

**Notice of public meeting of
Decision Session - Leader (incorporating Finance and
Performance)**

To: Councillor Steward

Date: Monday, 29 June 2015

Time: 5.00 pm

Venue: The Auden Room - Ground Floor, West Offices (G047)

AGENDA

Notice to Members – 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 1 July 2015 if an item is called in after a decision has been taken.

*With the exception of matters that have been 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 Corporate and Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00pm on Thursday 25 June 2015**.

1. **Declarations of Interest**

At this point in the meeting, the Leader is asked to declare:

- Any personal interests not included on the Register of Interests
- Any prejudicial interests or
- Any disclosable pecuniary interests

which he might 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 19 March 2015.

3. **Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Leader's remit can do so. The deadline for registering is **5:00 pm on Friday 26 June 2015**.

Filming, Recording or Webcasting Meetings

Please note this meeting may be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

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 (whose 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/6453/protocol_for_webcasting_filming_and_recording_council_meetingspdf

4. Applications for Community Right to Bid (Pages 5 - 48) under the Localism Act 2011

This report presents applications to list the following assets as Assets of Community Value (ACV) for consideration by the Council:

- Melbourne Public House, 6 Cemetery Road, York (from Friends of Melbourne Public House)
- Holgate Allotments, Ashton Lane, Holgate (from Holgate Allotment Association)
- Clementhorpe Malt House, 19/21 Lower Darnborough Street, York (from Clementhorpe Community Association)

5. Pioneer Business Park – Application to (Pages 49 - 56) remove restrictive covenant

This report sets out details of an application to lift the restrictive covenant of an office suite on the Pioneer Business Park for low-cost residential development. The application is in accordance with the Asset Management Policy on lifting restrictive covenants on Clifton Moor and a capital receipt has been agreed in accordance with the policy.

6. Urgent Business

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

Democracy Officer:

Name: Jayne Carr

Contact Details:

Telephone – (01904) 552030

Email – jayne.carr@york.gov.uk

For more information about any of the following please contact the Democratic Services 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

City of York Council

Committee Minutes

Meeting	Decision Session - Cabinet Leader, Finance & Performance
Date	19 March 2015
Present	Councillor Williams
In attendance	Councillor Fitzpatrick Councillor Healey

36. Declarations of Interest

The Cabinet Leader was asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that he may have in the business on the agenda. None were declared.

37. Minutes

Resolved: That the minutes of the Decision Sessions held on 4 December 2014 and 19 February 2015 be approved and signed as a correct record.

38. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of Annex 4 of agenda item 6 (Disposal of Oliver House – Former Elderly People’s Home) on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). This information is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

39. Public Participation

It was reported that there had been five registrations to speak at the meeting under the Council's Public Participation Scheme and that two Members of Council had also registered to speak.

Ms J Thompson spoke in respect of agenda item 5 – Stonewall Diversity Champions Programme. Ms Thompson stated that she was Head of HR for York St John's University. The university had joined Stonewall Diversity Champions Programme in 2013 and this had had a massively beneficial impact, as reflected in the feedback from a staff survey. Ms Thompson stated that the programme provided an excellent framework in which to operate and be an inclusive employer.

Councillor Fitzpatrick, Diversity Champion for City of York Council, spoke in respect of agenda item 5. She expressed her support for the proposal for the Council to join the Stonewall Diversity Champions Programme. She stated that this supported the Council's aim of making York a safer place and would provide a useful template. Councillor Fitzpatrick gave details of some of the work that had taken place to make the city more inclusive, including strategies in schools to tackle homophobic bullying and the support that the Council had given to Pride each year. Joining the Stonewall Diversity Champions Programme would be the next step in this process and would be a very positive move.

Mr Mark Havercroft spoke in respect of agenda item 6 – Disposal of Oliver House – former Elderly People's Home. He stated that he was the Green Party candidate for Micklegate Ward and was speaking in support of the Yorspace bid. He stated that the community value weighting should have been higher than 20%. The Yorspace bid would be beneficial for the community and enable the local community to have an investment in the place in which they lived. It would also meet the aims in the Council Plan.

Dr Susannah Bird spoke in respect of agenda item 6. She stated that she was a founder member of Yorspace and gave details of its proposals. The fourteen properties would be environmentally sustainable dwellings and managed on a mutual homeownership model. She gave details of the benefits to the community and the local economy. Dr Bird urged that a

decision on this issue be referred to Cabinet to enable full consideration of the views put forward.

Mr James Newton spoke in respect of agenda item 6. He stated that he was a co-founder of Yorspace. He stressed the need for there to be a decent stock of affordable housing. He stated that the Yorspace bid had strong support from Bishophill residents and from the ward councillors. It would provide sustainable housing for local people and would benefit the community.

Mr Pete Kilbane spoke in respect of agenda item 6. He stated that the proposal in the report would result in luxury homes being built on the site and Bishophill would not be an affordable area in which to live. He expressed his concern at the impact on communities when complexes were gated. He stated that the Yorspace bid would be beneficial to the community and include shared space. Mr Kilbane stated that council housing should also have been considered for the site.

Councillor Healey spoke in respect of agenda item 6. He stated that he acknowledged the financial pressures that had to be taken into account but he was minded to call-in this item in order to enable there to be a full debate on the issue.

The Cabinet Leader thanked the speakers for their attendance and comments.

40. Stonewall Diversity Champions Programme

The Cabinet Leader considered a report which sought approval for City of York Council to become a member of the Stonewall Diversity Champions Programme to continue work on creating an environment where all employees were able to reach their full potential.

Officers gave details of the consultation that had taken place on this matter and the feedback that had been received.

The Cabinet Leader stated that not only was it morally right for City of York Council to become a member of the Stonewall Diversity Champions Programme but it also made economic sense. He was therefore delighted to approve the Council's membership of the programme.

- Resolved: (i) That City of York Council's membership of the Stonewall Challenge be approved.
- (ii) That it be noted that resourcing and oversight of the programme would sit with the Fairness Leadership Group with the support of Human Resources.
- (iii) That the Corporate and Scrutiny Management Committee be requested to monitor the programme.

Reason: To continue the work on creating an environment where all employees are able to reach their full potential.

41. Disposal of Oliver House - former Elderly People's Home

The Cabinet Leader considered a report that sought approval to select a preferred bidder for the disposal of the former Elderly Persons Home at Oliver House and the garage site to the rear.

The Cabinet Leader stated that the Oliver House site was a very valuable asset in social and financial terms. He was mindful that the capital receipt would provide funding for housing for elderly people and some of the city's most vulnerable citizens. He also acknowledged that the Yorspace bid had advantages for the community. The Cabinet Leader stated that the matter would benefit from the scrutiny of the wider Cabinet forum and hence he would refer this item for consideration at a Cabinet meeting.

Resolved: That approval of a preferred bidder for the disposal of the former Elderly Persons Home at Oliver House and the garage site to the rear be referred to the full Cabinet.

Reason: To enable wider discussion of this matter.

Cabinet Leader

[The meeting started at 12.00 pm and finished at 12.35 pm].

29th June 2015

Leader (incorporating Finance and Performance) Decision Session

Report of the Assistant Director of Finance, Asset Management and Procurement

Applications for Community Right to Bid under the Localism Act 2011

Summary

1. This report presents applications to list the following asset as Assets of Community Value (ACV), for consideration by the Council
 - a. Melbourne Public House, 6 Cemetery Road, York (from Friends of Melbourne Public House)
 - b. Holgate Allotments, Ashton Lane, Holgate (from Holgate Allotment Association)
 - c. Clementhorpe Malt House, 19/21 Lower Darnborough Street, York (from Clementhorpe Community Association)

Background

2. On 6th March 2014 Cabinet Member approved the proposals for the implementation of a process for the Community Right to Bid legislation to ensure the Council has a process in place for dealing with any applications and the establishment and maintenance of a list of Assets of Community Value. Three applications have recently been received under this legislation, for a decision by the Cabinet member.
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 'community value' is set out in the regulations and can be summarised as
 - The actual current use of the building/land furthers social well being or the social interests of the local community
 - Realistically this use can continue for the next 5 years
 - There was a time in the recent past where actual use furthered these aims.
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 which is decided by an 'appropriate group'. The process adopted for CYC is an initial consideration by the Capital and Asset Board (CAB) which has cross-Council representation at a senior level (the Board is chaired by the Director of CBSS). A report is then written to the Executive Member for Finance Performance and Customer Service who will then formally take the decision. 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.
 - **The 'Assets of Community Value' List** – this needs to be published and reviewed regularly and must be accessible in electronic and paper format.

