

**Notice of public meeting of
Decision Session - Cabinet Member for Finance & Performance**

To: Councillor Williams

Date: Thursday, 17 July 2014

Time: 3.00 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 **4:00 pm on Monday 21 July 2014.**

*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 Tuesday 15 July 2014.**

1. **Declarations of Interest**

Members are 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 meeting held on 29 May 2014.

3. **Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Wednesday 16 July 2014**. Members of the public can speak on agenda items or matters within the remit of the Cabinet Member.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

Filming or Recording Meetings

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/downloads/download/3130/protocol_for_webcasting_filming_and_recording_of_council_meetings

**4. Applications for Community Right to Bid (Pages 3 - 30)
under the Localism Act 2011**

This report presents applications from Rawcliffe Parish Council to list the Mitre Public House, Shipton Road, Rawcliffe, York and the Save the Fox Inn Campaign to list The Fox Inn, 168 Holgate Road, York as Assets of Community Value, for consideration by the Cabinet Member.

5. Urgent Business

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

Democracy Officer:

Name: Jayne Carr

Contact Details:

Telephone – (01904) 552030

Email – 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 (Polish)
własnym języku.

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 - Cabinet Member for Finance & Performance
Date	29 May 2014
Present	Councillor Williams

1. **Declarations of Interest**

The Cabinet Member was asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which he may have in respect of the business on the agenda. None were declared.

2. **Minutes**

Resolved: That the minutes of the meeting of 6 March 2014 be approved and signed as a correct record.

3. **Public Participation**

It was reported that there were no registrations to speak under the Council's Public Participation Scheme.

4. **Amendment to the Qualifying Criteria of the York Financial Assistance Scheme (YFAS)**

The Cabinet Member considered a report which outlined reasons for proposing a change to the qualifying York Financial Assistance Scheme (YFAS) criteria to include a limited number of customers where financial hardship had been caused by a benefit sanction imposed by the Department for Work and Pensions (DWP).

The Cabinet Member was asked to consider whether or not to make the change proposed in paragraphs 9 and 10 of the report, which would allow awards to be made for "Emergency"

assistance where a customer was formally challenging a DWP sanction.

Resolved: That the change to the qualifying criteria under the York Financial Assistance Scheme to consider “Emergency” awards for some customers whose Department for Works and Pension benefit had been subjected to a sanction, be approved.

- Reasons:
- (i) To ensure there is no gap in provision of urgent financial resources available to City of York Council’s most vulnerable residents at times of crisis.
 - (ii) To mitigate the impacts of wide range welfare benefits changes.
 - (iii) To meet the priorities set down in the Council Plan and Financial Inclusion Strategy.

Cabinet Member

[The meeting started at 10.00 am and finished at 10.05 am].

17th July 2014

Cabinet Member Decision Making session – Finance Performance and Customer Service

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 applications from Rawcliffe Parish Council to list the Mitre Public House, Shipton Road, Rawcliffe, York, and the Save the Fox Inn Campaign to list The Fox Inn, 168 Holgate Road, York, as Assets of Community Value, for consideration by the Cabinet Member.

Background

2. On 6th March 2014 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. Two applications have been received under this legislation, for a decision by the Cabinet member.

The Mitre Public House, Shipton Road, York

3. The freehold of The Mitre is owned by Enterprise Inns. The nomination is being made by Rawcliffe Parish Council on the basis that The Mitre is the only public house within the parish to offer 'community facilities' and as such is a valued amenity to the local people. It is a meeting point for community groups and sports teams, and offers a wealth of activities for a wide range of age groups. The Parish Council considers that The Mitre boosts the social wellbeing of the community, and as such, is valued as an asset to this particular area of the city.

4. A letter from the owners Enterprise Inns has been received objecting to the proposed listing. A copy of their letter is attached at annex 2. The basis for their objection is that the local community already benefits from an ample number of community facilities, including public houses, in close proximity to the Mitre. For this reason the owners believe the public house should not be listed as an asset of community value.

The Fox Inn, Holgate Road, York

5. The freehold of the Fox Inn is owned by Punch Taverns. The application by a group of local people called 'Save the Fox Inn', is on the basis that the public house is an irreplaceable part of York's heritage, and deserves its place at the centre of the Holgate Community and should be extended during the daytime. The public house's owners are currently in financial difficulties and at the time of the application there had been a string of temporary landlords and the building was in a poor state of repair. Since then a major refurbishment of The Fox has taken place and the running of the public house has been taken over by the Ossett Brewery.
6. Solicitors acting for Punch Taverns have challenged the application for various technical reasons, including the fact that the nomination form only included four names as members, thereby not complying with the requirement for at least twenty one members. The 'Save the Fox Inn' group have since supplied details of sixty-eight members. Legal Services' view is that the application submitted is valid under the relevant legislation.
7. 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. Given that The Mitre and Fox Inn have a distinct community focus, the applications fit the criteria of the legislation. If the decision is taken to include these public houses 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.

