

Report of **Asset Management and Regeneration Service**
 Strategic Asset Management

Report to **Chief Officer Economy and Regeneration**

Date: **20 July 2016**

Subject: **Community Right to Bid Nomination for**
 The Bingley Arms, Church Lane, Bardsey, LS17 9DR

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Harewood	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. In line with the legislation and regulations set out in the Localism Act 2011, this report considers the nomination to add The Bingley Arms, Church Lane, Bardsey, LS17 9DR to the List of Assets of Community Value.
2. The Council has received a nomination from Bardsey Parish Council. They are eligible to nominate the property, trigger the moratorium period, bid for the property and purchase the property.
3. The nomination includes the pub building, the car park and the outside eating area/ beer garden. The two storey property has a number of rooms including a public bar, bar and restaurant and two function rooms/ areas which are used for live events and are available for private function hire.
4. The property has the privilege of being recorded in the Guinness Book of Records as the oldest in Britain. With a known history that dates back as far as 953AD when Samson Ellis brewed in the central part of the building. However, evidence suggests that it might even date back to 905AD and was standing before All Hallows Church, just a few metres away, was built in 950AD.
5. Officers conclude that the property's current use furthers the social interests of the local community and it is realistic to think that this can continue in the future.

Recommendations

6. The Chief Officer Economy and Regeneration is recommended to add The Bingley Arms, Church Lane, Bardsey, LS17 9DR to the List of Assets of Community Value.

1. Purpose of this report

- 1.1 The purpose of this report is for the Chief Officer Economy and Regeneration to consider whether the nominated property should be added to the List of Assets of Community Value or whether it should be included on the List of Land Nominated by Unsuccessful Community Nominations in accordance with Part 5 Chapter 3 of the Localism Act 2011.

2 Background information

- 2.1 Part 5 Chapter 3 of the Localism Act 2011 details the legislation for Assets of Community Value and sets out the Community Right to Bid. The right came into force on 21st September 2012 and its purpose is to give communities a right to identify a property or land that is believed to further their social interests or social wellbeing and gives them a fair chance to make a bid to purchase the property or land on the open market if the owner decides to sell. From the date the landowner informs the Council of their intention to sell, eligible community groups have a period of six weeks to confirm whether or not they wish to submit to bid to purchase the property or land. If they do inform the Council that they want to bid, the landowner is prevented from disposing of the property for a period of six months (from the date they originally informed the Council of their intention to sell) unless it is to a community organisation. The landowner is free to dispose of the property at the end of the six month period to whomsoever they see fit.
- 2.2 Part 5 Chapter 3 Section 90 of the Localism Act 2011 states if a local authority receives a community nomination, the authority must consider the nomination. The authority must accept the nomination if the land nominated is in the authority's area, is of community value and if the nomination is made by an eligible group.
- 2.3 On the 6 April 2015 the law changed removing the permitted development rights for pubs listed as Assets of Community Value. The new law requires a full planning application to be submitted for a change of use or demolition if the pub is listed as an Asset of Community Value.
- 2.4 There has been a national campaign by CAMRA to list pubs as Assets of Community Value. This has resulted in approximately 1400¹ pubs being listed nationally. To date Leeds City Council have listed 45 properties, of these 28 are public houses.
- 2.5 The nomination is for The Bingley Arms site including the car park and garden area at the rear, which is located within the Harewood ward (please see the red line boundary plan at appendix 1). Ward Members and Area Support (Citizens and Communities) have been made aware of the nomination and to date no responses have been received.
- 2.6 The freehold interest in the property and car park is owned by Punch Partnerships (PTL) Ltd. The whole site is leased to the landlord Mr Gerard Sugden.

¹ Data taken from CAMRA website and correct as of 13 July 2016

- 2.7 At the site visit it was noted that sadly the landlord was recently deceased, it is anticipated that the lease will transfer to his son who will become the landlord and continue the business from the premises.
- 2.8 To date no objection to the nomination listing has been received from the landowner, Punch Partnership (PTL) Ltd.
- 2.9 For property or land to be added to the List of Assets of Community Value, the nominator must be able to demonstrate and satisfy all the listing criteria as laid down in the legislation. The legislation states that buildings or land with a current use is considered to be of community value if, in the opinion of the authority, there is:
- a) an actual current use of the building or other land that is not an ancillary use which 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.'
- 2.10 For buildings or other land that do not have a current use, the legislation states that land is of community value, if in the opinion of the authority
- a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
 - b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
- 2.11 It is important to note that if either of the criteria stated at 2.7 or 2.8 is met, then the Council must add the nominated asset to the List of Assets of Community Value.

3 Main issues

- 3.1 This report has been based on an assessment of the nomination form and a site visit to the nominated pub.
- 3.2 The nomination for The Bingley Arms was received on 23 June 2016 from Bardsey Parish Council.
- 3.3 The Parish Council is eligible to submit a nomination to register a property as an Asset of Community Value and to trigger the moratorium in order to make a bid for the property. The Parish Council or other eligible group could consider funding a purchase of the nominated property if it is marketed for sale.
- 3.4 The Parish Council serves the village of Bardsey cum Rigton. Their aim is to preserve the use of The Bingley Arms as a public house and restaurant.

