

North Yorkshire Council

21 June 2024

Assessment of Assets of Community Value Nomination *NYCACV0043 The Crown Inn Roecliffe*

Report to the Assistant Chief Executive Local Engagement

1.0 PURPOSE OF REPORT

- 1.1 To determine whether The Crown Inn Roecliffe should be placed on the Council's List of Assets of Community Value (ACVs)

2.0 SUMMARY

- 2.1 The nomination covers the Crown Inn Roecliffe. The recommendation is that the Assistant Chief Executive Local Engagement:
- (i) Determines that the nomination for the Crown Inn Roecliffe 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

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](#).
- 3.2 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.
- 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 the Crown Inn Roecliffe as required by the Act.

4.0 **NOMINATION CONSIDERATION**

a) Description of asset

4.1 The Crown Inn Roecliffe is located in the village of Roecliffe, near the A1 motorway west of Boroughbridge. It is on the banks of the River Ure and close to the Dales and the Yorkshire Dales National Park.

4.2 The nomination form states that “The Crown Inn is a locally renown 16th Century coaching inn which has played a central part in village history and an intrinsic role within the local community for generations”. It also states that “The pub has traditionally had an excellent reputation for ambiance, quality food and it also had a thriving large function room and five ensuite double bedrooms that were regularly used for tourism, local business and visiting villagers”.

4.3 The Crown Inn has been closed for a period of time and there is some difference in opinion about date of closure:

- The nominating group state that it has been closed since May 2021
- The owner states that “apart from a small number of months when a tenant tried to reopen the Inn (again as a hotel/restaurant with rooms) but unsuccessfully, it has in fact been closed for the majority of the interim period since 2019 taking the total number of years closed since last fully opened to around 5+ years”

4.4 The property has been advertised for sale since October 2023 according to the nominating group. The owner has informed the council that there is currently a sale progressing with completion anticipated shortly.

4.5 A previous nomination had been submitted by Roecliffe and Westwick Parish Council to Harrogate Borough Council. This was determined on 23 December 2019 and a decision was made that the nomination was unsuccessful.

b) Nomination

4.6 The valid nomination from Roecliffe and Westwick Parish Council to list the Crown Inn Roecliffe as an Asset of Community Value was received on 8 April 2024 and validated on 29 April 2024. A copy is attached at **APPENDIX A** and in accordance with the Assets of Community Value (England) Regulations 2012 a decision is required by 23 June 2024.

4.7 Ownership information was also confirmed.

c) Owner Comments

4.8 The owner stated that the Crown Inn had previously been nominated by the Parish Council around December 2019/January 2020. At the time of the previous nomination, they had advised that “the Inn had (disappointingly) rarely been used by local village residents for many years, that there were no social groups or sports groups nor was the Inn a drinking

establishment for social gathering as the bar is limited in size in any event.”

- 4.9 It was stated that it had operated primarily as a restaurant with rooms catering for visitors and holiday makers and diners from outside the area. This had also been the case in the 15-year period under prior freehold ownership. Apart from a small number of months when a tenant tried to reopen the Inn (again as a hotel/restaurant with rooms) but unsuccessfully. It was stated that, it had in fact been closed for the majority of the interim period since 2019 taking the total number of years closed since last fully opened to around 5+ years. “There was no significant community use of the site for a considerable period of time beyond that”.
- 4.10 The owner also stated that they had informally, and more recently, formally invited the local Parish Council to purchase the Inn however no interest was shown, On the first occasion the Chair of the Parish Council could not see sufficient demand from the village to warrant acquiring the venue. The owner did not believe that there was “anything to demonstrate that something material has changed that could enhance an application from the local Parish Council above that submitted in 2019/20.”

c) Community Value Consideration

- 4.11 In terms of making a decision on this matter the nomination together with any additional information received within the agreed timescale has been used to assess if the property/land listed meets the definition of community value as detailed in the Localism Act 2011. There is no current actual use of the nominated land/property as it has been closed for a period of years. The assessment process is therefore to determine if the two conditions in Section 88(2) have been met.

