

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

To: Councillor Gillies (Executive Leader)

Date: Monday, 14 May 2018

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 16 May 2018**.

*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 (Calling In).

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5:00pm on Thursday 10 May 2018**.

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 9 April 2018.

3. Public Participation

At this point in the meeting, members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Friday 11 May 2018**. Members of the public can speak on agenda items or matters within the Executive Leader's remit.

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

Filming, Recording or Webcasting Meetings

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if recorded, this will be uploaded onto the Council's website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at

https://www.york.gov.uk/downloads/file/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809

- 4. Application for Community Right to Bid under the Localism Act 2011 - The Lord Collingwood Public House, Upper Poppleton** (Pages 5 - 22)

This report presents an application to list the Lord Collingwood Public House, The Green, Upper Poppleton, York, as an Asset of Community Value (ACV), for consideration by the 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

Meeting	Decision Session - Executive Leader (incorporating Finance & Performance)
Date	9 April 2018
Present	Councillor Gillies

30. Declarations of Interest

At this point in the meeting, the Executive Leader was asked to declare any personal, prejudicial or pecuniary interests in the business of the agenda. None were declared.

31. Minutes

Resolved: That the minutes of the Executive Leader (incorporating Finance & Performance) Decision Session held on 11 December 2017 be approved and then signed by the Executive Leader as a correct record.

32. Public Participation

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

33. Application for Community Right to Bid under the Localism Act 2011 - New Earswick Swimming Pool

The Executive Leader considered a report which presented an application to list New Earswick Swimming Pool, Hawthorn Terrace, New Earswick, York, as an Asset of Community Value (ACV), for consideration by the Council.

The Asset Manager confirmed that negotiations between Joseph Rowntree Housing Trust (JRHT) and Friends of New Earswick Swimming Pool (FoNESP) were ongoing.

Resolved: That the listing of New Earswick Swimming Pool, Hawthorn Terrace, New Earswick, York, as an Asset of Community Value (ACV) be approved.

Reasons:

- i. The application meets the required criteria.
- ii. To ensure the Council meets its legislative requirements of the Localism Act 2011 and promotes community access to community facilities.

34. Application for Community Right to Bid under the Localism Act 2011 - Strensall Library

The Executive Report considered a report that presented an application to list Strensall Library and Associated Flats, 19 The Village, Strensall York, as an Asset of Community Value (ACV), for consideration by the Council.

The Asset Manager clarified that the original application was to list the residence, however, this was not included as it fell outside the scope of the listing.

Resolved: That the listing of Strensall Library, 19 The Village, Strensall, York, as an Asset of Community Value (ACV) be approved.

Reasons:

- i. The application meets the required criteria.
- ii. To ensure the Council meets its legislative requirements of the Localism Act 2011 and promotes community access to community facilities.

35. Response to the MHCLG consultation on the Fair Funding Review

The Executive Leader considered a report which presented the consultation response from City of York Council in relation to the Ministry for Housing, Communities and Local Government (MHCLG) consultation on the Fair Funding Review.

The Principal Accountant noted that the review was ongoing.

Resolved: That the consultation response from City of York Council in relation to the Fair Funding Review be noted.

Reason: So that the public can see how the council is responding to local government funding consultations.

Cllr I Gillies, Chair

[The meeting started at 3.00 pm and finished at 3.02 pm].

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Executive Leader (incorporating Finance and Performance) Decision Session**14 May 2018**

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 Lord Collingwood Public House, The Green, Upper Poppleton, York, as an Asset of Community Value (ACV), for consideration by the Council.

Background

2. 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.
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.
6. It should also be noted that changes to the General Permitted Development Order have been made with effect from the 6th 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

7. 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 Lord Collingwood, Upper Poppleton, York

8. The freehold of the Lord Collingwood is owned by Marstons Pubs Ltd. The nomination is being made by the Friends of The Collingwood. 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 Collingwood 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. None have been received.

