

**Notice of a public  
Decision Session - Executive Leader (incorporating Finance &  
Performance)**

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

**Date:** Monday, 12 June 2017

**Time:** 3.00 pm

**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 **4:00pm on Wednesday 14 June 2017**.

\*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 Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **Thursday 8 June 5.00pm**.

**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 might have in respect of business on this agenda.

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

To approve and sign the minutes of the Decision Session Executive Leader (incorporating Finance & Performance) held on 15 May 2017.

**3. Public Participation**

At this point in the meeting, members of the public who have registered their wish to speak at the meeting can do so. The deadline for registering is at **5.00pm on Friday 9 June 2017**.

Members of the public may register to speak on :-

- an item on the agenda
- an issue within the Executive Member's remit;

**Filming, Recording or Webcasting Meetings**

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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:

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**4. Units 5 and 6, Marsden Park and Units B, C, D and F Aviator Court, Clifton Moor - Applications to remove Restrictive Covenant (Pages 3 - 20)**

This Report sets out details of two applications to lift the restrictive covenant of an office site on Clifton Moor to allow a low-cost residential development.

## 5. Application for Community Right to Bid under the Localism Act 2011 (Pages 21 - 32)

This report presents an application to list the Royal Oak Public House, Copmanthorpe, York, as an Asset of Community Value (ACV), for consideration by the Council.

## 6. Urgent Business

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

Democracy Officers:

Bartek Wytrzyaszczewski and Louise Cook

Telephone No- 01904 551031

Email- bartek.wytrzyaszczewski@york.gov.uk/louise.cook@york.gov.uk

For more information about any of the following please contact the Democracy Officers 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 میا کی جاسکتی ہیں۔ (Urdu)

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City of York Council

Committee Minutes

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Meeting	Decision Session - Executive Leader (incorporating Finance & Performance)
Date	15 May 2017
Present	Councillor Carr

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#### **42. Declarations of Interest**

At this point in the meeting, the Executive Leader was asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which he had in the business on the agenda. No additional interests were declared.

#### **43. Minutes**

Resolved: That the minutes of the Executive Leader (incorporating Finance & Performance) Decision Session held on 28 March 2017 and 6 April 2017 be approved and then signed by the Executive Leader as a correct record.

#### **44. Public Participation**

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

#### **45. Staff transfer to City of York Trading Ltd**

The Executive Leader (incorporating Finance & Performance) considered a report detailing the proposed transfer of eight members of staff from City of York Council's WorkwithYork Service to City of York Trading Ltd (CYT).

The Head of HR & Organisational Development gave an update and confirmed:

- the Council had fulfilled all its obligations under the Transport of Undertakings Protections of Employment (TUPE) legislation.

- all affected staff and trade union representatives had been consulted on a number of occasions about the proposals.
- a pensions admissions agreement would be put in place to ensure all transferring staff would have the opportunity to access the Local Government Pension Scheme.

The officer highlighted the background to the creation of CYT and confirmed the company provided temporary staffing to schools, the Council and a number of external bodies.

The Executive Leader noted that no specific concerns had been received by affected staff or trade union representatives and he agreed the TUPE would protect the terms and conditions of those employees affected.

The Executive Leader thanked the officer for his update and agreed to the transfer as described in the report.

Resolved: That option 1 be agreed, to transfer City of York Council staff to City of York Trading Ltd (CYT) with a proposed transfer date of 1st June 2017 and that the Director of Corporate and Customer Services be authorised to take all steps required, including the entering of relevant agreements, to achieve that transfer.

Reason: To support CYT to deliver their business objectives and grow the business.

Cllr Carr, Executive Leader

[The meeting started at 3.00 pm and finished at 3.05 pm].



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**Executive Leader (Finance and Performance)  
Decision Session**

**12 June 2017**

Report of the Corporate Director of Economy and Place  
Portfolio of the Executive Leader, Finance and Performance

**Units 5 and 6, Marsden Park and Units B, C, D and F Aviator Court,  
Clifton Moor – Applications to remove Restrictive Covenant**

**Summary**

1. This Report sets out details of two applications to lift the restrictive covenant of an office site on Clifton Moor to allow a low-cost residential development. The applications are in accordance with the Asset Management Policy on lifting restrictive covenants on Clifton Moor and capital receipts have been agreed in accordance with the Policy.

**Recommendations**

2. The Executive Leader is asked to agree to the request to remove the restrictive covenant on
  - a. Units 5 and 6, Marsden Park, James Nicolson Link for a capital sum of £18,400
  - b. Units B, C, D and F, Aviator Court for a capital sum of £106,700

Reason: To enable the provision of apartments at reasonable cost in an area of surplus office accommodation.

**Background**

3. The Asset Management Policy on lifting restrictive covenants at Clifton Moor was approved at the Cabinet Member Decision Making

Session on 7 July 2014 and a copy of this policy is attached at Annex A. Several approvals have been given at recent Cabinet and Executive Member Decision Making Sessions to lift restrictive covenants on sites nearby, amongst them are Pioneer Business Park, other units at Aviator Court and Marsden Park, and this has been in return for capital sums.

4. Two applications have been received for Units B, C, D and F, Aviator Court and Units 5 and 6 at Marsden Park, Clifton Moor which are covered by the same restrictive policy for further use and development. Details are outlined below.

#### Unit 5 and 6, Marsden Park, James Nicolson Link

5. Bootham Developments have applied to lift the restrictive covenant at Units 5 and 6, Marsden Park on Clifton Moor where the office buildings have been vacant for a considerable period of time and a scheme has been put together for a residential development on the site. A site plan is attached at Annex B.
6. The proposal is to create 4 x 2 bed apartments within the existing office building structure to be marketed at first time buyers as starter homes. This development is a repeat of the scheme they have completed at Unit 4 previously and a plan of the proposal is attached at Annex C.
7. The adopted Council policy has the following requirements for such an application to be considered and these are set out below together with details of how these requirements are being met.

#### Appropriate communal open space for clothes drying, secure cycle storage and bin storage, etc.

The Units are located within the middle terrace of three properties. There is existing bin storage and cycle storage is to be included within this area. There is a large communal open space area at the rear and side of the property which can be utilised as a drying area. Each apartment will have 2 car parking spaces within five designated spaces per Unit and the fifth space can be used for secure cycle storage as an alternative as the communal open space area is within the ownership of a management company and the developers must seek a negotiated agreement with them.



Some play provision

The applicants have stated that the apartments are not designed for general family housing and therefore there is no specific play provision.

The applicants have advised that there is a public park located adjacent to Clifton Moor Church and Community Centre on Oakdale Road which is within a 5 minute walk of the Unit.

