

NORTH YORKSHIRE COUNCIL

DECISION RECORD

Re: Nomination for The Cask Public House, Cambridge Terrace, Scarborough. YO11 2LQ As an Asset of Community Value

This record is produced in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012

The following decision has been taken: -

- a) The nomination for The Cask Public House, Cambridge Terrace, Scarborough. YO11 2LQ is successful and meets the definition of community value as detailed in the Localism Act 2011
- b) It should be placed on the North Yorkshire Council Assets of Community Value List of Successful Nominations

By whom:

Rachel Joyce – Assistant Chief Executive Local Engagement

On:

28 February 2024

Was this an executive decision?

No

If an executive decision, was it also a key decision?

NO

Does the call-in period apply?

NO

Have any urgency or call in exemption procedures been followed? **NO**

- **Constitution** Schedule 4 Officers Scheme of Delegation - Section 14 Delegation to the Assistant Chief Executive Local Engagement page 189 (b) (iii)

Reasons for decision: -

A building or other land is of community value if, in the Council's opinion, an actual current use of the building or land, that is not an ancillary use, furthers the social wellbeing or social interests of the local community, and it is realistic to think that there can continue to be non-ancillary use of the building or land, which will further, (whether or not in the same way), the social wellbeing or social interests of the local community.

Under section 89 the Council can only include land in its list of assets of community value in response to a community nomination or where permitted by regulations. A community nomination in England can only be made by either a parish council in respect of land within its area or by a voluntary or community body with a local

connection. Where a valid community nomination is made the Council must consider it and must accept the nomination if the land is within its area and is of community value.

- The Cask lies within the administrative area of North Yorkshire Council
- The Cask (Scarborough) Community Group is eligible under section 89(2)(b) (i) to make a community nomination in respect of the Property
- The community nomination made by The Cask (Scarborough) Community Group includes the matters required under regulation 6 of the Assets of Community Value (England) Regulations 2012
- The Cask does not fall within a description of land which may not be listed as specified in Schedule 1 of the Assets of Community Value (England) Regulations 2012 (the Regulations)

Localism Act 2011 Section 88 current use:

The Act requires 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, the Nomination makes the following submissions;

- The Cask Inn has been a public House since the 1970s and caters for locals and holiday makers including the bikers that visit Olivers Mount Race Tack.
- It has been the home of Scarborough Jazz Club for over 17 years and is widely acclaimed as a top venue for artists both from the UK and abroad. The venue also provides for other genres and has been the stepping stone for many successful local groups. It has hosted blues club, rock nights, drum and bass, DJ nights with Tunnel club reunions, local bands utilise the space for practice. It hosts Northern Soul nights once a month. It is home to the Funky Music Choir and they rehearse weekly at the Cask and also hold events at the venue.
- The pub also supports and sponsors local sports groups such as the Scarborough Hockey club who have long been associated with The Cask.
- The Cask Nomination describes the Cask as providing a warm space for people experiencing loneliness. Staff at the Cask have been able to alert when individuals have not been seen and averted tragedy.
- The Cask nomination also describes the Cask as an important part of many people's lives as a haven and a place to make social friendship groups. Along with regular weekly quiz nights, many groups use the pub for meetings such as book clubs, cake club, local political group meetings.
- The Nomination also describes The Cask as a meeting place for locals providing an important social hub. The Nomination states '*everyone is welcome. Losing this important venue would rip the heart out of the South Cliff and it's residents*'

- The Nomination submits that the above uses will continue and suggests that the Community Group would further growth of the music and social events at The Cask.
- The Cask (Scarborough) Community Group have commissioned a Questionnaire amongst local residents seeking to establish current and future use of The Cask. The results demonstrate a range of current and future community uses of The Cask.

Based on the above submission it is concluded that the actual current use of The Cask, that is not an ancillary use, furthers the social wellbeing or social interests of the local community as it is used by a number of Clubs and Groups for social, recreational and cultural interests. It is realistic to think that there can continue to be non-ancillary use of The Cask which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

Details of any alternative options considered and rejected: -

None. Not to consider the nomination for The Cask Public House, Cambridge Terrace, Scarborough. YO11 2LQ would not fulfil the Council's responsibilities required by the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012.

Conflicts of Interest

Please record below details of any conflict of interest declared by a Member or Officer regarding the decision and any dispensation granted by the Standards and Governance Committee or Monitoring Officer in respect of that conflict.

Conflict	Dispensation?
None	

Background Papers

Please attach to this decision record, for publication, the background papers that disclose any facts or matters on which this decision, or an important part of the decision, was based and which were relied on to a material extent in making the decision, but this does not include published works or those which disclose exempt or confidential information (as defined in Access to Information Procedure Rule 10).

Publication Date: 6 March 2024

**Contact for further information: fiona.casson@northyorks.gov.uk
 Contact for copy of report considered fiona.casson@northyorks.gov.uk**