- **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). This compensation is determined by the local authority (it is suggested that this is carried out by the Capital Asset Board) and the owner can have the compensation reviewed within 8 weeks and appeal to a Tribunal if still not satisfied. It should be noted that compensation can only be claimed by private owners (no compensation for public authorities) and the government has not provided any funding for this compensation (or for any costs associated with any of these provisions). However this should not be a factor in determining any application for listing of a pub as an Asset of Community Value.
7. For nominated property to be included on the Council's ACV register the Council must consider that the property falls within the statutory definition of 'land of community value' which is that either:
- (i) A current principal use of the property furthers the social well-being or social interests of the local community and there is a realistic prospect of such use continuing

OR

- (ii) A principal use of the property in the recent past has furthered the social well-being or social interests of the local community and there is a realistic prospect of such use commencing again within the next 5 years

If the nominated property falls within either (i) or (ii) and the nominators are a group entitled to submit the nomination then the local authority must list the asset as an ACV.

- 8. 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 Melbourne Public House, Cemetery Road, York

- 9. The freehold of The Melbourne is owned by Enterprise Inns. The nomination is being made on the basis that The Melbourne is a popular public house used by all sectors of the local community as a place to get together for social events. There are a number of groups who meet in the building and there the pub hosts teams, such as dominos and pool, who play in the local leagues. It has large rooms which is sub-divided and is suitable for wide variety of uses including live music. A copy of the nomination form is included at Annex 1. The nominators have specifically stated that with 'the recent and ongoing improvements being implemented by the landlord and landlady this is a pub which has been turned round and now appears to be a viable business'.
- 10. 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.
- 11. Enterprise Inns are currently in discussion with Changing Lives, a national, registered charity which provides specialist support services for thousands of vulnerable people and their families, every month. They work with people experiencing homelessness, addiction and a range of other problems by reaching out in to communities. They offer specialist support services for women and families and provide employment opportunities for their clients. A number of public meetings have been held by the organization with local residents to explain their proposals for the use of this building as a centre for supporting people in transition with

the type of issues detailed above, rebuilding lives and integrating them back into the community.

12. Enterprise Inns have sent a response to the nomination which is included at Annex 2 which states
 - a. The company approved the disposal of this site in January 2015 as despite investment in the property it is considered not sustainable due to it's restricted trading area and no opportunity to provide catering facilities
 - b. A marketing campaign over 18 months only attracted 6 applicants to take over as manager of the pub and none of these progressed to a substantive agreement
 - c. CBRE have marketed the pub for sale since January 2015 and there has been no interest.
 - d. The company are therefore pursuing alternative uses for the site
 - e. They therefore consider that the nominator has not given evidence that there is a realistic prospect of a use continuing which furthers the social well-being or social interest (a requirement of section 88 (1) of the Localism Act.
13. Enterprise Inns therefore request that the application be rejected.
14. If the decision is taken to include this application on the list of assets of community value, the owner has the right to request the Council to review its decision. The deadline is eight weeks from the date written notice of listing was given, or a longer period allowed by the authority in writing. The property will remain listed while the review is carried out. Enterprise have indicated that they will consider this review.
15. The application appears to meet the first criteria for listing set out at 7(i) in that it is currently used for community amenity but it is arguable that it does not meet the second criteria set out at 7(ii) in that it is not realistic to think that a community use can continue given the evidence from the owner that its current use is not commercially viability. The legislation does not require the same use to continue, merely any other principal use which would further the social well-being of the community. The applicant has not provided any detail of any other use apart from the current use which might enable an assessment of the realistic potential for future community use. It is therefore impossible to make a hard and fast judgement on its eligibility from the information included in the application and if the listing were to be agreed it is possible that an appeal might be made on these grounds. However on balance it is considered that the minimum criteria for listing have been met.

Holgate Allotments, Ashton Lane, Holgate Road, York.

16. The freehold of Holgate Allotments is owned by City of York Council. The nomination is being made on the basis that the allotments provide growing/green space for people who would otherwise not have access to outdoor space, benefits to physical and mental wellbeing, an educational resource for adults and children of all abilities, a place of social inclusion, enhancing community pride and involvement, contributing to biodiversity and benefitting the environment. In addition the allotments fulfil the aims of the City of York Council's 'A community vision for Holgate'.
17. The asset is eligible for listing and comes under the responsibility of Parks and Open Spaces. And the Head of this Service has confirmed that he has no objection to the proposed listing.

Clementhorpe Malt House, 19/21 Lower Darnborough Street, York

18. The freehold of Clementhorpe Malt House is owned by City of York Council. It has been vacant for many years and was previously used by the Council for storage of museum and other archives although this use ceased in 2007. When the Council acquired this property in 1963 it had been vacant then and its previous use had been as a malthouse since its construction in the mid-to-late 19th century. Many of the original features and equipment remain in the building and it is listed (Grade II). It therefore has never been used by or for the community and there is no continuing community use in the building or adjoining land.
19. The application by the Clementhorpe Community Association states that this building could be used by the community with the aim of turning the space into a community hub that would express the history and cultural significance of the area and demonstrate the Victorian legacy in the building. In addition the provision of artists' studios, a micro-brewery and a cafe would be investigated
20. It is considered that this application does not meet the criteria for the legislation to apply as the building has never been used for a use which furthers the well-being or social interests of the community and is therefore not eligible for listing as an asset of community value.
21. City of York Council, as owners of this building, have responded to this nomination by stating

- a. The building has been vacant for many years and various attempts have been made to find a viable use for it, including the inclusion of it in the Genius consultation project of January 2012. Following interest shown by a number of developers a public report was submitted to Cabinet.
- b. In January 2014 the Council's Cabinet approved the sale of the building to Northminster properties for conversion to 6 town houses. The sale was subject to obtaining planning consent, which was submitted and consulted upon in early 2015 and in June 2015 this consent was approved and Northminster are ready to complete the sale contract and proceed with the conversion.
- c. Because this contract has already been signed even if the property were listed it would be exempt from the owner giving notice of its intention to sell.
- d. If the Council were to consider withdrawing from the sale then Northminster could either require the Council to proceed to completion or to seek compensation which would be substantial based on the amount of work done and funds committed so far.

Implications.

22. **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 – Organisations falling within any of the following categories are eligible to submit an ACV nomination relating to property within their local area:

- (i) a parish council
- (ii) a charity, non-profit making company or community interest company with a local connection to the nominated property

- (iii) an unincorporated association which has at least 21 members registered to vote in the local area

The organisations who have submitted the nominations covered by this report fall within the above criteria and are therefore entitled to submit their ACV nominations.

Paragraph 7 of the report contains the statutory definition of 'land of community value'. If the listing authority considers that a nominated property falls within that definition then it must include the property on its ACV register.

Property – All property issues included in the report

Other – none

Risk Management

- 23. There are no significant risks to this application.

Recommendations

- 24. The Leader is asked to:
 - a. Agree to the application to list The Melbourne Public House, Cemetery Road as an Asset of Community Value as the criteria have been met for the reasons set out above.
 - b. Agree to the application to list Holgate Allotments as an Asset of Community Value as the criteria have been met for the reasons set out above.
 - c. Reject the application to list the Clementhorpe Malthouse as an Asset of Community Value as the criteria have not been met for the reasons set out above.

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

Contact Details

Author:

Philip Callow
Head of Asset and Property
Management
Asset and Property Management
Tel No.553360

**Chief Officer Responsible for the
report:**

Tracey Carter
Title - AD Finance Property
Procurement

**Report
Approved**

Date 19 June
2015

Specialist Implications Officer(s)

Implication Legal
Name Andy Docherty
AD Governance and ICT
Tel No. 551004

All

Wards Affected: Fishergate, Micklegate and Holgate

For further information please contact the author of the report

Annexes

Annex 1 – The Melbourne PH, Cemetery Road – Application to add to the List of community assets

Annex 2 – Letter from Enterprise Inns

Annex 3 – Holgate Allotments – Application to add to the List of community assets

Annex 4 – The Clementhorpe Malthouse – Application to add to the List of Community Assets

Annex 5 – Current list of assets of community value

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City of York
Council

16 JUN 2015

RECEIVED

ASSETS OF COMMUNITY VALUE NOMINATION FORM

If you need assistance completing this form, then please refer to the guidance document which can be downloaded from the website shown below or alternatively call 01904 553360

www.york.gov.uk/assetsofcommunityvalue

Section 1

About the property to be nominated

Name of Property:	THE MELBOURNE
Address of Property:	6 CEMETERY ROAD YORK YO10 5AH
Postcode:	YO10 5AH

Property Owner's Name:	ENTERPRISE INNS
Address:	3 MONKSPATH HALL RD SOUTHALL
Postcode:	B90 4SS
Telephone Number:	0121 733 1700
Current Occupier's Name:	SHANE NICKLETHWAITE & ALLISON GRASSAM

Section 2

About your community organisation

Name of Organisation:	FRIENDS OF THE MELBOURNE PUB
Title:	MR
First Name:	RICHARD
Surname:	BAKER
Position in Organisation:	ADMINISTRATOR
Email Address:	CARDLE-RICHARD@HOTMAIL.CO.UK
Address:	6 MAIDA GROVE YORK
Postcode:	YO10 4EU
Telephone Number:	01904 622296

Organisation type:

Click in field for options

UNINCORPORATED BODY

Organisation size

How many members do you have?

