



Notice of a public

Decision Session - Executive Member for Finance and Performance

To: Councillor Ayre (Executive Member)

Date: Friday, 24 July 2020

Time: 3.00 pm

Venue: Remote Meeting

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 28 July 2020**.

*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 22 July 2020**.

1. Declarations of Interest

At this point in the meeting, the Executive Member is 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 - 4)
To approve and sign the minutes of the Decision Session held on **16 March 2020.**

- 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 have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is 5:00pm on Wednesday, 22 July 2020.

To register to speak please contact Democratic Services, on the details at the foot of the agenda. You will then be advised on the procedures for dialling into the remote meeting.

Webcasting of Remote Public Meetings

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

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

- 4. Application for Community Right to Bid** (Pages 5 - 30)
under the Localism Act 2011

This report asks the Executive Member to consider whether to list the New Earswick and District Indoor Bowls Club, Huntington Road, Huntington, and the Murton Arms Public House, Murton, York as assets of community value.

- 5. Urgent Business**
Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Robert Flintoft
Telephone: (01904) 555704
Email: robert.flintoft@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

Meeting	Decision Session - Executive Member for Finance and Performance
Date	16 March 2020
Present	Councillor Ayre
Apologies	Councillor Craghill

10. Declarations of Interest

The Executive Member was 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 in respect of business on the agenda. None were declared.

11. Minutes

Resolved: That the minutes of the Decision Session on 9 March be approved at the next meeting.

12. Public Participation

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

13. Approval of Financial Inclusion Innovation Fund Awards

The Executive Member considered a report that sought approval of the recommended award of £100,000 of grants to fund six projects to deliver financial inclusion activities in the city. The approval of the grants for the schemes followed a round of competitive bids and a selection panel process.

The Assistant Director Customer and Digital Services and the Strategic Manager Corporate Strategy and City Partnerships were in attendance to present the report. The Assistant Director Customer and Digital gave an overview of the report.

In response to questions raised by the Executive Member and Executive Member for Housing and Safer Communities, Officers confirmed that:

- The themes outlined in paragraphs 3 – 6 of the report would be included as an addendum to future reports
- In relation to the award of 50% funding for two bids, feedback on the outcome of the bids would be communicated to all bidders.
- The council was waiting for further information on the £10million fund to help people in receipt of universal credit to move away from it. This could be explored with York CVS and discussions with the Joseph Rowntree Foundation on this were already taking place.
- In order to continue to get the level of innovation, there was the challenge long term in terms of the mainstreaming of CAY funding. There would be a review on the outcomes of the exercise and the council would like to work with more partners.

The Executive Member then;

Resolved: That approval be given to the award of £100,000 of grants to fund the following six projects to deliver financial inclusion activities in the city:

- 1. 5,500 to the Older Citizens Advocacy York (OCAY) Benefits Advocacy project to provide advocacy support to help with applications, assessments and appeals**
- 2. £13,000* to the Citizens' Advice York Financial Inclusion at GP surgeries project to continue to develop co-ordinated advice work located in GP practices**
- 3. £30,026 to Citizens' Advice York Advice, Information & Budgeting in community settings project to continue to provide and develop community settings for advice**
- 4. £23,426 to the Peasholme Charity My Money, My Life project to continue delivery if its financial capability pathway service**
- 5. £12,898 to the Welfare Benefits Unit Universal Credit Focus project to continue to provide second tier in depth support to advisers**
- 6. £15,150* Changing Lives Financial & Social Inclusion Worker project to support vulnerable and hard to reach residents to gain financial independence.**

*** Note: two bids were partially funded**

Reason: To ensure that funds set aside to support the delivery of financial inclusion activity are allocated appropriately.

, Chair

[The meeting started at 2.00 pm and finished at 2.08 pm].

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24th July 2020

Decision Session – Executive Member for Finance and Performance.

Report of the Assistant Director of Regeneration and Asset Management

Applications for Community Right to Bid under the Localism Act 2011

Summary

1. This report details applications to list the following assets as Assets of Community Value (ACV), for consideration by the Council.
 - a. The Murton Arms (formerly the Bay Horse) Public House, Main Street, Murton, York. An application has been received by Murton Parish Council,
 - b. New Earswick and District Indoor Bowls Club, Huntington Road, Huntington, York. An application has been received by New Earswick & District Indoor Bowls Club.

Background

2. The applications have been received, for a decision by the Executive Member in the Council's statutory capacity as an Asset of Community Value (ACV) listing authority.
3. 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 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.
4. 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 be satisfy either of the following criteria:

- a. 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. 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
5. 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

6. The regulations set out how potential assets can be listed which in brief is as follows:
 - **Nomination** – this can be by a voluntary or community body with a local connection. Includes parish councils, neighbourhood forums, charities, community interest groups but excludes public or local authorities (except parish councils).
 - **Consideration** – the local authority have 8 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 below – 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.

- **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 for that group to prepare it's 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 and the owner does not need to give notice of it's 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 Murton Arms Public House.

7. The freehold of The Murton Arms is in two ownerships. The public house itself is owned by Mrs Ruth Yeadon. The land to the rear including the pub car park is owned by Sophie Pauline Cougan. The nomination is being made by Murton Parish Council, who have confirmed that both ownerships are included in their application. 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 and if the nomination form includes the information specified in regulation 6 of the ACV Regulations 2012. Murton Parish Council is an eligible organisation. In accordance with the regulations, the freehold owners and the occupiers of the property have been informed in writing that the application has been made. They have been invited to make representations regarding the nomination.

