

Meeting	Decision Session - Executive Leader (incorporating Finance & Performance)
Date	6 April 2017
Present	Councillor Carr

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### **37. 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 in the business on the agenda. No additional interests were declared.

### **38. Minutes**

Resolved: That the minutes of the Executive Leader (incorporating Housing and Safer Neighbourhoods) Decision Session held on 23 January 2017 and the minutes of the Executive Leader (incorporating Finance and Performance) Decision Session held on 13 March 2017 be approved and signed by the Executive Leader as a correct record.

### **39. Public Participation**

A representative from the Friends of the Carlton Committee spoke on behalf of the group. He said that there were a number of reasons why the application had been made for the Carlton Tavern Public House to be listed as an Asset of Community Value, including the nature of the building and the fact that it was well used by the community and by families.

### **40. Application for Community Right to Bid under the Localism Act 2011 - The Carlton Tavern**

The Executive Leader considered a report which presented an application to list the Carlton Tavern Public House, 104 Acomb Road, York as an Asset of Community Value (ACV). The

nomination had been made by the Friends of the Carlton Tavern.

Officers drew the Executive Leader's attention to the application that had been submitted and to the response from the freehold owner of the property, as included in the report.

The Executive Member was informed that there was a proposal by the owners to sell the property to enable the site to be redeveloped as a care home. The owners had stated that contracts had been agreed subject to planning consents. The legal advice given was that the fact that contracts had been exchanged did not prevent a decision being made as to whether to list the Carlton Tavern as an ACV. However, as it was under contract prior to a decision being taken, the provisions relating to the moratorium on a sale would not apply in this case.

The Executive Leader acknowledged that there was considerable interest in the application. He noted the position in respect of the proposed sale of the property and the legal advice from officers regarding the situation. The Executive Leader stated that he approved the recommendation to list the Carlton Tavern as an Asset of Community Value.

Resolved: That the listing of the Carlton Tavern, 104 Acomb Road, York as an Asset of Community Value (ACV) be approved.

Reasons: (i) The application meets the required criteria.  
(ii) To ensure the Council meets its legislative requirements of the Localism Act 2011 and promotes community access to community facilities.

#### **41. Application to Vary Restrictive Covenant at 3-4 Patrick Pool, York**

The Executive Leader considered a report which set out details of an application received by the owners of 3-4 Patrick Pool, to vary a restrictive covenant on a currently vacant retail property in the city centre. The property was previously owned by the Council but had been sold by the Council in 2007. On sale the Council had imposed a restrictive covenant prohibiting use of

the property as a sex shop or public house. The owners of the property had requested that the Council vary the covenant so that the property could be used as a public house.

Officers drew the Executive Leader's attention to the representation received from Ward Members, as detailed in Annex 3 of the report.

Officers were asked about the reasons why the covenant had originally been put in place.

The Executive Leader stated that he supported the recommendation to vary the restrictive covenant.

Resolved: That the requested variation to the restrictive covenant at 3-4 Patrick Pool so that the property can be used as a public house, as detailed in the report, be approved in exchange for a one-off consideration of £25,000.

Reason: To provide the Council with a one-off consideration in exchange for agreeing to a variation of the covenant.

Executive Leader

[The meeting started at 3.30 pm and finished at 3.40 pm].

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