

Cabinet Member Decision Making session – Finance and Performance

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 Bishopthorpe Road Traders Association, to list the Winning Post Public House, 127-129 Bishopthorpe Road, York, and the New Earswick and District Indoor Bowls Club to list The New Earswick and District Indoor Bowls Club, Huntington Road Road, Huntington, 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 Winning Post Public House, Bishopthorpe Road, York

3. The freehold of The Winning Post is owned by Enterprise Inns. The nomination is being made by Bishopthorpe Traders Association on the basis that The Winning Post is the only public house along the entire length of Bishopthorpe Road and occupies a prominent position in the heart of the residential area. It has enormous potential to offer 'community facilities' and as such is a valued amenity to the local people. It has several large rooms suitable for wide variety of uses and a remarkable function room, which is used for a wide variety of purposes, including live music, plays, information evenings, meetings (the local school PTA use it), charity and family events. The pub is also home to

pool and dominoes teams. A copy of the nomination form is included at Annex 1.

4. 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 Winning Post has a distinct community focus, the application fits the criteria of the legislation.
5. If the decision is taken to include this application on the list of assets of community value, the owner has the right to request the Council to review its decision. The deadline is eight weeks from the date written notice of listing was given, or a longer period allowed by the authority in writing. The property will remain listed while the review is carried out.

The New Earswick and District indoor Bowls Club, Huntington Road, York

6. The freehold of this building is owned by Joseph Rowntree Housing Trust (JRHT). The application is by the Bowls Club who lease the property from JRHT, on the basis that the club has created a community venue. The club is enjoyed by 850 members and half as many non members attending community sessions throughout the year, and there is a vibrant social membership. The club is a recognised dementia friendly venue. The club is used as a host venue for Neighbourhood Committee meetings. Grant funding has been received from CYC and Huntington Parish Council to support community activities in the building. A copy of the nomination form is attached at Annex 2.
7. A letter from solicitors acting for JRHT has been received objecting to the proposed listing. A copy of their letter is attached at annex 3. The basis for their objection is that the application does not demonstrate that the whole of the land and building is of community value as the Bowls Club lease does not include the whole building. Part of the ground and first floor are excluded from the lease and used exclusively by JRHT. However, JRHT encourages and acknowledges the use not only for bowling and related social events, but wider more community based activities. In addition JRHT state that the car park which forms part of the application is not being used for purposes which would 'further the social well being or the social interests of the local community' and therefore cannot be considered to be of community value. Their letter indicates that JRHT are considering proposals to redevelop those parts of the site

that are not part of the lease to the club, which may have prompted this application.

8. The Bowls Club has developed the community focus for the part of the building which it uses and therefore the application meets the criteria of the legislation. It is noted that the lease does not cover the whole of the building or the site although it does give the Bowls Club the right to use the car park.
9. There are 3 options to be considered in dealing with this application
 - Option 1 – list the whole site as identified in the application
 - Option 2 – List only the area which is included in the lease to the Bowls Club – this will exclude the part of the building which is exclusively used by JRHT and also the car park although the lease to the Bowls Club includes the right for the Club to use this car park (apart from 9 spaces which are for the sole use of JRHT). Any variation of the right to the use of this car park would need the agreement of both parties.
 - Option 3 – refuse the application for listing in full
10. If the decision is taken to follow option 1 or 2 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. If the decision is taken to follow options 2 or 3 the applicant (the Bowls Club) has no right of review under the legislation.
11. It should be remembered that the listing of a building or site as an Asset of Community Value does not give the community organisation who applied for the listing any right of first refusal to buy the property if the owner decides to sell in the future. What the legislation details is that the organisation has a period of 6 weeks from the time when the owner notifies the Council it is considering a sale to decide if it wants to make a bid and then, if it does, a period of 6 months to put a bid together so that it can be considered against any other bid made when the property is marketed. It is the owner's decision as to which bid it then accepts.

Implications

12. **Financial** – Compensation may be payable by the Council to the owner of any property which is listed. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value).

Human Resources (HR) – none

Equalities, Crime and Disorder and IT - none

Legal – The Council need to comply with the Localism Act 2011 which is in force now.

Property – none

Other – none

Risk Management

13. There are no significant risks to this application.

Recommendations

14. The Cabinet Member is asked to decide whether to add The Winning Post Public House, Bishopthorpe 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.

15. The Cabinet Member is asked to decide whether to add the New Earswick and Indoor District Bowls Club onto the List of Community Assets following option A or B as outlined in paragraph 9 above.

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

Contact Details

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Report
Approved



Date 11.11.14

Specialist Implications Officer(s)

Implication Legal
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Wards Affected: Micklegate Ward and Huntingon and New Earswick Ward

For further information please contact the author of the report

Annexes

Annex 1 – The Winning Post, Bishopthorpe Road – Application to add to the List of community assets

Annex 2 – The New Earswick and District Indoor Bowls Club, Huntingon Road, Huntingon – Application to add to the list of community assets

Annex 3 – Letter of objection from Joseph Rowntree Housing Trust

Annex 4 – Current list of assets of community value