

CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

RECORD OF STRATEGIC DIRECTOR'S DECISION
FOR ASSETS OF COMMUNITY VALUE

Land

Date of recommendation:	06/05/2022
Recommendation made by:	Neil Charlesworth
Decision maker:	Joanne Hyde – Strategic Director, Corporate Resources
Nominee:	Addingham Parish Council, nomination dated 4 th April 2022.
Specific delegation:	Resolution of the Executive, 8 th September 2020.
Brief description of recommendation:	To list The Swan Inn, Main St., Addingham, LS29 0NS as an Asset of Community Value on the grounds that the nomination meets the criteria and definition of an Asset of Community Value as set out in the Localism Act 2011.
Reports or parts of reports considered:	Recommended – To recommend that the nomination of the property known as The Swan Inn, Main St., Addingham, LS29 0NS be approved.

Signed by the decision maker:



Name: Joanne Hyde

Job Title: Strategic Director, Corporate Resources

Date: 25/05/2022

Briefing Note

<p>Subject: To consider whether the Swan Inn, Main St., Addingham, LS29 0NS, should be added to the list of Assets of Community Value</p>	<p>Confidential: No</p>
	<p>Date: 10th May 2022</p>

1. Summary of main issues

- 1.1 In line with the legislation and regulations set out in the Localism Act 2011, this report considers the nomination to add The Swan Inn, Main St., Addingham, LS29 0NS, to the List of Assets of Community Value.
- 1.2 The Council has received a nomination from Addingham Parish Council. The Parish Council is eligible to nominate the property, trigger the moratorium period, bid for the property and purchase the property.
- 1.3 Officers conclude that the property does have a current use which furthers the social wellbeing or social interests of the local community, and therefore should be added to List of Assets of Community Value.

2. Recommendations

- 2.1 The Strategic Director of Corporate Resources is recommended to add The Swan Inn, Main St., Addingham, LS29 0NS, to the List of Assets of Community Value.

3. Purpose of this report

- 3.1 The purpose of this report is for the Strategic Director of Corporate Resources to consider whether The Swan Inn, Main St., Addingham LS29 0NS, shown edged and hatched red on plan number ACV 0093, should be included in the List of Assets of Community Value or whether it should be included on the List of Land Nominated by Unsuccessful Community Nominations in accordance with Part 5 Chapter 3 of the Localism Act 2011.

4. Background

- 4.1 Part 5 Chapter 3 of the Localism Act 2011 (the Act) details the legislation for Assets of Community Value and sets out the Community Right to Bid. The right came into force on 21st September 2012 and its purpose is to give communities a right to identify a property or land that is believed to further their social interests or social wellbeing and gives them a fair chance to make a bid to purchase the property or land on the open market if the owner decides to sell. From the date the landowner informs the Council of their intention to sell, eligible community groups have a period of six weeks to confirm whether or not they wish to submit a bid to purchase the property or land. If they do inform the Council that they want to bid, the landowner is prevented from disposing of the property for a period of six months (from the date they originally informed the Council of their intention to sell) unless it is to a community organisation. The landowner is free to dispose of the property at the end of the six-month period to whomsoever they see fit.

- 4.2 Section 90 of the Act states if a local authority receives a “community nomination”, the authority must consider the nomination. The authority must accept the nomination if the land nominated is in the authority’s area and is of community value.
- 4.3 Only specified bodies with a local connection are able to submit nominations for property or land to be included in the List of Assets of Community Value:
- A Neighbourhood Forum;
 - A Parish Council;
 - An unincorporated body with 21 local people on the electoral roll that does not distribute any surplus it makes to its members;
 - A company limited by guarantee which does not distribute any surplus it makes to its members;
 - An industrial and provident society which does not distribute any surplus it makes to its members;
 - A community interest company.
- 4.4 The nominator must be able to demonstrate and satisfy all of the listing criteria as laid down in the legislation. Section 88(1) states that buildings or land with a current use is considered to be of community value, if, in the opinion of the authority, there is:
- 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.
- Section 88(2) states that land does not meet the criteria laid out in 88(1) is of community value if in the opinion of the authority:
- 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 wellbeing 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 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.
- 4.5 It is important to note that if either of the criteria in Section 88(1) or (2) are met, then the Council must add the site to the List of Assets of Community Value.
- 4.6 The Swan Inn has been the subject of a previous ACV listing, approved by Keighley Area Committee on 9th March 2017 and the asset remained on the list until the expiry of the statutory five years granted to newly listed assets.

5. Main Issues

- 5.1 This report has been based on an assessment of the nomination form received on 4th April 2022 and a site visit by the case officer.
- 5.2 Addingham Parish Council are an elected authority under prevailing legislation and therefore eligible to nominate land or buildings as Assets of Community Value as specified in paragraph 5(1)(d) of the Regulations and a voluntary or community body with a local connection as specified in Section 89(2)(b)(iii) of the Act.

