

Meeting	Joint Decision Session - Cabinet Member for Environmental Services, Planning & Sustainability and Cabinet Member Finance and Performance
Date	11 December 2014
Present	Councillors Merrett and Williams

29. Declarations of Interest

The Cabinet Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests they may have in the business on the agenda. Councillor Merrett declared a personal interest in agenda item 4 (request for an article 4 direction relating to The Punch Bowl public house), as an occasional user of the premises. Councillor Williams declared a personal interest as he had also visited the premises.

30. Minutes

Resolved: That the minutes of the Decision Sessions – Cabinet Member Environmental Services, Planning and Sustainability held on 13 October 2014 and 30 October 2014 be approved and signed as a correct record.

31. Public Participation

It was reported that there were three registrations to speak at the meeting under the Council's Public Participation Scheme. The registrations were in respect of agenda item 4 – Request for an Article 4 Direction relating to The Punch Bowl public house, Lowther Street, York.

Mr Nick Love spoke on behalf of York CAMRA and the patrons of The Punchbowl, and as the author of the article 4 application.

He stated that Members had demonstrated that there was a will to try to retain The Punchbowl as community facility. A decision to make an Article 4 Direction in respect of the Punch Bowl would be welcomed by independent traders, people who used the public house, University of St John sports clubs and the Gravers Mental Health Residential Home who used the premises in rehabilitation. Mr Love stated that the Punch Bowl was a unique facility in the community and that he did not believe that the Council would be required to pay compensation should a decision be taken to grant the application. He urged that the Cabinet Members make an Article 4 Direction.

Ms Denise Craghill spoke on behalf of The Groves Association. She stated that The Punch Bowl was a highly valued and much used local amenity. It was a large building with activity spaces which were well used. There would be a negative impact on the community if it were to be replaced by a supermarket as the area was already well served by shops of that nature. Ms Craghill stated that off-licence sales could also cause anti-social behaviour and it was questionable as to whether licensing conditions could address this matter. Concerns were also raised regarding traffic and highways issues that could arise.

Mr Paul Crossman spoke as a publican and in support of the application for an Article 4 Direction. He gave details of the situation nationally and expressed concern at the impact on the local community if The Punch Bowl were to be replaced by a supermarket. He stated that this would be hugely damaging and that this should be challenged.

32. Request for an Article 4 Direction relating to The Punch Bowl public house, Lowther Street, York

The Cabinet Members considered a request from the York Branch of CAMRA that the Council make an immediate Article 4 Direction of the Town and Country Planning (General Permitted Development) Order 1995 to remove permitted development rights for the change of use of The Punch Bowl public house, Lowther Street, York, from its existing use as a public house (Class A4) to a shop (Class A1).

Members noted the officer comments contained in the report, including the legal implications.

The Cabinet Members stated that they would wish to protect this well used public facility if possible and that there was already a more than adequate number of shops in the area, nevertheless it was important that the decision they took did not put the Council at risk financially. For this reason they would wish to adjourn the meeting to receive further written legal advice on the following issues:

- Whether an Article 4 direction could be conditioned to state that the premises must be used as a community facility.
- The risks to the Council if it did determine that exceptional circumstances existed and made the Article 4 direction, but subsequently revoked the order before an application had been submitted.

The meeting was to be reconvened at the earliest opportunity.

Resolved: That a decision on whether or not to make an Article 4 Direction in respect of the Punch Bowl public house, 134 Lowther Street, York be deferred.

Reason: To enable further written legal advice to be provided.

Cabinet Member

[The meeting started at 1.00 pm and finished at 1.20 pm].