8. **Financial** – none

Human Resources (HR) – none

Equalities, Crime and Disorder and IT - none

Legal – The Council need to comply with the Localism Act 2011 which is in force now. The Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 require local authorities to maintain a register of assets of community value situated within their area, including an obligation to properly consider applications received to add properties to the register. The Council must also maintain a list of land that has been unsuccessfully nominated for inclusion on the Assets of Community Value register.

It is understood that the respective owners of The Mitre Pub and The Fox Inn have indicated to the Council that they object to the nomination of those properties/the potential listing of those properties as Assets of Community Value, including (in the case of The Fox Inn) claims from the owner's lawyers that the application form lodged is defective/does not meet the requirements of the relevant legislation.

In light of this if the Council decides to add these properties to the register of Assets of Community Value then the owners may request a review of the Council's decision or may appeal to court/seek a judicial review or may seek compensation from the Council (see below as to the owner's rights of challenge and compensation). If the owners appeal to court/seek judicial review of any decision by the Council to list as Asset of Community Value then the Council would need to decide whether to defend such appeals (incurring legal costs including potentially the owner's legal costs). It is considered the Council would have a reasonable case for arguing it is entitled to list the nominated properties as Asset of Community Value if that is the decision maker's determination but I cannot guarantee any court challenge by the owners would be unsuccessful.

If an owner of land objects to the listing of its land as an Asset of Community Value, it can request a review of the Council's decision – the request must be submitted to the Council within 8 weeks of the date on which the Council issues any decision to list the land as Asset of Community Value. On receipt of a review request from the owner, the Council must review its decision – the review has to be carried out by and determined by an officer of 'appropriate authority' who was not

involved in the original decision. If the owner requests an oral hearing as part of the review process the Council is obliged to hold one – the owner or their representative is entitled to make representations/comments to the Council. The Council must complete any review process and issue its decision within 8 weeks of the date on which the Council received the review request. The Council's decision following any review must be notified to the owner in writing, including the reasons for the Council's decision. If following a review the Council concludes that the land should not have been listed as an Asset of Community Value, then it must remove the land from its Asset of Community Value register, notify the person who nominated the land in writing (including its reasons) and add the land to the Council's list of unsuccessful Asset of Community Value nominations.

If after a review the Council decides the land was correctly listed as an Asset of Community Value then the owner of the land can appeal to court – any appeal must be filed at court by the owner within 28 days of the date on which the Council issues its review decision. The owner might also challenge by way of judicial review but that is an expensive process that the owner would probably be reluctant to undertake.

If an owner incurs financial loss or expense which they would probably not have incurred if their land had not been listed as Asset of Community Value then they can claim compensation from the Council by lodging a claim in writing within 13 weeks of the expense or loss having been incurred. The Council would be obliged to properly consider a request and notify the owner in writing of its decision, including the Council's reasons. The owner can ask the Council to review its decision, whether a refusal of compensation or on the amount of compensation offered. On completion of the review the owner is entitled to appeal to court. The Council is entitled to reclaim from government costs of compensation paid by it over £20,000 in a financial year (either for a single claim or for a number of smaller claims).

Criteria for Nomination and Listing as Asset of Community Value:

Section 88 of the Localism Act 2011 defines 'land of community value' as being *a building or other land in a local authority's area:*

- (i) *whose actual current use (not an ancillary use) furthers the social wellbeing or social interests of the local community, **and** in the opinion of the local authority 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

OR

- (ii) whose actual former use (not an ancillary use) in the recent past furthered the social wellbeing or interests of the local community, **and** in the opinion of the local authority it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community

‘Social Interests’ are defined as including cultural, recreational and sporting interests.

A local authority can only add a property to its list of Assets of Community Value following receipt of a ‘community nomination’.

A ‘community nomination’ is an application/nomination submitted by either:

(a) a parish council in relation to property within that council’s area

or

(b) a ‘voluntary or community body’ which has a ‘local connection’ with land in the local authority’s area

A ‘voluntary or community body’ includes parish councils, an unincorporated body with at least 21 members who are individuals that does not distribute any surplus/profits to its members or a community interest company.

It is presumed that the site of the Mitre Pub is within Rawcliffe Parish Council’s area. If that is the case then Rawcliffe Parish Council does not need to have a ‘local connection’ with the site. If however the Mitre Pub is outside of Rawcliffe Parish Council’s area then it needs to have a ‘local connection’ with the site in order to submit the application/nomination – it will have a ‘local connection’ if it shares the boundary of the site with another parish council or if its area is within City of York Council’s area. Rawcliffe Parish Council would therefore appear entitled to nominate the Mitre Pub as an Asset of Community Value.

