACV) for the reasons outlined below.

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

Background

3. The 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.
4. 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.

5. 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. 88(1) 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. 88(2) 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
6. 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

7. The regulations set out how potential assets can be listed which in brief are as follows:
 - **Nomination** – this can be by a voluntary or community body with a local connection. This 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 further details in the report – 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. Neither the Localism Act nor the ACV Regulations give the nominating organisation any right to appeal a decision of the local authority that the nominated property is not an asset of community value/does not satisfy the necessary S.88 criteria referred to above.

- **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 is provided for that group to prepare its 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).

The Spread Eagle Public House

8. The freehold of The Spread Eagle Public House is owned by SWL Holdings Ltd. The nomination has been made by the Campaign for Real Ale – York Branch (“the Nominating Organisation”). 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 York Branch of CAMRA are an eligible body as they are an unincorporated body whose activities are concerned with the Council's area, which does not distribute any surplus/profits to its members and which has at least 21 members who live in the local area. 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.

9. York CAMRA state in the nomination form that the Spread Eagle is a good old fashioned down to earth establishment that sells real ale and has an open and inclusive admission policy that appeals to different demographic social groups. The public house was first recorded in the late eighteenth century with the current building dating from the early nineteenth century. It has previously been named The Malt Shovel and the Bricklayers Arms. The pub serves the area of Walmgate as a local community gathering space. Prior to the pandemic it provided entertainment as a live music venue. The Spread Eagle has also hosted charity events over recent years. The spacious enclosed beer garden provides exterior space to socialise for the community.
10. The Spread Eagle is one of the few remaining pubs along Walmgate and although currently unoccupied, however it is being marketed.
11. Full details are provided in the nomination form in Annex 1.
12. No representations have been received from the property owner.
13. The application meets the basic criteria for listing. It is, therefore, recommended that the Spread Eagle Public house, should be listed on the ACV register.

Analysis

14. 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.
15. The Spread Eagle has not been open/trading as a public house since November 2020. The asset is still capable of being used as a public

house and no planning consent has been given for a change of use. The recommendation, therefore, is that the application is approved.

16. If the decision is to approve the ACV nomination application then the owner of the property has a statutory right to request a review of that decision by submitting a review request to the Council within 8 weeks of the decision date. (If the decision is to reject the ACV nomination application, the legislation does not give the nominating group any right to appeal that request though they could potentially seek a judicial review of the decision by submitting a J.R. claim to the High Court).

Options

17. The application to list the Spread Eagle as an Asset of Community Value can either be accepted or rejected. There are no other options as it is considered that sufficient information has been provided to make a decision

Council Plan

18. A Council that listens to residents through working with communities and partners.

Implications

19. 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).

20. Human Resources (HR) – none

21. Equalities, Crime and Disorder and IT - none

22. Legal – Advice and comments have been sought from Legal Services and incorporated within this report.

23. Property – All property issues included in the report

24. **Other** – none

Risk Management

There are no significant risks to these applications.

Contact Details

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

Tracey Carter
Director
Economy Regeneration and Housing
Tel. No. 01904 553419

**Report
Approved**



02/09/2021

Ward Affected: Guildhall

For further information please contact the author of the report

Annexes

Annex 1 – The Spread Eagle Public House, York – Application to add to the list of assets of community value.

Annex 2 – Current list of assets of community value

Abbreviations used in the report

ACV Assets of Community Value



WHY THE SPREAD EAGLE IS AN ASSET OF COMMUNITY VALUE

The Spread Eagle is not what you would call a trendy upmarket craft beer bar, but rather a good old fashioned 'down to earth' establishment that sells real ale and has an open and inclusive admission policy that appeals to different demographic social groups.

It is arguably the last traditional local pub left on this stretch of Walmgate that offers multiple amenities and facilities as other similar pubs in the area have closed down.