Suitable pedestrian access

Pedestrian access will remain as existing which is directly from James Nicolson Link.

Appropriate acoustic treatment to limit road noise, etc.

Building regulations will cover the appropriate requirements. The Units are located in the middle of Marsden Park and not directly adjacent to the main roads. Sound block acoustic board will be applied internally to all walls and floors.

Units B, C, D and F, Aviator Court

8. Duchy Properties Ltd. have applied to lift the restrictive covenant at Units B, C, D and F, Aviator Court on Clifton Moor where the office buildings have been vacant for a considerable period of time and a scheme has been put together for a residential development on the site. A site plan is attached at Annex D. They previously applied for the lifting of the restrictive covenant when they developed Phase 1 (Units A and E) and this development is Phase 2.
9. The proposal is to create 10 x 1 bed and 15 x 2 bed apartments within the existing office building structure to be marketed at first time buyers as starter homes. A plan of the proposal is attached at Annex E.
10. The adopted Council policy has the following requirements for such an application to be considered and these are set out below together with details of how these requirements are being met.

Appropriate communal open space for clothes drying, secure cycle storage and bin storage, etc.

The communal amenity area which was provided as part of Phase 1 is paved with a central planted area and provision for clothes drying which will be available for the Phase 2 residents.

Secure cycle and bin storage areas will be provided in new single-storey timber clad structures which will also house communal refuse/recycling stores.

#### Some play provision

Play provision was provided as part of Phase 1 and includes playground activities and benches. The ground floor apartments will also have access to small gardens/patio areas.

#### Suitable pedestrian access

Pedestrian access is provided via existing footpaths linking to Clifton Moorgate and Amy Johnson Way.

#### Appropriate acoustic treatment to limit road noise, etc.

Building regulations will cover the appropriate requirements. All existing windows will be replaced with ones providing a higher acoustic specification. An appropriate noise insulation scheme will be used and the low level dense hedge planting will be supplemented with new medium height trees and shrubs to improve screening and acoustic protection to those properties facing the main road.

11. The proposals for both Marsden Park and Aviator Court therefore meet the requirements of this Policy. However although the apartments are proposed to be sold at a reasonable figure it is the view of Housing Services that these are not 'affordable' apartments within the relevant definition and therefore, in accordance with the Policy, a capital sum has been negotiated to remove the restriction. The amounts which have been agreed are £18,400 for Units 5 and 6, Marsden Park and £106,700 for Units B, C, D and F, Aviator Court and it is considered that these amounts are adequate figures to recommend for acceptance. They are directly comparable to the sums agreed for the release of the restrictive covenant on the other schemes approved by the Executive Member.

### **Consultation**

12. The proposals detailed in this Report have been circulated to members of the Capital Asset Board and their recommendation is to report the matter at the Executive Leader Decision Session for approval.

## Options

### 13. Option 1

The Executive Leader agrees to the request to remove the restrictive covenant on:

- a. Units 5 and 6, Marsden Park, James Nicolson Link for a capital sum of £18,400
- b. Units B, C, D and F, Aviator Court for a capital sum of £106,700

### 14. Option 2

The Executive Leader does not agree to the request at Option 1 and retains the status quo

## Analysis

### 15. Option 1

If Option 1 is proceeded with it will enable the provision of apartments at a reasonable cost in an area of surplus office accommodation and at the same time will provide a capital receipt for the Council.

### 16. Option 2

If the status quo is retained then the applicants have indicated they will either:

- a. Decide not to proceed with their scheme which will mean the potential loss of 29 low cost apartments, or
- b. Take the matter to the Lands Tribunal. Legal Services have previously indicated there is a reasonable chance of success although it will be costly and take a considerable length of time.

17. The option to accept the capital sums offered is therefore recommended, as it provides a capital receipt for the Council and also potentially 29 apartments for first time buyers.

## **Council Plan**

18. The proposals support the Council policy of Get York Building, creating additional low cost housing on brownfield land.

## **Council Values**

19. The proposals meet the Council Values in terms of:

- Supporting and enabling individuals and our communities
- Being ambitious for our communities and our city
- Delivering on our commitments

by providing low cost housing.

## **Implications**

**Financial** – The variation of the covenant realises a capital receipt which reflects the uplift in value of the site after the covenant has been lifted. The capital receipt is used to support the Council's overall capital programme.

**Human Resources (HR)** – None

**Equalities, Crime and Disorder and IT** – Decent quality housing is fundamental to the creation of healthy, sustainable communities and due consideration needs to be given to avoid the indirect creation of sub-standard housing.

**Legal** – The refusal to lift a covenant can be subject to further legal challenge if it can be proved that the grounds for the original covenant no longer apply.

It is noted that, in addition to receipt of the financial sums, the Council wishes to make the release of the covenant subject to the matters referred to in paragraphs 6 and 9 above. This can be included in the formal deed releasing the covenant or, if this is objected to by the applicants, controlled through the planning process by way of conditions to any planning permission and/or the provisions of any S106 agreement which the developer would be required to enter into.

**Crime and Disorder** - None

**Information Technology (IT)** – None

**Property** – Contained within the Report.

**Other** – None

### **Risk Management**

20. There is still a risk of legal challenge if the Council refuses to lift the restrictive covenants.

21. If this challenge was successful then the applicants could proceed with the proposal and the Council would not receive the capital payments. However the likelihood of this happening is very low as the applicants have agreed to progress as set out in this Report.

### **Contact Details**

**Author:** Valerie Inwood  
Property Surveyor  
Tel: 01904 553358

**Chief Officer Responsible for the report:**  
Neil Ferris  
Corporate Director Economy and Place

**Report**  **Date** 31 May 2017  
**Approved**

### **Specialist Implications Officer(s)**

Financial  
Patrick Looker  
Finance Manager  
Ext. 1633

Legal  
Gerard Allen  
Senior Solicitor  
Ext. 2004

**Wards Affected:** Rawcliffe and Clifton Without

**All**

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

**Background Papers:**

The Asset Management Policy on Lifting Restrictive Covenants at Clifton Moor, Cabinet Member Decision Making Session, 7 July 2014 (Annex A).

**Annexes**

Annex A – See above at Background Papers

Annex B – Site Plan, Units 5 and 6 Marsden Park, Clifton Moor

Annex C – Development Proposals, Units 5 and 6 Marsden Park, Clifton Moor

Annex D - Site Plan, Units B, C, D and F Aviator Court, Clifton Moor

Annex E - Development Proposals, Units B, C, D and F Aviator Court, Clifton Moor



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**June 2014**

## **City of York Council**

### **Asset Management Policy on lifting of restrictive covenants at**

#### **Clifton Moor**

When York District Council sold parcels of land to create office developments at Clifton Moor in the 1980's, the authority added a number of restrictive covenants onto the sale deeds to limit the use to office only.