CONDITION ONE - *There is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community.*

1. Recent Past

- 4.12 In order to be listed the nomination must demonstrate that there is a time in the recent past when an actual use of the nominated asset furthered the social wellbeing or interests of the local community. There is no statutory definition or guidance regarding the term ‘recent past’ and it is deliberately loose regarding the specific five-year timescale in the second condition. The official guidance is that ‘if there have been uses of the land for purposes such as use by the Ministry of Defence for live ammunition practice the period could be ten to twenty years. Some authorities have set their own timescales including three- or five-year periods preceding nominations. It seems clear that there is no specific period beyond which it is definite that it is not included in the ‘recent past’ and again it is for each authority to determine.
- 4.13 When considering the closure of public houses, periods of six years (River Arms in Cheeseborne), five years (the Kings Head in Diss) and five and a half years (the Cricketers Rest in Norwich) have been considered to be outside the recent past. There are some also examples where the recent past has been in excess of six years, in **Hawthorn Leisure v Chiltern DC** the Kings Head in Great Missenden had been a pub since the nineteenth century and the unchallenged evidence of the publicans from 2000 to 2007 established that during that period the pub qualified as an ACV. Judge Lane held that given the long history of the Kings Head as a pub the use during that period ending in 2007 occurred in the recent past, this period ended over seven years before the nomination. It seems clear, however, that there is no specific period beyond which it is definite that it is not included in the recent past and this will be dependent on the

circumstances in each nomination.

4.14 In **Crostone v Amber Valley** Judge Lane stated that the assessment of recent past will depend on all the circumstances in a particular case and that “the expression is a relative concept”. He stated that in that regard the length of time the Black Swan had been a public house was relevant (the period was nearly two hundred years). The implication is that the longer the period of use furthering a community benefit the longer the period which will constitute the recent past.

4.15 In **Worthy Developments v Forest of Dean DC**, the judge stated that when considering ‘recent past’ it could not have been intended to import the five-year period from the future condition when Parliament had failed to set out a precise period for the condition.

4.16 There is also no equivalent consideration of ‘recent past’ in planning determination therefore no appropriate comparable evidence as part of any Planning Application decisions.

4.17 North Yorkshire Council has not determined a specific timescale to apply when considering the recent past and each nomination is assessed individually. As stated previously there is no agreed criteria for ‘recent past’ determination, however, there are a number of relevant factors that could be taken into account when determining what constitutes the recent past and these are listed below. Assessments of these factors is appropriate for the nomination for The Crown Inn Roecliffe so that the facts can be established:

- (1). The length of the period of community use of the nominated asset in the past
- (2). The type of asset involved.
- (3). The nature of the community use of the nominated asset
- (4). The degree of connection between the asset and the community
- (5). Whether the asset has been out of use for a period prior to the nomination.

(1). The length of the period of community use of the nominated asset in the past

4.18 There is no indication from the information in the nomination form about the length of time that The Crown Inn Roecliffe has been in community use other than it “is a locally renown 16th Century coaching inn which has played a central part in village history and an intrinsic role within the local community for generations.” Therefore, potentially it has been in use since the 16th century.

(2). The type of asset involved – Public House/Coach House

4.19 The nominating group and the owner identify that The Crown Inn is a public house/Coach house. The fact that a nominated asset is a public house does not in itself satisfy the community use criteria. It is the consideration of a number of factors identified in the report that fulfil the assessment of community use.

(3). The nature of the community use of the nominated asset

4.20 This assessment takes into account the uses identified in the nomination as community use, these are also considered in section 2 regarding ancillary use. The nomination states that “The pub has traditionally had an excellent reputation for ambiance, quality food and it also had a thriving large function room and five ensuite double bedrooms that were regularly used for tourism, local business and visiting villagers’ friends and

family”.

