

Community Right to Bid Nomination for The Chemic Tavern, 9 Johnston Street, Woodhouse, Leeds, LS2 9AY

Date: 27 April 2022

Report of: Asset Management Service

Report to: Head of Asset Management

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- In accordance with the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012, this report reconsiders the nomination to include The Chemic Tavern public house, Woodhouse, Leeds in the List of Assets of Community Value.
- The Council received a nomination from The Friends of The Chemic Tavern which is an unincorporated community group. They are eligible to nominate the property, but not trigger the moratorium period, bid for the property or legally purchase the property. The nomination was received on 18 February 2022.
- The site was first listed as an Asset of Community Value on 4th November 2015. However the five year listing period has now ended and so the The Friends of The Chemic Tavern have submitted a new nomination.

Recommendations

- a) The Head of Asset Management is recommended to include the site in the List of Assets of Community Value on the basis that the criteria in Section 88(1)(b) of the Act have been met, and therefore the site is "land of community value".

Why is the proposal being put forward?

- 1 The purpose of this report is for the Head of Asset Management to consider whether The Chemic Tavern, 9 Johnston Street, Woodhouse should be included in 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.
- 1.2 Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 contain the rules relating to the "Community Right to Bid". The purpose of this right 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 "community interest groups" as defined in the Regulations have a period of six weeks to request in writing for the group to

be treated as a potential bidder in relation to the land. If they do make such a request, the owner 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 interest group. The landowner is free to dispose of the property at the end of the six month period to whomsoever they see fit.

- 1.3 Section 90 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, and is of community value.
- 1.4 The site is located within the Little London & Woodhouse ward (please see the red line boundary plan at appendix 1). Ward Members have been made aware of the nomination.
- 1.5 The site was first listed as an Asset of Community Value on 4th November 2015. However the five year listing period has now ended and so the The Friends of The Chemic Tavern have submitted a new nomination.
- 1.6 The nomination includes the property, The Chemic Tavern, the car park and the beer garden. The property is made up of two rooms; the main bar area and the back room which is used for live events and is available for private function hire.
- 1.7 There has been a national campaign by CAMRA to list pubs as Assets of Community Value. This has resulted in approximately 2000¹ pubs being listed nationally. 149 pubs are now community owned with many more in the pipeline.
- 1.8 The vibrancy and value of the Chemic Tavern is reflected in the fact it was recently awarded ‘Community Pub of The Year 2019’ by the Leeds branch of CAMRA.
- 1.9 The freehold interest in the property is owned by Punch Partnerships (PML) Limited.
- 1.10 The Friends of the Chemic Tavern state that The Chemic Tavern is the last traditional pub in Woodhouse following the closure of the Bricklayer’s Arms, Marquis of Lorne and The Swan with Two Heads in recent years. Within walking distance, The Globe and The King’s Arms on Meanwood Road have also closed.
- 1.11 The Chemic Tavern is an established pub, a well-known venue for live music and events for the past 30 years. The Friends of Chemic Tavern have provided a long list of live music events which have taken place at the pub including, Theatre in the Dales performances, Unity Day fundraisers and annual fun days.
- 1.12 The Chemic Tavern website lists a long schedule of regular live events which take place in the pub including, a community choir, quiz night, Irish folk session, open mic night, ukulele club, words on tap, poetry nights and a comedy club. This list is not exhaustive.
- 1.13 The Chemic Tavern also supports a number of local charities and fundraising initiatives such as The Chemic Community Garden project, womens refugee fundraiser, food drop off point for Rainbow Junction, Woodhouse Ridge Action Group socials and AGM’s, Caring Together in Woodhouse & Little London socials and meetings.
- 1.14 The pub has gained improved outdoor seating and there is also free access to the community garden built by the Friends of The Chemic Tavern which includes edibles such as herbs, berries, currants, apples and pears.
- 1.15 During the Covid 19 lockdowns, despite the pub being closed, it acted as a hub for many groups by encouraging and enabling groups to continue to meet via zoom. These regular touchpoints were invaluable in maintaining health and wellbeing within the local community.

¹ Data taken from CAMRA website and correct as of 23rd July 2020

- 1.16 For property or land to be included in 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. Section 88 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.
 - 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.
- 1.17 It is clear from the information provided The Chemic Tavern is used by a wide range of people and is an important venue within the local community. Therefore, it is considered by the Leeds City Council case officer that a current non-ancillary use does further the social interests and social wellbeing of the local community.
- 1.18 It is important to note that if the criteria in Section 88 are met, then the Council must include the site in the List of Assets of Community Value.
- 1.19 The Group are eligible to make a “community nomination” as they are a voluntary or community body with a local connection, in accordance with the Act and the Regulations.

What impact will this proposal have?

Wards affected:

Have ward members been consulted? Yes No

- 2 Details of ward member consultation as follows.

What consultation and engagement has taken place?

- 3 The Executive Member for Resources has been informed of the nomination.
- Little London & Woodhouse ward members have been informed of the nomination.
- Councillor Katung and Councillor Brooks both responded and confirmed their support to the nomination.
- Councillor Brooks advised that ‘the Chemic Tavern is a wonderful community asset which is a relaxed, welcoming and fully inclusive space used by local people. The vast majority of cultural activities have no cost or a minimal cost to attend. Without the Chemic, many people in Woodhouse wouldn’t have an accessible and appropriate venue for these activities. Friends of the Chemic Tavern are also active in the wider community, organising litter picks and other activities beneficial to the local area, the details for which are worked out at the Tavern itself. Without the Chemic Tavern, Woodhouse would be much poorer, both culturally and socially.’

What are the resource implications?

- 4 The Localism Act contains a right to appeal for private landowners, including the right to appeal to the First-Tier Tribunal if the landowner is still dissatisfied following a listing review by the Council. If the First-Tier Tribunal found in the landowners favour on appeal, there could also be an award of costs against the Council.
- The Act also gives the owner a right to compensation if they incur costs or loss of value directly from complying with the legislation. Any compensation would be payable by the Council.

What are the legal implications?

- 5 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.

The Head of Asset Management 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.

The proposal constitutes a significant operational decision and is therefore not subject to call in.

What are the key risks and how are they being managed?

- 6 There are no specific risks which are relevant to this decision.

Does this proposal support the council's three Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

- 7 There are no specific emergency implications relevant to this nomination.

Options, timescales and measuring success

What other options were considered?

- 8 This is a procedural matter and the only options are to list or not list the property as an Asset of Community Value. The considerations set out in this paper provide justification for the recommendation being made.

How will success be measured?

- 9 This will be measured by the continued success of the Chemic Tavern continuing to trade and operate in the same format serving the community as it has been doing for a number of years.

What is the timetable for implementation?

- 10 Upon approval of this report, the property will be added to the list of Assets of Community Value.

Appendices

- 11 None

Background papers

- 12 None