

## Notice of a public

### Decision Session - Executive Member for Finance and Major Projects

**To:** Councillor Ayre (Executive Member)

**Date:** Monday, 19 December 2022

**Time:** 10.00 am

**Venue:** The Thornton Room - Ground Floor, West Offices (G039)

## 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 **4:00 pm on Wednesday 21 December 2022.**

\*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 15 December 2022.**

#### **1. Declarations of Interest**

At this point in the meeting, the Executive Member is asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

**2. Minutes** (Pages 1 - 4)

To approve and sign the minutes of the Decision Session held on 14 November 2022.

**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.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Thursday 15 December 2022**.

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

**Webcasting of Public Meetings**

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

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates ([www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions

**4. Application for Community Right to Bid under the Localism Act 2011** (Pages 5 - 16)

This report details an application to list The Ship Inn, Acaster Malbis, York as an Asset of Community Value (ACV), for consideration by the Council. The application has been received from Acaster Malbis Parish Council.

## 5. 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.

**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

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City of York Council

Committee Minutes

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Meeting	Decision Session - Executive Member for Finance and Major Projects
Date	14 November 2022
Present	Councillor Ayre (Executive Member for Finance and Performance) and Councillor Craghill (Executive Member for Housing & Safer Neighbourhoods)  Debbie Mitchell (Chief Finance Officer) Pauline Stuchfield (Director Customer and Communities) David Walker (Head of Customer and Exchequer Services)

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## **12. Declarations of Interest [10.02]**

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 he might have had in respect of business on the agenda. They confirmed he had none.

## **13. Minutes [10.03]**

Resolved: That the minutes of the Decision Session held on 17 October 2022 be approved as a correct record and signed by the Executive Member.

## **14. Public Participation [10.03]**

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

## **15. Household Support Fund October 2022 – March 2023 [10.03]**

The Executive Members considered a report detailing the Household Support Fund (HSF) scheme from October 2022 to March 2023. The Head of Customer and Exchequer Services reported that the total funding including any administration costs for the council was £1.037m. He advised

that the government had provided a broader approach with the purpose of the support not being aimed at specific groups but that the support would be targeted at vulnerable households to prevent escalation of problems, including families with children of all ages, pensioners, unpaid carers, care leavers, and people with disabilities; particularly considering support for those vulnerable households who were ineligible for other government support with the cost of living.

The Head of Customer and Exchequer Services explained the scheme noting that direct payments would be available for households eligible for free school meals, working age customers not in receipt of income support or universal credit and foster carers. In terms of the discretionary scheme he noted that each application would be judged on its own merits and support would automatically be paid to families receiving Disabled Living Allowance (DLA). There is also funding for supporting student applications through referrals from educational establishments. It was noted that families in receipt of DLA needed to apply directly to the council. There had also been additional funding given to York Energy Action to help with energy efficiency measures, and there was also additional budget for discretionary housing payments, along with food and fuel vouchers. He noted that the council would write to families eligible for direct payments in coming weeks about the scheme and he explained that the payments would not be made until January 2023 at the earliest to allow time for the application process.

The Executive Member for Housing and Safer Neighbourhoods noted that the need for funding was set to grow and that the support offered by the government was not enough to support people. She added that the increased flexibility was useful and that people in receipt of DLA needed to apply for the funding. She welcomed the funding for Energy Action York, the student hardship fund and discretionary housing payments. The Executive Member for Finance and Performance supported the comments of the Executive Member for Housing and Safer Neighbourhoods and noted the significant challenge regarding payments for families in receipt of DLA. He then;

Resolved: That;

- a) the council's HSF scheme October 22 – March 23 (as set out in Annex A of the report) be approved.
- b) any changes to the scheme that do not fundamentally alter the purpose be delegated to the Section 151 officer in consultation with the Executive Member for Finance & Performance.
- c) the delegation of discretion to pay claims made within the broader scope of the scheme guidance as set out by the Department for Work and Pensions (DWP) (as set out in Annex

B of the report) be given to the Head of Customer & Exchequer Services.

Reason: To provide financial support to the city's most financially vulnerable residents through the October 2022 – March 2023 arising from the ongoing cost of living increases.

