

SHEFFIELD CITY COUNCIL

INDIVIDUAL CABINET MEMBER DECISION RECORD

The following decision was taken on 10 March 2017 by the Cabinet Member for Community Services and Libraries.

Date notified to all members: Tuesday 14 March 2017

The end of the call-in period is 4:00 pm on Monday 20 March 2017

Unless called-in, the decision can be implemented from Tuesday 22 March 2017

1. **TITLE**

Asset of Community Value Nomination - The University Arms, 197 Brook Hill, Sheffield S3 7HG

2. **DECISION TAKEN**

To accept the registration of The University Arms, 197 Brook Hill, Sheffield S3 7HG, as an Asset of Community Value.

3. **Reasons For Decision**

The legislation and the guidance issued by the Government do not provide a clear definition of what an asset of community value should be. The view taken by the City Council in relation to businesses, such as pubs, that serve the public is that the usage should suggest that the property acts as a hub or focal point for a significant proportion of an identifiable community, in order to justify registration as an asset of community value. That usage should also be more than ancillary to the principle use of the property.

The nominator presented a mixed picture in terms of community, being staff and students of the university, residents from nearby areas and also included himself from Stocksbridge as part of the community.

It was difficult for the panel to agree that one local community had been identified on the above information, the nominator gives the impression that he believes the local community is synonymous with the customers of the property, but the panel was clear that customers do not necessarily constitute a local community.

The panel agreed that staff and students of the university could be considered a local community and real ale enthusiasts could be considered a community, but the reasons provided by the nominator gave no indication that either community appeared to use the property as a focal point or hub.

This nomination provided details of local interest groups using the property. The panel in particular noted the Rutland Cycling Club and the Sheffield Board Gamers

club used the premises regularly for monthly and weekly meetings respectively. The websites of these groups confirmed this usage; the cycling club appear to have used the property for approximately 30 years and the board gamers appear to have used it for at least 5 years.

The panel considered that both groups could be considered local communities, using the premises for their regular meetings met the requirement to be using it as a focal point or hub.

The owner objected to the nomination on various grounds.

In respect of whether a local community existed for the nomination, the owner suggested that one off meetings did not assist to identify a local community but they did not provide any persuasive arguments to suggest that these long standing groups that used the premises regularly should not be considered local communities for the purpose of the nomination.

The panel considered whether the community should live locally to the property but they agreed that it wasn't relevant in respect of venues that were hosting events or meetings that were attracting a community with a particular interest, for the purpose of this nomination it is clear that these are local groups with these particular recreational and sporting interests.

The panel considered whether, as suggested by the owner's objection, that the private hire of the private function room was not something that should be taken into consideration.

One issue was whether these groups/meetings were open to the community as a whole. The panel considered that it appeared open to any member of the public to join either group and therefore this did not seem to be a barrier to listing.

The panel also considered whether it was relevant that those groups are presumably required to pay for the hire of the room. The panel agreed that it did not affect the potential to be listed as an ACV, it is reasonable for venues to charge to cover their overheads.

The panel considered that they had accepted similar nominations where a particular interest group were using a public house for regular meetings. It was thought that while these were not the primary uses, neither should they be considered ancillary.

In respect of the Rutland Cycling club, the panel considered their connection to the property was more than just a room for hire given the long history of the club's association with the property.

With respect to this third nomination of the University Arms, it was clear that the property was a focal point or hub for those local communities making regular use of the property for their meetings.

The panel felt that it is reasonable to require the nominated property to be used as a focal point or hub for a local community to ensure that ACV listings were assets that warranted the protection afforded by the status rather than any venue where

food and drink was consumed by customers in a welcoming environment such as a city centre public house. Such a low bar would make it difficult to decide what should not be an ACV, and could be considered to devalue the ACV status.

In conclusion, it appears that this property's actual and current use furthers the social wellbeing and interests of the local community sufficiently to satisfy the statutory tests set out in sections 88 a) to d) of the Localism Act 2011.

4. **Alternatives Considered And Rejected**

To refuse the registration.

5. **Any Interest Declared or Dispensation Granted**

None

6. **Respective Director Responsible for Implementation**

Executive Director, Children, Young People and Families

7. **Relevant Scrutiny Committee If Decision Called In**

Safer and Stronger Communities Scrutiny Committee