- 5.3 The Swan Inn, Main St., Addingham, LS29 0NS, (shown edged and hatched red on the attached plan number ACV 0093) is located in Craven Ward. The land / property is currently owned by Stonegate Group and operates as a public house.
- 5.4 Ward members, the Parish Council, the Ward Officer and the owners have been made aware of this nomination. No comments have been received from any party, although the owners have requested and received a copy of the nomination form (redacted to meet data protection legislation).
- 5.5 The Portfolio Holder for Regeneration, Planning and Transport has been informed of the nomination and the subsequent recommendation to add the property to the List of Assets of Community Value. The Portfolio Holder is in support of the recommendation.
- 5.6 For a property to be added to The List of Assets of Community Value, the nominator must demonstrate that a current non-ancillary use furthers the social interests or social wellbeing of the local community and that it is realistic to think that it can continue to do so whether or not in the same way, or 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, and 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).

Does a current non-ancillary use further the social interests or social wellbeing of the local community?

- 5.7 The Swan Inn is a detached Grade 2 Listed Building occupying a prominent position on Main St., Addingham, the principal road through the village. The Swan Inn is within the Addingham Conservation Area and operates as a public house which serves food and drink. To the rear, areas of external seating and shelter have been created by the current licensees in order to meet social distancing requirements during the Covid pandemic and minimise the impact of Government opening restrictions. A substantial car park lies beyond the external seating areas. The Swan Inn is owned by the Stonegate Group, the largest pub owning company in the UK with 4,500 sites.
- 5.8 The Swan Inn is centrally located on Main St., Addingham, immediately adjacent the premises of Addingham Parish Council. A range of community based groups who use the limited space in the Parish Council premises arrange use of one of four ground floor rooms in the Swan Inn for larger events, and also when the Parish Council premises are unavailable.
- 5.9 Groups currently using the Swan Inn include The Yorkshire Churches Trust, Addingham Drama Group, Addingham Gala Committee, The Environmental Volunteering Group (part of the Civic Society), Ilkley Running Club, Swan Acoustics Group, Addingham Singers and the Beer Festival Organisers. It is clear that although there is passing trade, the pub primarily offers service to the local community.
- 5.10 The Parish Council regard the Swan Inn as a key meeting place for the community, and an integral part of the local community's social infrastructure. In recent times the public house has become more significant in combating loneliness and isolation amongst people of all age groups and backgrounds, and as a village pub the Parish Council feels it fulfils that role. Despite the various Covid restrictions over the last two years the licensees have maintained local prominence by adapting their trading model to match prevailing circumstances. This included creating a themed 'take-away' food service at the height of the pandemic, when the premises were forced to close to visitors.

- 5.11 Although it is not true to say that all pubs are necessarily Assets of Community Value, they are the most common type of asset to be listed as such nationally. Pubs are generally places where people go to socialise and to be with other people. The alternative view would be that pubs are places where people go to drink and take alcohol and whilst it may be true to say there are some such establishments, in the case of The Swan Inn, it is clearly a valued local pub which provides services for people in the village and surrounding areas. Officers are therefore of the view that the use of a pub furthers the social wellbeing and social interests of the local community.

Is it 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?

- 5.12 The premises have operated as a public house for many years and in terms of service delivery, have 'moved with the times' to maintain trading prominence in the face of local competition. The Parish Council are keen to see the Swan Inn continue in its current form as they consider it contributes to the social wellbeing of the local community by way of it's warm, welcoming approach.
- 5.13 The Swan Inn is a long established public house and it is realistic to expect this use to continue for the foreseeable future. Nothing has been provided to suggest that the current owners intend to do anything with the property other than continue to operate it as a pub. It is therefore considered realistic to think that there will continue to be a use which furthers the social wellbeing or social interests of the local community.
- 5.14 The nominator is eligible to make a nomination, the property has a current use which furthers the social interests and social wellbeing of the local community, and it is realistic to think that the eligible use can continue.
- 5.15 The criteria for adding a property to the List of Assets of Community Value as set out in paragraph 88(1) of the Localism Act 2011 is considered to have been met in this case and the property should be added to the List of Assets of Community Value.

6. Financial, HR, Communications issues (including value for money)

- 6.1 There are no financial, HR, communication or value for money issues other than in certain circumstances the owner of a listed property can claim compensation from the local authority.
- 6.2 Should an appeal be made to the First-Tier tribunal by the owner against a listing this can have an impact on costs and staff resources.

7. Other Implications

- 7.1 There are no equality & diversity, sustainability, greenhouse gas emissions, community safety, Human Rights Act or Trade Union implications.

8. Recommendations

- 8.1 The Strategic Director of Corporate Resources is recommended to add The Swan Inn, Main St., Addingham, LS29 0NS to the List of Assets of Community Value.

9. Background documents

9.1 Plan number ACV 0093

9.2 Application to Nominate Assets of Community Value – The Swan Inn, Main St.,
Addingham, LS29 0NS.

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