9. The Friends of The Collingwood state in the nomination form that the Lord Collingwood is a long established pub on the village green at Upper Poppleton. It is a community hub for people in the village to meet and socialise in a pleasant environment, including those who have little social contact with other people. The pub is used by community groups and sports clubs as a meeting place and has in the past hosted men's and women's darts teams. Live sporting events are also screened at the pub.
10. The pub is family friendly that welcomes children during the day. There is a garden and play area at the rear, which is well used during the summer months. Events hosted at the pub include regular quiz nights, live music and charity fund raising events. The pub also manages an information point which supports local organisations and businesses.
11. The pub is a 17th Century Grade 2 listed building in the Upper Poppleton Conservation Area and as such is an important part of the village's historic and cultural identity.
12. Full details are provided in nomination form in Annex 1.
13. 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.
14. 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 Lord Collingwood Public House, Upper Poppleton, York should be listed on the ACV register.

Consultation

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

Options

16. The application to list the Lord Collingwood 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.

Council Plan

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

Implications

18. **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

19. There are no significant risks to this application.

Recommendations

20. The Executive Member is asked to consider:

The listing of the Lord Collingwood Public House, Upper Poppleton, 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.

Contact Details

Author:

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

Chief Officer Responsible for the report:

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

Report Approved



26 April
2018

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

List of Abbreviations Used in this 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 Lord Collingwood
Address of Property:	The Green, Upper Poppleton, York,
Postcode:	YO26 6DP

Property Owner's Name:	Marston's Plc
Address:	Marston's Plc, Marston's House, Brewery Road, Wolverhampton
Postcode:	WV1 4JT
Telephone Number:	1902711811
Current Occupier's Name:	

Section 2

About your community organisation

Name of Organisation:	Friends Of The Collingwood
Title:	Mr
First Name:	Karl
Surname:	Smith
Position in Organisation:	Secretary
Email Address:	
Address:	
Postcode:	
Telephone Number:	

Organisation type:

Click in field for options

UNINCORPORATED COMMUNITY GROUP

Organisation size

How many members do you have?

170plus

Section 3
Supporting information for nomination

Any information entered in this section only may be copied and passed onto the owner of the property you are nominating. Definition of an asset of community value can be found in the guidance document.

Why do you feel the property is an asset of community value? Please give as much information as possible.

See attached document and completed nomination forms

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 asset comprises the land enclosing the semi-detached pub building and outbuilding. The boundaries are marked by the wooden fence that has an opening to the village car park (which is not part of the property). It also includes the garden and children's play area beyond the back yard.

See attached Land Registry site plan.

Section 5
Attachment checklist

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

Section 6
Declaration

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

Signed:

Dated:

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

Why the Lord Collingwood is an Asset of Community Value

The Collingwood is a long-established pub on the village green at Upper Poppleton.

It has had a number of tenants over recent years but has always remained a traditional beer pub with a good food offering. Its character is distinctively different to that of the nearby White Horse, which aims to provide a more contemporary food and drink offering in an updated and modern setting, in contrast with the Lord Collingwood with its open fires, beams and cosy atmosphere.

The Lord Collingwood was closed abruptly in January. However, the owners, Marstons, have found new tenants who have re-opened the pub in late February. However, the frequent change of tenants raises concerns that Marstons may, in time, seek to dispose of the building with the consequent loss of a much-loved community pub.

The Collingwood makes a tangible contribution within the local community which is detailed below.

1. It is a community hub for village people to meet and socialise in a pleasant environment, including those people who meet for company to relieve loneliness.
2. It is close to a stop on the No.10 bus route. This means that other, including elderly, members of the community can easily and safely get to/from the pub. It also means that people from surrounding areas on the bus route into the centre of York and beyond to Stamford Bridge can easily access and enjoy the pub's facilities.
3. It is also a short walk from the Poppleton Rail station, which connects with York, and stations to Harrogate, which means there is wider access for other townspeople.
4. It is a family friendly venue that welcomes children during the day so that parents can get together and socialise in a public environment enabling them to get out of the house for a change of scenery and sometimes a sense of isolation. There is a garden and children's play area at the rear of the site which is well used in the warmer months.
5. There is free parking available which is accessed by the wider community. This allows people to get to/from the pub safely when transport systems may be down. It also means that families can access the pub easily.
6. Small groups such as families, community groups and sports clubs often dine and/or use its facilities and people from the village and surrounding area use it as place to meet their friends.
7. It has run men's and women's darts teams in a local pub league.
8. It shows live sporting events on a large screen enabling people to enjoy these events with their friends and family, particularly those who do not have access to such facilities at home.
9. It opens and offers food and drink facilities on the annual Bank Holiday Monday May fair on the village green. This is probably the pub's busiest day of the year and the pub acts as a focus for the village celebrations.
10. There have been regular quiz nights which brings people together from a variety of different backgrounds - furthering the recreational interests of the community.
11. A range of occasional musical events have been hosted at the pub which brings the community together. This also provides a platform for local music artists and contributes to the local area's culture.
12. Special food promotional events have been held e.g. steak night, pensioner deals.
13. Tenants have been active in raising funds and putting on events in aid of charitable causes.
14. The pub manages an information point which supports local organisations and businesses.