The local presence of a pub within a community is important, as expert national research confirms that outside the home the pub scores the highest of any location as a place where people meet and get together with others in their neighbourhood. "Third places" (neither workplace nor home) are crucial to the maintenance of the community and the enhancement of social capital

The Spread Eagle serves the area of Walmgate that has a lot of social housing and it serves as a local community gathering space where everyone from the surrounding community, including the vulnerable, are welcome and accepted in a non-threatening environment.

This is testified to by locals who have been attending the establishment for decades –from way back when it was legendary for its Sunday afternoon music events and free “roasties” and Yorkshire puddings, right up to present times where as a live music venue prior to Covid-19 it also provided much needed entertainment for the local community. Staging over 500 gigs with the recently departed management team – it wholeheartedly supported upcoming music acts and held auditions for X-Factor and Britain's Got Talent.

Visiting musicians, both local and regional need compact friendly venues to get themselves known and cut their artistic teeth. It is argued frequently that York needs as many live venues as possible to nurture talent as well as to entertain patrons. It is well known that a live music venue engenders a good atmosphere and behavior as people enjoy engaging with entertainment that improves mood and bonhomie. The Spread Eagle also has hosted charity events over recent years.

If this much regarded pub shuts, then a safe gathering space disappears and leaves a hole in the community for regulars that can't be duplicated by any other establishment such as a restaurant or shop. Recent research in 2017 backs up the important social wellbeing benefits that pubs like the Spread Eagle deliver: a major study by Professor Dunbar and Oxford University concluded that: - "...happy people and those who are embedded in large, well-integrated social networks





are sick less often. Directly and indirectly, pubs as venues for social communities are likely to yield significant savings on health care budgets”

The study also found that people who have a ‘local’ that they visit regularly tend to feel more socially engaged and contented, and are more likely to trust other members of their community. They also observed that those without a local pub empathetic to their needs had significantly smaller social networks and felt less engaged with their local communities.

The spacious outdoor enclosed beer garden provides an exterior space to socialise for the community – with not many outdoor areas available to gather on Walmgate – it is something that has become increasingly important during a pandemic.

As a Grade II three-storey Victorian listed building it also provides a link to Walmgate's pub heritage as most of the numerous public houses along Walmgate have long since disappeared.

This public house was first recorded in late 18C with the current building created in early 19C. The Spread Eagle has gone by the names of The Malt Shovel, The Old Malt Shovel and the Bricklayer's Arms. If Spread Eagle ceased being a public house all these benefits and heritage values that it has brought, and continues to bring, would be lost. York has a wealth of great buildings that have been maintained in line with principles of sustainability and good stewardship. It's a fundamental reason for its appeal and thriving tourist sector.

Although there is not a licensee in situ at present as far as we are aware, we have little doubt that one will be forthcoming who can carry on the great traditions of great beer, convivial atmosphere and a vibrant music calendar that The Spread Eagle has been known for over the last 40 years. The current lack of a licensee is certainly not a reason to have any doubts that this is an Asset of Community Value. Future generations of locals in the immediate Walmgate area will always need a good convivial local community pub in which to gather and we in York should continue the excellent policy of protecting our assets for current and future regulars looking for somewhere safe to meet and socialise.

NICK LOVE
PUB PROTECTION OFFICER
YORK CAMPAIGN FOR REAL ALE





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:	Spread Eagle
Address of Property:	98 Walmgate, York
Postcode:	YO1 9TL

Property Owner's Name:	Simon William Lunt
Address:	19 Cave Road, Brough
Postcode:	HU15 1HA
Telephone Number:	
Current Occupier's Name:	They are currently looking for a new licensee

Section 2

About your community organisation

Name of Organisation:	Campaign for Real Ale - York Branch
Title:	Mr
First Name:	Nick
Surname:	Love
Position in Organisation:	Pub Protection Officer
Email Address:	nicklove@york.camra.org.uk
Address:	York CAMRA, 49 Scarcroft Hill, York,
Postcode:	YO24 1DF
Telephone Number:	07976 555512

Organisation type:

Click in field for options

COMPANY LIMITED BY GUARANTEE

Organisation size

How many members do you have?