4.21 The nomination states the following:

- The Crown is the only premise licensed for dining or alcoholic refreshment in the village of Roecliffe, which has a growing residential community as well as thriving business and industrial area.
- The Crown has also always played a role in serving the broader Boroughbridge area community.
- In the absence of a village hall and with only limited access to the small village primary school, the pub, with the restaurant and substantial function room, has been a long-standing venue for a range of local events and gatherings.
- The pub is the only practical venue for all members of the Roecliffe community to gather socially informally or as part of organised activities. Since the closing of the pub social interaction within the village has significantly decreased and villagers do not have a hub to gather and interact. The Parish Council has heard this causes loneliness and challenges to mental health for some members of the community who are not able to meet each other socially as much. The nomination form identifies that The Crown has traditionally helped foster a vibrant village life in the following ways.
 - The function room with seating for 80 diners has been used for many significant birthday and wedding anniversary parties of villagers, as well as funeral wakes.
 - There have been a host entertainment events over the years hosted by the village, the church and WI to fundraise and foster community interactions, including regular quiz nights, occasional talent or murder mystery evenings, arts and crafts events, all utilising the inn or function room.
 - Quiz nights were usually held three times a year with 35-45 attendees.
 - The village Racquet Club draw which raises to maintain the churchyard was made monthly in the pub with 10-12 regular attendees.
 - The pub and Coach House function room has hosted over a large number of wedding receptions in the last 10 years, often with a close local connection. These events would typically be for 80 attendees and many of these weddings were held either at the Coach House which was a licensed civil wedding venue or St Mary’s Church in the village.
 - Up to the mid-1980s, Roecliffe had a successful Yorkshire Ladies cricket team, and the pub was usually used for after match refreshments and annual dinners.
 - Roecliffe WI held annual dinners with 20 - 30 attendees per event.
 - The function room and main pub was also used for house auctions, public planning meetings, as well as a polling station.
 - The pub and function room has provided valuable employment experience for many local residents, often teenagers in their first job, gaining valuable personal development in a safe environment.
 - Many local clubs and association regularly held lunches and dinners at the Crown including local business forum The Boroughbridge 1322 Group which held regular dinners in The Crown, with 30-40 attendees one to two times a year.
 - Many local businesses from Roecliffe and Boroughbridge retail and industrial areas would use The Crown for Christmas events and other corporate functions.
 - The pub is popular with country sports social gatherings including regular

shoot lunches, annual dinners and an annual York and Ainsty Hunt meeting hosted by The Crown

- The previous landlord had worked with villagers when they had events which required food and drink.
- The Coach house situated behind the restaurant was used for major village events, but for smaller events like Quiz Nights it was cosier in the main restaurant of the Crown Inn.
- The school has limited availability in term time, a small meeting space and no catering facilities to use. The church has no catering facilities, no toilets and no heating.

4.22 The information provides some evidence of community uses of the Crown Inn associated with a village public house facility; these uses are considered in section 2.

4.23 The owner stated that there was no significant community use of the site for a considerable period of time. It was stated that it had operated primarily as a restaurant with rooms catering for visitors and holiday makers and diners from outside the area. This had also been the case in the 15-year period under prior freehold ownership.

(4). The degree of connection between the asset and the community

4.24 The nomination states that the Crown Inn “is a locally renown 16th Century coaching inn which has played a central part in village history and an intrinsic role within the local community for generations.” It is the only premise licensed for dining or alcoholic refreshment in the village of Roecliffe, which has a growing residential community as well as thriving business and industrial area. “The Crown has also always played a role in serving the broader Boroughbridge area community. In the absence of a village hall and with only limited access to the small village primary school, the pub, with the restaurant and substantial function room, has been a long-standing venue for a range of local events and gatherings.”

4.25 It is stated that the pub is the only practical venue for all members of the Roecliffe community to “gather socially informally or as part of organised activities. The pub and Coach House function room has hosted over a large number of wedding receptions in the last 10 years, often with a close local connection. The pub and function room has provided valuable employment experience for many local residents, often teenagers in their first job, gaining valuable personal development in a safe environment.”

4.26 The nominating group identify that many local clubs and association regularly held lunches and dinners at the Crown including the local business forum.

4.27 From a Village Survey undertaken in 2016, it was stated that the Crown Inn was a visual attraction to the village and attracted visitors from a wide area. From the Village survey a number of residents commented that they would like it to be available for more community functions.

4.28 The information provides some evidence of links with the local community, in summary the following:

- It is the only available licensed premises for dining or alcoholic refreshment in the village of Roecliffe.
- It has been a long-standing venue for a range of local events and gatherings.