>100

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

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.

SEE ATTACHED

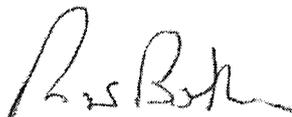
Section 5
Attachment checklist

- 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:

15-06-15

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

Nomination form for Assets of Community Value

SECTION 1 – ABOUT YOU

Name of Lead Nominator	RICHARD BAKER - FRIENDS OF THE MELBOURNE PUB
Address	6 MAIDA GLOVE FULFORD ROAD YORK
Postcode	YO10 4EU
Telephone number	01904 623096
Email address	carole-rumark@btinternet.com
Your relationship to the nominating organisation	REGULAR CUSTOMER AND CAMRA MEMBER NO. 446331

SECTION 2 – ABOUT THE ORGANISATION MAKING THE NOMINATION

Please tick any that apply)

Unincorporated body (see next section)	<input checked="" type="checkbox"/>
Neighbourhood forum	<input type="checkbox"/>
Parish Council	<input type="checkbox"/>
Charity	<input type="checkbox"/>
Community Interest Company	<input type="checkbox"/>
Company limited by guarantee	<input type="checkbox"/>
Industrial and provident society	<input type="checkbox"/>

Number of members registered to vote locally (unincorporated bodies only) In the case of an unincorporated body, at least 21 of its members must be registered to vote locally. Please use CAMRA's <u>Unincorporated Body Nomination Form</u> to demonstrate support from local people.	
We are enclosing evidence that at least 21 locally registered voters support the registration of this pub as an asset of community value (please tick box)	<input checked="" type="checkbox"/>

SECTION 3 – MORE ABOUT YOUR ORGANISATION AND DEMONSTRATION OF LOCAL CONNECTION

<p>Please explain a bit more about the organisation (such as how and why it was formed – perhaps that was purely to list this pub which is fine).</p> <p>Please also demonstrate that your organisation has a local connection (i.e. that everybody concerned lives locally)</p>	<p>TO LIST AND HELP PROTECT THE PUB</p>
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<p>If the Group is constituted, its surplus must be wholly or partly applied for the benefit of the Borough's area or a neighbouring authority's area. Please provide evidence of this if you can.</p>	
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<p>If the Group is constituted, please provide evidence here.</p>	
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SECTION 4: ABOUT THE ASSET YOU WANT TO LIST

Name of asset	THE MELBOURNE
Address and postcode of the asset	6 CEMETERY ROAD, YORK, NORTH YORKSHIRE, YO10 5AH
Description of what exactly should be listed (try to be specific about the boundaries of the land you're nominating, the approximate size and position of any buildings on the land and remember to include anything in addition to the building itself which you believe should be listed such as the car park, beer garden or any integral residential quarters such as accommodation above the pub)	<p>UPSTAIRS - KITCHEN, LIVING ROOM, 3 BEDROOMS / LETTING ROOMS, SHOWER ROOM, BATH ROOM & TOILET ROOM.</p> <p>PUB AREA - MAIN BAR / LOUNGE AREA POOL ROOM, BEER GARDEN, EXTERNAL UTILITY / FUNCTION ROOM & GARAGE / STORAGE GAS ROOM. OPEN FIRE.</p> <p>CELLER AREA - BARREL ROOM / STOCK ROOM REFRIDGERATED 3 STOCK / STORAGE ROOMS.</p> <p>AS FOR BOUNDARIES PLEASE SEE LAND REGISTRY CERT - WITH NUMBER BELOW</p>
Land registry title number	NYK 116515
Link to any photos or building plans of the property (if you're attaching these to the application please confirm that here)	
Any information you have about the freeholders, leaseholders and current occupants of the site (if known)	<p>THE MELBOURNE IS OWNED BY ENTERPRISE INNS, THE LANDLORDS / LANDLADY ARE SHANE MICKLETHWATE LICENCE NO CYC-053520 AND HIS PARTNER ALLISON GRASSAM WHO LEASE THE PUB ON A TENANCY AT WILL SINCE 22/01/15. BUT HAVE BEEN THERE SINCE AUGUST 2014</p>

<p>Reasons for nomination: why do you believe the asset is of community value (including all relevant information from CAMRA's "<u>Why Councils should list pubs as assets of community value</u>" document, in particular:</p> <ul style="list-style-type: none"> • Evidence that the pub can remain viable • Evidence of interest in keeping the pub open • Evidence that the asset furthers the social wellbeing or social interests of the local community, or has done so in the recent past) 	<p>The Melbourne was first mentioned as a beer house in 1867. The Victorian pub now comprises of one large bar, split into three inter-connecting sections with an open fire, pool table, televisions and a beer garden.</p> <p>This pub offers a welcoming environment popular with residents and students alike and is a safe environment used by couples, single people, widows and widowers as a place to socialise and relax.</p> <p>Generations of families use the Melbourne bar get together on a regular basis and the pub hosts many parties including birthdays, weddings and christenings, also with close proximity to the cemetery the Melbourne is convenient for people to call in for a drink or a coffee when paying respects to their loved ones.</p> <p>Being adjacent to Auden House, the pub is regularly used by some of its residents who appreciate the wheelchair access, interaction with the staff and the barter around the bar</p>
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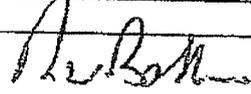
<p>Reasons for nomination: why do you believe the asset is of community value (including all relevant information from CAMRA's "<u>Why Councils should list pubs as assets of community value</u>" document, in particular:</p> <ul style="list-style-type: none"> • Evidence that the pub can remain viable • Evidence of interest in keeping the pub open • Evidence that the asset furthers the social wellbeing or social interests of the local community, or has done so in the recent past) 	<p>and in the beer garden. Staff and customers from Mecca are regular customers and informal evenings for the staff of Marks and Spencers are often held. The recent addition of real ales and fruit ciders has increased the choice of drinks and the landlord and landlady are working tirelessly in all areas to provide greater appeal for their clientele. The Melbourne has a team who play in Acomb Wednesday Pool league, York Domino league, Darts league and the Regional Pub Poles Championship league, this brings communities together from around York. The Open Mike Night is enjoyed by all and gives many students experience of performing in front of an audience and aids integration into the local community.</p>
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<p>Reasons for nomination continued</p>	<p>With the recent and ongoing improvements being implemented by the landlord and landlady this is a pub that has been turned around and now appears to be a viable business which we hope will be allowed to continue trading as a public house serving the local community for the next 100 years.</p>
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SECTION 5: CONFIRMATION

I confirm that all information provided is accurate and complete.

Name (please print clearly:	R. W. BAKER
-----------------------------------	-------------

Signature:	
------------	---

Date:	4 th APRIL 2015
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Remember to include any attachments such as building plans, photos and evidence that you are supported by 21 local people.

Assets of Community Value - Unincorporated Body Nomination Form

Nominations to list pubs as assets of community value can be accepted from any group of at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring local authority.

On behalf of the following members of the local community, please list this pub as an asset of community value:

NAME OF PUB: THE MELBOURNE

ADDRESS OF PUB: 6 CEMETERY ROAD, YORK, YO10 5AH.

No.	Name (please print clearly)	Your full address (including postcode)* <small>*each nominator should have a different address</small>	Are you registered to vote within the local authority, or a neighbouring local authority?	Signature
1	CAROLE BAKER			
2	DAVID HODGSON			
3	DR. STAGWELL			
4	BETH SHAW			
5	SHANE MICKLETHWAITE			
6	IAN SMITH			
7	JULIA BASLEY HERSMAN			
8	MICHAEL WOOD			
9	Nicholas Pickard			

No.	Name (please print clearly)	Your full address (including postcode)	Are you registered to vote within the local authority, or a neighbouring local authority?	Signature
10	TRISHA KILBY			
11	PAUL FISHER.			
12	JOHN ELLWOOD			
13	JIM RHODES			
14	CHRIS GEE			
15	DAVID CLARKE			
16	KEV NICHOLSON			
17	ANDY CARTER			
18	KEITH KING.			
19	DANNY WRIGHT			
20	KAREN STEWART			
21	A CRATINE WINTERINGHAM			

Please add details of any

Mr P Callow
Head of Asset and Property Management
City of York Council
West Offices
Station Rise
York
YO1 6GA

Submitted Via Email: philip.callow@york.gov.uk

31 May 2015

Dear Mr Callow

The Melbourne, Cemetery Road, York - Nomination as an Asset of Community Value

We write in respect of the above site and its nomination as an Asset of Community Value ("ACV"), by an unincorporated body, led by Mr Richard Baker. Enterprise Inns Plc is the freehold owner of the site and we would ask you to take the following into account in reaching any decision.