In more recent years a number of these offices have had only partial tenancies and are considered by their owners to be difficult if not impossible to let. The market for office accommodation in York is oversupplied with the quality of office accommodation that exists at Clifton Moor which is by and large moderate to poor. We are experiencing increasing demand for city centre high quality office accommodation which is currently in short supply. With regard to Clifton Moor the market has voted with its feet and there are a number of sites where CYC is being asked to vary or lift the covenants to convert them into residential schemes. CYC has now developed a policy to set out the principles that we will apply to these requests when we receive them.

Other restrictive covenants will still exist on land sales made in the past in different parts of the city. As the circumstances and the drivers around these will all be very different these should be treated on a case by case basis but the volume of these at Clifton Moor requires a specific policy framework.

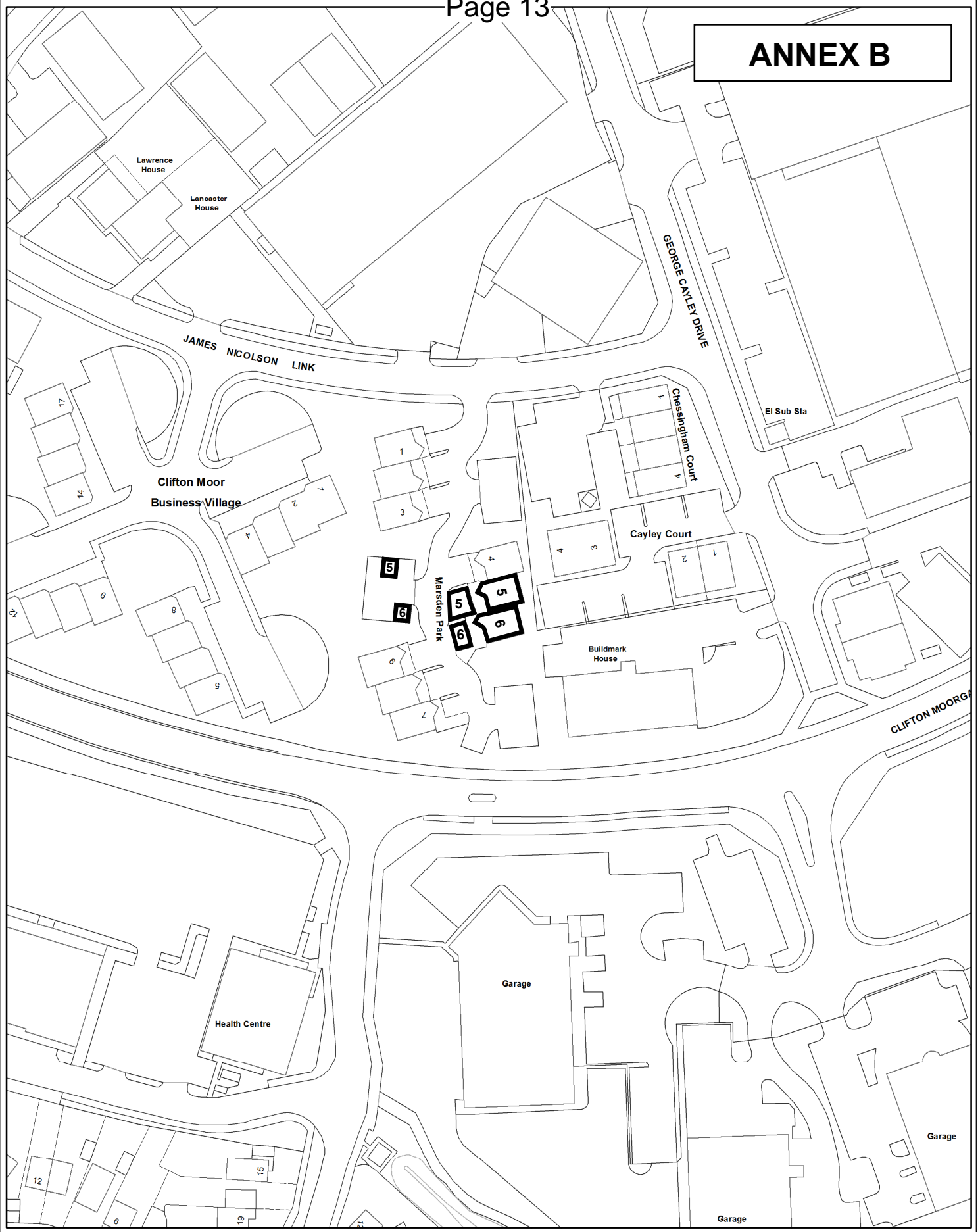
Individual decisions will be made by the Cabinet Member for Finance and Performance. The following principles will be applied to those decisions:-

1. CYC will agree to lift restrictive covenants on Clifton Moor which restricted future use to office accommodation, to enable them to be used for residential accommodation, but we will only do so when there is a package of facilities to support reasonable quality of housing.

2. Future housing schemes must include
  - a. appropriate communal open space for clothes drying, secure cycle storage and bin storage etc,
  - b. Some play provision
  - c. Suitable pedestrian access,
  - d. Appropriate acoustic treatment to limit road noise etc
3. We will consider lifting the covenant without a charge for schemes that deliver affordable housing as defined in the affordable housing policy in place at the time of the request.
4. If schemes do not deliver affordable housing in accordance with our policy, we will consider the suitability of the development for housing and if we believe that it will provide accommodation units that are a reasonable standard then we will make a charge for removing the restrictive covenant and will seek to work with developers to ensure that developments consider the requirements set out above e.g. acoustic treatment, proper pedestrian access, sound proofing, links through to other residential areas.
5. Overage clauses may be considered as part of any negotiations regarding the sum to be paid to lift a restrictive covenant. Where we decide to lift the covenant for free we will seek an overage clause to ensure CYC gains a share of the uplifted market value should affordable housing be sold on.
6. We will not support the lifting of the restrictive covenants where we believe that the accommodation being provided is of low or substandard quality or where the scheme creates a single isolated block of housing in an otherwise commercial or industrial setting.
7. Consideration will be given to the prevailing economic conditions and the state of the market for office accommodation across the city and specifically in Clifton Moor.
8. Developers should make a formal request to the Head of Asset Management, setting out the details of their scheme and how it meets the criteria set out above, along with a proposed financial value where appropriate.