Even though the application/nomination form lodged by 'Save The Fox Inn' campaign group in relation to the Fox Inn stated that the group had 4 members, it is understood actually has at least 68 members. (It is believed the group perhaps mistakenly thought the question on the application form was asking how many officers/officials the group had). It is therefore considered the campaign group is a 'voluntary or community group' for the purposes of the Localism Act and the ACV Regulations. A voluntary or community group (other than a parish council) is deemed by the legislation to have the necessary 'local connection with land in a local authority's area' if its activities are wholly or partly concerned with either the local authority's area or a neighbouring authority's area – the Save The Fox Inn campaign group would appear to satisfy this condition and so it appears they are entitled to nominate that pub as an Asset of Community Value.

Under the relevant legislation, an Asset of Community application/nomination must include the following information:

- (a) a description of the nominated land including its boundaries
- (b) a statement of all the information considered by the nominator in deciding to nominate the land (including the names of any current occupants and the names and addresses of all those owning/holding a freehold interest in the land [if different to the identity of the occupants])
- (c) the nominator's reasons for considering that the local authority should register the land as Asset of Community Value
- (d) evidence of the nominator's entitlement to submit a nomination (except for parish councils in whose area the land is situated)

The Council needs to satisfy itself that the applications received from Rawcliffe Parish Council and Save The Fox Inn campaign group contain the above information.

Procedure following receipt of an Asset of Community Value Nomination:

On receipt of an Asset of Community Value nomination the Council is obliged to:

- (i) consider the nomination – the Council is supposed to reach a decision on whether to list the nominated land as an Asset of Community Value within 8 weeks of receiving the nomination
- (ii) accept the nomination if it meets the qualifying criteria listed above
- (iii) add the nominated land to its register of Assets of Community Value if the Council considers that the land satisfies the criteria
- (iv) give written reasons to the nominator if the Council does not accept the nomination, explain to them why the land cannot be listed as an Asset of Community Value and add the land to its list of unsuccessful Asset of Community Value nominations
- (v) keep the owner of the land informed of the receipt and progress/consideration of any nomination it receives in relation to that person's land

If the Council decides to list nominated land as Asset of Community Value it must notify the following:

- (i) the owner of the land, any tenant of the land and any occupier of the land (if the occupier is not the owner)
- (ii) the relevant parish council if the land falls within a parish council's area
- (iii) the person who lodged the nomination/application
 - the notice to the owner must draw their attention to the consequences of the land being listed as an Asset of Community Value and mention the owner's right to seek a review of the Council's decision

Effect of listing land as Asset of Community Value:

If land is listed as an Asset of Community Value the effect is that if the owner wishes to dispose of the land they must the Council in writing. On receipt of such notification the Council would be obliged to:

- (a) amend the register to include the date on which such notification was received and also specify the date of expiry of the interim moratorium period (six weeks from the date of receipt of notification from the owner) and the date of expiry of the full moratorium period (six months from the date of receipt of notification).

(b) Notify the person who nominated the land to be listed as Asset of Community Value

(c) Publicise the information in the area in which the land is located

The owner is prohibited from selling Asset of Community Value land unless:

(A): they have notified the Council of their intention to sell

AND

(B) The interim moratorium period has expired without the Council having received a written express from any community interest group to be treated as a potential bidder for the land or the full moratorium period has expired

AND

(C) the 'protected period' has not expired (this is a period of 18 months from the date on which the Council receives the owner's notification of intention to sell – it is intended to protect the owner from repeated attempts to block the sale of the land as no there is no more than one moratorium during this period)

After the full moratorium period the owner can sell the land to whoever it wishes (provided the sale takes place within the 'protected period').

Property – none

Other – none

Risk Management

9. There are no significant risks to this application.

Recommendations

10. The Cabinet Member is asked to decide whether to add The Mitre Public House, Rawcliffe and The Fox Inn, Holgate Road onto the List of Community Assets

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
Dept Name Property
Tel No.(01904) 553360

Chief Officer Responsible for the report:

Tracey Carter
Title - AD Finance Property
Procurement

**Report
Approved**



Date 9 July 2014

Specialist Implications Officer(s)

Implication Legal
Name Gerard Allen
Senior Solicitor, Property Law
Tel No. (01904) 552004

Wards Affected: Skelton, Rawcliffe and Clifton Without

All

For further information please contact the author of the report

Annexes

Annex 1 – The Mitre – Rawcliffe – Application to add to the List of community assets

Annex 2 – Letter of objection from Enterprise Inns

Annex 3 – The Fox Inn, Holgate – Application to add to the list of community assets

Annex 4 – 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 or alternatively call 01904 553360

Section 1

About the property to be nominated

Name of Property:	THE MITRE PUBLIC HOUSE
Address of Property:	THE MITRE SHIPTON ROAD, RAWCLIFFE, YORK
Postcode:	YO30 5XF

Property Owner's Name:	ENTERPRISE INNS PLC
Address:	3 MONKSPATH ROAD, SOLIHULL, WEST MIDLANDS
Postcode:	B90 4SJ
Telephone Number:	1217337700
Current Occupier's Name:	CAROL PEARSON (LEASEHOLDER)

Section 2

About your community organisation

Name of Organisation:	RAWCLIFFE PARISH COUNCL
Title:	MRS
First Name:	NICOLA
Surname:	MOORCROFT
Position in Organisation:	Clerk To Rawcliffe Parish Council
Email Address:	nicola.moorcroft@btinternet.com
Address:	83 BROOME CLOSE, HUNTINGTON, YORK
Postcode:	YO32 9RH
Telephone Number:	1904763902

Organisation type:

Click in field for options

PARISH COUNCIL

Organisation size

How many members do you have?