Murton Parish Council state in the nomination form that the public house was originally called the Bay Horse and was previously listed as an ACV when put up for sale by Enterprise Inns three years ago. The present owner bought the property, changed the name to the Murton Arms and then closed the pub after a short period, renting out the upstairs residential accommodation privately. The parish council is now in the process of forming a working party to pursue the purchase of the property to resume trading as a pub on behalf of the community.

8. Full details are provided in the nomination form in Annex 1.
9. A representation has been received from Mrs Ruth Yeadon objecting to the nomination, which is summarised below.

Mrs Yeadon purchased the property back in September 2016. It had been marketed for the previous 11 months by Enterprise inns with no other apparent interest.

She states that the property was refurbished to a high standard including decking to the front of the pub and many hours were spent by friends, family and tradesmen on it. Extensive marketing took place prior to opening in 2017.

Despite hard work and best endeavours, and significant financial outlay, she advises that the public house proved not to be a viable concern and with only 800 inhabitants in Murton there is only a very small catchment and relies on footfall and walk-ins. Concerted efforts were made to attract customers. Despite free offers, discounts, a website and facebook account, sufficient trade could not be attracted, she advises.

She considers that, evidence shows that the pub is not supported by the local people and that the loss of this facility would not cause harm to the local people and the social and economic life of the community. She asserts that there is no evidence of any village activity being curtailed by the closure, and the hub of the local community is the church hall, where many events take place, including birthday parties, anniversary celebrations, wine tastings and dinners. The villagers have raised a significant amounts of money for the hall, including £80,000 for the installation of a new commercial kitchen.

There are alternative pubs and other establishments in the area serving food and drink, including the Derwent Arms in Osbaldwick, the Museum of Farming close by, and the Murton Auction Mart. There is taxi rank opposite the pub and the village is on a bus route.

Mrs Yeadon has family to support and has not received any significant income from the property.

Since the pub closed, the property has suffered from attempted break-ins, fly tipping and intruders trying to gain access to the rear car park and land.

Mrs Yeadon adds that, in order for the pub to be listed as an ACV, its continuing use for a purpose which furthers the social wellbeing or social interest of the community has to be realistic.

10. Full details of the owner's submission are provided at Annex 2.
11. 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. This property has previously been listed as an asset of community value. In accordance with the ACV regulations the property was removed from the list when the property was sold on 23rd September 2016.
12. The application meets the basic criteria for listing. It is, therefore, recommended that the Murton Arms Public house, should be listed on the ACV register.

New Earswick and District Indoor Bowls Club

13. The freehold of New Earswick & District Indoor Bowls Club is owned by Joseph Rowntree Housing Trust (JRHT). The nomination is being made by New Earswick & District Indoor Bowls Club. 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, and if the nomination form includes the information specified in regulation 6 of the ACV Regulations 2012.
14. New Earswick and District Indoor Bowls Club are an eligible body, as they are an unincorporated body, whose activities are concerned with the Council's area. They do not distribute any surplus/profits to their members and have at least 21 members, who live in the local area. In accordance with the regulations, the freehold owner of the property, and the occupiers of the property, have been informed in writing that the application has been made. They have been invited to make representations regarding the nomination.
15. New Earswick & District Indoor Bowls Club state in the nomination form that after embarking on a survival plan in 2005 the bowls club

has changed from a single sport members club to a community venue which is enjoyed by nearly 700 members and non-members that attend community sessions throughout the year. Along with the bowling club that has almost 450 participants the club is a venue for leisure activities including line dancing, tap dancing and keep fit. There is also social programme which includes ladies darts, quizzes and bingo based around the bar facilities. Additional community activities supporting bowling sessions for adults with learning and physical disabilities, Special Olympics training and boccia sessions for Alzheimer's Society and Age UK. The indoor bowls area is also adapted in the summer months to provide activities such as badminton, new age curling and table tennis, predominantly for disabled participants.

16. Full details are provided in nomination form in Annex 3.
17. A letter has been received from Joseph Rowntree Housing Trust objecting to the proposed listing stating that the club has been a tenant of part of the site since 1994, the latest lease renewal being in 2013 for a term of ten years. JRHT states that there has been an ongoing decline in members of the bowling club which has resulted in the club becoming economically unviable resulting in the club being unable to meet its rental payments and requesting financial assistance from JRHT. JRHT considers that the building (a former industrial building) is considered to be physically obsolete and several components of the building including the roof are approaching the end of their useful life. Part of the ground and first floor are excluded from the lease and are used exclusively by JRHT. The trust also states that the area that is currently used as car park cannot be considered to be of community value. The future use of the rest of the site, currently occupied by JRHT as offices and depot is under review and may form part of redevelopment plans for the site to provide affordable housing. JRHT states it is willing to support the relocation of the club to new facilities and as these could be located elsewhere in York the nomination is considered inappropriate.
18. Full details are provided in the owner's submission at Annex 4.
19. The Bowls Club has developed the community focus for the part of the building which it uses. Therefore the application meets the criteria of the legislation. It is noted that the lease does not cover the whole of the building nor the site, although it does give the Bowls Club the right to use the car park.

20. This property has previously been listed as an asset of community value, which included the car park.
21. The application meets the basic criteria for listing. It is therefore recommended that New Earswick Indoor Bowls Club should be listed on the ACV register.

Options

22. The applications to list The Murton Arms Public House, and New Earswick and District Indoor Bowls Club as Assets of Community Value can either be accepted or rejected. There are no other options as sufficient information has been provided to make a decision.