1200

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 sheet - Why the Spread Eagle 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.

Plan included in application

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:



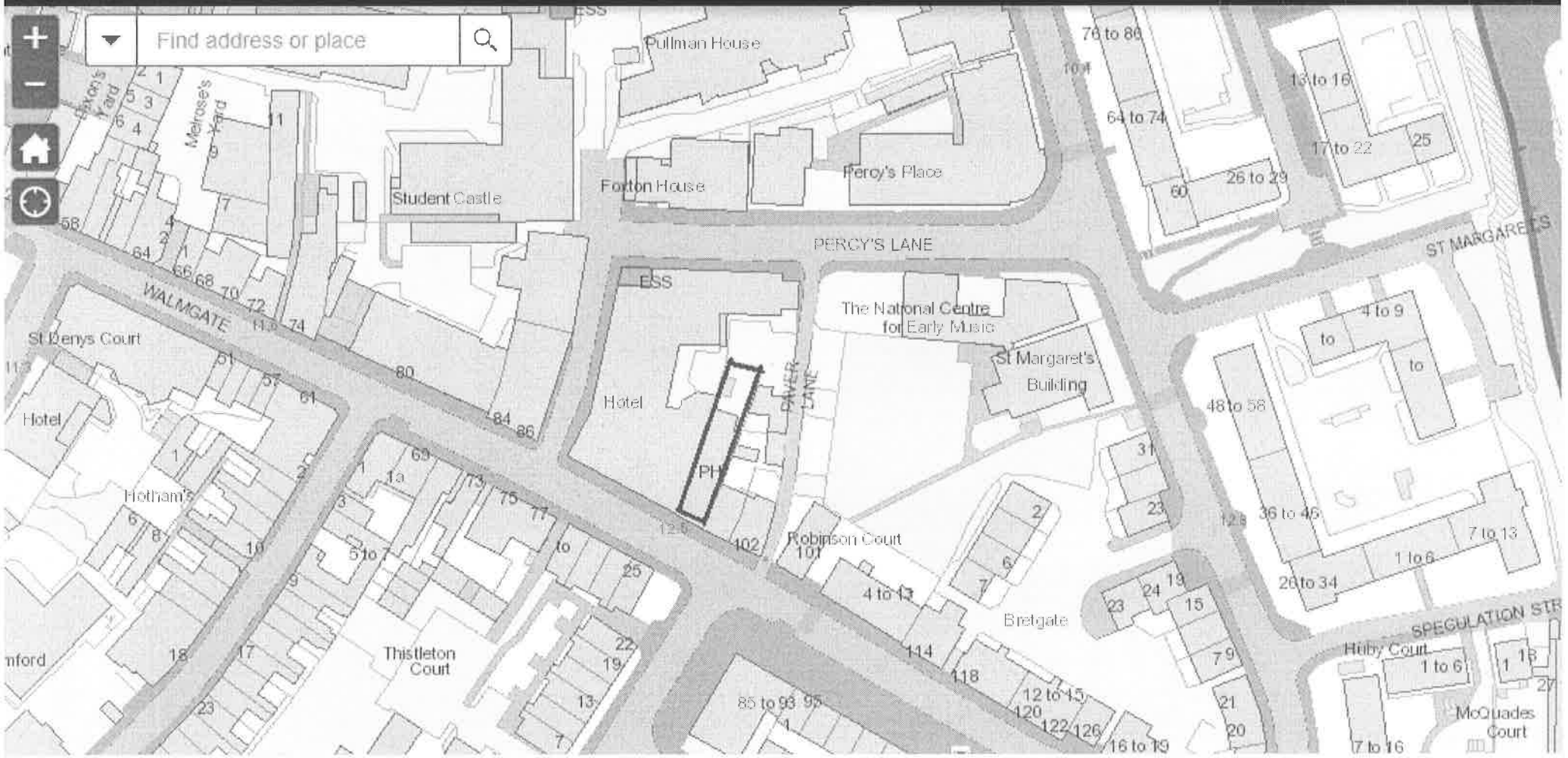
Dated: 16th March 2021

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



Find address or place



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We the undersigned wish to nominate **The Spread Eagle, 98 Walmgate, York, YO1 9TL**
to be listed as an Asset of Community Value (ACV) by City of York Council

