

# North Yorkshire Council

## Assessment of Assets of Community Value Nomination

### The George & Dragon Public House Whitley

Ref: - NYC/ACV00046

Report of Rachel Joyce, Assistant Chief Executive – Local Engagement

1 July 2024

#### 1.0 PURPOSE OF REPORT

1.1 To determine whether The George & Dragon, Doncaster Road, Whiteley, DN14 0HY 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 George & Dragon Public Whiteley as an asset of community value under the Localism Act 2011, following a valid nomination form received on the 24 May 2024 from Whiteley 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 George & Dragon Whiteley as required by the Act.

#### **4.0 Consideration of the Nomination**

4.1 The nominating body is the Whiteley Parish Council, which under the legislation are permitted to nominate. Whiteley Parish Council would like to register The George & Dragon 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 George & Dragon was originally listed as an asset of community value with Selby District Council in 2018 expiring in October 2023.

4.2 The George & Dragon has been a public house for many years and managed and owned by the P&D Pubs Limited. The pub is situated in the centre of the village of Whiteley on the Doncaster Road, which is the main thoroughfare, through the village of Whiteley on the A19.

#### **4.3 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.

#### 4.4 Evidence

We are advised by the parish council that the property is the only site of social gathering for the community of Whiteley, serving as a central hub for residents hosting regular community meetings, group events, workshops and providing a space for educational and recreational activities.

It is a hostelry that provides full restaurant services catering for families, and provides a comprehensive accessibility facility, including a beer garden and children's play area.

The public house significantly furthers the social interests and social well-being of the local community in the following ways:

1. **Social Cohesion:** It acts as a vital meeting point for residents, fostering a sense of community and belonging. By providing a welcoming space for social interaction, it helps to build and maintain strong community bonds. It offers space for local charities to conduct outreach programs and provide additional services that will help improve the wellbeing of the local community. An example of this is a local Community Kitchen which has been considered supporting food distribution programmes, cooking classes and the promoting healthy eating habits,
2. **Family-Friendly Environment:** The restaurant service is designed to accommodate families, offering a safe and inclusive environment for people of all ages. The beer garden and children's play area enhance its appeal as a family friendly venue.
3. **Cultural Events and Entertainment:** The property hosts key events at key points throughout the year, including live theatre, music, film screenings and exhibitions, which are crucial for the vitality of Whiteley. These events provide opportunities for local talent to perform and for residents to enjoy high quality entertainment without needing to travel to far. The public house also regularly hosts local celebrations including weddings, christenings, and birthday parties.
4. **Community Support:** The public house often acts as a focal point for community support initiatives such as charity event, fundraising activities, and local group meetings. This support is instrumental in promoting social wellbeing and collective action within the community.
5. **Economic Impact:** As a local business, the public house contributes to the local economy by providing employment opportunities both part time and seasonal in addition to supporting local suppliers in sourcing food and beverages as well as other supplies from local businesses fostering economic independence and sustainability. The economic activity is essential for the sustainability and growth of the community.

6. **Inclusivity and Accessibility:** With comprehensive accessibility facilities, the property ensures that all members of the community, including those with disabilities, can participate in social and recreational activities. By maintain and enhancing its accessibility it remains a welcoming place for all members of the community.
7. **Health and Wellbeing Activities:** The public house offers activities that promote physical and mental health, such as yoga classes, mindfulness workshops and fitness groups leveraging the space to enhance community wellbeing.

By maintaining and enhancing the social fabric of Whiteley, the public house is an indispensable asset that furthers both the social interests and the well being of the local community. Its role in promoting social interaction, cultural engagement, and economic support underscores its significant as an asset of community interest.

By evolving and adapting to the changing needs of the community the parish council believe the public house can continue to be a pivotal institution that supports and enhances the social interests and wellbeing of Whiteley residents. Its ability to serve as a multifunctional space ensures its relevance and importance, regardless of specific future uses.

We are further 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.

- 4.5 Whilst the parish council accept that primarily 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.
- 4.6 In conclusion Whiteley 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 George & Dragon were designated as an Asset 'for community use' then this would clearly demonstrate its value to the local community.

#### 4.7 **Localism Act 2011 Section 88 if current use:**

- 4.8 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.

#### 4.9 Evidence

The site is currently operating as a public house and has done for several years and it is intended that it will continue to do so in the future. Given its ongoing role as a vital community hub. It is realistic to expect that within the next five years the building will continue to further the social interest and wellbeing of the local community, maintaining and potentially expanding upon its current functions.

The Parish Council believe there are several reasons supporting this expectation:

1. **Established Community Hub:** The public house already serves as the primary site of social gathering for the community, with a strong history of hosting events, providing restaurant services, and offering family-friendly amenities. This established role ensures its continued relevance and importance to residents.
2. **Community Support and Engagement:** There is significant support and engagement from the local community, demonstrating a clear demand for the services and social opportunities provided by the public house. This community backing ensures a stable patron base and ongoing use.
3. **Versatility and Adaptability:** The building is well-suited to accommodate a variety of functions that can adapt to evolving community needs. Whether through expanding its event offerings, supporting social services, or enhancing its role as a cultural venue, the public house can continue to innovate and diversify its uses.
4. **Economic Viability:** Operating as a public house is economically viable, providing employment opportunities and supporting local suppliers. This economic contribution is crucial for the sustainability of the community and the business itself.
5. **Future Potential:** The site has the potential to introduce new services and initiatives that align with the social interests and well-being of the community.

Probable future uses include hosting educational workshops, health and wellness programs, and community outreach activities.

6. **Commitment to Accessibility and Inclusivity:** By maintaining comprehensive accessibility features, the public house ensures that all community members, including those with disabilities, can benefit from its services and facilities.
7. **Strategic Planning:** With strategic planning and community input, the public house in the opinion of the parish council can continue to evolve and meet the needs of Whitley residents. They believe this forward-thinking approach guarantees that the site will remain a cornerstone of community life.

## **5.0 Conclusion**

The use as a public house and meeting has been continuous for many years and its use as a community hub has existed for several years. Following the award of an ACV in 2018 the pub has further enhanced its place as pivotal focal point within the local community as evidenced in this report. By evolving and adapting to the changing needs of the community the George & Dragon can continue to support and promote the social interests and wellbeing of Whiteley residents.

It is therefore reasonable to think the property will be used as a public house and community hub in the future. It is also realistic that if the owners P & D Pub Company Ltd did not renew their lease, or if the land were sold the establishment would continue under the same directive ensuring its relevance and importance to the local community.

## **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 George & Dragon 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 if unsuccessful the nominating group will be advised that there is no provision or right within The Regulations (The Asset of Community Value (England) Regulations 2012) for them to seek an internal review of the Council's decision; their legal remedy would be to apply to the High Court for judicial review of the Council's decision not to list the asset.

### **15.0 REASONS FOR RECOMMENDATIONS**

15.1 The evidence demonstrates that the nomination for The George & Dragon 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 George & Dragon Whiteley 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**

16.2 It is recommended that the Assistant Chief Executive Local Engagement

- (i) Determines that the nomination for The George & Dragon Doncaster Road Whiteley 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/Application Form  
HM Land Registry Outline Plan at 1:1250 scale  
Whiteley Parish Council Standing Order



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