Analysis

The Murton Arms, Main Street, Murton

23. The property has not been used as a public house since 2017/2018. However, the asset is still capable of being used as a public house and no planning consent has been given for a change of use. On this basis, and the fact the property was listed as an ACV prior to its sale to the present owner, it is felt that the application meets the basic criteria under paragraph 3.b of this report. The recommendation, therefore, is that the application is approved. If the asset is listed then the legislation states that the owners can, within 8 weeks of the decision date apply for a review of the listing as set out in paragraph 5 of this report.
24. Although there is no right of review by the applicants, if the decision was made not to list these properties this would have to be on the basis that the qualifying criteria as set out in the Localism Act 2011 had not been met. For the reasons set out in paragraphs 6 – 11 in this report, it is considered that they have been met.

New Earswick and District Indoor Bowls Club

25. There is nothing contained in the Localism Act 2011 which prevents or prohibits part only of a building being listed as an ACV. If an eligible nominator submits a nomination in respect of part only of a

building and the decision maker considers that the nominated part satisfies the S.88 community benefit criteria then the Council is obliged to list the nominated part as an ACV. As the application meets the basic criteria for listing, the recommendation is that the application is approved. If the asset is listed then the legislation states that the owners can, within 8 weeks of the decision date apply for a review of the listing as set out in paragraph 5 of this report.

26. Although there is no right of review by the applicants, if the decision was made not to list these properties this would have to be on the basis that the qualifying criteria as set out in the Localism Act 2011 had not been met. For the reasons set out in paragraphs 12 – 17 in this report, it is considered that they have been met.

Council Plan

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

Implications

28.

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 – Legal advice has been incorporated within this report.

Property – All property issues included in the report

Other – none

Risk Management

29. There are no significant risks to these applications.

Recommendations

30. The Executive Member is asked to consider:

- a. The listing of The Murton Arms (formerly The Bay Horse), Main Street, Murton, York, as an Asset of Community Value (ACV) for the reasons outlined above.
- b. The listing of the New Earswick & District Indoor Bowls Club, Huntington Road, Huntington, York, as an Asset of Community Value (ACV) for the reasons outlined above.

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

Contact Details

Tim Bradley
Asset Manager
Asset and Property Management
Tel No. 01904 553355

Tracey Carter
Assistant Director
Regeneration and Asset Management
Tel. No. 01904 553419

**Report
Approved**

**9th
July** 2020

All

Wards Affected: Osbaldwick and Derwent. Huntington and New Earswick.

For further information please contact the author of the report

Annexes

Annex 1 – The Murton Arms, Main Street, Murton, York – Application to add to the list of assets of community value.

Annex 2 – The Murton Arms – Owner’s submission

Annex 3 – The New Earswick & District Indoor Bowls Club, Huntington Road, Huntington, York – Application to add to the list of assets of community value.

Annex 4 – The New Earswick & District Bowls Club – Owners submission.

Annex 5 – Current list of assets of community value

Abbreviations used in the report

ACV Assets of Community Value



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 MURTON ARMS (FORMERLY THE BAY HORSE)
Address of Property:	MAIN STREET, MURTON, YORK
Postcode:	YO19 5UQ

Property Owner's Name:	MRS RUTH YEADON
Address:	NOT KNOWN
Postcode:	AT PRESENT
Telephone Number:	
Current Occupier's Name:	LICENSED PREMISES UNOCCUPIED (ACCOMMODATION ON 1 st FLOOR CURRENTLY RENTED OUT)

Section 2

About your community organisation

Name of Organisation:	MURTON PARISH COUNCIL
Title:	MR
First Name:	ALASTAIR
Surname:	McFARLANE
Position in Organisation:	CLERK AND RECOGNISED FINANCIAL OFFICER
Email Address:	MURTONYORKPARISHCLERK@YAHOO.COM
Address:	C/O 5 BLUE COAT, MURTON YORK
Postcode:	YO19 5WA
Telephone Number:	01904 481306

Organisation type:

Click in field for options

PARISH COUNCIL

Organisation size

How many members do you have?

6

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.

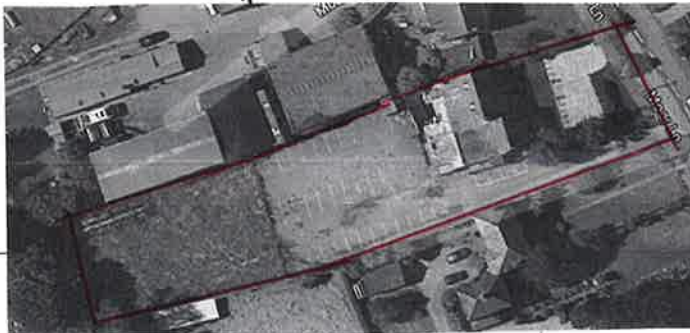
AS THE BAY HORSE, MURTON, WAS THE ONLY PUBLIC HOUSE AVAILABLE TO THE COMMUNITY IT WAS PREVIOUSLY LISTED AS ACV WHEN PUT UP FOR SALE BY ENTERPRISE INNS THREE YEARS AGO. THE PRESENT OWNER BOUGHT THE PROPERTY, CHANGED THE NAME TO THE MURTON ARMS THEN CLOSED THE PUB AFTER A SHORT PERIOD, RENTING THE UPSTAIRS ACCOMMODATION PRIVATELY. IN RESPONSE TO PUBLIC FEELING THE PARISH COUNCIL IS NOW IN THE PROCESS OF FORMING A WORKING PARTY TO PURSUE PURCHASE OF THE PROPERTY TO RESUME TRADING AS A PUB ON BEHALF OF THE COMMUNITY

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 FRONTS ON TO MAIN STREET WITH A LAWNED BEER GARDEN AND DECKING AREA SEATING APPROX. 50. TO THE REAR IS A CAR PARK FOR AROUND 20 CARS. BEHIND THE CAR PARK IS ADDITIONAL LAND.