Background

We have approved the site for disposal as it is no longer considered viable for continued use as a public house within our business model. The background to this position can be summarised as follows:

- The performance of the pub is heavily restricted by a small trading area and there is no opportunity to provide a kitchen / catering facility within the building which could otherwise assist in its ongoing performance.
- In seeking to assist trading levels, we have previously invested in the property and provided support to publicans, however this has not had the desired effect of making the pub sustainable on a long term agreement.
- There have been 5 publicans of the public house in the last 5 years.
- We undertook an extensive marketing / advertising campaign over an 18 month period in order to attract an appropriate publican, but unfortunately only received 6 applicants, none of whom progressed to take the pub on any form of substantive agreement.

Considering the above factors the pub was approved for disposal in January 2015. At this point we instructed an agent (CBRE) to market the property for sale. Despite this marketing exercise, no interest was expressed in the property for continued use as a public house. We are therefore pursuing opportunities for the alternative use of the site for which interest has been expressed.

Legislative Requirements

It is important to recognise that, in considering whether a property should be listed as an ACV, regard is to be had to section 88 (1) of the Localism Act, whereby the site is only capable of being listed as an ACV if:

- (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and*
- (b) 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 wellbeing or social interests of the local community.*

It is clear that in order for the site to be listed as an ACV, its continuing use for a purpose which furthers social wellbeing or social interest has to be realistic. No such evidence has been provided by the nominator.

We therefore respectfully request that the application to list the site as an ACV be rejected. Should the Council decide to list the property as an ACV, we reserve the right to seek a review of the decision by oral hearing at the appropriate time.

Yours sincerely

Emma Hurst

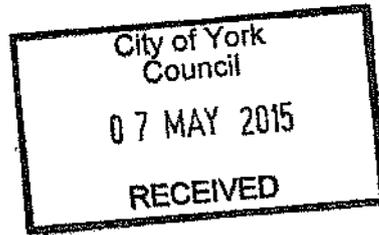
Asset Manager

Enterprise Inns Plc

M: 07831 549 170

Emma.Hurst@enterpriseinns.com

07 MAY 2015



21 Lindley Street
York YO24 4JG

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

05/05/2015

To whom it may concern

RE: Holgate Allotments Nomination for Asset of Community Value submitted by email 01/05/2015

In my email regarding the above nomination I indicated that a signed hard-copy of the application was to follow.

Please find attached:

1. Signed Nomination Form
2. Copy of Supporting information and Boundary of Property
3. Copy of Constitution of Holgate Allotments Association

Regards

A handwritten signature in black ink, appearing to read "JAV".

Julie-Ann Vickers



ASSETS OF COMMUNITY VALUE NOMINATION FORM

If you need assistance completing this form, then please refer to the guidance document which can be downloaded from the website shown below or alternatively call 01904 553360

www.york.gov.uk/assetsofcommunityvalue

Section 1

About the property to be nominated

Name of Property:	HOLGATE ALLOTMENTS
Address of Property:	ASHTON LANE, HOLGATE ROAD, YORK
Postcode:	YO24 4LX

Property Owner's Name:	YORK CITY COUNCIL
Address:	WEST OFFICES, STATION RISE, YORK,
Postcode:	YO1 6GA
Telephone Number:	01904 551550
Current Occupier's Name:	Allotment tenants

Section 2

About your community organisation

Name of Organisation:	HOLGATE ALLOTMENTS ASSOCIATION
Title:	MR
First Name:	PAUL
Surname:	GRAHAM
Position in Organisation:	SITE SECRETARY AND CHAIR OF ALLOTMENTS ASSOCIATION
Email Address:	paulsue33@hotmail.com
Address:	32 MALVERN AVENUE BOROUGHBRIDGE ROAD, YORK
Postcode:	YO26 5SG
Telephone Number:	01904 782400

Organisation type:

Click in field for options

UNINCORPORATED COMMUNITY GROUP

Organisation size

How many members do you have?

35

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 STATEMENT ATTACHED

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.

Holgate Allotments is accessed via Ashton Lane directly opposite The Fox on Holgate Road. The site is bounded to the east by Holgate Beck, to the west by the Railway Institute Bowling Club and residential housing, and to the south by Our Lady Queen of Martyrs RC Primary School. A carpark, which is part of the site, lies to the north and is bounded by residential housing situated between the site and Holgate Road.

SEE ATTACHED MAP AND 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:

P. Graham

Dated:

25.4.15

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

Section 3 - Supporting information for nomination

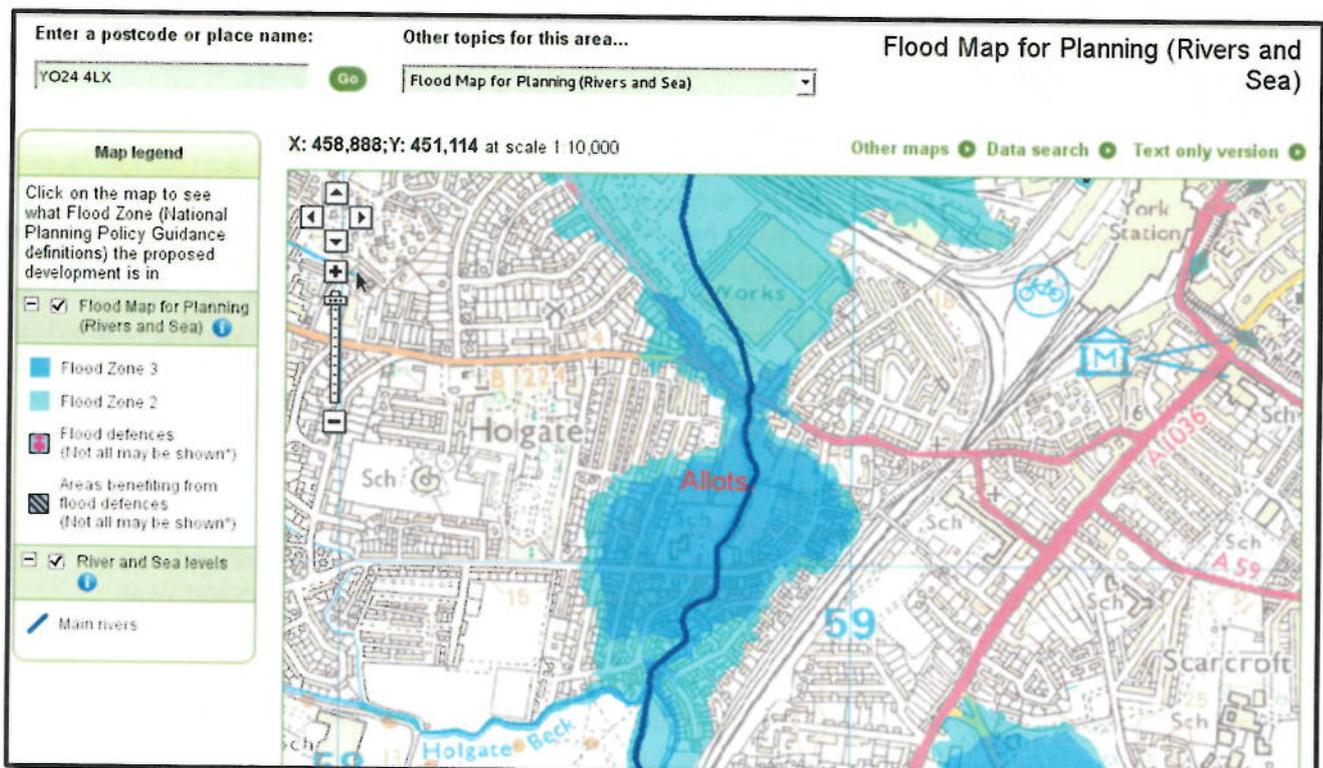
Attachments (see pages 5-6):

1. Biodiversity statement from Dr Toni Bunnell, Wildlife Biologist
2. Impact statement from Dan Brittan, Self Help and Activity Group Manager for York Mind
3. Impact statement from Richard Knowles, Head teacher St Paul's C of E Primary School
4. Impact statement from Mark Hunter, Activities Coordinator for Lollipop, a charity providing activities for children and young people with any degree of hearing loss.

