



**Author/Lead Officer of Report:** Dawn Shaw,  
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**Report of:** Laraine Manley

**Report to:** Jack Scott, Cabinet Member for Community Services and Libraries

**Date of Decision:** 10 March 2017

**Subject:** Asset of Community Value Nomination – University Arms, 197 Brook Hill, Sheffield, S3 7HG

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? Community Services & Libraries		
Which Scrutiny and Policy Development Committee does this relate to? Safer & Stronger Communities		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		

**Purpose of Report:**

**This report is to provide the Cabinet Member with sufficient information to enable him to make a decision as to whether The University Arms, 197 Brook Hill, Sheffield S3 7HG, should be listed as an Asset of Community Value pursuant to Part 5, Chapter 3 of the Localism Act 2011.**

**Recommendations:**

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

**Background Papers:**

*(Insert details of any background papers used in the compilation of the report.)*

<b>Lead Officer to complete:-</b>	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: <i>(Insert name of officer consulted)</i> <b>Mike Thomas</b>
	Legal: <i>(Insert name of officer consulted)</i> <b>David Sellars</b>
Equalities: <i>(Insert name of officer consulted)</i> <b>Michelle Hawley</b>	
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>EMT member who approved submission:</b> Approved at Communities PLT
3	<b>Cabinet Member consulted:</b> Jack Scott, Cabinet Member for Community Services and Libraries
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	<b>Lead Officer Name:</b> <i>Dawn Shaw</i>
	<b>Job Title:</b> <i>Head of Libraries &amp; Community Services</i>
<b>Date:</b> 7.3.17	

## **1. SUMMARY**

- 1.1 This report is to provide the cabinet member with sufficient information to enable him to make a decision as to whether The University Arms, 197 Brook Hill, Sheffield S3 7HG should be listed as an Asset of Community Value pursuant to Part 5, Chapter 3 of the Localism Act 2011.

## **2. MAIN BODY OF REPORT**

The Localism Act 2011 gave Local Authorities a statutory duty to receive and determine nominations for land and buildings in the local authority area to be classified as an Asset of Community Value

An application has been received and assessed against the statutory criteria

In order for an asset to be listed certain statutory criteria must be fulfilled.

The initial part of the assessment assesses whether the group nominating the asset and the asset itself meet the statutory criteria of eligibility. Once this has been established there needs to be consideration of the community value of the land or buildings.

The essence of the legislation is that land is of community value if in the opinion of the local authority an actual current use or recent past use, that is not an ancillary use, furthers the social well-being or social interests of the local community and its 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 well-being or social interests of the local community.

Appended to this report is Part 1 and Part 2 of the assessment form, based on the Council's interpretation of the statutory criteria for listing, completed by the AOCV officer panel to support the recommendations below

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1 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

## **4.0 RECOMMENDATIONS**

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