

## Community Right to Bid Nomination for The Duke of Wellington Inn, Main Street, East Keswick, Leeds, LS17 9DB

Date: 10 December 2024

Report of: Asset Management Service

Report to: Head of Land and Property

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### Brief summary

- In accordance with the Localism Act 2011 (the Act) and the Assets of Community Value (England) Regulations 2012 (the Regulations), this report considers the nomination to include The Duke of Wellington Inn, Main Street, East Keswick, Leeds, LS17 9DB to the List of Assets of Community Value (ACVs).
- The Council received a nomination from East Keswick Parish Council. They are eligible to nominate the property, trigger the moratorium period, bid for the property and purchase the property. The nomination was received on 15 November 2024.
- The property was previously listed as an Asset of Community Value on the 21 May 2019. However the five year listing period has now ended and so East Keswick Parish Council have submitted a new nomination.
- As explained in further detail in the body of this Report, it is considered that The Duke of Wellington Inn satisfies the necessary criteria provided for in the Act. As such, it is recommended to the Head of Asset Management that the property is added to the Council's list of ACVs.

### Recommendations

- a) The Head of Asset Management is recommended to add The Duke of Wellington Inn, Main Street, East Keswick, Leeds, LS17 9DB to the list of Assets of Community Value on the basis that the criteria in Section 88(2)(a) and (b) of the Act have been met, and therefore the site is "land of community value".

### What is this report about?

- 1 The purpose of this report is for the Head of Asset Management to consider whether The Duke of Wellington Inn, Main Street, East Keswick, Leeds, LS17 9DB, 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.

- 1.1 Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 contain the rules relating to “Assets of Community Value” and the related “Community Right to Bid”. The purpose of these legislative provisions is to give communities a right to identify a building or land that is believed to further the local community’s social wellbeing or social interests, such that it may be added to the Council’s list of ACVs. Once listed, the legislation further gives an opportunity for communities to make a bid to purchase the building 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.
- 1.2 Section 90 of the Act states if a local authority receives a “community nomination” for a building or other land to be included in the list of ACVs, 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.
- 1.3 The nomination is for The Duke of Wellington Inn site, the building, car park and outside grounds, which is located within the Harewood ward and in the East Keswick Parish Council area (please see the red line boundary plan at appendix 1). Ward members have been made aware of the nomination. No responses have been received.
- 1.4 The freehold interest in the property and car park is owned by the Stonegate Pub Company Ltd and were consulted on the nomination on 20<sup>th</sup> November. No objections have been raised.
- 1.5 The Duke of Wellington is open and currently trading. The pub holds regular events and quiz nights which are supported well by local residents and fulfil the social interest and social well-being of the local community.
- 1.6 East Keswick Parish Council state that The Duke of Wellington The Parish Council consider that the property should be listed on the basis that it is well patronised by a cross section of the community and plays a pivotal role in village life. They detail that it is used as a venue to socialise with friends and claim that activities such as fundraising events take place there and therefore perceive the pub to be a genuine community hub.
- 1.7 Therefore, it is considered that the criteria for listing as set out in Section 88(2) of the Localism Act 2011 have been met and the nominated building / land should be added to the List of Assets of Community Value
- 1.7 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 of the Act provides for when land is to be regarded as ‘land of community value’. Section 88(1) of the Act 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.
- 1.10 For buildings or other land that do not have a current use, the legislation (section 88(2) of the Act) 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.

### What impact will this proposal have?

2 Details of ward member consultation as follows.

### How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

### What consultation and engagement has taken place?

Wards affected: Harewood

Have ward members been consulted?

Yes

No

3 The Executive Member for Resources has been informed of the nomination.

4 Harewood ward members have been informed of the nomination by email on 20 November 2024. No comments have been received.

### What are the resource implications?

5 The consideration of the application for listing and listing process are carried out within the Council's existing staff resource.

6 The Localism Act contains a right for the owner of land included in a local authority's list of ACVs to ask for the authority to review its decision to include the building / land in the list (section 92). If a local authority upholds its decision to list, and the landowner is still dissatisfied following the listing review, it may appeal to the First-Tier Tribunal. If the Tribunal finds in the landowner's favour on appeal, there could also be an award of costs against the Council.

7 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 key risks and how are they being managed?

8 There are no specific risks which arise resultant from this decision. However, the above risk is to be noted in terms of the possibility that the decision to list the Inn could be subject to a review request by the owner.

### What are the legal implications?

9 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 building / land can be regarded as 'land of community value' and, as such, should be added to the Council's list of Assets of Community Value.

10 The Head of Asset Management has authority to take the decision 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.

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

### Options, timescales and measuring success

### **What other options were considered?**

12 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.

### **What is the timetable and who will be responsible for implementation?**

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

### **Appendices**

- None

### **Background papers**

- None