General introduction and history of the site

Introduction

The Holgate Allotments site is located on former farmland and accessed via Ashton Lane off Holgate Road. It is bounded to the east by Holgate Beck, to the west by the Railway Institute Bowling Club and residential housing, and to the south by Our Lady Queen of Martyrs RC Primary School. The site provides an essential green space for Holgate Ward where 42.6% of the housing is terraced, a figure which is significantly higher than the overall figure for York of 24.5%. According to the Environment Agency Flood Map for Planning Risk, the allotments occupy land designated as Flood Zone 3, and therefore have a relatively high probability of flooding.



Environment Agency Flood Map for Planning showing Holgate Allotments

Occupying a total area of 17414 sq. metres, the site comprises 57 traditional full-sized plots, 24 of which have been divided in two and one of which has been divided in three (see attached Site Plan Section 4, page 8). There is also a carpark for tenants near the entrance to the site. As of March

2015 these plots are worked by 80 official tenants. However this figure does not reflect the large number of friends, partners and relatives who help official tenants to cultivate their plots and who thereby also enjoy the benefits the site offers to local residents.

History

In 2006 Holgate Allotments celebrated its centenary making it the oldest council-run allotment in York. The first tenants commenced cultivation on the site in 1906 following a petition to the town clerk from 41 local residents. The majority of these petitioners occupied terraced housing in four streets off Acomb Road (Murray Street, Lindley Street, Park Lane and Falconer Street). Although other privately run allotments existed in York at the time, this was the first request received by York Corporation since the introduction of the Allotments Act of 1887. One of the original tenants on the site was John Edward Graham, the great-grandfather of Paul Graham, who is the current Site Secretary. Plot No. 20 continues to be worked by Paul's father and has therefore been cultivated by the same family for over 100 years. Many of the original tenants were employees of the Railway Carriage Works, which lie directly north of the site. Further evidence of this historical link with the Carriage Works can be found in two old railway carriages which have been put to use as allotment sheds. In the middle of last century one of these carriages was also used as an allotment shop, but this was wound up in 1968.

Throughout its history the site has continued to be well-tenanted but, like many other sites around the country, demand significantly increased in the early 2000's – primarily as a result of the 'grow your own movement'. Waiting lists of 10 plus people are now the norm, and to help meet this demand a significant proportion of the full-sized plots are being divided in two as they become available to re-let. These plots are now worked by couples, groups, friends or families and include individuals of all ages from a diverse range of backgrounds. There are currently 3 community plots rented by York Mind, St Paul's C of E Primary School, and Lollipop– a charity for children and young people with hearing loss (see attached Impact statements from these groups, pages 5-6).

In late 2014 the Holgate Allotments Association was established, with the inaugural meeting held on 15 January 2015. The Association was formed in order to achieve the following objectives: improve site security, encourage a cooperative effort to improve site facilities, maximise use of the plots, and build links with the local community (also see attached Group Constitution for full list of aims and objectives). Following its inaugural meeting, the group have already held two working parties to clear rubbish and vegetation from one of the old railway carriages on site. By utilising the professional expertise of the allotment tenants, the Association aims to research the history of the carriage, carry out an archaeological survey and embark on a restoration project, which will include the installation of a ramp for wheelchair access. The principal objective of this project is to prevent further deterioration of the carriage and to ensure that this link to the industrial history of Holgate is preserved not only for tenants but for the local community. The carriage will also provide a much needed communal and event space where tenants and members of the local community can interact.

A number of other potential initiatives have been identified (e.g. allotment toilet, developing starter plots for new members, raised beds for wheelchair users) and these will be prioritised and developed as part of the work of the Holgate Allotments Association over the coming year.

Why Holgate Allotments furthers the social interest and social wellbeing of the local community.

Provision of growing/green space for people who would otherwise not have access to outdoor space

Holgate Allotments were originally established to provide growing space for people occupying the high-density terraced housing in the nearby area. The allotments continue to fulfill this function with a significant number of ploholders occupying the terraced housing in streets off Acomb Road and in the St Paul's Terrace area adjacent to the railway line (see attached map in Section 4). St Paul's

CE Primary School is located in the latter area and their plot provides the only green space available for their pupils. Demand for plots from the local community continues to be high. The site secretary has responded to this demand by dividing plots, and thereby enabling an even greater number of local residents to enjoy the allotments.

Benefits to physical and mental wellbeing

The positive impact of allotments on physical and mental health is well-documented. Plotholders are able to increase activity levels; access a peaceful outdoor environment; meet and socialise with other plotholders; engage in an activity which is a recognised form of stress relief; and reap the health benefits of eating a range of seasonal fresh fruit and vegetables. These benefits are increasingly important for young people, the elderly, and time-stretched families and professionals. The Holgate Allotments Association is in the process of restoring one of the railway carriages on site, which will provide an attractive community space for tenants and facilitate social interaction. There is also a healthy mix of long and short term tenants, which ensures that those new to the area or with a new interest in allotmenting have a reasonable chance to get a plot.

An educational resource for children and adults of all abilities

The allotment site is an important educational and recreational resource for groups such as St Paul's CE Primary School, York Mind and Lollipop. More generally, the site enables all plotholders to learn new skills and allows experienced allotmenters to share knowledge and expertise with other tenants. The newly formed Holgate Allotments Association means there is now the opportunity to provide more formal sessions for acquiring or improving skills, such as pruning courses and soft fruit growing courses.

A place of social inclusion

Holgate Allotments provide a cheap and healthy recreational activity that can be accessed by residents regardless of income, ability, education or ethnic background. The site also provides a place for local residents of different backgrounds to interact and in so doing contributes to social cohesion in the local area. The site is currently accessible for those using mobility scooters and the Site Secretary and Association are always willing to help accommodate tenants of differing abilities.

Enhancing community pride and community involvement

The allotments add to the overall attractiveness of the area and complements other local community spaces and projects such as the Friends of West Bank Park, the Holgate Windmill, the Poppy Rd Poppy Project and the Holgate Community Garden. The recently formed Holgate Allotments Association now offers the opportunity to collaborate more formally with these other community groups. Projects such as these help to maintain the appearance of the area, reduce crime and foster feelings of social responsibility and community pride. The Association also hopes to increase community involvement in the site through open days, apple days, fêtes and other activities. In June of this year the Association will have a stall at the West Bank Park Fair to raise community awareness of the site.

Contributing to biodiversity and benefitting the environment

Holgate Allotments is a green area contiguous to Holgate Beck which together form a significant wildlife corridor in a heavily urbanised area (see attached Biodiversity Report from Dr Toni Bunnell, page 5). The site not only supports biodiversity and at risk species, but also offers tenants of all ages the opportunity to experience wildlife in an urban area.

The site also helps individuals and families reduce their carbon footprint in a number of ways:

- it provides tenants with a place to compost thereby reducing the amount of rubbish that goes to landfill
- it enables tenants to reduce packaging that results from supermarket bought fruit and vegetables

- it helps tenants reduce 'food miles'
- it offers a local form of recreation and exercise which most allotment holders can access on foot, bicycle or public transport.

Fulfilling the aims of York Council's 'A community vision for Holgate'

Following a consultation with residents, York Council identified three key priorities in its vision for Holgate:

- Increase community involvement
- Increase access to healthy lifestyle choices
- Help to make your money go further

Holgate Allotments provides an important means of fulfilling these aims and further promoting this community vision. The allotment site encourages and enables local food growing; gives residents the opportunity to come together to work towards a common goal; increases access to fresh air and exercise; and provides a source of cheap locally produced fruit and vegetables.

Attachments

Biodiversity Report for Holgate Allotments by Dr Toni Bunnell, Wildlife Biologist and allotment plot holder at Holgate Allotments March 2015

Holgate allotments form a crucial part of the green areas that network across the City of York. These areas serve as wildlife corridors, allowing small mammals and insects to move from one place to another in search of food and nesting sites.

Holgate allotments, in particular, are home to a wealth of wildlife including the hedgehog, short-tailed vole, newt, frog, Pipistrelle bat, Lesser-spotted woodpecker and numerous varieties of butterflies and moths such as the Mullein moth. Many of these species are registered on the Red List of Conservation as being under threat, the hedgehog being most notable in this respect.

Holgate allotments provide protection and an ideal habitat for all wildlife species that inhabit them, this being of high importance in a small country such as Britain where habitat loss is the main reason for the rapid decline of species such as the hedgehog.