9

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 attached sheet

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 Property; public house building plus the car park - clearly delinated by low wall
Bordering: Ings Garage (to the side) 2, Howard Drive(opposite side) ,Shipton Road (to the front)

Please see attached "Google Earth" image

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:

22/05/14

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

Section 3

Supporting Information:

- The Mitre is only public house within the parish to offer 'community' facilities, as such is a valued amenity to the local people.
- It hosts a full and varied range of community functions from wedding breakfasts to wakes.
- Focal point in the community
- Young at Heart Luncheon Club, for the over 50s; meeting twice monthly.
- Meeting point for several community groups,
- Several sports teams including; football, dominoes, darts and pool.
- Offering social inclusion to wide range of age groups and diverse sectors of the community and providing a wealth of activities for all to enjoy and partake.
- Centrally based, accessible on foot and well served by a public transport routes.

The Parish Council considers that The Mitre boosts the social wellbeing of the community of Rawcliffe and as such is valued as an asset to this particular area of the city

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Our ref: 034472 EH

3rd July 2014

Tim Bradley FRICS
City of York Council
Customer & Business Support Services/APM
West Offices Station Rise
York
YO1 6GA

Dear Mr Bradley

Re: Community Right to Bid – Mitre, York YO30 5XF

Thank you for email dated 13th June 2014. We have reviewed the nomination form that has been prepared by Rawcliffe Parish Council. We **object** to the listing of our property on the register of assets of community value.

We have carefully read the statements made by the Parish Council and we think they have overlooked the importance of other existing community assets that are available in the vicinity of the Mitre.

Before I address our concerns with the nomination made by the Parish Council, I thought it may help if I share with you some economic information that has impacted on our pub estate over the past 7 years.

Economic factors

I expect that you are very familiar with just how challenging the last few years have been. The last seven years have been very difficult for Publicans. The smoking ban, introduced in July 2007, whilst welcome in the long term, has impacted the sustainability of many smaller local community pubs.

There have also been significant increases in taxes that have been imposed on pubs. Beer duty in the UK is over 12 times that of our German counterparts and in spite of UK beer drinkers consuming just 13% of European Union beer volumes, the UK government takes 40% of all excise duty levied in the European Union, which is an extraordinary strategy for a Government which claims to support pubs at the heart of local communities.

The challenges to pubs have not been limited to dealing with the impact of the smoking ban, and beer duty. During the last seven years utility costs have increased by an average of 50% and business rates have increased by 19%. Our pubs have also dealt with the increased costs associated with employment and the increased regulatory burden.

The grave economic condition of the last seven years has only exacerbated the pub specific challenges that I have outlined above. Consumers have been very cautious with their diminishing discretionary spend, and the banking crisis has made it more difficult for local businesses to access funding and grow.

Supporting Publicans

We have worked tirelessly in the last five years to support our committed Publicans. As we seek to support Publicans through these tough times of weakening consumer expenditure and rising costs, rent that we charge to Publicans, on a like-for-like basis, has declined year on year since 2008.

During the height of the recession we provided non-contractual rent concessions and special beer discounts totalling £21m in 2009 to help our Publicans move onto a more secure footing and drive their businesses forward, and we provided a further £15m in 2010.

Working with Communities

We believe that pubs play an important role in the local community. In 2012 we launched our Community Hero Awards where we committed in excess of £1m over 10 years for worthy community causes, in honour of those Publicans who make an inspiring contribution to their community.

The Mitre

The Mitre has not escaped this economic decline. Since 2007 the beer sales at the Mitre have reduced by a 52%. The longstanding publican has recently surrendered their agreement us, despite our efforts to support the business, which has included capital investment in recent years.

There are three other pubs within half a mile of the Mitre, providing much competition

- The Lysander, offering bar with live sports and a dining room serving good quality food <http://www.lysanderarms.co.uk/>
- The Dormouse, a food-oriented Vintage Inn <http://www.vintageinn.co.uk/thedormouseyork/>
- Riverside Farm, a Greene King "Hungry Horse" serving high volumes of value food <http://www.hungryhorse.co.uk/pubs/riverside-farm-york>.

We respect the observations made by the Parish Council but we do not believe they have properly reflected upon the alternative facilities that are available in the local community, nor have they reflected on how tough trade is for a pub when there is nearby competition.