#### **16. Regular update on routine procurements and approval of ICT procurement over £250k [10.12]**

The Executive Member considered a report that presented a register of procurement exercises deemed routine for the period of April 2022 to October 2022. These were defined as routine procurements as per the council's contract procedure rules and expenditure falling within existing capital and revenue budget provisions. It was intended that those reports would be brought to this decision session every 6 months, with any non routine ICT or other procurements reported as they arose between £250k and £500k in value.

The Chief Finance Officer noted the contract procedure rules as set out at paragraph 4 of the report and she detailed the three routine procurements set out in Annex A of the report. The Executive Member then;

Resolved: That;

- the routine procurements that were approved during the period April 2022 to October 2022 (as set out at Annex A of the report) be noted.
- the significant future routine procurement of the council's revenues and benefits system (as set out at Annex B of the report) be noted.

Reason: To ensure the that councillors receive reports on routine procurement decisions in line with the council's contract procedure rules and the public have the opportunity to see transparent decision-making in operation relating to major ICT procurements.

Cllr N Ayre, Chair

[The meeting started at 10.02 am and finished at 10.14 am].

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19 December 2022

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## **Decision Session – Executive Member for Finance and Major Projects**

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 Ship Inn, Acaster Malbis, York as an Asset of Community Value (ACV), for consideration by the Council. The application has been received from Acaster Malbis Parish Council.

#### **Recommendations**

2. The Executive Member is asked to consider the officer recommendation to:

Approve the listing of The Ship Inn, Acaster Malbis, York (“the Property”) as an Asset of Community Value (ACV) for the reasons outlined within this report.

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 freehold of the Property is owned by EI Group PLC.
5. 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 up for disposal 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.

6. 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
7. 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**

8. 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 has eight 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 to 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 Ship Inn (“the Property”)**

9. According to Land Registry records, the freehold of the Property is owned by EI Group PLC. The Property is currently open and trading as a public house. The nomination is being made by Acaster Malbis Parish Council (AMPC). 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. AMPC, as Parish Council for the area in which the nominated land is situated, are an eligible body entitled to submit a nomination for the purposes of the ACV regulations.

10. In accordance with regulations requiring that the owner of the nominated property be notified of a nomination, EI Group PLC has been informed in writing that the application has been made. They have been invited to make representations regarding the information.
11. The occupier of the Property has also been notified of the ACV application in respect of the Property. No response has been received from the parties consulted.
12. AMPC state in their nomination that the parish of Acaster Malbis has approximately 750 registered voters, the population increases during the summer months due to visitors residing at the local caravan parks.
13. Acaster Malbis has restricted amenities in that there is no school nor shops and the only community activities in the village occur at the Memorial Hall, a local tap room (which opens just once weekly) and the Property. It is the only pub in the village and it enables people to meet and socialise.
14. The Property has had a number of different occupational tenants since it was bought by EI Group on 30<sup>th</sup> October 2000. There have also been occasions when the pub has been without a tenant. The pub has been subjected to flooding which has resulted in period of temporary closure from time to time. ACMC consider that the closure of the pub on these occasions severely and negatively impacted social interaction.
15. AMPC believe it is imperative that the Property be listed as an Asset of Community Value on behalf of the residents of Acaster Malbis.

### **Analysis**

16. If the decision is to approve the ACV application to nominate 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 (J.R.) of the decision by submitting a J.R. claim to the High Court).

### **Options & Recommendation**

17. The application to list the Property 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.
18. Based on the information provided, it is recommended to list the Property as an Asset of Community Value.

### **Council Plan**

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

### **Implications**

#### **20. 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).

#### **21. Human Resources (HR) – none**

#### **22. Equalities, Crime and Disorder and IT - none**

#### **23. Legal – Advice and comments have been sought from Legal Services and incorporated within this report.**

#### **24. Property – All property issues included in the report**

#### **25. 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**



6/12/22

**All**



**Ward Affected: Bishopthorpe**

**For further information please contact the author of the report**

**Annexes**

Annex 1 –The Ship Inn, Acaster Malbis, 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

AMPC – Acaster Malbis Parish Council



## 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 shown below or alternatively call 01904 553360

[www.york.gov.uk/assetsofcommunityvalue](http://www.york.gov.uk/assetsofcommunityvalue)

### Section 1

#### About the property to be nominated

Name of Property:	The Ship Inn
Address of Property:	Hauling Lane, Acaster Malbis, York
Postcode:	YO23 2UH