A more detailed species list has been prepared and is available on request.

Impact statement from Dan Brittan, Self Help and Activity Group Manager for York Mind

'York Mind has rented a plot at Holgate allotment since late 2010. The plot has benefitted our clients in many different ways. It has helped them to improve their self esteem, confidence, social skills and both mental and physical health. It has also helped them to learn new gardening skills and knowledge. Working on the plot has helped to give 12 clients the confidence to move into conservation volunteering.

The clients have gained satisfaction from growing their own vegetables. They also particularly enjoy the social side of the group where they make new friends and contacts. The clients really appreciate that the allotment is a quiet and secluded space where they can enjoy nature and gentle exercise.'

Impact statement from Richard Knowles, Head teacher St Paul's C of E Primary School

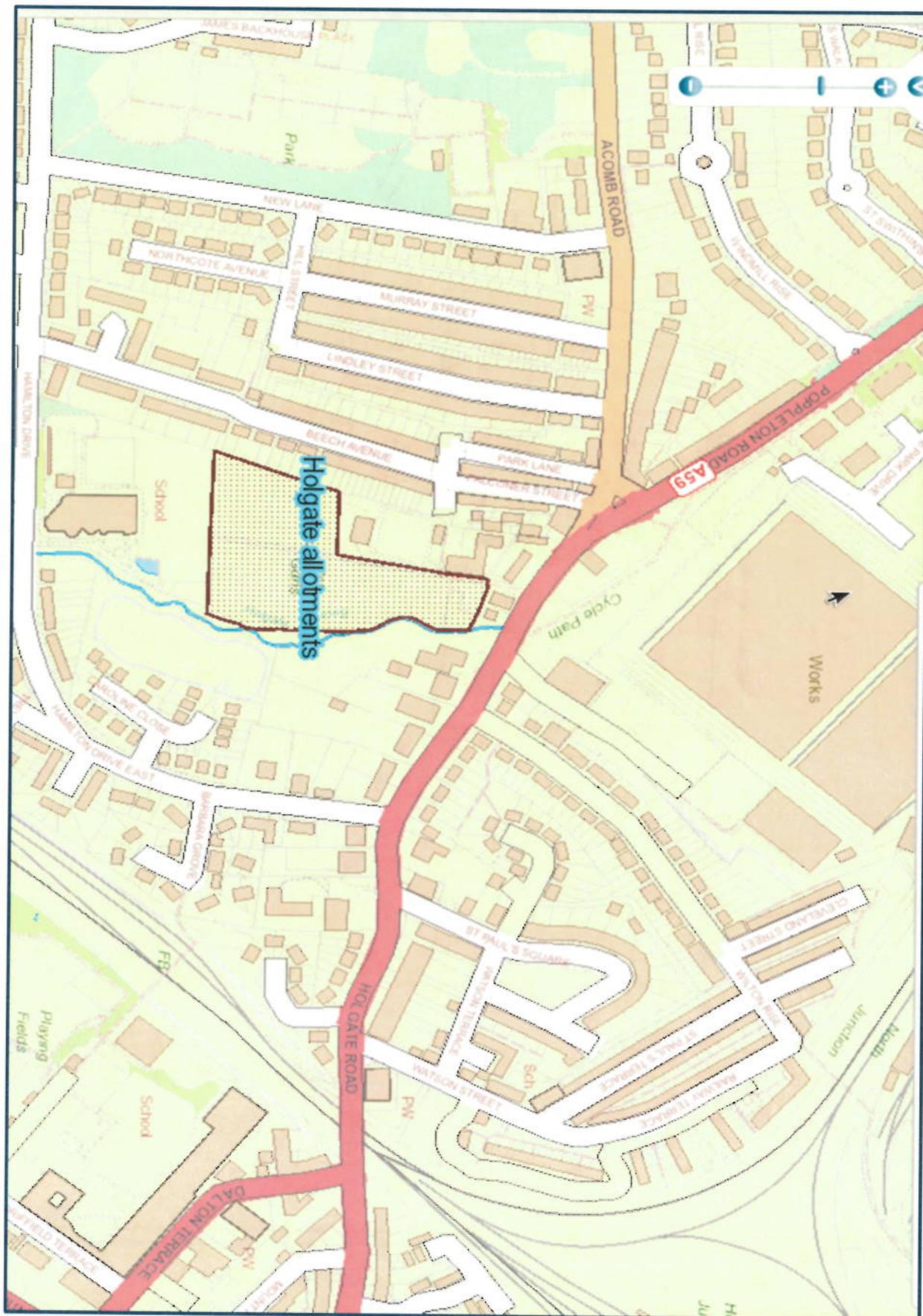
'St Paul's is an inner city school set amongst terraced houses opposite York Station. We have no green area around our school just a concrete yard to the rear. Our allotment was acquired about 4 years ago and has proved to be a fantastic resource for our children. It is used as a resource for much of our Science work (living and growing, mini beasts, conservation etc.). Two years ago we were successful in a bid for a National Lottery Grant and our allotment space was transformed into a community garden for parents and grandparents. Each and every class has a designated space and they plant a variety of fruit and vegetables each year. We have been so successful that for the last two years we have won 1st prize in the York City Council Garden Awards (schools category).

I know the children (and staff) would be bereft if we were to lose our allotment space. Presently we have a wall display dedicated to our allotment and a large number of photos which I would be happy for you to use in your campaign. I'm sure the children would be willing to give their views as well.'

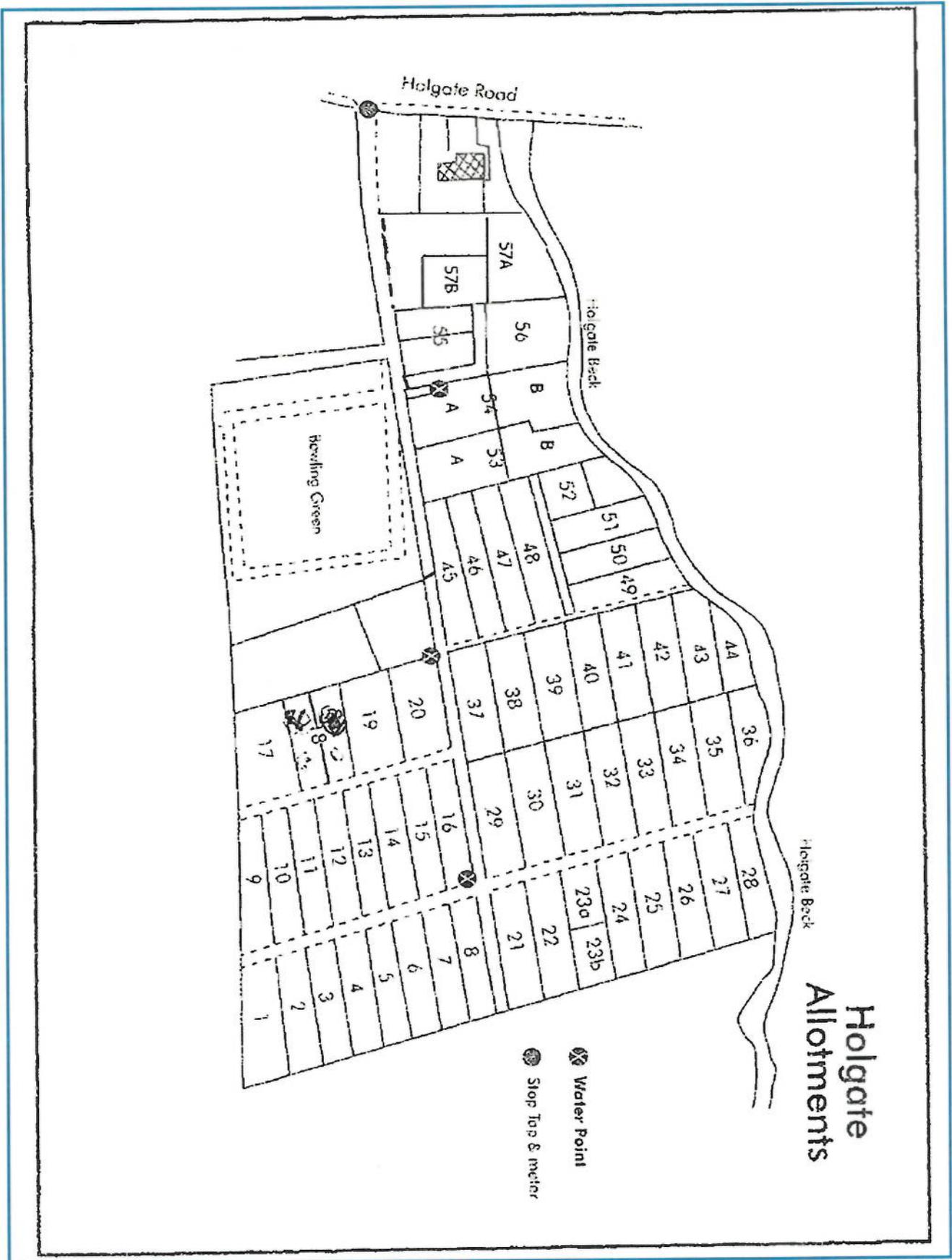
Impact statement from Mark Hunter, Activities Coordinator for Lollipop

