

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	FINANCE AND DEMOCRACY COMMITTEE	23 SEPTEMBER 2019	5
COMMUNITY ASSET NOMINATION: THE MILLER ARMS, SINGLETON			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The council has received a nomination for the inclusion of the Miller Arms in Singleton in its list of assets of community value. Under the Localism Act 2011, the committee must decide whether the property fulfils the criteria for inclusion and, if it does, include it in the list.

RECOMMENDATIONS

1. Agree that the Miller Arms, Singleton is land of community value, in that in the opinion of the authority the actual use of the building furthers the social wellbeing and social interests of the local community and it is realistic to think that there can continue to be a use of the land which will further the social wellbeing or social interests of the local community; and
2. Accept the nomination to include the Miller Arms in the council's list of assets of community value.

SUMMARY OF PREVIOUS DECISIONS

None

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

CRITERIA FOR LISTING

1. The Localism Act 2011 introduced a concept of an 'Asset of Community Value'. Section 87 of the Localism Act places a duty on Local Authorities to '*maintain a list of land in its area that is land of community value*'. 'Land' includes buildings and structures.

2. Land is of community value if (in the opinion of the local authority) an actual or current use¹ of it furthers the social wellbeing or social interests of the local community and it is realistic to think that there can continue to be a use of the land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.
3. Land is also of community value if (again in the opinion of the local authority) there has been a time in the recent past when an actual use¹ of it furthered the social wellbeing or social 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 a use of the land that would further (whether or not in the same way) the social wellbeing or social interests of the local community.
4. 'Social interests' includes cultural interests, recreational interests and sporting interests.
5. Although it is for the local authority to determine whether land falls within the criteria to be included in the list, assets may only be included in the list in response to a nomination by a parish council or a voluntary or community body with a local connection. In addition to the List of Assets of Community Value the council must also maintain a list of land which has been the subject of unsuccessful nominations.

EFFECT OF LISTING

6. If the land is included in the list, the land would become subject to notification requirements and moratorium periods that would apply if an owner of the land wished to dispose of it.
7. An owner cannot dispose of property/land that is on the list, unless they have informed the local authority. Informing the local authority triggers the interim moratorium period. The interim moratorium period lasts for 6 weeks, during which time a community interest group can request the local authority that they be treated as a potential bidder. If the local authority receives such a request, the full moratorium period, which lasts for six months from the time the owner notified the authority of its intention to dispose, takes effect. The owner may not, subject to certain exceptions, dispose of the property during an applicable moratorium period.
8. Where a pub is nominated or listed as an asset of community value, permitted development rights which would allow its change of use or demolition no longer apply, so that a planning application would be required for the change of use or demolition of a pub. This provides an opportunity for local people to comment, and enables the local planning authority to determine the application in accordance with its local plan, any neighbourhood plan, national policy and any other material considerations. The local planning authority may take the listing into account as a material consideration when determining any planning application.

THE APPLICATION

9. The application covers the Miller Arms public house at the Village, Singleton, including the pub building and its car park and outdoor area.
10. The nomination to list the Miller Arms was made by the parish council for the area in which it is situated. The property does not fall within one of the exceptional categories of land that are not capable of being land of community value (residence, caravan site, operational land). The committee must therefore consider whether, in their opinion, the land falls within either of the categories of land of community value set out in paragraphs 2 or 3 above.
11. In support of the nomination, the parish council states:

The Miller Arms (originally the Hornby Arms) has been a pub in Singleton Village for almost two hundred years. It is the only pub in the village and as such has served as the focal point of village life for many generations.

Not only that, the Miller Arms is one of many great pubs in rural Fylde which are destination venues and promote tourism in our Borough. There is free parking available which is accessed by the wider community.

The only other venue in the village is the Village Hall which although an excellent facility, is not open for regular local functions – more wedding, christening and birthday party hire.

¹ Ancillary uses do not count.

In this Parish Council's opinion, pubs are places where people go to socialise, which furthers social interests and social wellbeing. As such, if the pub were to be lost, it would make a significant impact on the social infrastructure of the community.

There are many local events held in the pub from local celebrations to wakes and from Halloween parties to Christmas parties. Also many local groups meet in the pub from the Singleton Cloggers to local Choirs.