Property Owner's Name:	El Group plc
Address:	3 Monkspath Hall Road Shirley, Solihull
Postcode:	B90 4SJ
Telephone Number:	0121 272 5000 (Stonegate), 01904 703888 (Ship Inn)
Current Occupier's Name:	Gavin Patterson

### Section 2

#### About your community organisation

Name of Organisation:	Acaster Malbis Parish Council
Title:	Mr
First Name:	Craig
Surname:	Booth
Position in Organisation:	Clerk
Email Address:	parish.clerk@acastermalbis-pc.gov.uk
Address:	25 Lakeside, Acaster Malbis York
Postcode:	YO23 2TY
Telephone Number:	01904 709535

#### Organisation type:

*Click in field for options*

PARISH COUNCIL

#### Organisation size

How many members do you have?

7

**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.

The parish of Acaster Malbis is a parish to the south west of York with a count of some 750 registered voters. The population increases during the summer months due to visitors at local caravan parks.

There is no school, and no shops in the parish and the only community activity for the village occur at the Memorial Hall, the Ship Inn and a local tap room that opens once per week. The Ship Inn has had quite a number of tenants since being bought by EI Group in Nov 2000 and has had periods without a tenant, and periods where the pub has flooded and the pub closed - this severely impact social interaction.

The council believe we should register the Ship Inn as a community asset on behalf of the residents.

**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.

Please see title plan NYK66313. The Ship Inn is located on Hauling Lane in Acaster Malbis.

