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Report of: Laraine Manley, Executive Director of Communities

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

Date of Decision: 14th September 2016

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 checked="" 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 refuse 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.)

Lead Officer to complete:-	
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> Mike Thomas
	Legal: <i>(Insert name of officer consulted)</i> David Sellars
Equalities: <i>(Insert name of officer consulted)</i> Michelle Hawley	
<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	EMT member who approved submission: Laraine Manley
3	Cabinet Member consulted: Cllr Jack Scott
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.
	Lead Officer Name: Dawn Shaw
	Job Title: Head of Libraries and Community Services
Date: 14 th September 2016	

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 reasons provided by the applicant suggest that The University Arms is a commercially viable pub business operating in the city centre. The applicant advises that inclusion in good beer guides guarantees visits from a wider community and it is used by staff, students and residents of the city centre and those in the residential areas to the west of the city centre. The owner describes it as a 'student pub' suggesting that its patronage is only a section of the community. A pub business owned by

the University of Sheffield and described by them as a student pub, is likely to have a limited appeal to certain parts of the community rather than the community as a whole. No evidence has been provided to the contrary.

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.

In relation to University Arms, the usage described by the Applicant in terms of general community uses such as advertising local events and quiz nights is dismissed by the owner as ancillary to any commercial pub business. It is clear that the owner sees the principle use of the property is as a commercial public house predominantly used by students.

There are other community uses detailed by the Applicant, but there is nothing to suggest that, in total, they are anything other than ancillary to this principle use. It is also unclear what the local community for the purposes of the application is. If it is taken to be the student community, the number of assumed regular patrons would only represent a small proportion of the students in Sheffield and by its nature is a community that substantially changes every few years, and is therefore likely and able to relocate without substantial impact. The owner details several other licensed premises that it provides, suggesting that the University Arms is one of many opposed to a focal point or hub for a substantial proportion of an intended community.

This applicant has not provided evidence to support its reasons that the property provides a non-ancillary benefit to the local community. The reasons given are not sufficiently detailed or evidenced to outweigh the representations from the owner.

In conclusion, there is a lack of evidence 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 refuse the registration of The University Arms, 197 Brook Hill, Sheffield, S3 7HG, as an Asset of Community Value.