Rawcliffe Parish Council Nomination Form

With direct reference to the Nomination form prepared by the Parish Council, I would comment as follows:

"The Mitre is only pub in parish to offer 'community' facilities, as such is a valued amenity to the local people."

This is incorrect. There are three other pubs within a half mile radius; The Lysander, The Dormouse and the Riverside Farm. These pubs provide superb local community facilities and are mainly food and family oriented. The Lysander offers additional community facilities that cannot be overlooked when considering the validity of this nomination.

"It hosts a full and varied range of community functions from wedding breakfasts to wakes."

The nearby public houses can also serve the community in this manner.

"Focal point in the community."

The three nearby pubs we have identified provide a focal point in the community. Unfortunately the beers sales have reduced by 50% at the Mitre over the past 7 years which indicates a steep decline in the demand for this facility by the local community.

"Young at Heart Luncheon Club, for the over 50's; meeting twice monthly."

There is no particular reason why the Mitre alone should provide this facility given the food focus of the other public houses.

"Several sports teams including football, dominoes, darts and pool."

The pubican has worked hard to support this type of activity, but despite a lot of hard work there has been a continual decline in demand. This activity could also be supported by other local amenities.

“Offering social inclusion to wide range of age groups and diverse sectors of the community and providing a wealth of activities for all to enjoy and partake.”

The need is also met by the other three pubs within a 0.5 mile radius of the Mitre.

“Centrally based, accessible on foot and well served by public transport routes.”

This is also true of the other three pubs within a 0.5 mile radius of the Mitre.

Our response to the nomination form

In summary it is apparent that the local community already benefit from an ample number of alternative community facilities in close proximity to the Mitre. We therefore believe that the addition of the Mitre to the register is inappropriate.

Can you please also confirm that you regard Rawcliffe Parish Council as being qualified to make a community nomination under s 89 (2) Localism Act 2011, and that the Parish Council have satisfied you that their application is properly representative of the majority view of their members.

We respectfully request that you reject the application for the Mitre to be added to the List of Community Assets. We would be very grateful if you would consider our comments, and advise us if you have any further queries.

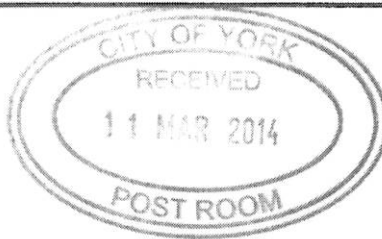
Yours sincerely
Enterprise Inns plc



**Emma Hurst
Asset Manager**



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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 or alternatively call 01904 553360

Section 1

About the property to be nominated

Name of Property:	THE FOX INN
Address of Property:	168 HOLGATE ROAD, YORK
Postcode:	YO24 4DQ

Property Owner's Name:	PUNCH TAVERNS
Address:	JUBILEE HOUSE, SECOND AVENUE BURTON UPON TRENT, STAFFORDSHIRE
Postcode:	DE14 2WF
Telephone Number:	01283501999
Current Occupier's Name:	Temporary landlord, vacating 6 April

Section 2

About your community organisation

Name of Organisation:	SAVE THE FOX INN
Title:	MR
First Name:	TIM
Surname:	MOAT
Position in Organisation:	Chairman
Email Address:	savethefoxinn@gmail.com
Address:	36 ACOMB ROAD, YORK
Postcode:	YO24 4EW
Telephone Number:	07879666847

Organisation type:

Click in field for options

UNINCORPORATED COMMUNITY GROUP

Organisation size

How many members do you have?

4

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 attached.

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 Fox Inn is a detached building and has its own car park and beer garden. See attached plan.

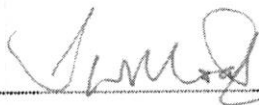
Section 5
Attachment checklist

- 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:

10 March 2014

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

Section 3: Supporting information for nomination

The Fox Inn is a traditional Victorian pub dating back to 1878, but there has been a pub on the site since 1776. It is a Grade 2 listed building (since 9 March 1994) and is one of only three remaining pubs in York built pre-1900 still with its original layout. The Fox's architectural and cultural contributions to the city of York are acknowledged by The Victorian Society and York Civic Trust.

This kind of heritage is irreplaceable and we believe warrants a place on the Assets of Community Value register.

The Fox is ideally situated to be a hub of the community and, indeed, under its previous permanent landlord was exactly that. Over the course of five years, The Fox was transformed into a friendly, welcoming environment with quiz nights, beer festivals, music festivals and fireworks parties on Bonfire Night. Its popular beer garden had a family friendly focus and was the venue for many fundraising barbecues held by local mother and toddler groups and other not-for-profit organisations.

Unfortunately, the subsequent rise in profits provoked a demand from owners Punch Taverns for a higher, unrealistic level of rent and so, with considerable regret, the landlord left for pastures new.