Awards

15. York CAMRA has acknowledged the quality of the pub in a number of ways: it won York Pub of the Season awards in 2010 and 2016, under different landlords;

16. Up until the most recent change of landlord it has been repeatedly in the annual national Good Beer Guide (one of only three in the Outer York area) and it is also always included in the programme of monthly cycle socials.

Articles on the 2016 award appeared in York CAMRA's quarterly publication "Ouse Boozer" issues 129 (Pages 11 & 12) and 130 (Page 12). Links are attached below, as corroborative evidence.

17. Marstons Brewery awarded the previous tenants (the Heaton's) Best Turnaround pub for the Northern Region in their annual Pubs competition in 2016.

Heritage

18. As a 17th-century Grade II-listed building in the Upper Poppleton Conservation area, the pub has special value to local heritage and culture which should be protected. The pub's heritage forms an important part of the community's historic and cultural identity. This furthers the cultural interest of the community, as traditional pubs of architectural value are becoming rarer.

In Summary

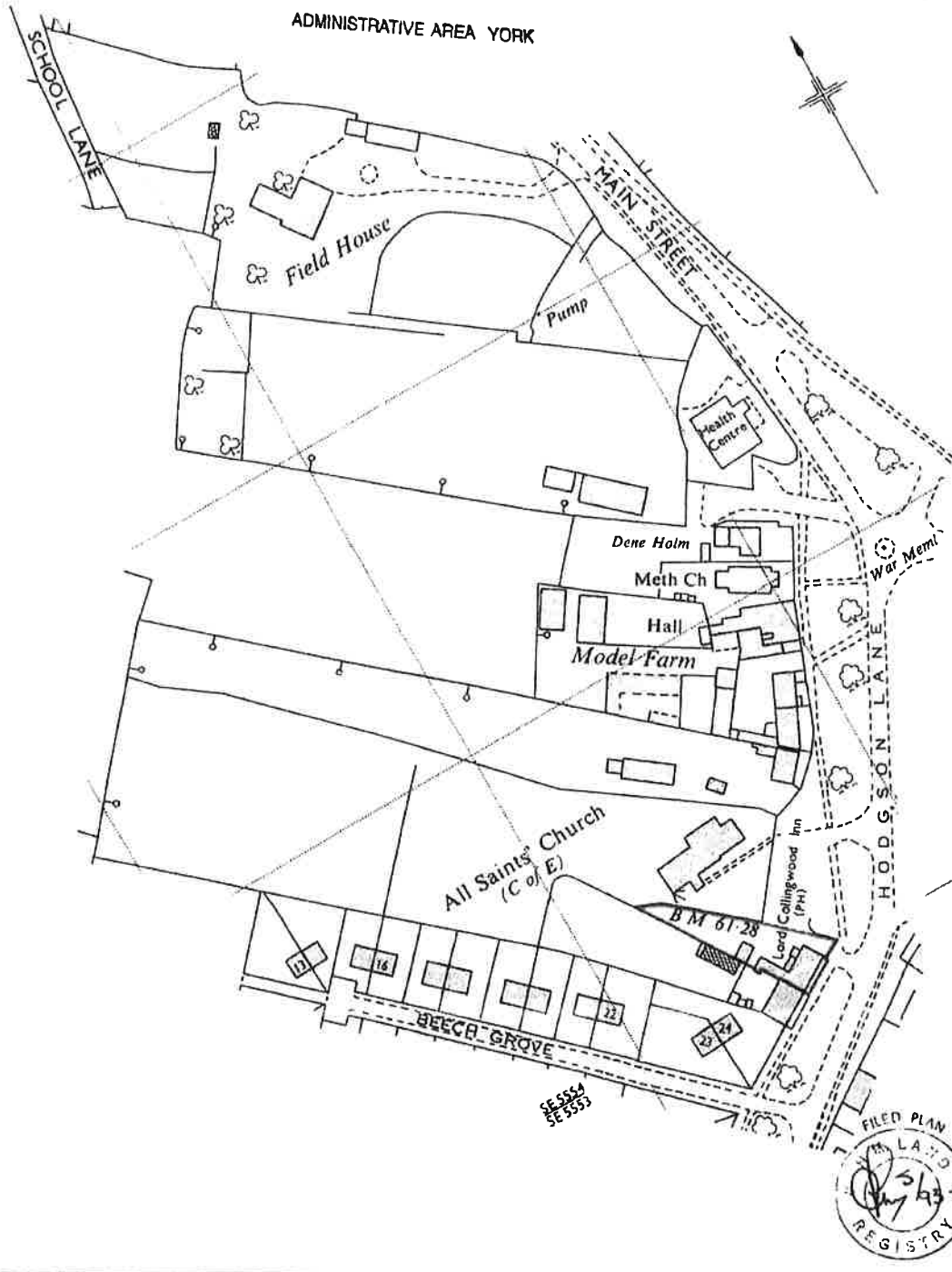
The Collingwood is a valued and characterful pub in the historic village centre.