- 3.5 The land registry checks have identified two registered titles in the nominated area. WYK571887 The Bingley Arms Public House confirm the freehold registered title is Punch Partnerships (PTL) Limited. WYK895144 is a leasehold on WYK571887 from Punch Partnerships (PTL) Limited to Simon Richard Wainwright. The ten year lease commenced on the 10 December 2008.
- 3.6 The current occupier, Gerard Sugden, has recently deceased in June 2016. It is anticipated the lease will be assigned to his son, but due to circumstances we have been unable to confirm this directly. The lease covers the whole of the site within the red line boundary plan attached to this report from Punch Partnerships (PTL) Limited from the 10 December 2008 for a ten year term.
- 3.7 For a property to be added to The List of Assets of Community Value, the nominator must demonstrate that a current non-ancillary use furthers the social interests and social wellbeing of the local community and that it is realistic to think that it can continue to do so whether or not in the same way.

Does a current non-ancillary use further the social interests or social wellbeing of the local community?

- 3.8 The Bingley Arms is the only public house in Bardsey, the nearest alternative is in the next village of Collingham over four kilometres away.
- 3.9 The Bingley Arms is open Sunday to Tuesday 12pm - 11pm; Wednesday to Saturday 12pm – 12am. Food is served every day except Monday with Tuesday offering a two for one on main meals. There are a number of rooms in the building including the restaurant, public bar and private function rooms.
- 3.10 The Bingley Arms is an established, well-known venue providing food, bar and live music and events for many years. It has the distinction of being the oldest pub in Britain with a traceable history back to 953AD and is mentioned in the Guinness book of records. Visitors can view the original inglenook fireplace, dutch oven and two priest holes and may even see some of the noted ghostly goings on within the building.
- 3.11 The Bingley Arms hosts weddings, functions, afternoon teas, community meetings, rotary club meetings, weekly quiz nights and live music events. The website is regularly updated with the events and activities taking place.
- 3.12 Bardsey Parish Council state that the Bingley Arms is very popular with village residents and also with people from surrounding areas who enjoy its attractive position and facilities including the beer garden, it is within walking distance for many residents
- 3.13 It is clear from the information provided and seen at the site visit that The Bingley Arms is a popular venue used by a wide range of people and is an important venue within the local community.

Is it realistic to think that there can continue to be a non-ancillary use that will further the social interests or social wellbeing of the local community (whether or not in the same way)?

- 3.14 The Bingley Arms is currently open and trading as a public house and restaurant. Although the licensee has recently deceased, his son has taken over running the pub and nothing has been provided to suggest there are plans to change use or close. Therefore, it is realistic to think the current use will continue and that such use is eligible.
- 3.15 To date there has been no response or objection to the nomination from the landowner.
- 3.16 The criteria for listing as set out in paragraph 88(1) of the Localism Act 2011 is considered to have been met and the nominated land should be added to the List of Assets of Community Value.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The Council's role is to assess the community nomination against the criteria set out in the Localism Act 2011, therefore no consultation and engagement is necessary.
- 4.1.2 The Executive Member for Communities was briefed on the 21 July 2016.
- 4.1.3 Harewood Ward Members and have been informed of the nomination, to date no comments have been received.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Equality, diversity, cohesion and integration considerations do not form part of the eligibility criteria upon which nominations are assessed. However, consideration has been given to ensure that all people have an equal opportunity to nominate assets of community value

4.3 Council policies and City Priorities

- 4.3.1 The Council has an obligation under the Localism Act 2011 to assess nominations under Community Right to Bid.

4.4 Resources and value for money

- 4.4.1 The Localism Act contains a right to appeal for private landowners, ultimately with them being able to take the Local Authority to a first tier tribunal if they are dissatisfied with a decision on a nomination and are still dissatisfied after a formal internal appeal. If a first tier tribunal finds in the landowners favour, the Local Authority is liable for all costs of the tribunal.
- 4.4.2 The Act also gives the landowner a right to compensation if they incur costs or loss of value directly from complying with the Assets of Community Value legislation. This compensation is payable by the Local Authority.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The City Solicitor confirms that the conclusions and recommendations in this report represent a reasonable and proper application of the statutory criteria for determining whether the nominated property is an asset of community value.
- 4.5.2 The Chief Officer Economy and Regeneration has authority to take the decisions requested in this report under Executive functions 2(o) (specific to the Director of City Development) of the Director of City Development's sub delegation scheme.
- 4.5.3 The proposal constitutes a significant operational decision and is therefore not subject to call in.

4.6 Risk Management

- 4.6.1 The report has potential risk implications as the landowner is able to request an internal review which could ultimately lead to a first tier tribunal.

5 Conclusions

- 5.1 In order to be included on the List of Assets of Community Value, all listing criteria, as laid down in Part 5 Chapter 3 of the Localism Act 2011, must be satisfactorily met.
- 5.2 The property has a current use that furthers the social interest of the local community and it is realistic to think that such a use can continue. Therefore the criteria as set out in section 88(1) of the Localism Act 2011 is considered to have been met and the nominated land should be added to the List of Assets of Community Value

6 Recommendations

- 6.1 The Chief Officer Economy and Regeneration is recommended to add The Bingley Arms, Church Lane, Bardsey, LS17 9DR to the List of Assets of Community Value.

7 Background documents²

- 7.1 None.

² The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.