**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:

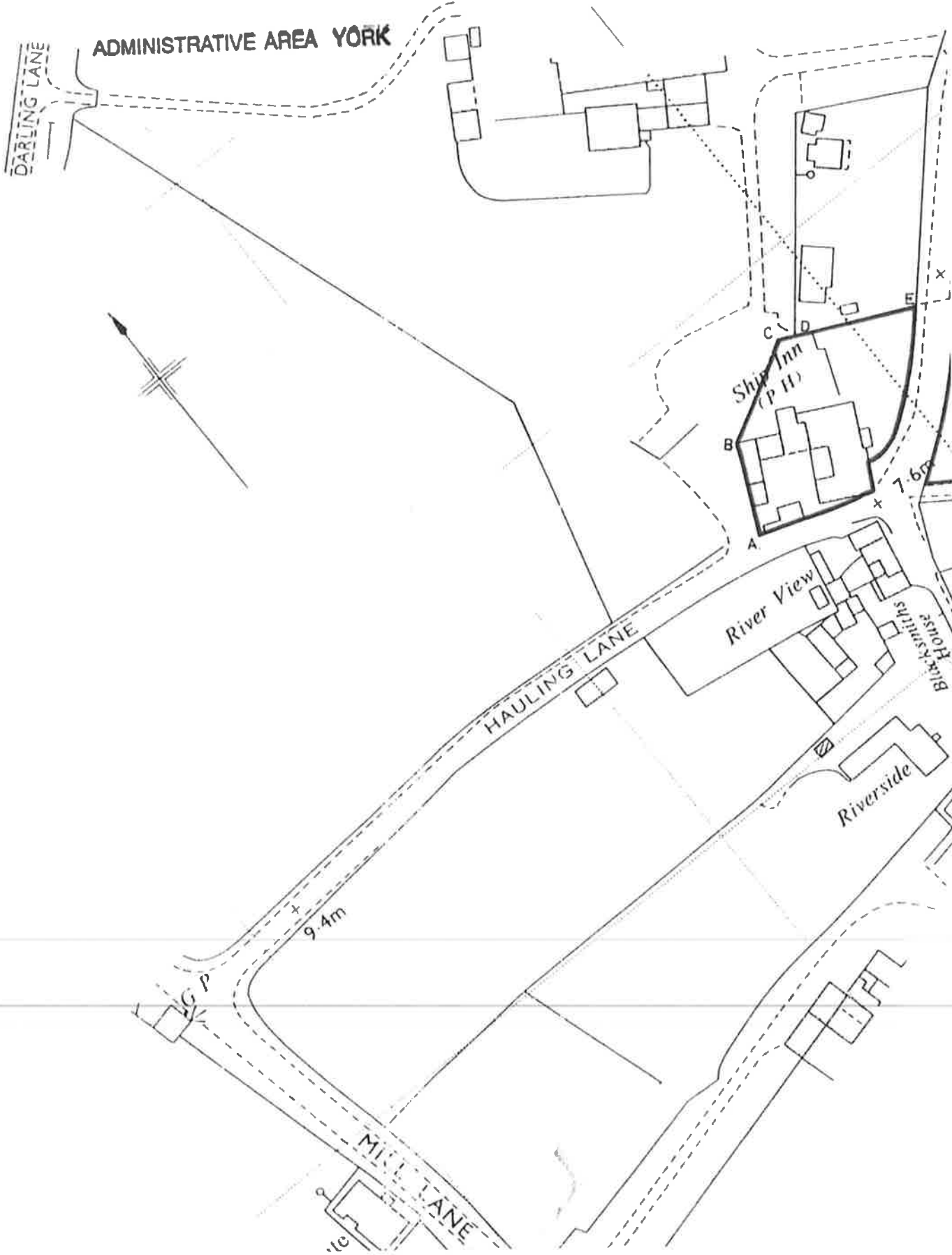
Dated: 25 Oct 2022

Please e-mail your completed form to [property.services@york.gov.uk](mailto:property.services@york.gov.uk) or post to:

**Asset and Property Management**  
**City of York Council**  
**West Offices**  
**Station Rise**  
**York**  
**YO1 6GA**



H.M. LAND REGISTRY		TITLE NUMBER	
		NYK663	
ORDNANCE SURVEY PLAN REFERENCE	SE 5845	SECTION B	1/1250
COUNTY NORTH YORKSHIRE	DISTRICT SELBY	© Cr	





## **Annex 2 - Current list of Assets of Community Value**

1. The Golden Ball Public House, 2 Cromwell Road, York, YO16 6DU - approved 6<sup>th</sup> March 2014. Renewed on 15<sup>th</sup> July 2019.
2. New Earswick and District Bowls Club, Huntington Road, York, YO32 9PX – approved 6<sup>th</sup> November 2014. Renewed on 24<sup>th</sup> July 2020.
3. Holgate Allotments, Ashton Lane, Holgate, York, YO24 4LX – approved 29<sup>th</sup> June 2015. Renewed on 14<sup>th</sup> February 2022.
4. The Swan, Bishopthorpe Road, York, YO23 1JH – approved 20<sup>th</sup> October 2015.
5. The Derwent Arms, 29 Osbaldwick Village, Osbaldwick, YO10 3NP – approved 14<sup>th</sup> March 2016. Renewed on 11<sup>th</sup> April 2022.
6. The Minster Inn, 24 Marygate, York, YO30 7BH – approved 11<sup>th</sup> July 2016.
7. The Wenlock Arms Public House, 73 Main Street, Wheldrake, YO19 6AA – approved 11<sup>th</sup> July 2016.
8. Costcutter Shop, 58 Main Street, Wheldrake, York, YO19 6AB – approved 11<sup>th</sup> July 2016.
9. Wheldrake Woods (owned by the Forestry Commission), Broad Highway, Wheldrake, YO19 6 – approved 11<sup>th</sup> July 2016.
10. The Blacksmiths Arms, Naburn York, YO19 4PN – approved 12<sup>th</sup> September 2016. Renewed on 12<sup>th</sup> September 2022.
11. Holgate Community Garden and Play Park, Upper St Paul's Terrace, York, YO24 4BS. – approved 12<sup>th</sup> Sepyember 2016
12. White Rose House, 79 Main Street, Wheldrake, York, YO19 6AA – approved 29<sup>th</sup> September 2016.
13. The Grey Horse Public House, Main Street, Elvington, York, YO41 4AA – approved 11<sup>th</sup> July 2022.
14. The Deramore Arms Public House, Main Street, Heslington, York, YO10 5EA. – approved 13<sup>th</sup> March 2017.
15. The Carlton Tavern Public House, 104 Acomb Road, York, YO24 4HA – approved 10<sup>th</sup> April 2017.
16. The Royal Oak Public House, 1 Main Street, Copmanthorpe, York, YO23 3ST. – approved 11<sup>th</sup> July 2022.
17. The Blue Bell Public House, 53 Fossgate, York, YO1 9TF. – approved 17<sup>th</sup> October 2017.

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