That was in the summer of 2013 and, since then, The Fox has seen a succession of temporary landlords and for some weeks has been completely closed. Although Punch Taverns have erected an advertising hoarding above the door seeking expressions of interest from potential landlords, there has been no take up. A disproportionately high rent would appear to be the stumbling block, coupled with the fact that the building, especially its roof, is in desperate need of refurbishment.

A small group of local people formed a nebulous Save The Fox Inn campaign, on the basis that if a pub company was not going to stop The Fox from sliding into oblivion then we, as community-minded locals, should step in and preserve it for future generations.

We felt The Fox justified and deserved its place at the centre of the Holgate community and its use as a public house should be extended during the daytime to act as a venue for local organisations – elderly people's clubs, book clubs, mother and baby clubs; we thought it would have the potential to be a post office, too. We sought, and received, assistance from the community group behind The Golden Ball pub, which is the first in York to be run by a co-operative. Other heritage groups offered support and we have received invaluable help by York CAMRA.

We approached Punch Taverns to ask if the property would be available for sale and we were told we could make an offer, which they would consider. We sought professional advice from helpful pub trade contacts to work out

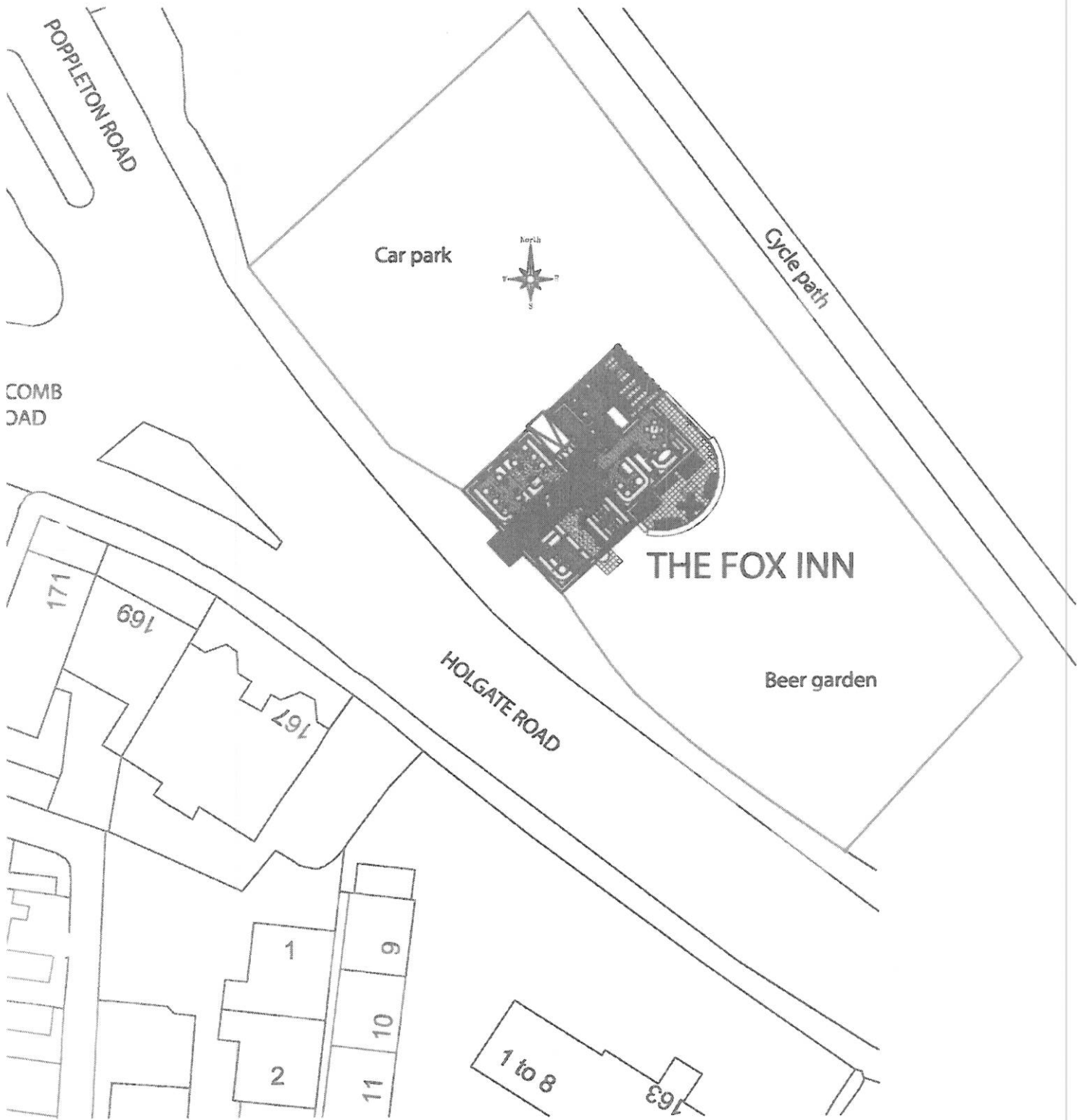
ways to raise the necessary finance. Our next step was to organise a public meeting and look to form a committee. We approached local newspaper The Press, who were very interested but when their reporter contacted Punch Taverns, they were told the pub was definitely not for sale – in fact, they were told, Punch were about to invest £250,000 in a complete refurbishment and were actively seeking new landlords.

