

North Yorkshire Council

21 June 2024

Assessment of Assets of Community Value Nomination NYCACV0044 Dog and Gun, Carlton Miniott Report to the Assistant Chief Executive for Localities

1.0 PURPOSE OF REPORT

- 1.1 To determine whether the Dog and Gun, (NYCACV0044) should be placed on the Council's List of Assets of Community Value (ACVs).

2.0 SUMMARY

- 2.1 This nomination covers the Dog and Gun Public House in Carlton Miniott, Thirsk. The recommendation is that the site should be listed as Asset of Community Value.

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 Dog and Gun public house as required by the Act.

4.0 CONSIDERATION OF THE NOMINATION

4.1 Description of the asset

This nomination is for the Dog and Gun public house in Carlton Miniott, a village on the outskirts of Thirsk. The asset is described by the nominator, Carlton Miniott Parish Council, as a vital communal asset, serving not only as a place of social interaction and cohesion but also as a site that contributes to the village's character.

Carlton Miniott is a village of two parts. Where the Dog and Gun is situated is 'Old Carlton Miniott' and 1.4 miles away, with a gap of farmland in between, is the easterly end formerly known as 'Thirsk Junction' which comprises a village shop/post office, Thirsk railway station and The Vale of York public house. Just across the railway bridge there is also The Old Red House public house (just outside the Carlton Miniott boundary). Carlton Miniott is a linear village which brings with it its own lack of natural gathering points such as would be found in communities with cul-de-sac estates or village greens.

The Dog and Gun public house has two car parks (one small car park at the front and a larger car park to the rear). The building has a main bar split into two rooms either side of the main entrance, and a large conservatory style function room / restaurant to the rears, kitchens, toilets and residential accommodation on the first floor. All the fixtures and fittings are still in place.

8 static caravans are located on land to the rear of the back car park. This land is owned by the same owner of the Dog and Gun public house but is not included in the asset of community value nomination. The caravans are marketed as a caravan site aimed at people over 50 and will continue to be managed by the owner. Any change in ownership of the Dog and Gun (that includes the car park) would require a right of access for the caravan site as these are accessed via the car park. Carlton Miniott Parish Council do not envisage this to be an issue.

4.2 Nomination

The Dog and Gun public house closed less than a year ago when the landlord and lady left due to ill health. Carlton Miniott Parish Council state that The Dog and Gun has been used by residents of Carlton Miniott and its surrounding villages for team meetings, watching sporting events, sports matches (darts, pool etc), birthday parties, wedding receptions and funeral gatherings – it is located opposite the village churches. It has been the only meeting place since the Parish Rooms (village hall) were granted change of use many years ago and is the only non-residential building, for public use, within old Carlton Miniott. The distance between 'old Carlton Miniott' and 'the Junction' is 1.4 miles, a walk for an able-bodied and reasonably fit person of approximately 30-40 minutes (in each direction).

There is a large group of local residents' keen to develop a community ownership model for the building, raising funds to buy it from the current owner and open the pub up as a not-for-profit community pub and hub. This group consists, amongst others, of professionals in social enterprise, fundraising and community development, planning and development, property law, insurance, hospitality and marketing. The Parish Council has confidence there is a legitimate commitment to purchase the asset and the skills to do so successfully. The Parish Council appreciate that the hospitality industry is struggling as a whole; the cost of utilities alone are crippling many businesses which is why so many communities are losing their local pubs. The model

being discussed creates something different - a community hub that is a space for everyone, not just traditional pub-goers. It can host community group meetings, clubs, coffee mornings, lunches to promote social inclusion, a workspace to bring self-employed or remote workers together to reduce professional loneliness. It can continue to allow families to meet and eat together, provide a place for people to develop new and old friendships with their neighbours and enable the growth of community resilience. The Parish Council believe the proposed model makes it financially sustainable predominantly through food and drink retail. It becomes something that belongs to the community, not just exists within it, and therefore everyone has an interest in securing its long-term future.

The Parish Council report that studies have shown that local pubs inject a huge amount of money into the local economy and that they also employ local residents and utilise local companies when buying produce and goods for sale. The Parish Council believe that the loss of the Dog and Gun public house would erode social value and cultural heritage.