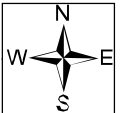


**ANNEX B**



**Asset & Property Management**

**Units 5 & 6 Marsden Park, Clifton Moor**



SCALE 1:1,250      DRAWN BY: CC      DATE:

Originating Group: **Asset & Property Management**      Drawing No.

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**HAZARD / ACTIVITY LEADING TO UNUSUAL, SIGNIFICANT OR UNACCEPTABLE RISKS DURING CONSTRUCTION ARE IDENTIFIED ON THIS DRAWING AS:**

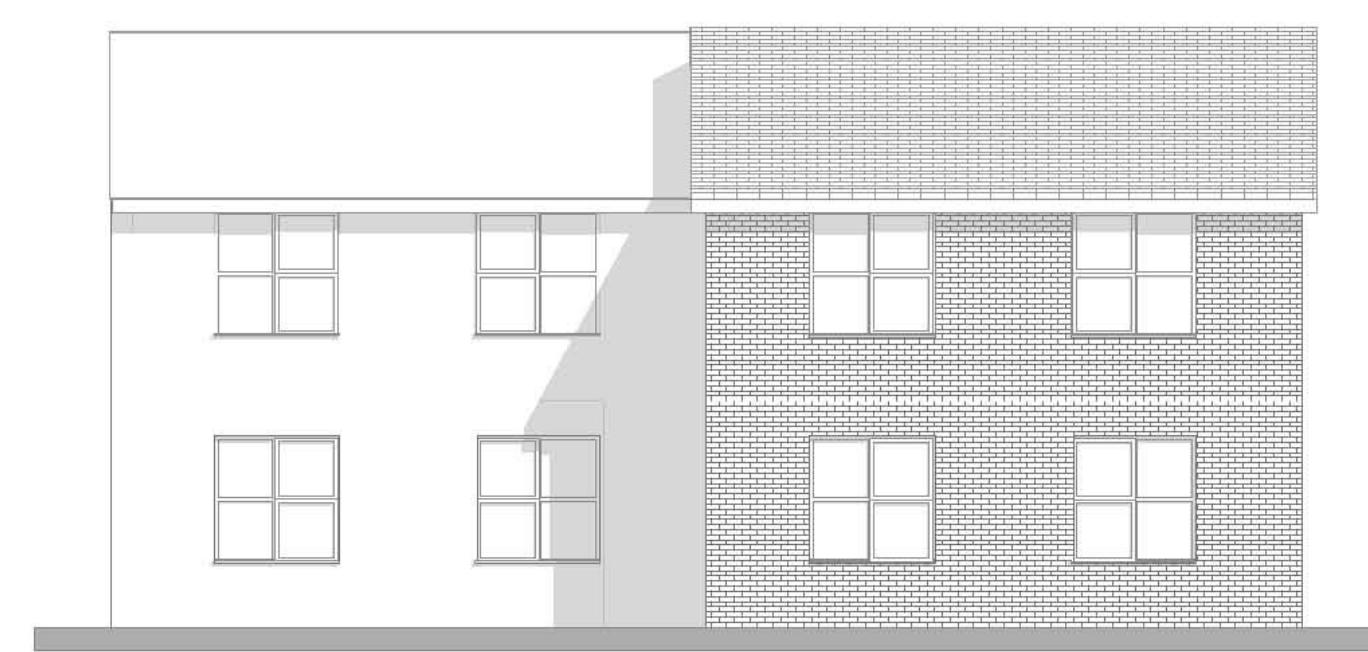
This list below identifies certain risks but does not cover all possible unusual etc situations which may be during the construction process, it is therefore the main contractors responsibility to identify any further risks/hazards and take appropriate action.

**Risks / Hazards particular to this drawing are listed below in numerical references, please refer to architectural risk register for further details:**  
#####

