

North Yorkshire Council

Assessment of Assets of Community Value Nomination

The Kings Arms Public House Main Street, North Duffield, Selby, YO8 5RG

Ref: - NYC/ACV00033

Report of Rachel Joyce, Assistant Chief Executive – Local Engagement

3 January 2024

1.0 PURPOSE OF REPORT

- 1.1 To determine whether The Kings Arms Public House, Main Street, North Duffield should be placed on the Council's List of Assets of Community Value (ACVs)

2.0 SUMMARY

- 2.1 To consider a nomination for listing of The Kings Arms Public House Main Street, North Duffield as an asset of community value under the Localism Act 2011, following a valid nomination form received on the 7 December 2023 from North Duffield Parish Council.

3.0 BACKGROUND

- 3.1 [The Localism Act 2011](#) requires the Council to consider all valid nominations for properties and/or land to be placed on the List of Assets of Community Value. This is also known as the 'community right to bid.' Land or property considered of community value can be nominated by a voluntary or community body that complies with [regulation 5](#)

When a listed asset comes up for sale a community interest group can trigger a delay (moratorium) in any sale process. The purpose is to create a "window of opportunity" to secure funding and bid for the property on the open market. The owner is not obliged to accept a bid from a community interest group and can sell to whomever they choose.

The Assets of Community Value (England) Regulations 2012 provide a mechanism for the owner of land listed as an ACV to request an internal review and also appeal to the first-tier tribunal against the listing. Although first-tier tribunal decisions are not binding precedents any appeal decisions provide judicial guidance to the operation of the legislation. The guidance provided by these decisions is becoming increasingly useful to local authorities in the assessment of Assets of Community Value nominations.

Private owners may claim compensation from the Council for loss and expenses incurred through their property being listed. More details are provided in the 2012 Regulations.

This report ensures that the Council considers the nomination for The Kings Arms, Main Street North Duffield as required by the Act.

4.0 DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE

North Duffield Parish Council would like to register the Kings Arms Public House as a community asset so that the Parish Council as well as residents have the option of buying it if ever was put up for sale. It has been a village asset for several years and was originally listed as an asset of community value with Selby District Council in 2018.

The Kings Arms is situated in the centre of the village of North Duffield facing the village green, it is an attractive white painted building probably built during the reign of George III and first recorded in 1822. There are two main bar areas and a modern conservatory style extension which is mainly used as a dining room, this leads out to a good sized, fenced garden area with tables and chairs which is popular with families during the summer months. There is a car park to the other side of the building and living accommodation upstairs.

The pub is owned by Punch Partnerships Limited (PML) and has currently got a proactive landlord who is committed to the village and contributes a great deal with village events on the village green. The Parish Council and residents believe the pub is an important community asset and would not wish to lose it.

We are advised that without this asset in the village many residents would struggle with social isolation. Those who do not drive would find it would be considerably inconvenient and expensive to travel to other venues in the surrounding villages. The public bus service is available to York but takes an hour each way and it is not a regular service. Unfortunately, currently there is no longer a regular bus service to Selby. We are led to believe from the parish council that The Kings Arms has been the focal point of the village for many years and used as a social hub for residents to meet with friends and family, hosting cultural and training events as well as for the purposes of organising sporting activities within the village. We are further advised that it is a meeting venue for the public to discuss issues of concern, to celebrate local and national events and for the local community to interact and meet new people.

The parish council advise that sporting teams such as the local adult and junior football clubs have used the pub for meetings, annual dinners, fund raising activities and other social events. Furthermore, the local history and conservation society, the village drama group and the Caravan Club have held annual dinners there. The pub we are led to understand has been involved in a great deal of historical and national events on the village green, as well as providing space for displays, presentations and talks. In addition, The Friends of North Duffield School have held meetings there and the pub provides catering and space for children's parties, christenings, and funerals. The parish council have informed us that the wider communities Over 60's Club hold luncheons at the venue and regular events such as the pub quiz night provide further opportunities for local people to get together.

The pub we are informed has also provided employment for young people in the village with bar staff, serving food etc.

The Kings Arms is the centre of the village geographically, socially, and culturally and the parish council believe it is essential to the social wellbeing of the village residents and wider community.