4.3 Comments received

In accordance with the local nomination guidelines the local ward councillor, Councillor Gareth Dadd (Thirsk Division) has been informed of the nomination but has not provided any comment or additional information.

The owner of the property, William James Leisure Limited, had also been informed of the nomination but has not submitted any comment or supporting information.

4.4 Assessment against Section 88 of the Localism Act 2011

When we assess whether a particular building or piece of land is of community value, we must determine whether it meets the definition of an asset of community value as set out in Section 88 of the Localism Act 2011.

A building or piece of land is deemed to be of community value if:

- a. The current main use of the building or land furthers the social interests or social wellbeing of the local community or a use in the recent past has done so, and it is realistic to think that there can continue to be a main use of the building or land which will further the social interests or social well-being of the local community, whether or not in the same way as before.
- b. The main use of the land or building in the recent past furthered the social interests of the local community and, it is realistic within five years the land or building can be brought back into a use that furthers the social interest or wellbeing of the local community, whether or not in the same way as before.

The interpretation of the definition of a community asset creates a very wide range of possible assets to be considered as suitable for nomination. It is proposed to use the following categories as part of the nomination process

- Education, health and well-being and community safety to include, nurseries, schools, children's centres, health centres, day care centres or care homes, community centres, youth centres or public toilets.
- Sport, recreation, and culture to include, parks and public open spaces, sports and leisure centres, libraries, swimming pools and theatres

- Economic use providing an important local social benefit which would no longer be available if that use stopped - to include village shops and pubs.

4.5 Evidence

Carlton Miniott Parish Council state that the Dog and Gun public house is a vital communal asset, serving not only as a place of social interaction and cohesion but also as a site that contributes to the village's character. They have described the village as a village of two parts, 1.4 miles in distance from end to end. It is noted that although there are other hospitality establishments in the village the distance between the two neighbourhoods is a barrier to those without a car and/or with restricted mobility. These also do not offer the same social value as the Dog and Gun has in the recent past, or in the future if run as a community enterprise. In the recent past the Dog and Gun has been used for team meetings, watching sporting events, sports matches (darts, pool etc), birthday parties, wedding receptions and funeral gatherings.

Carlton Miniott Parish Council has also provided evidence that there is a large group of local residents' keen to develop a community ownership model for the building, raising funds to buy it from the current owner and open the pub up as a not-for-profit community pub and hub to further social wellbeing. This could include hosting community group meetings, clubs, coffee mornings, lunches to promote social inclusion, a workspace to bring self-employed or remote workers together to reduce professional loneliness and become financially sustainable through the sales of food and drinks. The group is currently running a community consultation (available on-line and in paper form from the village shop) seeking people's views about the community asset, what facilities/services they would use and the frequency, as well as promoting the project to those who would be interested in getting involved.

A recent planning application from the owner to convert the Dog and Gun into a residential property has been refused on the grounds that a satisfactory replacement facility in a suitably accessible location for the community served could be demonstrated and that not enough evidence had been provided to demonstrate the community facility is operationally or financially inviable and that there was no reasonable prospect of securing a viable alternative community use.

4.6 Conclusion

Having reviewed the evidence provided by Carlton Miniott Parish Council, North Yorkshire Council recommends that the Dog and Gun public house should be listed as an Asset of Community Value as it meets the definition of an asset of community value as set out in Section 88 of the Localism Act 2011.

The nomination satisfies the legislative test that this asset has in the recent past furthered the social wellbeing and interests of the local community. The Parish Council have also provided evidence that realistically, in the next five years, there could be a non-ancillary use of the building that would further (whether or not in the same way as before) the social wellbeing or social interest of the local community.

5.0 CONSULTATION UNDERTAKEN AND RESPONSES

- 5.1 Local Councillor – Cllr Gareth Dadd – Thirsk Division and the owners of the Dog and Gun public house have been informed of the nomination to list the asset as an

asset of community value but have not provided any further comments or supporting information.

6.0 ALTERNATIVE OPTIONS CONSIDERED

- 6.1 None. Not to consider the nomination of the Dog and Gun public house 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 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.

- 9.2 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).

- 9.3 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).

10.0 EQUALITIES IMPLICATIONS

- 10.1 The Dog and Gun public house, has in the recent past, been an accessible, social hub for the whole community of Carlton Miniott and surrounding villages.