Section 5

Attachment checklist

- Copy of group constitution (if you are a constituted group) **ATTACHED**
- 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: Arastaw Metcalare

Dated: 28 February 2020

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

Standing Orders and Financial Regulations for Murton Parish Council

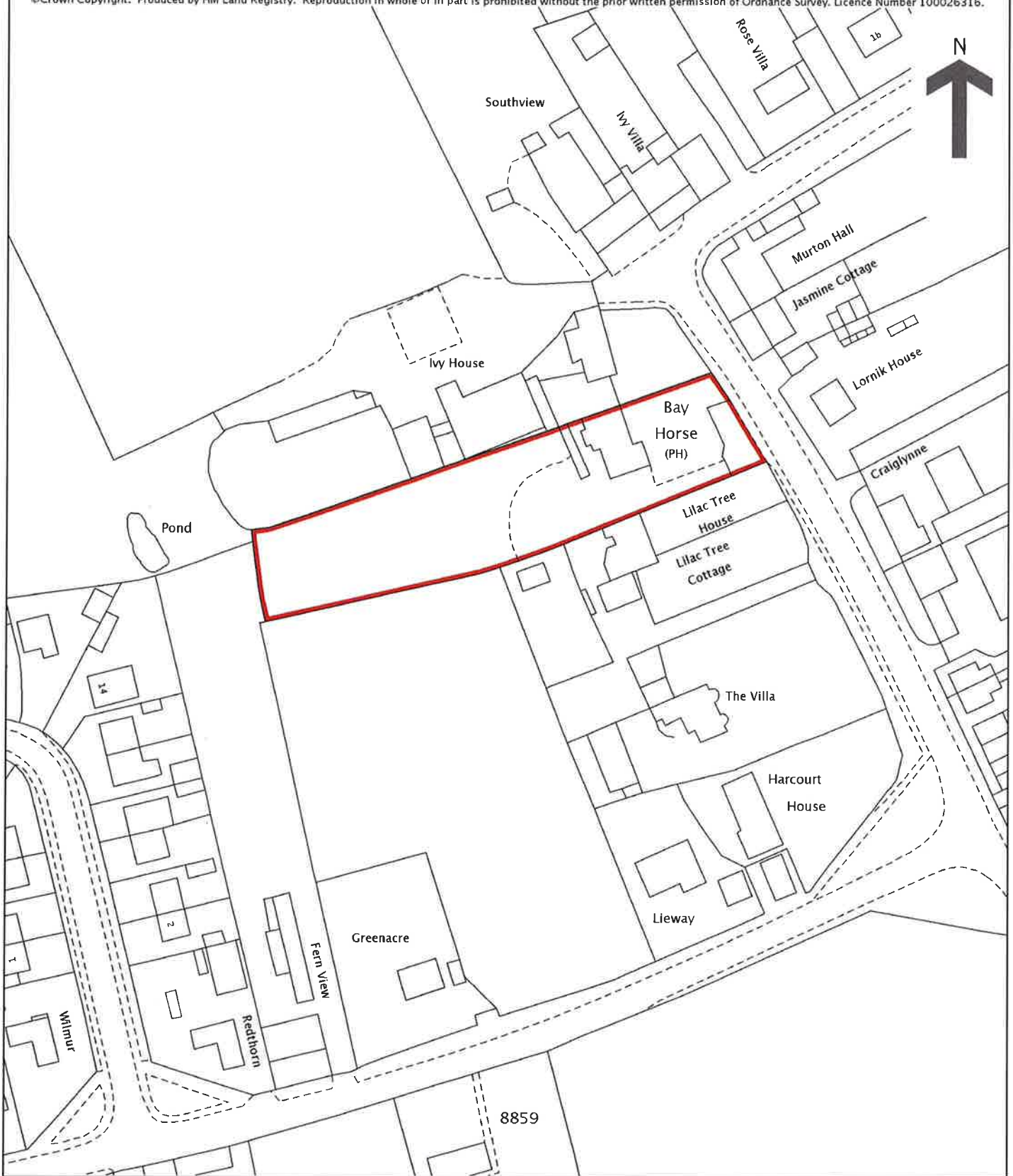
1. All proposed expenditure is discussed at a Parish Council Meeting having been identified on the Agenda before the meeting. For expenditure of more than £100.00 three quotes are required before the decision is made. The quote that is accepted will be 'best value' as decided by the Parish Councillors.
2. The normal procedures for Parish Councillors Personal Interests apply.
3. The Parish Clerk may spend petty cash without consulting the whole Parish Council eg for stamps and stationery.
4. All expenditure is recorded in the minutes and they are published on the Parish Council notice boards.
5. The accounts are regulated as per statutory regulations.
6. The accounts are available annually for inspection by members of the Parish on application to the Clerk of the Parish Council and published on the website.

