

NOMINATION OF AN ASSET OF COMMUNITY VALUE : THE GREYHOUND PUBLIC HOUSE

Relevant Portfolio Holder	Cllr Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford – Head of Housing and Regeneration
Wards Affected	
Ward Councillor Consulted	Yes

1. SUMMARY OF PROPOSALS

- 1.1 To consider a request to list the Greyhound Public House, Worcester Road, Bromsgrove as an Asset of Community Value.

2. RECOMMENDATIONS

That Cabinet consider the contents of the report and decides to either:-

- (a) Support the listing of the Greyhound Pub Worcester Road Bromsgrove as an Asset of Community Value; or
- (b) Not support the listing of the Greyhound Pub Worcester Road Bromsgrove as an Asset of Community Value

3. KEY ISSUES

Financial Implications

- 3.1 Property owners who believe that they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. As previously reported to Council, Government recognises this as a potential risk to local authorities and will provide a safety net whereby any claims over £20,000 will be met by the Government. The owners also have a right to appeal the decision made by the council where it is minded to determine that the building be included on the list of Assets of Community Value

Legal Implications

- 3.2 The Localism Act 2011 made provision for a new system of listing of Assets of Community Value, giving community groups the right to make nominations, and requiring the local authority to maintain local registers. Further more detailed rules detailing the operation of this process are set out in the Assets of Community Value Regulations 2012.

- 3.3 The test for listing an Asset of Community Value as set out in Section 88 (1) of the Localism Act 2011 is as follows:-

“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 well-being 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 well-being or social interests of the local

- 3.4 In this case the building is no longer in use, and therefore it is necessary to consider how the definition applies to buildings that are no longer in use. Sub-section 2 of Section 88 goes on to state that such land can be listed if in the Local Authority’s opinion:-

- (a) 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 well-being or interests of the local community, and
- (b) it is realistic to think that there is a time in the next five years when there could be a 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.

- 3.5 There is no definition of “recent past”. However, in applying the definitions set out in the Act the general approach of most Local Authorities has been to give the definitions a wide interpretation. Officers are of the opinion that having closed in April 2016 and since then not having been used for any other purpose, it would not be unreasonable to reach the view that the pub building does meet the test under Section 88 (2)(a).

- 3.6 The second limb of the test under subsection (b) looks at likelihood of the land being used again for the social well-being of the community within the next five years. In this regard, Members are referred to the comments of the current owners of the pub, Greyhounds Inn Developments Limited which are attached at Appendix 2.

- 3.7 The recent history of Greyhound public house is that it has not been viable from a commercial point of view, which ultimately led to its closure. Members will need to consider whether it could be a venue that could further the social well-being of the community in the future,

either as a commercial entity, or as a non-commercial project. It should be noted that a sale of the building has already taken place so this is not a case where the listing would trigger an immediate community right to buy. That aside, the current owners comment that there is no viable community body that could raise the monies required to purchase the pub, and that its history shows that it is not viable as a pub. Member's considerations however are not limited to whether the building could continue as a pub; section 88 (2) (b) refers to the possibility of community use for a different purpose.

- 3.8 The current position is that the owners of the building have applied under permitted development rights to demolish it under the procedure set out in Part 11 of the GPDO Regulations 2015. The regulations make specific provision for applications relating to the demolition of drinking establishments. The effect of this is that if an ACV application is made the ability of owner to demolish the building is placed on hold pending the decision of the Council either to list the building as an Asset of Community Value or not to list it. Under the same regulations, were the pub to be listed as an ACV this would not mean that the building could no longer be demolished; if listed the owners could pursue the option of demolition but would have to do so under a full planning application as opposed to being able to rely on permitted development rights under Part 11 of the GPDO.

Service / Operational Implications

- 3.9 As Members are aware the Localism Act introduced the 'Community Right to Bid' which gave communities a right to identify a building or other land that they believe to be of importance to their community's social well-being so that where that building or land is for sale there will be a six month period within which the community can prepare their bid to buy the asset. The building or land can then be sold on the open market. The Community Group are then afforded the same rights as any other bidder with no preference given to the community bid.
- 3.10 As set out at 3.8, the proposed demolition of a drinking establishment gives rise to the ability for a community group to pause the process and apply for the building to be listed as an Asset of Community Value. Where a building proposed for demolition has been nominated as an Asset of Community Value the developer cannot exercise its permitted development rights to demolish ahead of a Council's decision with regard to the listing or otherwise of the building as an asset of community value.
- 3.11 Following public notification of receipt of the application to demolish the Greyhound Public House, the Council received a nomination submitted by CAMRA (Campaign for Real Ale), Bromsgrove and

Redditch for the building to be listed as an Asset of Community Value. The nomination is attached at Appendix 1.

- 3.12 Members will therefore note that it is within this context (as opposed to the context of sale) that they are being asked to determine the application but that for the purposes of establishing whether the building should or should not be listed as an asset of community value, the same process applies as does the same test under section 88 (2) of the Localism Act.
- 3.13 The owner of the building as listed at HM Land Registry together with the Developer who has made the application for demolition and Local Ward Councillors have been notified in respect of the nomination.
- 3.14 Both Councillor Mallett and Thompson have been consulted in relation to the proposed nomination. Both Councillors have raised their concerns as to the loss of the asset in the locality and would support the nomination.

They have advised that The Greyhound was the hub of the local community with numerous vehicles parked at weekends and over 100 covers being provided at a sitting. It is further advised that the viability of the pub has been detrimentally affected by the costs associated with the increasing rents and the proposed reduction in car parking spaces.

The community value of the pub goes beyond a commercial remit. It was used for community meetings including the Breakback Road residents association. It acted as a hub for the Charford and Rock Hill communities - both Super Output areas, supporting social cohesion and well being. There are a number of older residents in the immediate surrounding area - Breakback Rd bungalows and Charford and this pub provided a key social space during the day within easy reach.

The pub also offers a fine garden for families to use as well as the more traditional bar and restaurant. The building itself is highly prominent in the local area and they believe has historic connections to the quarrying history of Rock Hill, including a physical sandstone retaining wall quarried from local stone.

Therefore both Members are fully supportive of the nomination and would encourage Cabinet to consider their comments and recommend approval.

- 3.15 Members are advised that the Council has received a letter of objection to the nomination from the developers/owners and this is attached at

Appendix 2. A copy of the procedure for listing of ACVs is attached at Appendix 3.

Customer / Equalities and Diversity Implications

3.16 There are no specific issues identified other than those supporting the application.

4. RISK MANAGEMENT

4.1 The register will be maintained by the Council to ensure that all assets nominated are listed accordingly. Each application is assessed in accordance with the Statutory Guidance to ensure that a consistent approach is taken to applications received.

5. APPENDICES

Appendix 1 – Application Form

Appendix 2 – Letter dated 28 September 2016 from Eversheds on behalf of Greyhound Inn Developments Limited

Appendix 3 – Procedure for listing ACV applications

6. BACKGROUND PAPERS

None

7. KEY

N/a

AUTHOR OF REPORT

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