11.0 CONCLUSIONS

11.1 If unsuccessful all parties will be advised of the outcome of the decision, and the Council's reasoning for it. 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.

12.0 REASONS FOR RECOMMENDATIONS

12.1 The evidence demonstrates that the nomination for the Dog and Gun public house in Carlton Miniott meets the definition of community value as detailed in the Localism Act 2011.

13.0 RECOMMENDATION(S)

It is recommended that the Assistant Chief Executive for Localities:

- (i) Determines that the nomination for the Dog and Gun public house, Carlton Miniott 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

APPENDICES:

Appendix A – Nomination Form for NYCACV0044 The Dog and Gun, Carlton Miniott

Appendix B – Site Plan for Nomination Form NYCACVC0044 The Dog and Gun, Carlton Miniott

BACKGROUND DOCUMENTS:

Localism Act 2011

The Assets of Community Value Regulations (England) 2012

Assistant Chief Executive for Localities
County Hall
Northallerton
21/06/24

Report Author – Lisa Wilson – Localities Lead (Richmond)
Presenter of Report – Lisa Wilson – Localities Lead (Richmond)

Appendix A - Nomination Form for NYCACV0044 Dog and Gun, Carlton Miniott



Community Right to Bid: Assets of Community Value

Nomination Form

(Office use only) ACV Ref: _____

Section 1: About your organisation

1A. Contact Details

Please provide basic contact details for your organisation

Name of the organisation	Carlton Miniott Parish Council
Organisation postal address	[REDACTED]
Organisation website	www.carltonminiott.com
Named contact for the organisation	[REDACTED]
Position of named contact within the organisation	Councillor
Telephone number for named contact	[REDACTED]
Email address for named contact	[REDACTED]

1B. Organisation type

Please place an 'X' in the middle column against the appropriate organisation type

Organisation Type	X	Registration number of charity/company (if applicable)
<p>Parish Councils</p> <p>This may be for an asset in its own area, or in the neighbouring Parish Council area</p>	X	
<p>Neighbouring Parish Councils</p> <p>If the Parish Council borders an un-parished area, then they may nominate an asset within the neighbouring District Council or Unitary Council.</p>		
<p>Un-incorporated groups</p> <p>Nominations can be accepted from any un-incorporated group with membership of at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring local authority. This will for instance enable nomination by a local group formed to try to save an asset, but which has not yet reached the stage of acquiring a formal charitable or corporate structure.</p> <p>Please complete additional form in Appendix 1 if this applies to you.</p>		
<p>Neighbourhood Forums</p> <p>There can only be one neighbourhood forum for an area and the way they are set up is clearly defined by the Council as a planning authority. The procedure for becoming a neighbourhood forum is set out in Section 61F of the Town and Country Planning Act 1990.</p> <p>Please complete additional form in Appendix 1 if this applies to you.</p>		
<p>Community interest groups with a local connection</p> <p>These must have one or more of the following structures:</p> <ul style="list-style-type: none"> • A charity • A community interest company • A company limited by guarantee that is non-profit distributing • An Industrial and Provident Society that is non-profit distributing/Community Benefit Society <p>Please complete additional form in Appendix 1 if this applies to you.</p>		

1C. Local connection

Additionally, your organisation is required to have a local connection. This means that its activities are wholly or partly concerned with the administrative area of North Yorkshire or a neighbouring local authority. Please provide details about your organisation's local connection.

Details regarding local connection
<p>Being the Parish Council for Carlton Miniott and representing the residents and businesses within it we have a direct local connection.</p>

Finally, please provide, if available, a copy of your organisation's rules/constitution. Please indicate which documents you intend to provide below by placing an 'X' against the relevant document type.

Type of document	X
Memorandum and Articles of Association (for a company)	
Trust Deed (for a trust)	
Constitution and/or rules (for other organisations)	X
Other	

Section 2: About the asset

Section 2A: Basic details

Please provide basic details about the asset

Type of land/building (for example, pub, shop)	Public House and Car Park
Name of the premises	Dog & Gun Public House
Address of the premises	Dog & Gun, Carlton Road, Carlton Miniott, Thirsk, YO7 4NJ

In addition to the above information, please attach a clear plan which identifies the land/buildings you wish to nominate with a line drawn around the boundary of the area you wish to nominate. This could be a Title Plan from Land Registry, or any other map which gives us enough detail to identify the site.