HM Land Registry
Official copy of
title plan

Page 18
Title number **NYK114817**
Ordnance Survey map reference **SE6452NE**
Scale **1:1250 enlarged from 1:2500**
Administrative area **York**



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THE MURTON ARMS (FORMALLY THE BAY HORSE)

MURTON, YORK, YO19 5UQ

1, I purchased the Bay Horse public house at the end of Sept 2016 in good faith, now known as The Murton Arms, it had been marketed for sale for a period of 11 months prior to me buying the pub by Enterprise Inns. with no apparent interest.

Prior to me buying the Pub in Murton I had worked for Bradford City AFC as a Catering Manager, managing over 40 staff for the past 10 years, I have also worked as a Bar Manager at a small Hotel in Cumbria.

2, the property was refurbished to a high standard as can be seen by the photos, as well as constructing a large decking area to the front of the pub I spent many hours over many months working on the pub with both friends, family & local tradesmen. Prior to opening in 2017 I posted flyers out to local companies and local villages, I also handed out flyers in York centre with the help of family & friends to advertise the opening of the pub which I decided to rename the Murton Arms, banners were also displayed around the local villages of Murton and displayed outside the Pub by the roadside.

3, .Despite hardwork and my best endeavours and significant financial outlay the Public House has proved not to be a viable concern.

There are approx 800 people who live in the small village of Murton, this is a very small catchment area, the pub relies mainly on footfall & walkins. I have tried varied & concerted attempts to attract customers, but cannot attract sufficient trade to be viable, genuine efforts were made to make the pub viable. I have done everything conceivably possible to make the Murton Arms a success to no avail. I opened a facebook account for the pub and had a website built, I offered a free glass of prosecco for guests dining, 15% off all food, free desserts with any main meal over a period of months to no avail.

4, Evidence shows the pub is not viable nor supported by the local people. The loss of this facility clearly would not cause material harm to the social & economic life of the community & there is no evidence of any village activity being curtailed by closure of the pub, the HUB of the community is the Church Hall in Murton where there are many events and get togethers for the local community including wine tasting, 3 course meals, 80th birthday party celebrations, anniversaries, etc, champagne toast & 3 course meals. The local villagers of Murton raised £80,000 for a new commercial kitchen for the Church Hall, which is further evidence that the local community were not of a mind to financially support the Public House to the same financial level having only raised £26000.00 in support of purchasing the Pub. The Church Hall is used very regularly by all the local community, events for the church hall in Murton can be seen advertised in the local magazine, please see the attached extracts.

5, .there are adequate alternative Pubs in the area including The Derwent Arms 1.1 miles away, local Museum of Farming in Murton serving food and drinks also York Auction Mart in Murton serving alcohol, food & soft drinks subsidised.

~~There is a taxi rank opposite the pub and bus routes which run through the village of Murton.~~

6, I have a 15year old daughter to support, I have not received any income from this venture and have sustained substantial losses The Murton Arms is not unique in the area and there are other Pubs in the immediate vicinity

7, Since closing the pub I have had 2 attempted breakins, [REDACTED] have tried to gain access to the rear land on a few occasions, I have also had fly tippers who have tipped rubbish into the grounds of the Pub, I also have concerns of squatters. An empty building of any kind is bound to attract undesirables.



ASSETS OF COMMUNITY VALUE NOMINATION FORM

Section 1

About the property to be nominated

Name of Property:	NEW EARSWICK & DISTRICT INDOOR BOWLS CLUB
Address of Property:	HUNTINGTON ROAD, HUNTINGTON YORK
Postcode:	YO32 9PX

Property Owner's Name:	JOSEPH ROWNTREE HOUSING TRUST
Address:	THE HOMESTEAD , 40 WATER END YORK
Postcode:	YO30 6WP
Telephone Number:	01904 629241
Current Occupier's Name:	NEW EARSWICK & DISTRICT INDOOR BOWLS CLUB

Section 2

About your community organisation

Name of Organisation:	NEW EARSWICK & DISTRICT INDOOR BOWLS CLUB
Title:	MISS
First Name:	MICHELLE
Surname:	GATENBY
Position in Organisation:	CENTRAL COORDINATOR
Email Address:	manager@newearswickibc.co.uk
Address:	1 GILBERT HOUSE, CROFT GARDENS, YORK
Postcode:	YO31 7SE
Telephone Number:	07956540685

Organisation type:

Click in field for options

COMMUNITY INTEREST COMPANY

Organisation size

How many members do you have?

700

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.

In 2005 the bowls club embarked on a survival plan which would see it change from a single sport members club to a fully inclusive community hub. Through partnerships with City of York Council, private and public care providers such as JRHT, Wilf Ward, Avalo, national and local community organisations such as Age Concern, Alzheimer's Society, Mencap, NHS Mental Health, Nestle Pensioners, we have created a community venue which is enjoyed by nearly 700 members and non members attending community sessions during the year. In addition to the year round indoor bowling club with nearly 450 participants, 90% over the age of 60, which offers exercise, socialising and competition, there is an additional vibrant social membership which uses the facilities for club led leisure activities such as line dancing, tap dancing, keep fit, sequence dancing and carpet bowls. Both section enjoy a full evening social programme which includes Ladies darts, quiz and bingo sessions based around the bar facilities. Our additional community activities include a weekly year round "Bowlsability" session which provides meaningful participation in bowls, carpet bowls and boccia attracting between 30 and 45 adults with learning and physical disabilities. We are the host venue to First York Boccia who provide social and competitive boccia and new age kurling session for similar groups. We also do training for the Yorkshire and Humber Special Olympics Bowls Athletes. We host the Regional Bowling and Short Mat bowling Competitions. We are a recognised Dementia Friendly venue directly supporting affected members and also host separate monthly boccia sessions for Alzheimers Society and Age UK. These activities take place in an inclusive environment alongside the regular club activities which is how we are able to help re intergrate marginalised sections of society. During summer when many of our our bowlers play outdoor bowls or golf we lay a temporary floor which hosts a range of other activities aimed predoninantly, but not exclusively for disabled participation. These include new age kurling, badminton and table tennis.