Poppleton residents and those from York who enjoy the opportunity to visit a traditional country pub relatively close to the city centre believe that it is a valuable asset that enhances the social wellbeing and interests of the local community. As a result, they want to recognise and protect the Lord Collingwood for generations of customers to come with the support of an ACV listing.

<http://york.camra.org.uk/wp-content/uploads/2016/12/ouse-boozer-129-autumn-2016.pdf>

<http://york.camra.org.uk/wp-content/uploads/2016/12/ouse-boozer-130-winter-2016.pdf>

H.M. LAND REGISTRY		TITLE NUMBER NYK 13 16 85	
ORDNANCE SURVEY PLAN REFERENCE	SE 5554	SECTION A	Scale 1/1250 Enlarged from 1/2500
COUNTY NORTH YORKSHIRE DISTRICT HARROGATE		© Crown copyright 1979	



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We the undersigned wish to nominate **The Lord Collingwood, The Green, Upper Poppleton, York, YO26 6DP** to be listed as an Asset of Community Value (ACV) by City of York Council

NAME	ADDRESS	SIGNATURE
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	4	7A
	10	7A
	11	4 35R
	11	YO10
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	6	10 3AE
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	7	2
	7i	AO
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	13	
	13	NS
	17	10233K
	5	64W
	11	
	21	440
		YO26

We the undersigned wish to nominate **The Lord Collingwood, The Green, Upper Poppleton, York, YO26 6DP** to be listed as an Asset of Community Value (ACV) by City of York Council

NAME	ADDRESS	SIGNATURE
E	2	372
C	2	3372
	3	324
E	TH	UH
A	35	
A	1	
A	1	7EA
	1	6E
	1	EE
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Annex 2 - Current list of Assets of Community Value

1. The Golden Ball Public House, 2 Cromwell Road, York, YO16 6DU - approved 6th March 2014.
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 Lord Nelson Public House, Nether Poppleton, York, YO26 6HS – approved 16th January 2017.
18. The Deramore Arms Public House, Main Street, Heslington, York, YO10 5EA. – approved 13th March 2017.
19. The Carlton Tavern Public House, 104 Acomb Road, York, YO24 4HA – approved 10th April 2017.
20. The Royal Oak Public House, 1 Main Street, Copmanthorpe, York, YO23 3ST. – approved 12th June 2017.
21. The Blue Bell Public House, 53 Fossgate, York, YO1 9TF. – approved 17th October 2017.
22. The Old Ebor Public House, 2 Drake Street, York, YO23 1EQ. – approved 17th October 2017.
23. New Earswick Swimming Pool, Hawthorne Terrace, New Earswick, YO32 4TZ. - approved 12th March 2018.
24. Strensall Library, 19 The Village, Strensall, York, YO32 5XS. – approved 9th April 2018.