Section 2B: Ownership

Please provide details about the asset's ownership, if it is known to you

Name of the owner	William James Leisure Limited
Address of the owner	T [REDACTED]
Contact details for the owner	
Name of any other occupier	N/a
Name of any other person with an interest in the premises	N/a
Address of any other person with an interest in the premises	N/a
Contact details for any other person with an interest in the premises	N/a

Section 2C: The premises as an Asset of Community Value

Please explain why you feel the land/premises meets the definition of an Asset of Community Value. Provide as much information as possible. Please note, it is likely that these comments will be shared with the asset owner.

ACV Definition

A building or other land in a local authority's area is considered 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 a 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.

If there is no current use:

- (c) The definition is extended to land which has furthered the social wellbeing or social interests of the local community in the recent past, and which it is realistic to consider will do so again during the next five years.

How does the current main use of the building/land – or a use in the recent past – further the social interests or social well-being of the local community?

The Dog & Gun is situated along the A61 in an area known geographically as "Carlton Miniott". Carlton Miniott actually comprises of two villages - old Carlton Miniott with the Primary School, Anglican and Evangelical Church, and the Dog & Gun, and the area previously known (and still used by locals) as "Thirsk Junction", which comprises a village shop/post office, Thirsk railway station and The Vale of York public house.

The distance between the two 'villages' from end to end is 1.4 miles, a walk for an able-bodied and reasonably fit person of approximately 30-40 minutes (in each direction); this is the nearest public house to old Carlton Miniott.

The Dog & Gun has been used by Carlton Miniott and surrounding villages for team meetings, watching sporting events, sports matches (darts, pool etc), birthday parties, wedding receptions and funeral gatherings, the nearest to the recently built Crematorium. It is also opposite the village churches. It has been the only meeting place since the Council approved the change of use of the Parish Rooms (village hall) many years ago and is the only non residential building, for public use, within old Carlton Miniott.

Studies have shown that local pubs inject a huge amount of money into the local economy; they also employ local residents and utilise local companies when buying produce and goods for sale.

The pub represents a vital communal asset, serving not only as a place of social interaction and cohesion but also as a site that contributes to the village's character. Its loss would erode this social value and cultural heritage.

Advice set out in the NPPF which in Chapter 8 on "Promoting Healthy and Safe Communities", in paragraph 97, sub-paragraphs (c) and (d) states that planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs, and ensure that they are retained for the benefit of the community.

Please explain how there can continue to be a main use of the building/land which will further the social interests or social wellbeing of the local community, whether or not this is in the same way as before.

Carlton Miniott is a village of two parts, as described earlier. The part where this building exists is 'Old Carlton Miniott' and 1.4 miles away, with a gap of farmland in between, is the easterly end formerly known as 'Thirsk Junction'. It is a linear village which brings with it its own lack of natural gathering points such as would be found in communities with cul-de-sac estates or village greens; this makes our community buildings all the more important to create those opportunities.

There is a large group of local residents keen to develop a community ownership model for the building, raising funds to buy it from the current owner and open the pub up as a not-for-profit community pub and hub. This group consists, amongst others, of professionals in social enterprise, fundraising and community development, planning and development, property law, insurance, hospitality and marketing. The Parish Council has confidence there is a legitimate commitment to pursue this and the skills to do so successfully.

It's no secret the hospitality industry is struggling as a whole; the cost of utilities alone are crippling many businesses which is why so many communities are losing their local pubs. The model being discussed here creates something different - a community hub that is a space for everyone, not just traditional pub-goers. It can host community group meetings, clubs, coffee mornings, lunches to promote social inclusion, a workspace to bring self-employed or remote workers together to reduce professional loneliness. It can continue to allow families to meet and eat together, provide a place for people to develop new and old friendships with their neighbours and enable the growth of community resilience.