'Lollipop is very pleased to support your efforts to have the Holgate Allotments designated as a community asset. Our allotment (affectionately known as 'Lolliplot') provides us with an accessible, pleasant and safe environment in which groups of children (aged 2-12) with hearing loss and their families can meet in order to enjoy activities, make and build new friendships and share their experiences of deafness. Through such activities as nature discovery, craft and gardening, we encourage members to try something new, express themselves freely and realise their true potential and in doing so build confidence, increase self-esteem and develop self-identity. Lolliplot is an invaluable venue for these sessions and benefits children with hearing loss not only from York, but also from other areas within North Yorkshire.'

Section 4 – Site boundaries



Holgate Allotments boundaries (Source: York LocalView)



*Site Plan (Source: York City Council Allotments Officer)

*Plan does not show all current subdivisions of full-sized plots

HOLGATE ALLOTMENTS ASSOCIATION

CONSTITUTION

AIMS & OBJECTIVES

1. To promote the interests of all members in their allotment gardening activities, including co-operating with other gardening associations in matters of mutual interest.
2. To work with the local authority and other stake holders on all matters relating to the allotments. Including preventing and taking action to protect members and their plots against damage, trespass and theft, to secure the site from vandals, dog fouling and other anti-social activities.
3. To provide and improve the facilities of the site for all members of the Association.
4. To encourage a cooperative effort in improving the site.
5. To seek external funding opportunities to be discussed by the Association.
6. To raise the allotment profile by way of open days, community events, competitions and social media.
7. To build links with the community and in particular food banks.
8. To promote biodiversity and conservation.
9. To encourage a sustainable practice.
10. To maximise the productive use of p[lots and assist in reducing the waiting list.

MEMBERSHIP & SUBSCRIPTIONS

All individual members and Association Friends (affiliated members) will pay a subscription:

1st Year - £5.00 (per plot – up to 2 members)

2nd Year - £2.50 thereafter

Subscriptions will form a pool of income to qualify for grant sources.

Optional donations may be requested from time to time to subsidise up and coming site projects.

The benefits of membership could include:

- Access to discounted gardening supplies including the bulk buying of seeds and associated gardening sundries – outlets to be investigated.
- Discounts for equipment hire.
- Access to subsidised manure and compost deliveries.
- Members network to share advice and guidance.
- Promotion of Glut sharing.
- Improvements to communication links amongst members vial social media forums.
- Invitations to social functions.
- Invitations to training and social events.
- Participation in building links with schools, universities and other educational bodies.

As the group establishes itself over the years other benefits may well be added.

ASSOCIATIONS COMMITTEE AND OFFICERS

The Committee must be members of the Association and will consist of a Chair, Secretary and Treasurer. Other members may be co-opted to the committee for specific purposes e.g. Fundraising, Publicity etc.

MEETINGS OF THE COMMITTEE

The Committee will meet quarterly or more frequently if required. The Annual General Meeting will be open to all members and take place in January.

FINANCE

Banking:

The Treasurer will open a cheque book account with a bank or building society in the name of the Association. Payments by cheque will require any 2 authorised signatures in line with the bank mandate.

Financial records:

The Treasurer will keep a record of all income and expenditure related to the Association's financial transactions. All expenditure must be supported by a supplier's receipt or appropriate voucher which shows the date of expenditure, the total amount and the purpose for which payment was made. All records must be kept by the Committee for 7 years. Receipts for subscriptions will be given recording the date paid, and the name of the member with Plot number.

A simple Income and Expenditure account and balance sheet will suffice for the purposes of Accounting practices.



ASSETS OF COMMUNITY VALUE NOMINATION FORM

If you need assistance completing this form, then please refer to the guidance document which can be downloaded from the website shown below or alternatively call 01904 553360

www.york.gov.uk/assetsofcommunityvalue

Section 1

About the property to be nominated

Name of Property:	Clementhorpe Malt House
Address of Property:	Lower Darnborough Street York
Postcode:	YO23 1AR

Property Owner's Name:	York City Council
Address:	West Offices Station Rise
Postcode:	YO1 6GA
Telephone Number:	01904 551550
Current Occupier's Name:	N/A

Section 2

About your community organisation

Name of Organisation:	Clementhorpe Community Association (Registered Charity No. 517051)
Title:	Mr
First Name:	Andy
Surname:	Johnson
Position in Organisation:	Chairman
Email Address:	andy@clementhorpe.com
Address:	Clementhorpe Community Centre Lower Ebor Street
Postcode:	YO23 1AY
Telephone Number:	07817 257022

Organisation type:

Click in field for options

Community Association

Organisation size

How many members do you have?

9*

*There are 9 members of the Committee. The area of benefit that we represent comprises of 500+ households.

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.

There is an intense desire to retain this building for community use. Over 75 people attended the open viewing of the building & more than 60 people came to the public meetings. All present voted for the Association to apply for an ACV. The ACV is designed to allow communities to put together a bid that might further the cultural, historic or sporting aspirations of that community. The proximity of the building to the small Community Centre opposite would make this an ideal link to provide a whole range of activities, events and exhibitions that would bring the property to life and display the listed contents to the public. The aim would be to turn the space into a community hub that would express the history & cultural significance of the area and demonstrate the Victorian legacy in the building. We would also look at provision for artist studios. There is interest in setting up a micro brewery and a café. The community firmly believe that, given time, they could secure funds to make this unique space a viable and self sustaining enterprise (continued over leaf)

Section 4**Boundary of Property**

What do you consider to be the boundary of the property? Please give as much detail/be as descriptive as possible. Please include a plan.

Please see attached plan. The boundary of the property encompasses the building itself and a yard at the rear of the property. The building is accessible via Lower Darnborough Street which leads to the yard area and Lower Ebor Street (front of property).

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: 8th June 2015

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

The Malt House is a unique case, being one of the only remaining Malt Houses in the country. This building has been left empty for 50 years with no access being allowed. We believe that an ACV would apply to this building because of the potential to the Community. We cannot claim extensive previous use because the community has until recently not been granted any access to the property. However in the short time periods that local people have recently been allowed to visit, they have been enthusiastic in their use of it as a heritage site to visit and enjoy. It's true potential has been seen for the first time.

There are precedents for ACV listing being given in different parts of the country where buildings have been inaccessible to a community, and not had prior community use, but have been listed on the basis of their historical interest and potential. The most celebrated being the Greenham Common Observation Tower. This has been listed as an ACV by West Berkshire County Council. There had been no prior access to the building by the general public, as it had been owned by the USAF and left empty for some years. The ACV was granted, and subsequently the building was successfully purchased by the Parish council, who have had planning permission approved to create a similar type of community resource to that envisaged in our application.

We believe that The Clementhorpe Maltings is a unique case that is worthy of being listed. It is a building of exceptional historic and cultural significance right in the heart of the community and adjoining the Clementhorpe Community Centre. Section 88 of the Localism Act 2011 states that

“In order to be listed, the land or building must further the social wellbeing or social interest of the local community, or have been used in the recent past.”

Our proposal for future use clearly embodies this statement. There was a lack of consultation with residents prior to the planning proposal being submitted and when the community were granted access, they immediately felt passionate about keeping this for community use.

Clementhorpe has been recognized as a centre that has a particularly strong community. Bishopthorpe Road is its local parade that reached the Final of the Great British High Streets Awards in 2014. Earlier that year it was listed in the Times cool list as in the top 20 hip communities in Britain. Bishopthorpe Road won the Community Pride Award for 2014 for the strength of community and the relationship between community and the local retail outlets. The city council's assessment of the community value of this building has completely misjudged the strength of the local community and the ability to mobilize support for a project like this. Clementhorpe is a vibrant and popular place to live and work, and we believe that developing the building as a community hub would further enhance the local area and benefit the residents therein.

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List of names of those supporting the nomination of Clementhorpe Maltings, Lower Darnborough Street, York to be listed as an Asset of Community Value.