The subsequent article in The Press ('The Fox pub in Holgate set for £250,000 refurbishment' dated 23 September 2013) reported the investment announcement and noted our interest and concerns. In the report we said we hoped this was not an 'empty promise'. Our campaign was immediately halted, pending the promised refurbishment.

Despite a planning application being submitted, we now (10 March 2014) learn that because of Punch Taverns' serious financial problems, the planned refurbishment has been put on indefinite hold. The scale of Punch's problems – £2.3bn of debt – is forcing a restructuring of the business and if this cannot be agreed the business will be placed in administration. This could result in a sale of Punch's entire estate (nationally they own around 4,000 leased and tenanted pubs).

As a group we plan to keep a close watch on developments and want to be in a position to try and buy the freehold through a co-operative mechanism and develop it as a community resource.

We request this application be given priority consideration in light of imminent refinancing, or the placing into administration, of Punch Taverns.



CAMPAIN FOR REAL YALE Youth Branch.

AS YOU MAY KNOW THE FOX CHANGES LANDLORDS TOMORROW WE WOULD LIKE TO INVITE YOU TO REGISTER THIS PUB AS A LOCAL ASSET WITH THE CITY COUNCIL. LIST YOUR LOCAL

WE NEED 21 LOCAL PEOPLE WHO ARE ON THE ELECTORAL ROLL TO SIGN AS A MINIMUM WE WILL PRESENT THE CASE TO THE COUNCIL & KEEP YOU INFORMED OF PROGRESS

	NAME	ADDRESS INC POSTCODE	LOCAL ELECTORAL WARD ROLE
1	S FRATER		Holgate ✓
2	S MITCHELL		5 Fawcett ✓
3	JM HAIGH		12 Stusall ✓
4	P GIBSON		12 Holgate ✓
5	Peter Gibson		HOLGATE ✓
6	Beryl Gibson		Holgate ✓
7	Ray Goodall		12 Stusall ✓
8	Aran Gibson		HOLGATE ✓
9	Fiona Gibson		HOLGATE ✓
10	Angela Stusall		HOLGATE ✓
11	ROBERT SAUNDAGE		" ✓
12	MATTHEW CAMMIE		HOLGATE ✓
13	D. FAWCETT		RAWCLIFFE ✓
14	T FAWCETT		" ✓
15	L. COOMBS		Clifton ✓
16	G. HICK		Clifton ✓
17	L. Ieeton		5 Acomb ✓
18	M. KILPATRICK		12 SKELTON ✓
19	D. CALLAGHAN		HOLGATE WARD ✓
20	Laura Callaghan		Holgate ✓
21	KATE ROSSON		12 SKELTON ✓

- 55 DANIEL SUTHERLAND
- 56 Eileen Johnson
- 57 Andrew Johnson
- 58 Andrea Forst
- 59 Andrew Squirrel
- 60 Joanne Lewis
- 61. Adrian Dalton
- 62 JULIE STABLES
- 63 Maggie Harrison
- 64 Jon Harrison
- 65 CURIS HIRN
- 66 Steve Bayne
- 67 Jan Baird
- 68 Tim Moat

HOLGATE

Y0264A

Holgate

Y023 IDP

Y0265RB

Y023 IED

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3

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Y026 450

Holgate York Y0264T2

Holgate York Y0264T2

Holgate

69. ADRIAN DALTON

626 SRP

Current list of Assets of Community Value

1. The Golden Ball Public House, 2 Cromwell Road, York - approved March 2014.

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Decision Session – Cabinet Member for Finance and Performance

Thursday 17 July 2014

Annex of Additional Comments received since the agenda was published.

Agenda item	Report Title	Received from	Comments
4	Applications for Community Right to Bid under the Localism Act 2011	Rawcliffe Parish Council	<p>Dear Cabinet Member for Finance and Performance,</p> <p>Rawcliffe Parish Council would be very grateful if you could consider the following at the Decision Session - Cabinet Member for Finance and Performance to be held Thursday 17th July 2014 at 3pm; under Item 4 in response to Annex 2 - Letter of Objection from Enterprise Inns.</p> <p>- Rawcliffe Parish Council Meeting 7th April 2014 Agenda Item 198 (4)' it was resolved that Rawcliffe Parish Council nominates The Mitre as a Community Asset'; thus providing evidence that the nomination is 'properly representative of the majority view of members'</p> <p>The Mitre is only public house within the parish to offer 'community' facilities [stated in the nomination]</p> <p>Objection states that 'this is incorrect; that there are 3 public houses within a half mile radius of The Mitre' which offer superb community facilities</p> <ul style="list-style-type: none"> • Of these three public houses listed by Enterprise Inns only one lies within the Parish of Rawcliffe (The Lysander). • Rawcliffe Parish Council has not overlooked the facilities The Lysander provides but considers it to offer a very different range of services for the community; complimentary