There is a beer garden attached to the pub which is used and enjoyed by local people including families. This is particularly enjoyed in the summer months and brings different groups of people together. There is also a children's play area which brings local children together. This is especially popular after school when many of the local school parents meet with their children.

The pub has a great food menu enjoyed by the local community. Many of the items on the menu are sourced from local farms.

There is good access for disabled people at the pub. This provides an easily accessible and inclusive space to meet with other members of the local community and provides a safe and enjoyable environment to be in furthering the persons' individual wellbeing.

The pub has special value to local heritage and culture which should be protected. The pub's heritage forms an important part of the community's historic and cultural identity.

[The local] Borough Councillor...often [meets] groups of constituents in the pub and after our Parish Council meetings, we regularly meet residents in there.

CONSIDERATION

12. As it is clear that it is within the authority's area, the only question for the committee is whether the land nominated is of community value, as defined in the Localism Act and reproduced in paragraphs 2 and 3 of this report. If the land is considered to be of community value, listing is mandatory.
13. As the proposed listing relates to a present use, the **first part of the test** for listing is that an actual or current use of the land furthers the social wellbeing or social interests of the local community.
14. A traditional pub will usually further the social interests or social wellbeing of its local community. A pub will often provide the focus for its community and act as an informal meeting place, as well as a base for sports and pastimes. Over 860 pubs have been listed as assets of community value across the country since the listing provisions came into force. Pubs form the largest single category of listed community assets. There is Government encouragement for communities to apply to register local pubs as assets of community value².
15. The Miller Arms is described by its owners as a "*charming country pub offer[ing] a relaxing atmosphere and a varied menu of home-cooked food*" and cask ales³. It is also referred to as a "*gastro pub*" and a "*restaurant and watering hole*".
16. It is clear that the Miller Arms has a prominent food offer which is intended to attract diners from a much wider area than Singleton village. A restaurant would be much less likely to fulfil the requirements of furthering the social wellbeing or social interests of the local community than a traditional pub. Members will therefore want to consider the extent to which the building as it is now operated can properly be characterised as a traditional pub, or whether it is now a restaurant. If members are satisfied that the building operates to a material extent as a traditional pub, and given that there is no other traditional pub in Singleton village, the first part of the test would appear to be met.
17. The **second part of the test** is that it is realistic to think that there can continue to be a use of the land which will further (whether or not in the same way) the social wellbeing or social interests of the local community. The committee therefore needs to consider whether it is realistic to think that the Miller Arms could continue to fulfil the community role of a traditional pub. Though the premises have recently re-opened after a short period of closure, there is no reason to believe that, under appropriate management, they could not continue to fulfil that role.

² www.gov.uk/government/news/cheers-all-round-for-community-pubs-day--2

³ www.millerarmssingleton.co.uk/take-a-look-inside

18. If both parts of the statutory test are fulfilled, the committee must resolve to list the land as an asset of community value.

IMPLICATIONS	
Finance	<p>The listing of land can give rise to a claim for compensation from the owner of the land if he has incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed. However, the possibility of a compensation liability is not a ground which the council can take into account in deciding whether to include land on its list.</p> <p>The Council is liable for any compensation payment that may be required to be paid to owners of properties in the circumstances described above up to a limit of £20k in any financial year, with any compensation above this level being met by central government.</p> <p>In 2012/13 the Council created a Community Right to Bid/Challenge Reserve as a voluntary set-aside of funds to finance future expenditure linked to the Community Right to Bid and Community Right to Challenge regime. This was funded by government grants received for this purpose between 2012/13 and 2014/15. The balance of the reserve currently stands at £46k.</p>
Legal	The owner of land can require a review of the decision to list his land. A review must be carried out by an officer of the authority of appropriate seniority who did not take any part in making the decision to be reviewed. The result of the review can be appealed through the tribunal system
Community Safety	None
Human Rights and Equalities	The Government considers that the system for listing assets of community value is compatible with the European Convention on Human Rights
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	See the comments under 'Finance'

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Letter from Singleton Parish Council	27 August 2019	Town Hall, Lytham St Annes