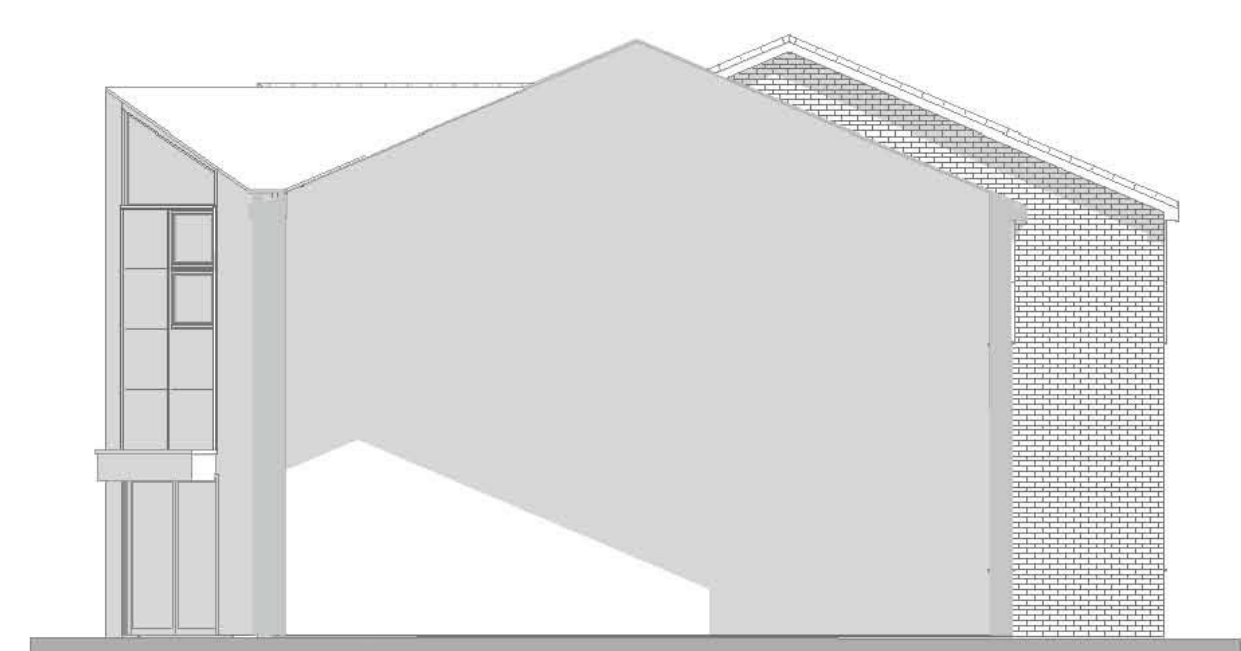
# ANNEX C



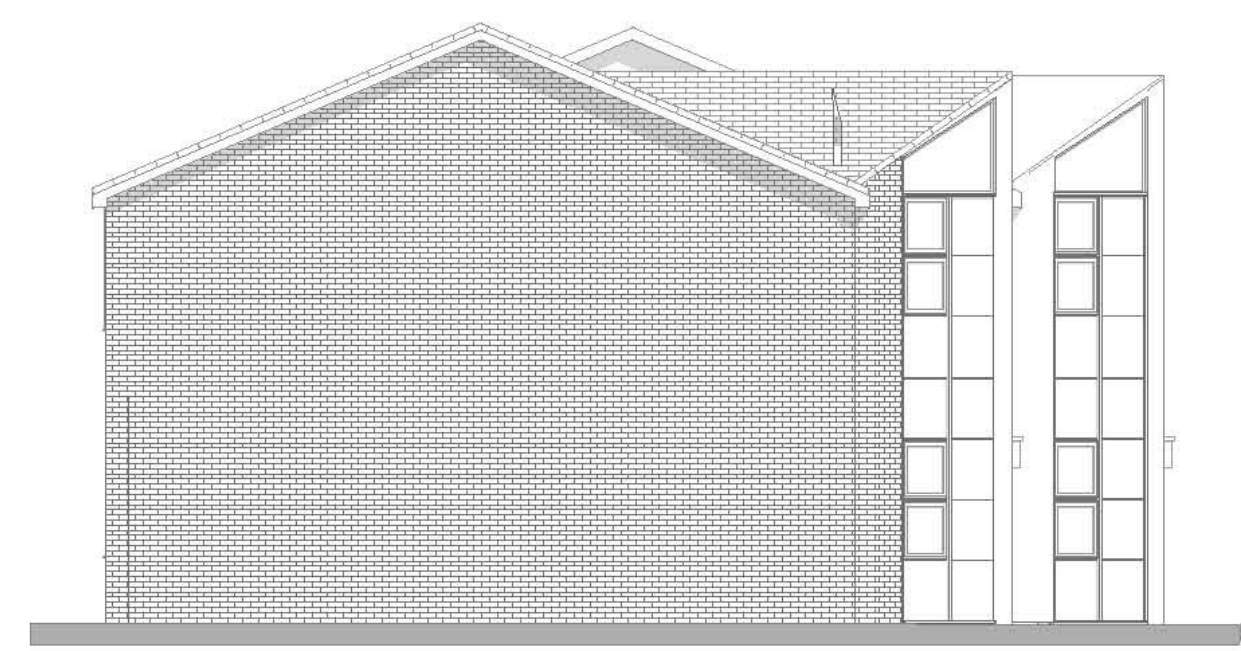
E-01 - Front East Elevation 1:100



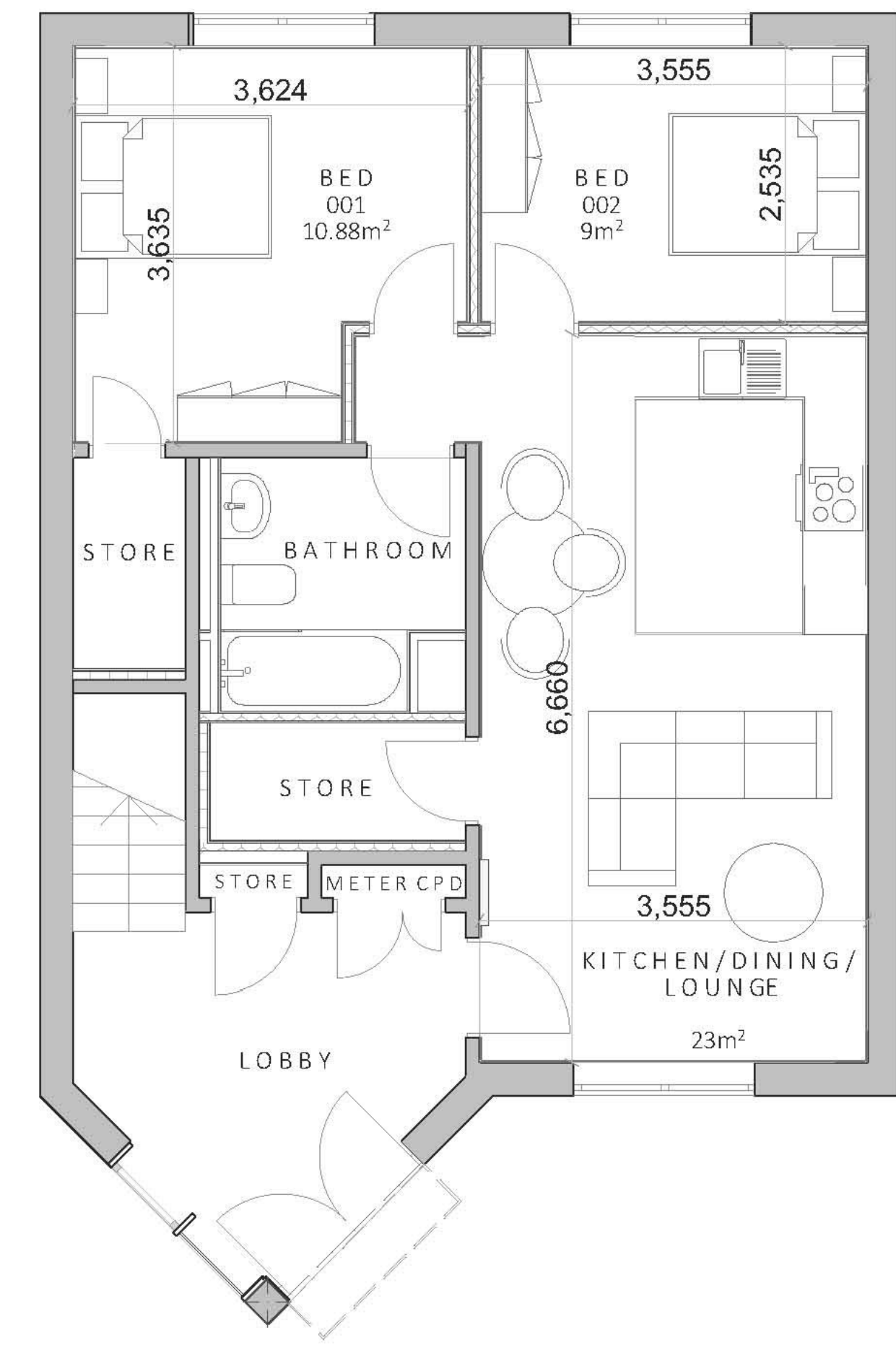
E-02 - Rear West Elevation 1:100



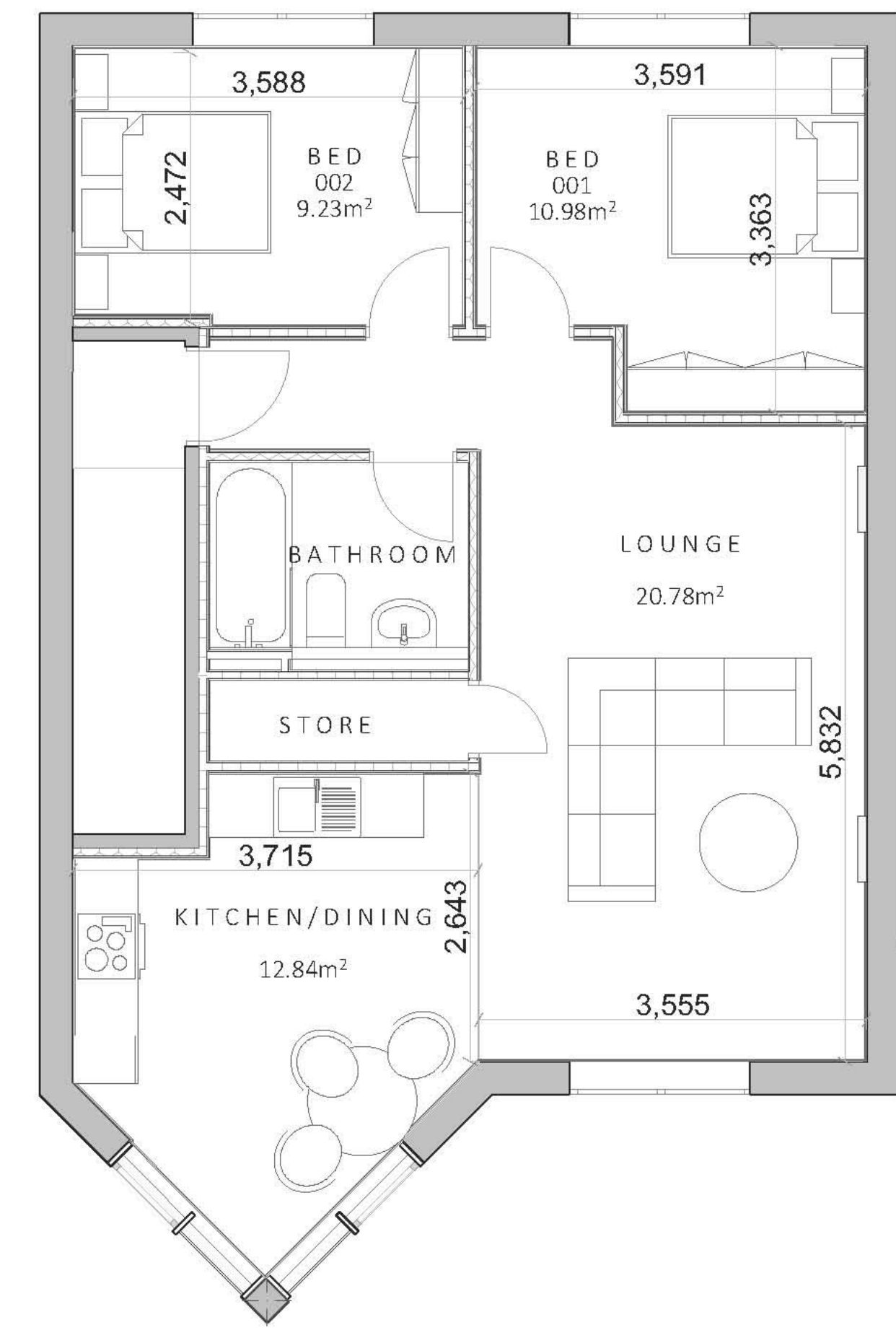
E-03 - North Gable Elevation 1:100



E-04 - South Gable Elevation 1:100



0. - GF- Ground Floor 1:50



1. - 01- First Floor 1:50