- It is the only practical venue for all members of the Roecliffe community to “gather socially informally or as part of organised activities.”
- The pub and Coach House function room has hosted over a large number of wedding receptions in the last 10 years, often with a close local connection.
- The pub and function room has provided valuable employment experience for many local residents, often teenagers in their first job, gaining valuable personal development in a safe environment.
- Many local clubs and association regularly held lunches and dinners at the Crown including the local business forum.
- A village survey in 2016 supported the view that it was “a visual attraction to the village and attracted visitors from a wide area.”

4.29 There is some information provided about links with the local community and the information is consistent with a village public house. There are no statements in support of the nomination from residents, businesses or other local organisations with some general descriptions about actual community value such as “the pub, with the restaurant and substantial function room, has been a long-standing venue for a range of local events and gatherings.”

4.30 The owner states that the Crown Inn operated primarily as a restaurant with rooms catering for visitors and holiday makers and diners from outside the area. This had also been the case in the 15-year period under prior freehold ownership.

(5). Whether the asset has been out of use for a period prior to the nomination.

4.31 The nomination identifies that The Crown Inn has been closed since May 2021, the owner states that apart from a small number of months when a tenant tried to reopen the Inn (again as a hotel/restaurant with rooms) unsuccessfully, it had in fact been closed for the majority of the interim period since 2019 with the last time it was fully opened being over 5 years ago. The property has therefore been out of use for at least 3 years and 1 month and potentially longer.

4.32 The property has been advertised for sale since October 2023 according to the nominating group. The owner has informed the council that there is currently a sale progressing with completion anticipated shortly.

Recent past conclusion

4.33 As stated previously there is no specific period of time beyond which it is definite that it is not included in the recent past. The implication is that the longer the period of use furthering a community benefit then the longer the period which will constitute recent past. Each nomination is considered individually, and it is the evidence/facts in each case that a local authority will consider making its determination. There are a number of relevant factors that could be taken into account to enable the Council to reach a conclusion. These have been detailed above and the following is a summary of the conclusions from the consideration of these factors:

- There is no indication from the information in the nomination form about the length of time that The Crown Inn Roecliffe has been in community use other than it “is a locally renown 16th Century coaching inn which has played a central part in village history and an intrinsic role within the local community for generations.” Therefore, potentially it has been in use since the 16th century but little evidence to support historic community use.

- The nominating group and the owner identify that The Crown Inn is a public house/Coach house.
- The information provides evidence of community uses of the Crown Inn associated with a village public house facility and these uses are considered in section 2. The owner states that there was no significant community use of the site for a considerable period of time.
- There is some evidence provided to demonstrate a degree of connection between the asset and the community and the information is consistent with a village public house. There are no statements in support of the nomination from residents, businesses or other local organisations. The owner states that the Crown Inn operated primarily as a restaurant with rooms catering for visitors and holiday makers and diners from outside the area. This had also been the case in the 15-year period under prior freehold ownership.
- The property has been out of use for at least 3 years and 1 month and potentially longer with a sale currently progressing and completion anticipated shortly.

- 4.34 It has been stated that the Crown Inn has been a coaching inn since the 16th century and that it has been closed for at least 3 years and 1 month, potentially longer. Community use during this period of time is considered in later sections however it is stated that use has been for a substantial period of time. A long history could support a determination of 'recent past' and there are cases where seven years has been determined as being within the 'recent past'.
- 4.35 The nominating group identify that The Crown Inn is a public house. The fact that a nominated asset is a public house does not in itself satisfy the community use criteria and it is the consideration of a number of factors identified in the report that fulfil the assessment of community use.
- 4.36 The information about community use provides some evidence of the Crown Inn associated with a village public house. These uses are detailed in section 2 and paragraph 4.17 and include quiz nights, occasional talent or murder mystery evenings, arts and crafts events as well as life events such as birthdays, weddings and wedding anniversaries etc. In addition, some local clubs and associations regularly held lunches and dinners at the Crown including those from Roecliffe and Boroughbridge retail and industrial areas. The owner, however, states that there was no significant community use of the site for a considerable period of time. There is, therefore, some evidence of uses of The Crown Inn associated with a community facility that furthered the social wellbeing or social interests of the local community.
- 4.37 In assessing the degree of connection between the asset and the local community the nomination provides some evidence of links with the local community (See paragraph 4.23-4.28). The information is, however, limited in that it is fairly generic and consistent with a public house, in addition, there are no supporting evidence such as statements from residents, businesses or other local organisations. The owner also states that the Crown Inn operated primarily as a restaurant with rooms catering for visitors and holiday makers and diners from outside the area. There is therefore limited evidence to demonstrate a connection with The Crown Inn and the local community.
- 4.38 In terms of determining 'recent past' the above demonstrates that The Crown Inn had some community benefit, and this was potentially for a long period of time. There is evidence of