No	Name	Address	Signature
1	LUCY TAYLOR		
2	Andrea Ford		
3	PAUL CROSSMAN		
4	JOHNNY HAYES		
5	ANDY JOHNSON		
6	M. J. L. Jone		
7	Catherine Bell		
8	Catherine Price		
9	Michael		
10	N. S. A. V. E		
11	JILLIE FARROW		
12	Matt Rumm		
13	Sarah Burt		
14	Man B...		
15	K. F. V. E. E.		
16	N. J. B. U.		
17	J. Watt		
18	I. BANFORS		
19	P. W. D. L. E.		
20	J. Clegg		
21	J. POWER		

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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

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29th June 2015

Leader (incorporating Finance and Performance) Decision Session

Report of the Assistant Director of Finance, Asset Management and Procurement

Pioneer Business Park Units 4 and 7 – Application to remove restrictive covenant

Summary

1. This report sets out details of an application to lift the restrictive covenant of an office site on the Pioneer Business Park for low-cost residential development. The application is in accordance with the Asset Management Policy on lifting restrictive covenants on Clifton Moor and a capital receipt has been agreed in accordance with the policy.

Background

2. The Asset Management Policy on lifting restrictive covenants at Clifton Moor was approved at the Cabinet Member Decision Making Session on 7th July 2014 and a copy of this policy is attached at Annex A. Approvals were given at the Cabinet Member Decision Making Sessions on 17th September 2014 and 19th February 2015 to lift restrictive covenants on sites at the Pioneer Business Park following a request from the Helmsley Group in return for a capital sum.
3. An application has been received by the Helmsley Group to lift the restrictive covenant on further adjacent sites (Units 4 and 7 which will complement the existing schemes Units 2 and 3) on the Pioneer Business Park at 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.
4. The proposal is to create 31, mainly single but some two bedroom, small apartments within the existing office building structure to be marketed as starter homes aimed at a price to attract first time buyers.

5. 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.
6. Appropriate communal open space for clothes drying, secure cycle storage and bin storage etc.

This will be provided by the Helmsley Group in conjunction with the conversion works being carried out on the adjoining building as reported previously.

Some play provision

See above comment.

Suitable pedestrian access

A direct pedestrian only access will be created onto Clifton Moorgate past the adjoining building which will allow easy access to leisure, retail and medical facilities without the need to go via the remainder of the office park.

Appropriate acoustic treatment to limit road noise etc.

As well as being covered through building regulations this has been included as there will be a need to make the specification attractive to successfully sell the apartments in a mixed use area.

7. The proposals 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 amount which has been agreed is £122,250 and it is considered that this amount is an adequate figure to recommend for acceptance. It is directly comparable to the sum agreed for the release of the restrictive covenant on the adjoining buildings approved by Cabinet Member on 17th September 2014 and 19th February 2015.

Options

8. If this proposal is not accepted then the Helmsley Group have indicated they will either :
 - a. Decide not to proceed with the scheme which will mean the potential loss of 31 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. Helmsley have indicated that, as they want to progress both schemes together now, they have no desire to go down this route.
9. The option to accept the capital sum offered is therefore recommended, as it provides a capital receipt for the Council, and also potentially 31 apartments for first time buyers.

Council Plan

10. The proposed policy supports the Council policy of Get York Building, creating additional low cost housing on brownfield land.

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.

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 sum, the Council wishes to make the release of the covenant subject to the matters referred to in paragraph 6 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.

Property – Contained within the report

Other - none

Risk Management

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

Recommendations

12. The Leader is asked to agree to the request to remove the restrictive covenant in return for the capital sum of £122,250.

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

Contact Details

Author:

Philip Callow
Head of Asset and Property
Management

Chief Officer Responsible for the report:

Ian Floyd
Director Customers and Business
Support

Report
Approved

Date *Insert Date*

Specialist Implications Officer(s)

Implication Legal
Name Gerry Allen
Senior Solicitor - Property
Tel No. 552004

Wards Affected: Rawcliffe and Clifton Without

All

For further information please contact the author of the report

Annexes

Annex A - Asset Management Policy on lifting of restrictive covenants at Clifton Moor.
Annex B – Site Plan.



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.

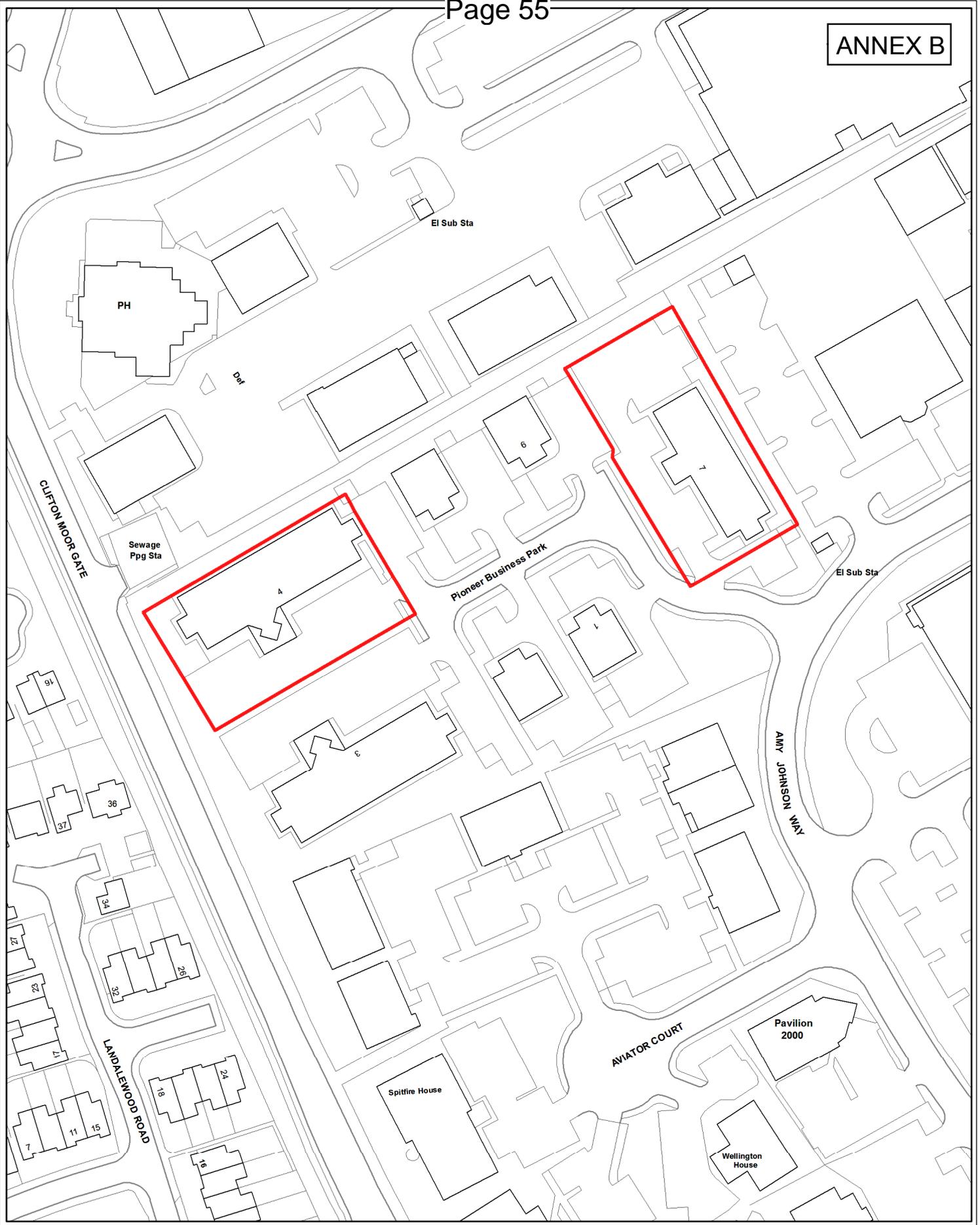
In more recent years a number of these offices have had only partial tenancies and are considered by their owners to be difficult if not impossible to let. The market for office accommodation in York is oversupplied with the quality of office accommodation that exists at Clifton Moor which is by and 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:-

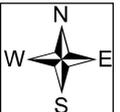
1. CYC will agree to lift restrictive covenants on Clifton Moor which restricted future use to office accommodation, to enable them to be used for residential accommodation, but we will only do so when there is a package of facilities to support reasonable quality of housing.

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 eg. 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.



CBSS
*Asset & Property
Management*

Pioneer Business Park Annex B



SCALE 1:1,250

DRAWN BY: DH

DATE: 17/06/2015

Originating Group:

Asset & Property Management

Drawing No.

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