Rev	Date	Drawn	Description	Checked
23/05/2016	016		First Issue	

<b>FEASIBILITY</b>	
Client	Bootham Developments
Project	4 Marsden Park, Clifton Moor, York
Title	Proposed Plans & Elevations
Issued From	York
Date	MAY 16
Scale	1:100, 1:50 @ A1
Drawn	JD Auth SB

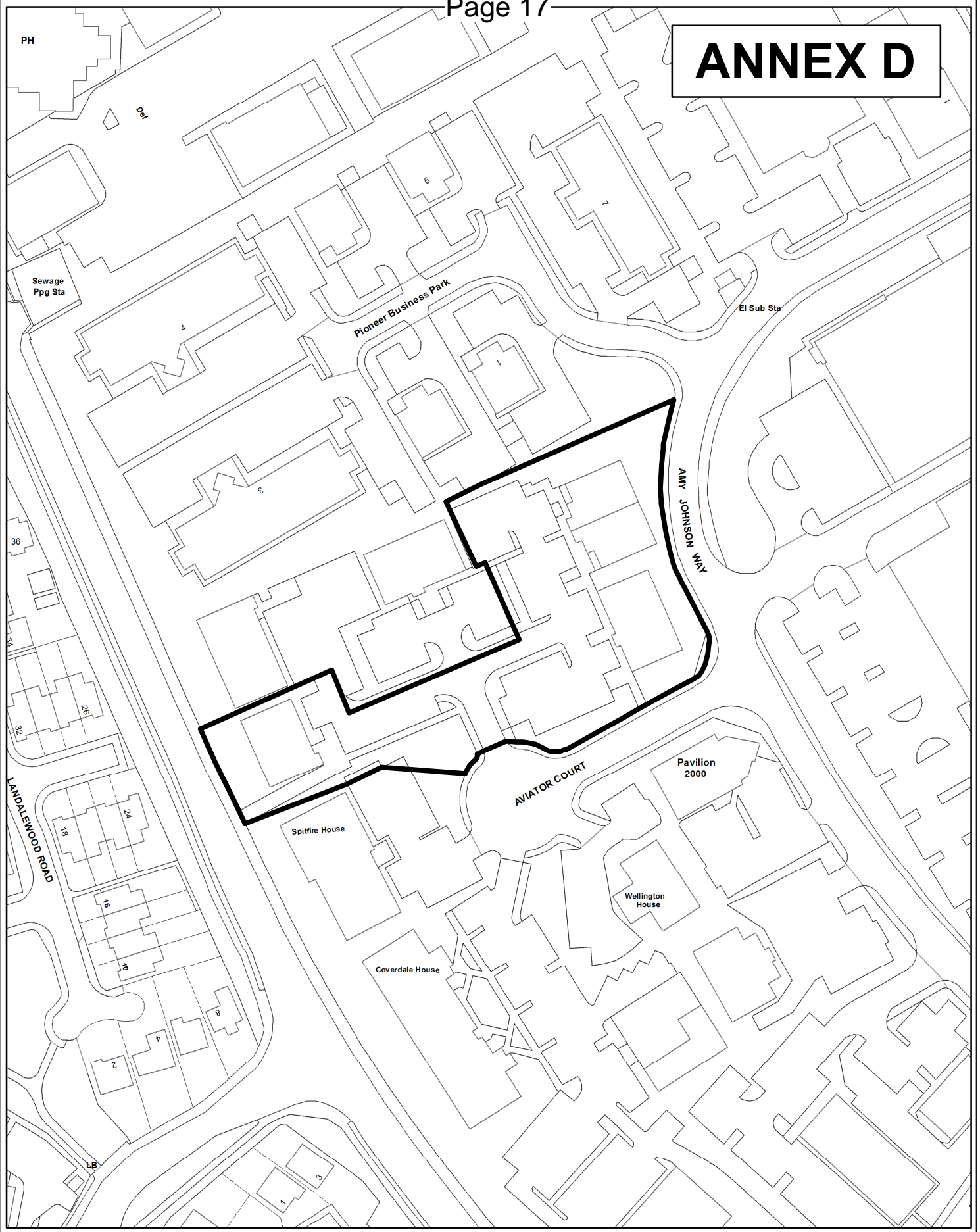
Drawing Number: **Y-BSP-5234-16-2001**      Revision: **#**