Agenda item	Report Title	Received from	Comments
			<p>to those offered by The Mitre.</p> <ul style="list-style-type: none"> • Riverside Farm is outside the outer ring road a difficult to access from the Parish of Rawcliffe • The Mitre is the only venue providing a meeting point for community groups, • None of the alternative 3 public houses host sports teams including; football, dominoes, darts and pool. • Young at Heart Luncheon Club, for the over 50s; meeting twice monthly; Young at Heart when it was first started some three years ago approached the Lysander Arms it was unable to offer adequate facilities for the club to meet due to lack of a separate room Similarly; The Dormouse does not provide separate rooms to allow the club to function. Riverside Farm across the outer ring road effectively restricts the membership to those with cars and as over 50% walk to the Mitre it is also unsuitable. <p>Rawcliffe Parish Council in submitting this nomination has reflected on alternative facilities in the area and has in no way overlooked the importance of other existing community assets in the vicinity of The Mitre.</p> <p>The Mitre provides an important meeting place and focal point for local residents that cannot be satisfied by other public houses in the area.</p> <p>Thank you for your time,</p> <p>Nicola Moorcroft (Clerk to Rawcliffe Parish Council)</p>

Agenda item	Report Title	Received from	Comments
4	Applications for Community Right to Bid under the Localism Act 2011	Derek Paterson	<p>I have looked at the submission from the Brewery and feel they have misunderstood what actually takes place within the Mitre specifically to do with Young at Heart a club for older folks that meets there.</p> <p>I started the club called Young at Heart some three years ago. It was recognised by CYC and received Ward funding two years running as it caters for a specific need for older folks in this area i.e. a meeting place where there is:</p> <ol style="list-style-type: none"> 1.information provided e.g. CRUSE, PCSO, Fire Brigade, Age UK et al People come to talk to those who attend and to give advice 2. A meal subsidised by the grants (Grants now provided by Rawcliffe Parish Council, Clifton Parish Church) 3.Entertainment e.g. local singers 4.Coach trips for those who attend. <p>As such it <u>is not just a pub providing a meal.</u></p> <p>The Brewery suggest that there are other pubs nearby providing the same service but had they contacted me I would have explained that this is not the case with Young at Heart that meets in the Mitre and thus I contest their view as to what The Mitre actually provides in the community.</p> <p>When Young at Heart was started I approached the Lysander Arms but they are <u>unable to provide as the Mitre does a separate room</u> for the club</p> <p>Similarly the Dormouse does not have a separate room.</p> <p>Riverside Farm north of the ring road effectively cuts out over 50%</p>

Agenda item	Report Title	Received from	Comments
			<p>of those who attend as they need a car to access it whereas the Mitre is within walking distance for the majority of residents. Also as The Mitre is on a bus route it allows those from within the Ward in Skelton to access it or those at the far end of Rawcliffe Parish to attend.</p> <p>Thus although I understand that from the Brewery's viewpoint there are other pubs, the Brewery fails to grasp, I think, that The Mitre is not a pub serving meals but an important place providing an invaluable meeting place for older folks in the community.</p> <p>Given the reduction in finance for social activities the Council is now experiencing and increasing demand for services for older folks especially, The Mitre is an example of a pub that is a community asset.</p> <p>(It may well become a model for delivering future services as discussions with One Voice who work with the council has led to them adopting this model of approach to help deliver services for older folks throughout York. Already in Acomb there is another Young at Heart providing a similar set of services in a pub !)</p> <p>Number attending are 55 plus and as such the Mitre provides an important meeting place for local residents that cannot be satisfied by other pubs in the submission from the Brewery.</p> <p>I would urge that The Mitre is designated as a Community Asset.</p> <p>Yours sincerely</p> <p>Derek Paterson organiser of Young at Heart</p>
4	Applications for Community Right to	Richard and Christine Steel	I believe it would be wrong to close the mitre pub as many people have returned to the pub after the departure of the previous

Agenda item	Report Title	Received from	Comments
	Bid under the Localism Act 2011		<p>landlady.</p> <p>The young couple have turned the place around in a matter of weeks and deserve a chance to make the place work.</p> <p>All the so called pubs are eating houses, the nearest real pub is the Blacksmith Arms in Skelton or the Grey Mare at Clifton Green, not exactly within walking distance for many people therefore we think the decision is premature.</p> <p>It would be a disaster for many elderly people as it is a meeting place for them, also the bingo and live music gives entertainment to many.</p>

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