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 boundary of the car park, drive way and garden area to the front of the building.

I do not have access to the building plans at this time due to the coronavirus closing our business temporarily

Section 5

Attachment checklist

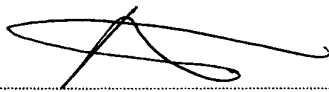
- Copy of group constitution (if you are a constituted group)
- Name and home address of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan (if possible)

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:

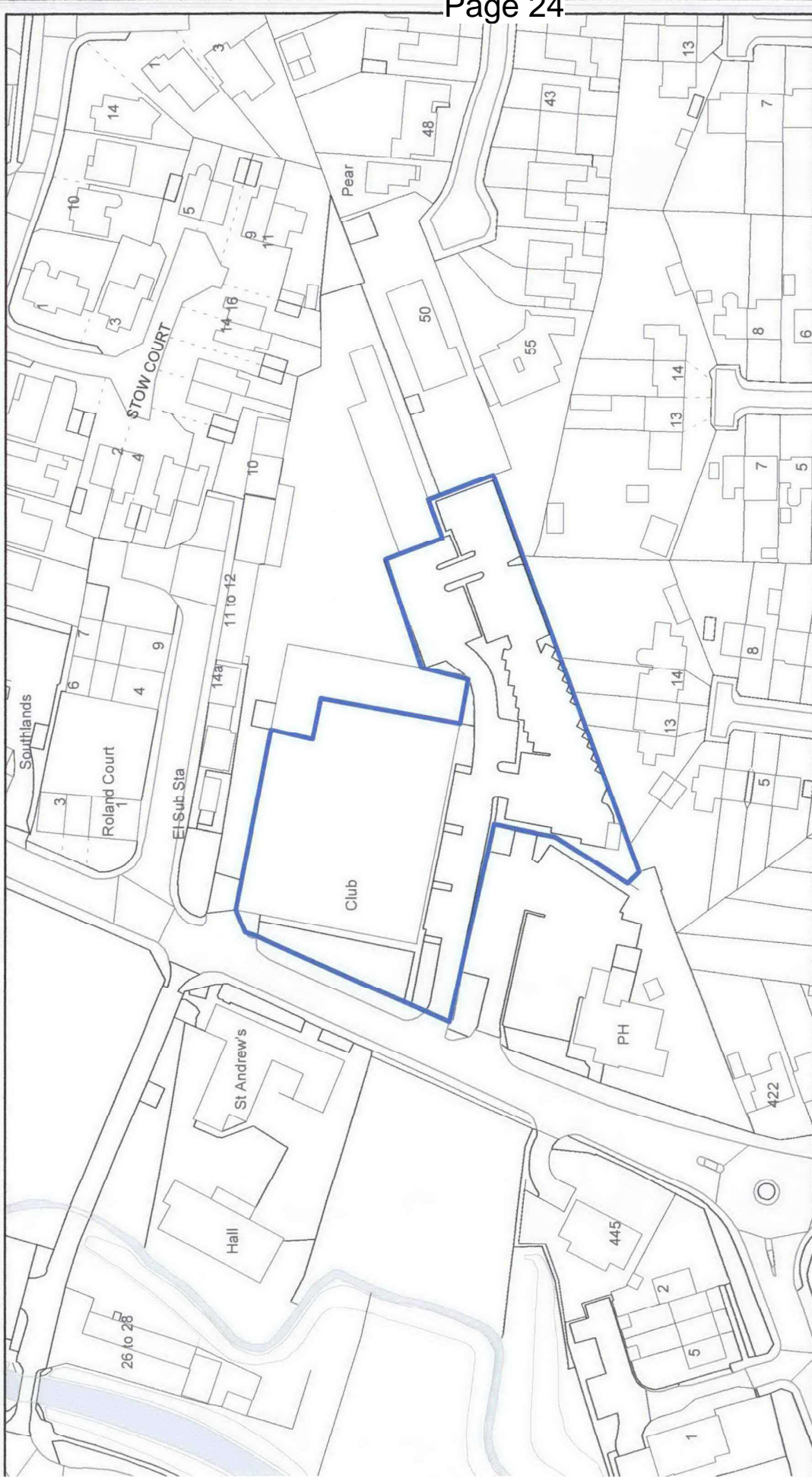


Dated:

1 / 5 / 20

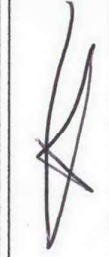
Please e-mail your completed form to property.services@york.gov.uk or post to:

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



set & Property
Management

New Earswick Indoor Bowling Club



SCALE 1:1,250

DRAWN BY: KLM

DATE: 28/04/2020

Originating Group:

Asset & Property Management

Drawing No.