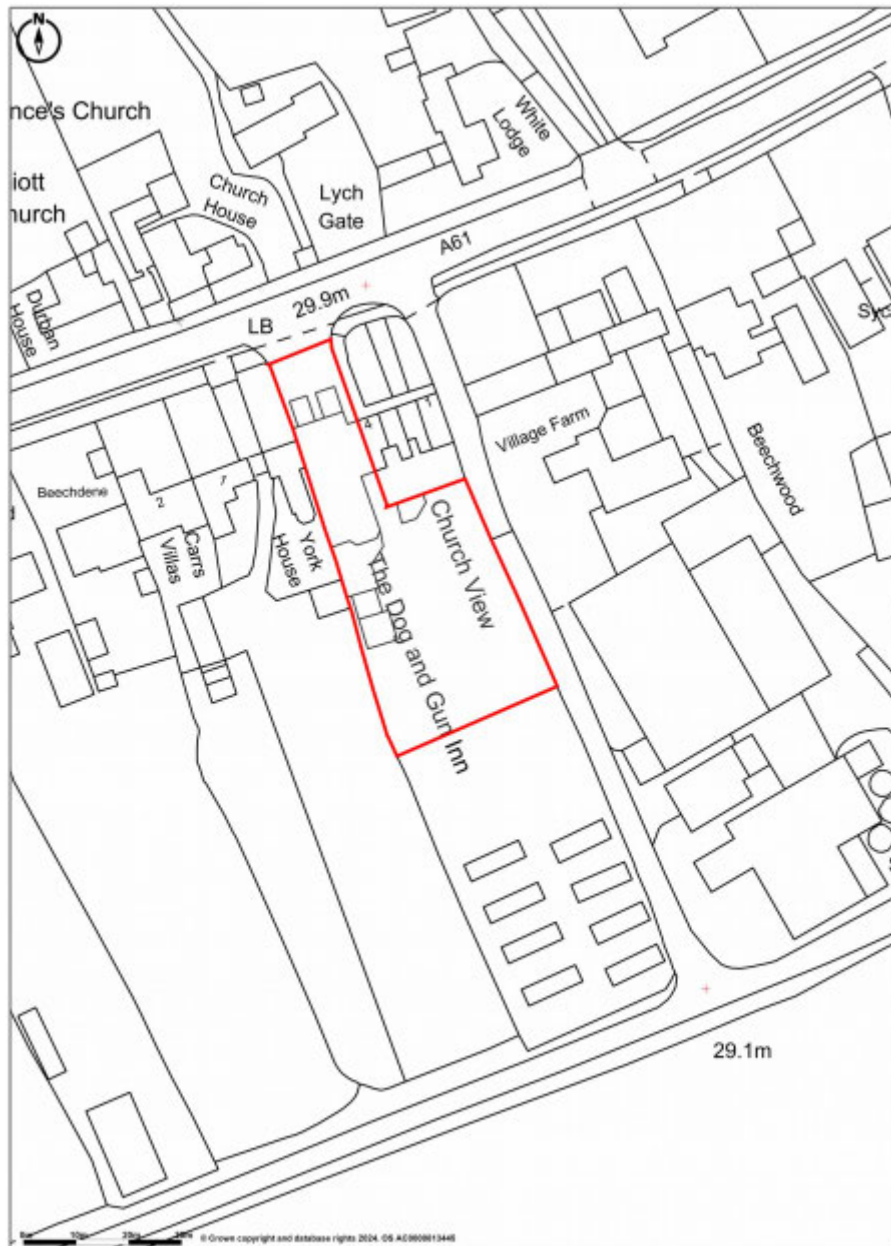
The proposed model makes it financially sustainable predominantly through food and drink retail. It becomes something that belongs to the community, not just exists within it, and therefore everyone has an interest in securing its long-term future.

If not currently used for the purposes listed above, is it realistic to think that within five years the building/land can be brought back into a use that furthers the social interests or wellbeing of the local community, whether or not in the same way as before?

The pub closed less than a year ago when the landlord and lady left due to ill health. It is apparent that the owner has not found a replacement and does not appear to have invested a lot in trying.

As described above, there is a strong community movement to explore a community ownership model and it is very realistic to think they can make that work.

Appendix B – Site Plan NYCACV0044 Dog and Gun Public House, Carlton Miniott



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LANDMARK INFORMATION

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Plotted Scale - 1:1250. Paper Size - A4