Localism Act 2011 Section 88 if current use:

- (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.

Evidence: The Premises have been run as a public house for several years. The former authority, Selby District Council had considered it as an asset of community value in September 2018 for a period of five years ending on the 28 September 2023.

Conclusion: The use as a public house, meeting venue and community hub has been continuous, and it is reasonable to think the property will be used as a public house and as a community hub for the foreseeable future. It is realistic that if the owners Punch Partnerships, did not renew their lease, or if the land were sold, the public house would continue under the same directive.

5.0 CONSULTATION UNDERTAKEN AND RESPONSES

Community Safety: Nothing to note.

Owner: No response received

Occupier: No response received

Leaseholder: No response received

6.0 ALTERNATIVE OPTIONS CONSIDERED

No alternate options considered.

- 6.1 To not consider the nomination for The Kings Arms, Main Street, North Duffield would not fulfil the Council's responsibilities required by the Local Act 2011 and The Assets of Community Value (England) regulations 2012.

7.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

- 7.1 If successful the fact that land/property is listed as an Asset of Community Value may be taken into account as a material consideration for any future planning application.

8.0 FINANCIAL IMPLICATIONS

- 8.1 If the decision is to list the property the owner can make a claim for compensation for which the Council is liable.

9.0 LEGAL IMPLICATIONS

- 9.1 If the property/land is listed the council is required to apply to the Land Registry for entry of a restriction on the Land Register. This restriction will be in a form of wording in Schedule 4 to the Rules, as Form QQ. This is "No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011". An owner of previously unregistered listed land, who applies to the Land Registry for first registration (or a mortgagee who applies for first registration on behalf of the

owner), is required at the same time to apply for a restriction against their own title. The local authority is also required to apply to the Land Registry for cancellation of the restriction when it removes an asset from its list.

10.2 If the property/land is listed and the owner/leaseholder wishes to dispose of it, he must notify the council. Once this has taken place an interim moratorium period (6 weeks) will apply where disposal of the property may not take place (except if sold to a community interest group which can take place at any time). If, before the end of the interim moratorium period the council receives a written request from a community interest group to be treated as a potential bidder then a full moratorium period applies. Disposal may then not take place within 6 months from the date the Council receives notification from the owner (except if sold to a community interest group).

10.3 When a listed asset is disposed of, and a new owner applies to the Land Registry to register change of ownership of a listed asset, they will therefore need to provide the Land Registry with a certificate from a conveyancer that the disposal (and any previous disposals if this is the first registration) did not contravene section 95(1) of the Localism Act (the moratorium requirements).

11.0 EQUALITIES IMPLICATIONS

None Identified

12.0 CLIMATE CHANGE IMPLICATIONS

None Identified

13.0 RISK MANAGEMENT IMPLICATIONS

None Identified

14.0 COMMUNITY SAFETY IMPLICATIONS

None Identified

15.0 CONCLUSIONS

If unsuccessful all parties will be advised of the outcome of the decision, and the Council's reasoning for it. If successful, the owner will be informed of the decision review process and the nominating group will be advised that there is no provision within The Regulations (The Asset of Community Value (England) Regulations 2012) for them to seek a review of the Council's decision.

16.0 REASONS FOR RECOMMENDATIONS

16.1 The evidence demonstrates that the nomination for The Kings Arms Public House, Main Street, North Duffield meets the definition of community value as detailed in the Localism Act 2011.

21.0 RECOMMENDATION(S)

It is recommended that the Assistant Chief Executive Local Engagement:

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| <ul style="list-style-type: none">(i) Determines that the nomination for The Kings Arms, Main Street North Duffield is successful and meets the definition of community value as detailed in the Localism Act 2011(ii) It should be placed on the North Yorkshire Council Assets of Community Value List of Successful Nominations |
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BACKGROUND DOCUMENTS:

ACV Nomination/Application Form, Ref: NYC/ACV00033

HM Land Registry 1.1250 scaled plan NYK118090

North Duffield Parish Council Standing Order

Rachel Joyce
Assistant Chief Executive Local Engagement
County Hall
Northallerton

Date: 3 January 2024

Report Author – Warren Davies, Partnerships Project Officer
Presenter of Report – Suzanne Sweeting, Partnerships Manager