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Michelle Gatenby 11/5/20

Nicola Lockwood
Junior Properry Surveyor
Economy and Place Directorate
West Offices Station Rise
York
YO1 6GA

15 May 2020

Dear Nicola

Asset of Community Value Nomination - New Earswick and District Bowls Club, Huntington Road

I refer to your letter of 1st May 2020 ref 00033/NL concerning the above matter. Please accept this letter as a formal response by Joseph Rowntree Housing Trust (“JRHT”) which is the owner of the site which is the subject of the application (“the Site”) by the New Earswick and District Bowls Club (“the Club”). JRHT considers that the application made by the Club does not demonstrate that the land and building which is the subject of the application is of community value.

Lease to the Club

The Club has been a tenant of part of the Site since 1994 and the lease was renewed in 2013 for another ten years. The part of the Site which is leased to the Club is shown hatched red on the attached plan. The initial lease granted in 1994 restricted the use of the premises to use as a private members indoor bowls club but when the lease was renewed in 2013, the user clause in the lease was amended to allow the premises to be used to host non-member community based activities. JRHT was keen to see a wider use for the premises which would benefit the community and therefore was happy to agree to the amendment.

With an ongoing decline in the bowling membership and an associated fall in revenues the Club have been introduced a limited range of alternative uses in an attempt to bolster income. To date these have not created a sustainable and financially viable

business model and prior to the impact of Covid 19 the Club was unable to pay the rent reserved and has requested financial assistance from the Landlord.

JRHT therefore acknowledges and encourages the use of the premises not only for bowling and social events related to the Club but wider more community based activities. However, whilst these activities are undoubtedly of community value, they are restricted to part of the Site and it is this aspect of the application which causes JRHT concern.

The Extent of the Use

The attached plan shows the extent of the building which is used by the Club. The building is a former industrial building. It is physically obsolete and several significant components including the roof are approaching the end of the useful life.

The building is on two floors and part of each floor (outside the areas shown hatched red on the plan) is occupied by JRHT as a depot and offices. There is a separate entrance on the ground floor into those offices from the eastern side of the building. The majority of the land outside the building is currently in use as a car park. The plan therefore clearly demonstrates that a significant part of the Site is not being used for purposes which would “further the social wellbeing or the social interests of the local community” and therefore cannot be considered to be of community value.

In addition, the use of the remainder of the facility, currently occupied by JRHT, is under review as part of a JRHT transformation service review. It is likely that in the short to medium term JRHT will no longer require the use of the depot and offices and at will therefore need to consider the future use of the building.

Whilst JRHT are extremely supportive of the Club’s activities in the community, as part of the future use of the site JRHT may consider redevelopment plans, including the extent of the Site occupied by the Club. As there are only a further three years remaining of the lease it is not unrealistic for JRHT to consider the Site for future provision of much needed affordable housing within York.

As part of any redevelopment considerations JRHT are willing to consider supporting any relocation of the Club to new facilities to ensure their community-based activities may continue. As these activities could be located from premises elsewhere in York the nomination of the Site is inappropriate to consider for nomination at this time.

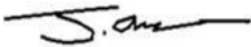
The Localism Act 2011 (“the Act”)

Section 90 of the Act provides that a Council must accept a community nomination if the land nominated is in the Council’s area and is of community value. If they accept

the nomination, the Council must also include the land in the list of assets of community value. As a significant part of the Site is not of community value, there is insufficient evidence to justify the acceptance of the nomination and the Council has no alternative under the legislation but to advise the Club that their nomination has been unsuccessful.

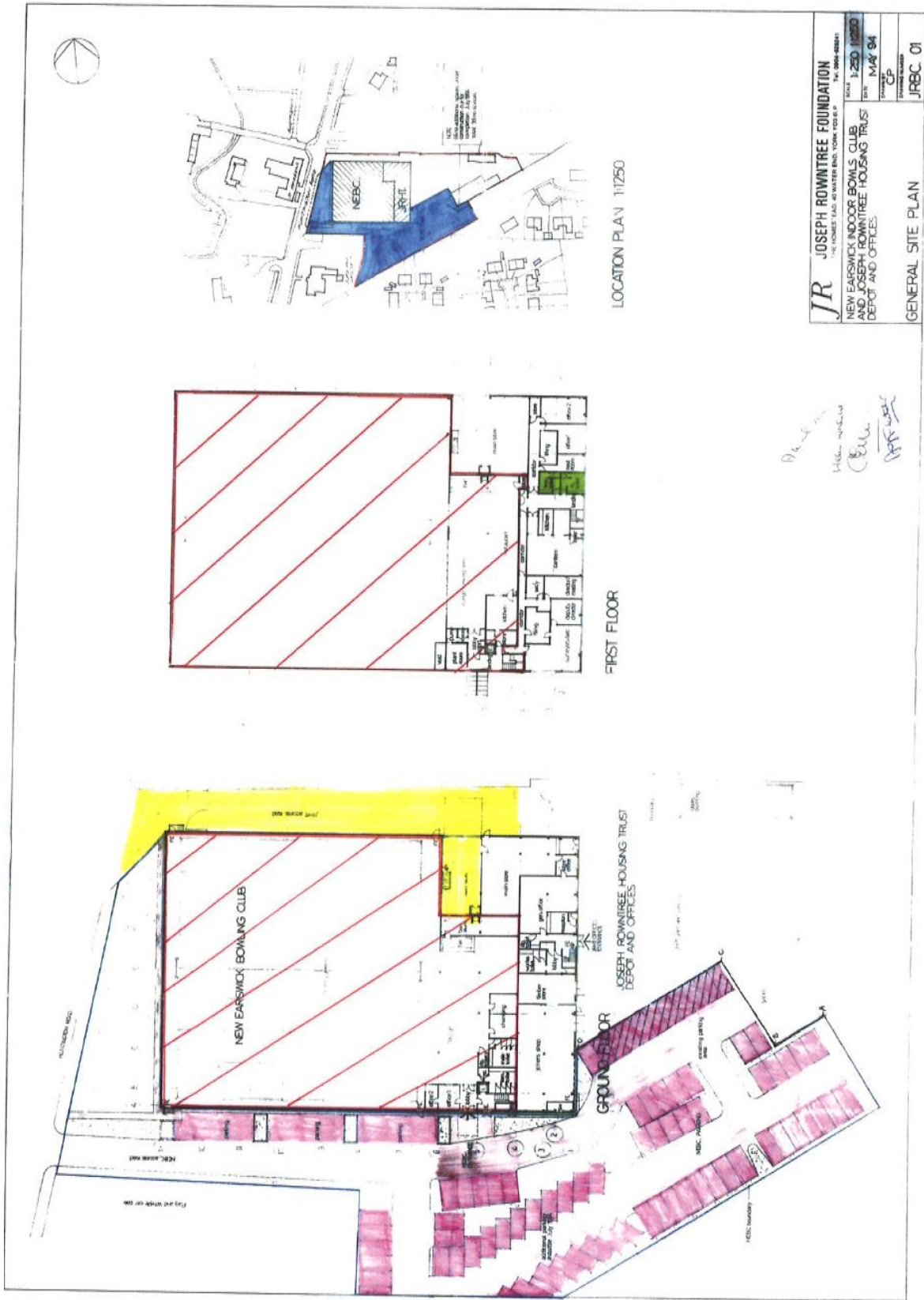
I look forward to receiving your confirmation that the Council has decided not to enter the land on the list of assets.

