

SHEFFIELD CITY COUNCIL

INDIVIDUAL CABINET MEMBER DECISION RECORD

The following decision was taken on 25 January 2017 by the Cabinet Member for Community Services and Libraries.

Date notified to all members: Thursday 26 January 2017

The end of the call-in period is 4:00 pm on Wednesday 1 February 2017

Unless called-in, the decision can be implemented from Thursday 2 February 2017

1. **TITLE**

Asset of Community Value Nomination - The Cherry Tree, 2 Carter Knowle Avenue.

2. **DECISION TAKEN**

To refuse the registration of The Cherry Tree, 2 Carter Knowle Avenue, Sheffield, S11 9FU, 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 is that the property should be 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.

It is clear that there is a local community for the purpose of this nomination.

The nomination has been made by the Carter Knowle & Millhouses Community Group, an unincorporated body. The group maintains an email network covering the area, with regular bulletins on a variety of subjects including local events and issues affecting the area. They also print and deliver a newsletter 3-4 times per year to over 2000 households across the area as well as to shops and businesses. They also hold meetings on the same frequency which are open to all residents without charge. The nomination was supported by an overwhelming majority of over 50 responses to various notifications and was unanimously supported at a meeting attended by over 40 people. The nomination is also supported by two other community groups in the area.

The nomination has failed to provide details to demonstrate that the pub acts as a focal point or hub for a significant proportion of the community.

The nomination details that the pub 'enables local people to meet and socialise'

encouraging 'community cohesion' but does not provide any details of groups that regularly meet there or testimonials from any regulars.

The nomination states the pub has offered to host social and educational sessions for people locally who are isolated or lonely but there is nothing to suggest that anything of this nature currently takes place at the property. There are no details of events such as named local hobby groups or local sports teams that use the property. The nomination states that it is a very popular pub.

As part of the assessment process the owner of the pub has been sent the nomination form. In response to the nomination the owner of the pub has provided a written response which states that the pub is neither busy nor popular and this is borne out by the trading figures. The owner also believes there will be no impact on the community if usage of the Property as a public house ceases because the local residents already prefer to go elsewhere.

The nominator has been provided with the owner's written response but in the view of the assessment panel has not provided any information to satisfactorily rebut these representations by the owner.

In response to the owner's objection the nominator states that they have tried to show that there is a receptive and desirous community, which has showed its support for the Cherry Tree and the local responses to the Planning Application clearly show that residents wish to retain the Cherry Tree as a local amenity. Whilst there is clearly support for this nomination and interest in the planning application, there is a lack of detailed support for the community function currently provided by the pub such as testimonials from users/groups that benefit from the current usage of the pub.

In response to the owner's objection, the nominator believes the owners have allowed the Cherry Tree to become run down with a view to selling it off and that they have deliberately undermined the trading potential of the Cherry Tree in order to pursue a higher value "alternative use" option for the pub. Irrespective of whether this is true or otherwise, it has no impact on the ACV nomination which is decided based on the information available. The nominator believes the current use justifies ACV nomination. When a property has been run down such as alleged here, a nominator could rely on a recent past use for the purposes of the nomination, but this has not been put forward as a reason for listing as an ACV.

A significant proportion of the usage detailed in the nomination is considered to be ancillary to a commercial pub business, such as:

- Having a food menu enjoyed by the local community;
- Having a beer garden which is enjoyed by local people;
- Hosting weekly quiz nights which bring the community together.

In respect of future use the nominator states that the pub is under threat and therefore the proposed future use is to continue as a public house

The owner states that continued use as a pub is the nominator's preferred outcome whereas the facts are that an agreement for lease is already in place with the Co-Op and conditional only on planning permission being obtained. A planning application has already been submitted to the Council (Ref: 16/02791/FUL).

In conclusion, it does not appear 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 accept the registration.

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

None.

6. **Respective Director Responsible for Implementation**

Executive Director, Communities

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

Safer and Stronger Communities Scrutiny Committee