

North Yorkshire Council

14 May 2024

Assessment of Assets of Community Value Nomination The Red Lion Public House 24 Main Road Hambleton Selby YO8 9JL

Report of Rachel Joyce Assistant Chief Executive

1.0 PURPOSE OF REPORT

- 1.1 To determine whether The Red Lion Public House, 24 Main Road, Hambleton, Selby 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 Red Lion Public House, Hambleton, Selby as an asset of community value under the Localism Act 2011 following a valid nomination form received on the 28 March 2024 from Hambleton Parish Council.

3.0 BACKGROUND

- 3.1 [The Localism Act 2011](#) ("the Act") requires the Council to consider all valid nominations for properties and/or land to be placed on the List of Assets of Community Value within 8 weeks of receiving the nomination. 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](#).
- 3.2 The effect of listing is that, generally speaking, an owner intending to sell the asset must give notice to the local authority which then allows a community interest group to trigger a delay (moratorium) in any sale process. A community interest group has six weeks in which to ask to be treated as a potential bidder. If it does so, the sale cannot take place for six months. 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.
- 3.3 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.
- 3.4 Private owners may claim compensation from the Council for loss and expenses incurred through their property being listed. More details are provided in the Regulations.
- 3.5 This report ensures that the Council considers the nomination for The Red Lion Public House, 24 Main Road, Hambleton, Selby as required by the Act.

4.0 DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE

- 4.1 The nominating body is the Hambleton Parish Council, which under the legislation are permitted to nominate. Hambleton Parish Council would like to register The Red Lion Public House as a community asset so that the Parish Council as well as residents have the option of buying it if it was ever put up for sale. We are advised that the origins of a nomination for an ACV was derived from a local resident writing to the parish council and asking this be considered at a forthcoming council meeting. In October 2023, her letter was minuted and discussed by local councillors who decided an application should be considered. A copy of the resident's letter in support and the parish council's minutes for the meeting is included with this report.
- 4.2 The Red Lion is one of only two public houses in the village and is situated on the main road in the centre of Hambleton. It is an attractive white painted building with a seating area and large car park to the front and a beer garden to the rear, which is popular with families during the summer months. The pub serves traditional ales and spirits, it also serves food and the Copper Top provides coffee and snacks to local dog walkers and ramblers. The pub provides employment opportunities for local people as bar staff and serving food.
- 4.3 The pub is owned by the Stonegate Pub Company and currently has a proactive manager and leaseholder who are both committed to the village and local community. The parish council and residents believe the pub is an important community asset and would not wish to lose it.
- 4.4 Throughout the Covid-19 restrictions the pub ran competitions and quizzes providing a weekly takeaway/delivery service to villagers which was extremely popular and a welcome treat to residents unable to leave their homes: further evidence that it is central to the local community.
- 4.5 The council also believes it is also a place generally, to share information and socialise, where knowledge and skills can be shared, learnt and a place to sell and promote local businesses and products.
- 4.6 We are advised that without this asset in the village many residents would struggle with social isolation and local groups may not have an alternative venue in which to hold their regular meetings and annual events. Those who do not drive may find it considerably inconvenient and expensive to travel to other venues in surrounding villages. We are led to believe from the parish council that The Red Lion has been a focal point of the village for many years and is used as a social hub for residents to meet with friends and family, hosting cultural events and activities within the village. We are further advised that it is a meeting venue for organisations such as Selby Motorcycle Club, The Hambleton Players, The Flat Cap Club, and the local gardening club. It is a place where the public can discuss issues of concern, to celebrate local, national, and charitable events. It is also used by local families and the wider community to come together for family fun days, barbecues, and weekly quiz/bingo nights. The pub also hosts regular live music, Christmas fairs and charitable support events with the most recent being a Macmillan Cancer Support function.
- 4.7 Hambleton Parish Council believe the Red Lion is at the heart of the village geographically, socially, culturally, and that it is essential to the social wellbeing of the village residents and wider community.
- 4.8 We are advised that it is envisaged that the pub will remain as it is for the foreseeable future, offering the opportunities to the local community as a successful business in a popular village hub.
- 4.9 Should the owners need to discontinue these services and relinquish ownership for whatever reason, the parish council and the local community would like the opportunity to plan to enable the services and hospitality to continue, as it does currently, as much as possible.

4.10 **Localism Act 2011 Section 88 of current use:**

4.11 In order to qualify as land of community value, this asset must satisfy either the present and future conditions in section 88(1) of the Act or the past and future conditions in Section 88(2) of the Act. In this particular case, it will have to satisfy Section 88(1):

88(1) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area is land of community value if in the opinion of the authority:

(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.

4.12 **Evidence:** The premises have been run as a public house for several years.

4.13 **Conclusion:** The use as a public house, meeting venue and community hub has been continuous, and it reasonable to think the property will be used as a public house and as a community hub in the future. It is realistic that if the owners Stonegate Pub Company 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**

Owner: No response received

Occupier: No response received

Leaseholder: No response received

6.0 **ALTERNATIVE OPTIONS CONSIDERED**

No alternative options considered.

6.1 To not to consider the nomination for would not fulfil the Council's responsibilities required by the Localism 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 The decision whether to list a property as an asset of community value is a case specific judgement in the circumstances of each asset.

- 9.2 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.
- 9.3 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).
- 9.4 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).

10.0 EQUALITIES IMPLICATIONS

- None Identified

11.0 CLIMATE CHANGE IMPLICATIONS

- None Identified

12.0 RISK MANAGEMENT IMPLICATIONS

- None identified.

13.0 COMMUNITY SAFETY IMPLICATIONS

- None identified.

14.0 CONCLUSIONS

- 14.1 If unsuccessful all parties will be advised of the outcome of the decision, and the Council’s reasoning for it.
- 14.2 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.

15.0 REASONS FOR RECOMMENDATIONS

- 15.1 The evidence demonstrates that the nomination for The Red Lion Public House meets the definition of community value as detailed in the Localism Act 2011.

16.0 RECOMMENDATION(S)

It is recommended that the Assistant Chief Executive for Localities:

- (i) Determines that the nomination for The Red Lion Public House 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

Or

It is recommended that the Assistant Chief Executive for Localities:

- (i) Determines that the nomination for The Red Lion Public House is unsuccessful and does not meet 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 Unsuccessful Nominations

BACKGROUND DOCUMENTS

ACV Nomination Form
Land Registry Scaled Plan
Aerial Photo of Site
Parish Council Constitution
Parish Council Meeting Minutes for October 2023
Residents Emails/Letters in Support x5

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Date: 25 April 2024

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