NAME	ADDRESS	SIGNATURE

Annex 2 - Current list of Assets of Community Value

1. The Golden Ball Public House, 2 Cromwell Road, York, YO16 6DU - approved 6th March 2014. Renewed 15th July 2019.
2. New Earswick and District Bowls Club, Huntington Road, York, YO32 9PX – approved 6th November 2014. Renewed 24th July 2020.
3. Holgate Allotments, Ashton Lane, Holgate, York, YO24 4LX – approved 29th June 2015.
4. The Swan, Bishopthorpe Road, York, YO23 1JH – approved 20th October 2015.
5. The Derwent Arms, 29 Osbaldwick Village, Osbaldwick, YO10 3NP – approved 14th March 2016.
6. The Minster Inn, 24 Marygate, York, YO30 7BH – approved 11th July 2016.
7. The Jubilee Hotel, Balfour Street, York, YO26 4YU. – approved 11th July 2016. Renewed 14th June 2021.
8. The Wenlock Arms Public House, 73 Main Street, Wheldrake, YO19 6AA – approved 11th July 2016.
9. Costcutter Shop, 58 Main Street, Wheldrake, York, YO19 6AB – approved 11th July 2016.
10. Wheldrake Woods (owned by the Forestry Commission), Broad Highway, Wheldrake, YO19 – approved 11th July 2016.
11. The Blacksmiths Arms, Naburn York, YO19 4PN – approved 12th September 2016.
12. Holgate Community Garden and Play Park, Upper St Paul's Terrace, York, YO24 4BS. – approved 12th September 2016
13. White Rose House, 79 Main Street, Wheldrake, York, YO19 6AA – approved 29th September 2016.
14. The Grey Horse Public House, Main Street, Elvington, York, YO41 4AA – approved 19th December 2016.
15. The Deramore Arms Public House, Main Street, Heslington, York, YO10 5EA. – approved 13th March 2017.

16. The Carlton Tavern Public House, 104 Acomb Road, York, YO24 4HA – approved 10th April 2017.
17. The Royal Oak Public House, 1 Main Street, Copmanthorpe, York, YO23 3ST. – approved 12th June 2017.
18. The Blue Bell Public House, 53 Fossgate, York, YO1 9TF. – approved 17th October 2017.
19. The Old Ebor Public House, 2 Drake Street, York, YO23 1EQ. – approved 17th October 2017.
20. New Earswick Swimming Pool, Hawthorne Terrace, New Earswick, YO32 4TZ. - approved 12th March 2018.
21. Strensall Library, 19 The Village, Strensall, York, YO32 5XS. – approved 9th April 2018.
22. The Lord Collingwood Public House, The Green, Upper Poppleton, York, YO26 6DP. – approved 14th May 2018.
23. The Garrison Church of St Wilfrid, St Wilfrid's Road, Strensall, York, YO32 5SJ. – approved 17th September 2018.
24. Hurst Hall Community Centre, Border Road, Strensall Camp, York, B757RL. – approved 15th July 2019.
25. The Lord Nelson Public House, 9 Main Street. Nether Poppleton , York, YO26 6HS. – approved 16th September 2019.
26. The Blacksmiths Arms Public House, Shipton Road, Skelton, York, YO30 1YJ. – approved 16th September 2019.
27. The car park at rear of the former Murton Arms Public House, Main Street, Murton, York, YO19 5UQ. – approved 24th July 2020.