



## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	FINANCE AND DEMOCRACY COMMITTEE	25 JUNE 2018	6
<b>COMMUNITY ASSET NOMINATION: THE VICTORIA, CHURCH ROAD, ST ANNES</b>			

### 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 Victoria public house at St Annes 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 Victoria public house, St Annes 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
2. Accept the nomination to include the Victoria in the council's list of assets of community value.

### SUMMARY OF PREVIOUS DECISIONS

Cabinet, 8 May 2103, resolved:

1. To agree that the Victoria public house, St Annes 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
2. Accept the nomination to include the Victoria in the council's list of assets of community value.

### CORPORATE PRIORITIES

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

## 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 current use<sup>1</sup> 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 use<sup>1</sup> 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 notifies 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.

### THE APPLICATION

8. The nomination to list [the Victoria](#) was made by [St Annes on the Sea Town Council](#). The property is within the town council's area. 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.
9. The Victoria was previously listed as an asset of community value following a nomination by the town council and a decision by the council's Cabinet in May 2013. That listing automatically lapsed earlier this year, in line with the legislation. Though the previous listing may be relevant, it is not determinative of the present application. The committee must consider the present application in the light of current circumstances.
10. In support of the nomination, the town council states:
  1. *The Victoria Hotel is the home of the Victoria Hotel Community Association (VHCA) and such is considered to be a community hub for the area*
  2. *The building has historic significance ; Victoria Hotel which was built in 1897 and was one of the first Hotels/Public Houses/Community Hubs within St. Anne's on the Sea*
  3. *The building been the subject of a local campaign that began in 2010 instigated by the VHCA. This resulted in the owners of the site not pursuing a planning application in 2015.*

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<sup>1</sup> Ancillary uses do not count.

4. *The land directly surrounding the Victoria Hotel is the site of "The St. Anne's Hoard", discovered in 1961 under an old sycamore tree. The coins ranged from 1550-1643-4. It is probable that the hoard had been accumulated by that date and buried. In 1644 royal forces had been present in the area. A selection of the coins can be seen in the Harris Museum, Preston. - Cited in St. Anne's on the Sea – A History, Peter Shakeshaft*
5. *Regular community events occur at the Victoria Hotel event, which would be difficult to replace in the local vicinity VHCA events and open days, all the local community is involved in these events.*
6. *It has both a Community Hub and has Recreational value - Extensive to the local community and the VHCA that use both the building and the adjacent land.*
7. *Is considered 'special' to the local community as a result of the successful campaign to protect the building.*
8. *Previously supported by the Planning Inspectorate decision in 2013 as a community hub.*
9. *The VH is of considerable value to the community. There are no reasonable alternatives close by, which provide this range of facilities and without this it would undermine community cohesion.*
10. *Sited adjacent to Beauclerk Gardens which has LGS designation under St. Anne's Neighbourhood Development Plan*

#### *In Summary*

*The heritage and community detriment of losing the VH would be substantial due to its historic significance, architectural importance, the importance of the building to the local community as a community hub, the building ensuring community cohesion, the attachment of the local community to the building as clearly demonstrated by the successful campaign to protect the building and being the home of the active and buoyant community group Victoria Hotel Community Association (VHCA)*

11. The Planning Inspectorate decision referred to in the town council's submission was a decision dismissing an appeal against the borough council's refusal of a planning application which involved the demolition of the Victoria and its replacement by retirement accommodation. The inspector's decision letter included the following:
  175. The VH is of considerable value to the local community. There are no reasonable alternatives close by, which provide its range of facilities. Its loss would reduce the community's ability to meet its day-to-day needs and would undermine community cohesion.
  178. The heritage and community detriment of losing the VH would be substantial. The benefit of the proposed housing scheme would be modest. In my judgement the advantages of the proposed scheme do not sufficiently outweigh the harm that would be caused by losing the VH.

#### 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 whether there is an actual current use<sup>2</sup> of it that furthers the social wellbeing or social interests of the local community.
14. If the first part of the test is fulfilled, the committee would need to consider whether the second part of the test for listing is also fulfilled. The second part of the test is whether it is realistic to think that there can continue to 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.

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<sup>2</sup> Ancillary uses do not count.

## THE FIRST PART OF THE TEST

15. The first part of the test for listing is whether there is an actual current use<sup>3</sup> of the land that furthers the social wellbeing or social interests of the local community, or a time in the recent past when an actual use of the property has done so.
16. The current use of the land as a pub. The question is therefore whether that use furthers the social wellbeing or social interests of the local community.
17. 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 2,000 pubs are listed as assets of community value across the country<sup>4</sup>. Pubs form the largest single category of listed community assets.<sup>5</sup>
18. In 2013, Members took into account the Planning Inspector's conclusions (set out in paragraph 11 of this report) which showed that she had accepted the extensive evidence of community use and value that had been given at the inquiry. The Cabinet concluded that the use of the Victoria furthered the social interests or social wellbeing of its local community. If members are satisfied that the level of community use of the Victoria has not decreased since 2013, they should reach the same conclusion on the present application.

## THE SECOND PART OF THE TEST

19. If the committee considers that the first test for listing is satisfied, it should then go on to consider the second part of the test. The second part of the test is whether it is realistic to think that there can continue to be (or that in the next five years 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.
20. The committee therefore needs to consider whether it is realistic to think that the Victoria could continue to fulfil the community role of a traditional pub. The recent history and current vibrancy of the pub suggests that it would be realistic to consider that it could continue to fulfil this role.
21. 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. In recognition of this new potential burden the Council has received grants from central government in the total sum of £46k. A Community Right to Bid/Challenge Reserve was created to set aside this grant to fund the costs of any future compensation that might be payable under the scheme.</p>
Legal	<p>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</p>

<sup>3</sup> Ancillary uses do not count.

<sup>4</sup> Campaign for Real Ale website at <https://pubs.camra.org.uk/acv>

<sup>5</sup> According to a report available to subscribers at Planning Resource

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 and attachments from St Annes Town Council	24 May 2018	Town Hall, St Annes
Community Right to Bid: Non-Statutory Advice Note for Local Authorities	October 2012	<a href="http://www.gov.uk/government/publications/community-right-to-bid-non-statutory-advice-note-for-local-authorities">www.gov.uk/government/publications/community-right-to-bid-non-statutory-advice-note-for-local-authorities</a>