uses of The Crown Inn associated with a community facility that furthered the social wellbeing or social interests of the local community. There is, however, limited evidence to demonstrate a connection between the pub and the local community with a long period of use prior to closure. ***The three years and 1 month time period since closure is therefore not within the recent past and this criteria is not met.***

2. Actual use that is not an ancillary use

4.39 The term “ancillary use” is not defined in the Act, and it is left to each local authority to determine. In the context of assessment, the frequency, regularity and whether uses are still in place have been identified as factors for consideration. It was thought that this condition meant that the community use had to be the primary use of the asset, but this was dispelled by Judge Warren in **Firoka (Oxford United Stadium) Limited v Oxford City Council**, and the test is whether the use is significant, but does not require it to be the predominant use.

4.40 Evidence of actual use is detailed at paragraphs 4.17-4.18. This evidence included references to uses that were varied and over a number of years. Evidence of frequency of use and numbers is also provided including the following:

- **Quiz nights** were usually held three times a year with 35-45 attendees.
- **The village Racquet Club draw** was made monthly in the pub with 10-12 regular attendees.
- **Yorkshire Ladies** cricket team used the Crown Inn for after match refreshments and annual dinners.
- **Roeclyffe WI** held annual dinners with 20 - 30 attendees per event.
- **The Boroughbridge 1322 Group** held regular dinners in The Crown, with 30-40 attendees one to two times a year.
- **Country sports social gatherings** including regular shoot lunches, annual dinners and an annual York and Ainsty Hunt meeting hosted by The Crown

4.41 The evidence provided about actual use is also detailed in the assessment at paragraphs 4.17-4.18 and 4.23. The information also provides some detail about frequency of use and numbers. ***There is sufficient information provided to demonstrate actual use that is non-ancillary and therefore this criteria is met.***

3. Furthering the social wellbeing or social interests of the local community

4.42 There are no clear definitions provided in the legislation as to what constitutes ‘social wellbeing/interests’ except that social interests can include ‘cultural, recreational and sporting interests’. The nomination identified relevant uses as detailed in previous sections (paragraphs 4.17 and 4.18). There are also some other specific references including:

- The nomination form identifies that The Crown has traditionally helped foster a vibrant village life.
- The function room with seating for 80 diners has been used for many significant birthday and wedding anniversary parties of villagers, as well as funeral wakes.
- There have been a host entertainment events over the years hosted by the village, the church and WI to fundraise and foster community interactions.
- The village Racquet Club draw which raises funds to maintain the churchyard was made monthly.
- The pub and Coach House function room has hosted over a large number of

wedding receptions in the last 10 years, often with a close local connection. Many of these weddings were held either at the Coach House which was a licensed civil wedding venue.

- Up to the mid-1980s, Roecliffe had a successful Yorkshire Ladies cricket team, and the pub was usually used for after match refreshments and annual dinners.
- The function room and main pub was also used for house auctions, public planning meetings, as well as a polling station.
- The pub and function room has provided valuable employment experience for many local residents.
- Many local clubs and association regularly held lunches and dinners at the Crown including Roecliffe and Boroughbridge retail and industrial areas.
- The pub is popular with country sports social gatherings including regular shoot lunches, annual dinners and an annual York and Ainsty Hunt meeting
- The Coach house situated behind the restaurant was used for major village events, but for smaller events like Quiz Nights it was cosier in the main restaurant of the Crown Inn.