Yours sincerely



Joel Owen
Deputy Director Development & Asset Management

Enc.



The Garth, White Rose Ave, New Earswick, York YO32 4TZ | Tel: 0800 587 0211. | Fax: 01904 735001

Community Benefit Society Number: 8209

Joseph Rowntree Housing Trust is a charitable, registered society under the Co-operative and Community Benefit Societies Act 2014

www.jrht.org.uk

Annex 5 - Current list of Assets of Community Value

1. The Golden Ball Public House, 2 Cromwell Road, York, YO16 6DU - approved 6th March 2014. Renewed 15th July 2019.
2. The Fox Inn, 166 Holgate Road, York, YO24 4DQ – approved 17th July 2014.
3. The Mitre Public House, Shipton Road, York, YO30 5XF – approved 17th July 2014.
4. The Winning Post Public House, 127-129 Bishopthorpe Road, York, YO23 1NZ – approved 20th November 2014.
5. New Earswick and District Bowls Club, Huntington Road, York, YO32 9PX – approved 6th November 2014.
6. Holgate Allotments, Ashton Lane, Holgate, York, YO24 4LX – approved 29th June 2015.
7. The Swan, Bishopthorpe Road, York, YO23 1JH – approved 20th October 2015.
8. The Derwent Arms, 29 Osbaldwick Village, Osbaldwick, YO10 3NP – approved 14th March 2016.
9. The Minster Inn, 24 Marygate, York, YO30 7BH – approved 11th July 2016.
10. The Wenlock Arms Public House, 73 Main Street, Wheldrake, YO19 6AA – approved 11th July 2016.
11. Costcutter Shop, 58 Main Street, Wheldrake, York, YO19 6AB – approved 11th July 2016.
12. Wheldrake Woods (owned by the Forestry Commission), Broad Highway, Wheldrake, YO19 6 – approved 11th July 2016.
13. The Blacksmiths Arms, Naburn York, YO19 4PN – approved 12th September 2016.
14. Holgate Community Garden and Play Park, Upper St Paul's Terrace, York, YO24 4BS. – approved 12th Sepyember 2016
15. White Rose House, 79 Main Street, Wheldrake, York, YO19 6AA – approved 29th September 2016.

16. The Grey Horse Public House, Main Street, Elvington, York, YO41 4AA – approved 19th December 2016.
17. The Deramore Arms Public House, Main Street, Heslington, York, YO10 5EA. – approved 13th March 2017.
18. The Carlton Tavern Public House, 104 Acomb Road, York, YO24 4HA – approved 10th April 2017.
19. The Royal Oak Public House, 1 Main Street, Copmanthorpe, York, YO23 3ST. – approved 12th June 2017.
20. The Blue Bell Public House, 53 Fossgate, York, YO1 9TF. – approved 17th October 2017.
21. The Old Ebor Public House, 2 Drake Street, York, YO23 1EQ. – approved 17th October 2017.
22. New Earswick Swimming Pool, Hawthorne Terrace, New Earswick, YO32 4TZ. - approved 12th March 2018.
23. Strensall Library, 19 The Village, Strensall, York, YO32 5XS. – approved 9th April 2018.
24. The Lord Collingwood Public House, The Green, Upper Poppleton, York, YO26 6DP. – approved 14th May 2018.
25. The Garrison Church of St Wilfrid, St Wilfrid's Road, Strensall, York, YO32 5SJ. – approved 17th September 2018.
26. Hurst Hall Community Centre, Border Road, Strensall Camp, York, B757RL. – approved 15th July 2019.
27. The Lord Nelson Public House, 9 Main Street. Nether Poppleton , York, YO26 6HS.
28. The Blacksmiths Arms Public House, Shipton Road, Skelton, York, YO30 1YJ.