

North Yorkshire Council

Assessment of Assets of Community Value Nomination

The Blacksmith Arms Oxmoor Lane Biggin Sherburn in Elmet LS25 0HJ

Ref: - NYC/ACV00042

Report of Rachel Joyce, Assistant Chief Executive – Local Engagement

23 May 2024

1.0 PURPOSE OF REPORT

1.1 To determine whether The Blacksmith Arms, Oxmoor Lane, Biggin, Sherburn-in-Elmet LS25 0HJ should be placed on the Council's List of Assets of Community Value (ACV's)

2.0 SUMMARY

2.1 To consider a nomination for listing of The Blacksmith Arms, Oxmoor Lane, Biggin, Sherburn in Elmet LS25 0HJ as an asset of community value under the Localism Act 2011, following a valid nomination form received on the 2 April 2024 from Biggin 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 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 2012 Regulations.
- 3.5 This report ensures that the Council considers the nomination for Blacksmith Arms, Oxmoor Lane, Biggin, Sherburn in Elmet LS25 0HJ as required by the Act.

4.0 DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE

- 4.1 The nominating body is the Biggin Parish Council, which under the legislation are permitted to nominate. Biggin Parish Council would like to register The Blacksmith Arms Public House as a community asset so that the Parish Council as well as residents may have the option of buying it if ever it was put up for sale. The Blacksmith Arms was originally listed as an asset of community value with Selby District Council in 2018 expiring in November 2023.
- 4.2 The Blacksmiths Arms dates back to 1896 when its infamous sale transformed the building from a former dwelling to a public house. The pub is situated in the centre of the parish of Biggin on the east side of Oxmoor Lane which is the main thoroughfare, through the village of Biggin, near Sherburn in Elmet.
- 4.3 The pub is set in grounds with an outbuilding, garden area, both front and rear car parking space and has a two bedroomed flat on the second floor of the property. The pub has grown into a well known and popular village local as well as a restaurant that brings customers from across Yorkshire and recruits local people to undertake bar work and serve food.
- 4.4 We are led to understand their electoral roll is static at around 100 residents. They have approximately 45 homes and are a very rural parish in the Selby Area. There are a few small businesses in the community such as a campsite, livery and several farms close by, however, there is no community group that offers any social activities as there is no base for such a facility. That said, they do have a "Village social committee" who organise events such as quiz nights, Christmas socials and a Christmas meal all held at The Blacksmiths Arms, supporting the local business and residents within the parish.
- 4.5 As a local community and constituted parish council, we are advised there is no community space within the boundary of the parish, they have no village hall, village post office/shop recreational open space or playground. The council meetings are regularly held in The Blacksmiths Arms as this is the only community space inside the parish. Their annual meetings are held in a local village hall outside of the parish boundary.
- 4.6 We are further 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, charitable, cultural, and annual events. Those who do not drive may find it considerably inconvenient and expensive to travel to other venues in surrounding villages.

- 4.7 The parish council submit that the pub has been a thriving part of village life for many years and on the sporadic, short instances where the pub has been closed due to changes in tenancy/ownership it has been a huge loss to village life.
- 4.8 Despite this we are advised that it is envisaged that the pub will remain as it is for the foreseeable future, offering the above opportunities to the community as a successful business and a popular village hub and 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.
- 4.9 Whilst the parish council accept that first and foremost the pub is an economic entity, they believe it also provides an opportunity of social benefit for the local community and if this amenity were lost, they believe the communities focal point would be lost too.
- 4.10 In conclusion Biggin Parish Council believe the public house is at the heart of the village geographically, socially, and culturally and believe it is essential to the continued social wellbeing of village residents and the wider community. By protecting the public house as an asset of community value they feel they can secure its future at the heart of village life. If The Blacksmiths Arms were designated as an Asset 'for community use' then this would clearly demonstrate its value to the local community.
- 4.11 **Localism Act 2011 Section 88 if current use:**
- 4.12 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.
- 4.13 **Evidence:** The Premises have been run as a public house for several years.
- 4.14 **Conclusion:** The use as a public house, meeting venue and community hub has been continuous since 2018, 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 owner 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

(i) Community Safety: Nothing to note.

(ii) Owner: No response received

(iii) Occupier: No response received

(iv) Leaseholder: No response received

6.0 ALTERNATIVE OPTIONS CONSIDERED

6.1 No alternate options considered.

6.2 To not consider the nomination for The Blacksmith Arms 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 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. 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 Blacksmith Arms Public House meets the definition of community value as detailed in the Localism Act 2011.

16.0 RECOMMENDATION(S)

- 16.1 It is recommended that the Assistant Chief Executive Local Engagement:
- (i) Determines that the nomination for The Blacksmith Arms, Oxmoor 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

16.2 It is recommended that the Assistant Chief Executive Local Engagement

- (i) Determines that the nomination for The Blacksmith Arms, Oxmoor Lane, Biggin, Sherburn in Elmet LS25 0HJ is successful and does 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 Successful Nominations.

BACKGROUND DOCUMENTS

ACV Nomination/Application Form
HM Land Registry Outline Plan at 1.1250 scale
Biggin Parish Council Standing Order

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