4.43 When considering those matters that could be taken into account when assessing social benefit there is evidence provided. These are summarised above and include some cultural, recreational and sporting interests. ***The uses detailed are considered to further the social wellbeing or social interests of the local community and this criteria is therefore met***

4. Local Community

4.44 A nominated asset must further the social wellbeing or social interests of the local community. There is no definition in the Act or Regulations of a local community other than for those groups who are able to nominate so it is for the authority to determine 'local community' for each nomination. The Crown Inn is a facility in the village of Roecliffe and the nomination makes the following selected references:

- "It is the firm belief of Roecliffe & Westwick Parish Council that The Crown should be retained as Asset of Community Value, to ensure it's retained as a pub and as a community venue for the village and the broader locale."
- "The Crown is the only premise licensed for dining or alcoholic refreshment in the village of Roecliffe."
- "The Crown is an intrinsic part of the Roecliffe & Westwick Neighbourhood Plan."
- "The pub is the only practical venue for all members of the Roecliffe community to gather socially informally or as part of organised activities."
- "The Crown has traditionally helped fostered a vibrant village life."
- "The Crown Inn has been identified as a key village facility."

4.45 ***The nomination identifies the local community as the village of Roecliffe and this criteria is therefore met***

Condition two - *It is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community*

1. The “realistic to think” test

- 4.46 The test does not require the likely future use of the relevant building to be determined but rather to determine whether future community use is one of a number of realistic options for the building (**Patel v London Borough of Hackney and Worthy Developments v Forest of Dean DC**).
- 4.47 The test is also not whether such future use is wholly unrealistic but whether it is realistic to think that there could be a relevant non-ancillary use in the next five years (Judge Lane at Para. 26 in **General Conference of the New Church v Bristol CC** supra. 12 February 2015). In addition, “what is realistic may admit a number of possibilities none of which needs to be the most likely outcome” (**Evenden Estates v Brighton and Hove City Council**)
- 4.48 It is common for nominations not to have a business plan put forward by those supporting the listing and judges have not regarded this as significant when considering whether future community use in the next five years is a realistic prospect. The First Tier Tribunal has also made clear that it is important not to concentrate too closely on “hardheaded commercial or financial analysis”. Owners of pubs or other businesses that have failed often argue that it is not realistic to think that the same business can operate in the future as “it is not financially viable”. These arguments often fail as account should also be taken of recognised community effort, **Worthy Developments Ltd v Forest of Dean District Council** “It is important however, not to confuse commercial viability with what altruism and community effort can achieve.”
- 4.49 It has been established that the threshold to satisfy the “realistic to think” test is low. The First Tier Tribunal in **King v Chiltern District Council** commented that “the test is not a demanding one. “Parliament has chosen to set the bar low”.
- 4.50 When considering the “realistic to think” test, future community use in the next five years must be a realistic option and one amongst a number of possibilities none of which needs to be the most likely outcome. The test is not a demanding one as “Parliament has chosen to set the bar low” and there is no requirement to have a Business Plan as part of the nomination.

2. Nomination Evidence

- 4.51 The nominating group (Roedcliffe & Westwick Parish Council) state that the Crown Inn and The Coach House are in good overall condition and are being maintained by the current owner and should be able to be used as a pub, although “a new owner will probably want to, and need to, refresh and refurbish some aspects of the building and facilities to their desired standard. ”It is stated that the Crown Inn has long had a reputation for being a successful pub across the North Yorkshire region.” The Crown has historically always been very well run and has been given many prestigious awards including AA 5 Star, Luxury Rated, Cask Marque accredited for serving great quality Cask Ale. It was previously awarded 2 AA Rosettes; it was renowned for its outstanding dining reputation”.
- 4.52 The nomination form states that The Crown Inn building is being maintained and does not require significant remedial work to restore it to its previous functioning state. The Parish Council state that they are willing to work with new owners to initiate a range of local use activities and active engagement as soon as possible. The village would be keen to organise community events and make the pub a social hub for residents and businesses alike and the Crown Inn has a much greater breath of facilities than many

of similar pubs.

- 4.53 The property has been advertised for sale since October 2023 according to the nominating group. The owner has confirmed that there is currently a sale progressing with completion anticipated shortly.
- 4.54 When considering the “realistic to think” test, as stated previously, future community use in the next five years must be a realistic option and one amongst a number of possibilities none of which needs to be the most likely outcome. The test is not a demanding one as “Parliament has chosen to set the bar low” and there is no requirement to have a Business Plan as part of the nomination.
- 4.55 The nomination provides information that the property has been for sale since October 2023 with a potential sale ongoing. It has always been advertised as a public house and the current sale is progressing on this basis. The nominating group (the Parish Council) is supportive of the sale of the property and will work with new owners to initiate a range of local use activities and active engagement as soon as possible. It is therefore realistic to think that future community use in the next five years is a realistic option either for this sale or a potential future sale as the property has been advertised for sale and kept in good condition.
- 4.56 In summary it is reasonable to conclude that due to the reasons provided at paragraphs 4.51-4.55 ***it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community. This condition is therefore met.***