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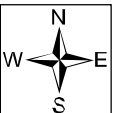
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# ANNEX D



**Asset & Property  
Management**

## Units B C D & F Aviator Court, Clifton Moor



SCALE 1:1,250

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DATE: 09/05/2017

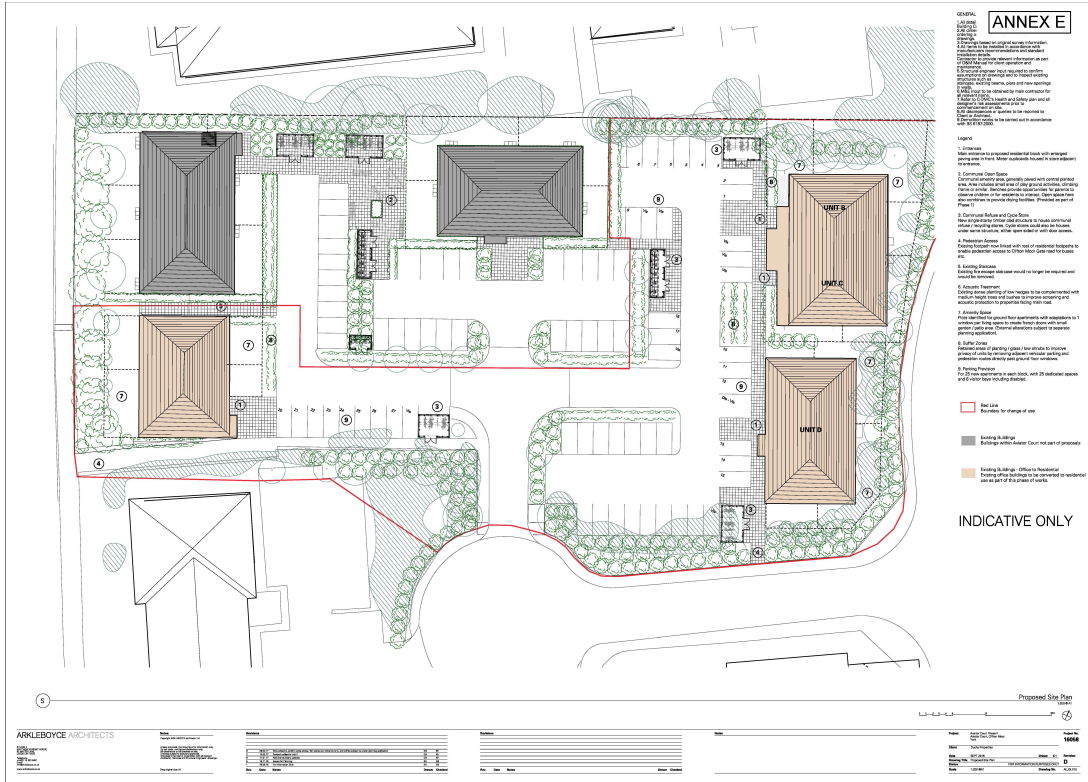
Originating Group:

**Asset & Property Management**

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**Executive Leader (Finance and Performance)  
Decision Session**

**12 June 2017**

Report of the Assistant Director of Regeneration and Asset Management

**Application for Community Right to Bid under the Localism Act 2011**

**Summary**

1. This report presents an application to list the Royal Oak Public House, Copmanthorpe, York, as an Asset of Community Value (ACV), for consideration by the Council.

**Recommendations**

2. The Executive Member is asked to consider:

The listing of the Royal Oak, Copmanthorpe, York, as an Asset of Community Value (ACV), because it meets the required criteria.

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

**Background**

3. An 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 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.

5. 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
6. 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.
7. It should also be noted that changes to the General Permitted Development Order have been made with effect from the 6<sup>th</sup> April 2015, which means that where a pub is listed as an asset of community value a planning application is required for a change of use or demolition of the pub building. However this should not be a factor in determining any application for listing of a pub as an Asset of Community Value.

## The process

8. 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 it's 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 Royal Oak, Copmanthorpe, York**

9. The freehold of the Royal Oak is owned by Unique Pub Properties Ltd. The nomination is being made by the Friends of The Royal Oak. 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. The Friends of The Royal Oak are an eligible body as they are an unincorporated body whose activities are concerned with the Council's area, which does not distribute any surplus/profits to its members and which has 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 and no representations have been received.
10. The Friends of The Royal Oak state in the nomination form that the Royal Oak is the only pub in the village of Copmanthorpe. It is situated in the village centre and as such is an integral and intrinsic part of the village and has been so for many generations. The pub forms a central hub, which is vital to the community. Part of the pub is sublet to Little Acorns, which is a very popular cafe which attracts locals and visitors alike. It has an important role within the village and needs to be protected as an important community asset, as well as the public house itself.
11. Full details are provided in nomination form in Annex 1.
12. 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.
13. The application meets the basic criteria for listing and no objection has been raised by the owner to the nomination. It is therefore recommended that the Royal Oak, Copmanthorpe, should be listed on the ACV register.