d) Conclusion

- 4.57 The aim of Part 5 Chapter 3 of the Localism Act and the Assets of Community Value Regulations is to encourage community- focused, local-led action to save and take over assets which are significant to them. The scheme is intended to give communities the opportunity to identify assets of community value and have them listed and, when they are put up for sale, have more time to raise finance and prepare a bid for them. These assets could include the Village shop, community centre or pub but assessment is based on the evidence submitted and it is for the local authority to determine each nomination.
- 4.58 When assessing the community value of pubs there is a view that they are social settings in themselves and are places that ‘further the social wellbeing or social interests’ of those who visit. This, however, should be considered in the context of each nomination and the assessment of the community value of the particular property as required by the Act and Regulations.
- 4.59 There is no current actual use of the Crown Inn as it has been closed for a number of years. The assessment process was therefore to determine if the two conditions in Section 88(2) were met:

Condition one - *There is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community*

(See paragraphs 4.18-4.45)

- 4.60 In terms of determining 'recent past' the above demonstrates that The Crown Inn had some community benefit, and this was potentially for a long period of time. There is evidence of uses of The Crown Inn associated with a community facility that furthered the social wellbeing or social interests of the local community. There is, however, limited evidence to demonstrate a connection between the pub and the local community with a long period of use prior to closure. ***The three years and 1 month time period since closure is therefore not within the recent past and this criteria is not met.***
- 4.61 The evidence provided about actual use provides some detail about frequency of use and numbers. ***There is sufficient information provided to demonstrate actual use that is non-ancillary and therefore this criteria is met.***
- 4.62 When considering those matters that could be taken into account when assessing social benefit there is evidence provided. These are summarised above and include some cultural, recreational and sporting interests. ***The uses detailed are considered to further the social wellbeing or social interests of the local community and this criteria is therefore met***
- 4.63 ***The nomination identifies the local community as the village of Roecliffe and this criteria is therefore met***
- 4.64 In summary the nomination does not satisfy Condition One, the three years and 1 month time period since closure is not within the recent past and this criteria is not met.

Condition two - It is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community

(See paragraphs 4.46-4.56)

- 4.65 It is reasonable to conclude that due to the reasons provided it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community. ***This condition is therefore met***

5.0 CONSULTATION UNDERTAKEN AND RESPONSES

- 5.1 NYC Internal consultation with the following services was undertaken and there were no comments received:
- Environmental Protection
 - Community Safety/CCTV
 - Food, Licensing or Occupational Safety
 - Parking Services
- 5.2 There were no comments received from the Ward Member.
- 5.3 There were no additional comments/information received from the nominating group.

6.0 ALTERNATIVE OPTIONS CONSIDERED

- 6.1 None. Not to consider the nomination for the Crown Inn Roecliffe 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 There are no Equalities implications

11.0 CLIMATE CHANGE IMPLICATIONS

- 11.1 There are no climate change implications

12.0 CONCLUSIONS

12.1 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.

13.0 REASONS FOR RECOMMENDATIONS

13.1 The evidence demonstrates that the nomination for the Crown Inn Roecliffe does not meet the definition of community value as detailed in the Localism Act 2011.

14.0 RECOMMENDATION(S)

It is recommended that the Assistant Chief Executive Local Engagement:

- (iii) Determines that the nomination for the Crown Inn Roecliffe is unsuccessful and does not meet the definition of community value as detailed in the Localism Act 2011
- (iv) It should be placed on the North Yorkshire Council Assets of Community Value List of Unsuccessful Nominations

APPENDICES:

Appendix A – Nomination Form NYCACV0043 The Crown Inn Roecliffe
Appendix B – Site Map

BACKGROUND DOCUMENTS:

Localism Act 2011
The Assets of Community Value Regulations (England) 2012

Assistant Chief Executive Local Engagement
County Hall
Northallerton
21 November 2024

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