## **Consultation**

14. Consultation has taken place with owners and occupiers of the property, and Copmanthorpe Parish Council. To date no objections have been received to the proposed listing.

## **Options**

15. The application to list the Royal Oak as an Asset 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**

16. As the application meets the basic criteria for listing and no objections have been received then the recommendation is that the application is approved. If the asset is listed then the legislation states that the owner can, within 8 weeks of the decision date apply for a review of the listing as set out in paragraph 7 of this report.
17. Although there is no right of review by the applicants, if the decision was made not to list this property 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 8 – 11 in this report then it is considered that they have been met.

## **Council Plan**

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

## **Implications**

19. **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**

20. There are no significant risks to this application.

**Contact Details**

**Author:** Chief Officer Responsible for the report:

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**

**Date** 31 May 2017

**Ward Affected:** Rural York West

**All**

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

**Annexes**

Annex 1 – The Royal Oak Public House – Application to add to the List of community assets

Annex 2 – Current list of assets of community value

**Abbreviations**

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](http://www.york.gov.uk/assetsofcommunityvalue) or alternatively call 01904 553360.

### Section 1

About the property to be nominated

Name of Property:	Royal Oak Public House
Address of Property:	1 Main Street Copmanthorpe, York
Postcode:	YO23 3ST

Property Owner's Name:	Unique Pub Properties Ltd
Address:	3 Monkspath Hall Road, Shirley, Solihull
Postcode:	B90 4SJ
Telephone Number:	0121 272 5200
Current Occupier's Name:	The Ship Inn (York) Ltd

### Section 2

About your community organisation

Name of Organisation:	Friends Of The Royal Oak
Title:	C/O Mr
First Name:	David
Surname:	Woodward
Position in Organisation:	Administrator
Email Address:	[REDACTED]
Address:	[REDACTED]
Postcode:	[REDACTED]
Telephone Number:	[REDACTED]

Organisation type:

*Click in field for options*

UNINCORPORATED COMMUNITY GROUP

Organisation size

How many members do you have?

45

**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 Royal Oak is the only public house in the village, it is situated in the heart of the village, adjacent to the Church and shops. It is an integral and intrinsic part of the village and has been for many generations. We want to protect the pub and café premises as a community asset as it is part of the village's history. The pub sits in an important and valuable location and would be attractive to developers. If it was sold the village would lose this central hub which is so vital to the community. The pub has a mainly local customer base but also attracts visitors to the village who find the pub due to its reputation, these visitors also benefit the other traders in the village. Part of the pub is sub-let to The Little Acorns Café which is very popular and also attracts locals from Copmanthorpe, surrounding villages and visitors alike. As the Café is within the boundary of The Royal Oak any development would also see the demise of the Café.

**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 property is as per the Land Registry document attached, the external area at the front of the pub is used as seating and is very well used. The boundary fronting Main Street beyond the pub premises is sub-let to Little Acorns.

The building is predominantly two storey with the garage and Café being single storey. There is a garden to the rear of the property which is used as a beer garden and is very popular in the summer.

**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: 26/1/17

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



WE WOULD LIKE TO NOMINATE THE ROYAL OAK AS A COMMUNITY ASSET AND IN ORDER TO PROTECT IT WE WOULD BE GRATEFUL IF YOU COULD SUPPORT OUR APPLICATION BY FILLING IN THE FORM BELOW

DATE	NAME	SIGN	ADDRESS
28/4/17	DANIEL REASON		LANE CORMANTHORPE
28/4/17	FILIPPO PICCIONI		11 CORMANTHORPE
28/4/17	ELIZABETH FEAR		CORMANTHORPE YORK YO23 3JG
28/4/17	DAVID FLETCHER		CORMANTHORPE YORK YO23 3SH
28/4/17	ERIC TOMLINSON		CORMANTHORPE YORK YO23 3SQ
28/4/17	SABINA BRADBURY		CORMANTHORPE YORK YO23 3SQ
28/4/17	MICHAEL BRADBURY		MUTWOLE YORK YO23 3SQ
28/4/17	JOHN HAWTHORNE		CORMANTHORPE YORK YO23 3SR
28/4/17	PAUL FRANKLIN		11
28/4/17	AILEEN KELLY		11
28/4/17	SAE KERR		11
28/4/17	OLIVE MIDDLETON		11
28/4/17	MIND OLDHAM		11
28/4/17	ELIZABETH		11
28/4/17	CATHERINE KYLE		11
28/4/17	HONOR MARTIN		11
28/4/17	LEWIS SEAY		11
28/4/17	CARLY JACKSON		11
28/4/17	RACHEL GEDSON		11
28/4/17	RON BLOW		11
28/4/17	RICHARD HARRIS		11
28/4/17	KEITH HATHORNY ITUS		11
28/4/17	PAM BIRTILL		11
28/4/17	MINE BIRTILL		11
28/4/17	STEVE NOBLE		11
28/4/17	<del>EMILY BLANCHARD</del>		11
28/4/17	EMILY BLANCHARD		11
28/4/17	PAIGE MARTIN		11

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**Current list of Assets of Community Value**

1. The Golden Ball Public House, 2 Cromwell Road, York - approved March 2014.
2. The Fox Inn, 166 Holgate Road, York – approved July 2014
3. The Mitre Public House, Shipton Road, York – approved July 2014
4. The Winning Post Public House, 127-129 Bishopthorpe Road, York – approved November 2014
5. New Earswick and District Bowls Club, Huntington Road, York – approved November 2014.
6. Holgate Allotments, Ashton Lane, Holgate – approved June 2015
7. The Swan, Bishopthorpe Road, York – approved October 2015
8. The Bay Horse, Murton Way, Murton, York – approved February 2016.
9. The Derwent Arms, 29 Osbaldwick Village, Osbaldwick – approved March 2016.
10. The Jubilee Hotel Public House, Jubilee Terrace, York – approved July 2016.
11. The Minster Inn, 24 Marygate, York – approved July 2016.
12. The Wenlock Arms Public House, 73 Main Street, Wheldrake – approved July 2016.
13. Costcutter Shop, 58 Main Street, Wheldrake, York – approved July 2016.
14. Wheldrake Woods, Broad Highway, Wheldrake – approved July 2016.
15. The Blacksmiths Arms, Naburn York – approved September 2016.
16. The Grey Horse Public House, Main Street, Elvington – approved December 2016.
17. The Lord Nelson Public House, Nether Poppleton, York – approved January 2017.
18. The Deramore Arms Public House – approved March 2017
19. The Carlton Tavern Public House – approved April 2017

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