

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Corporate Director for Place

Cabinet

on

18 March 2014

Report prepared by: Dean Hermitage (Group Manager
Development & Building Control)

Notice of Motion: Community Pubs

Place Scrutiny Committee
Executive Councillor: Cllr Jonathan Garston

1. Purpose of Report

To reconsider the Notice of Motion proposed by Cllr Ware-Lane and seconded by Councillor Crystall at Council on 12th December 2013, relating to Community Pubs, as a consequence of the reference back to Cabinet following consideration of the matter by Place Scrutiny Committee on 27th January 2014.

2. Recommendations

- 2.1 **That the Notice of Motion be rejected, for the reason that more effective means of protecting important community pubs exist.**

3. Background

- 3.1 On the 12th December 2013 the Council considered the following Notice of Motion proposed by Councillor Ware-Lane and seconded by Councillor Crystall and referred it to Cabinet in accordance with Standing order 8.4;

“That the Council seeks powers from the Secretary of State to help protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted for other uses or are allowed to be demolished. If this power was acquired it would allow the Council to determine if pubs should be demolished or converted into other uses and could save many valued community pubs.

That the Council resolves to submit the proposal to the government under the Sustainable Communities Act and to work together with Local Works and the Campaign for Real Ale to gain support for the proposal from other Councils in the region and across the country”.

- 3.2 Cabinet considered a report on the matter at its meeting on 7th January 2014 and resolved “That the motion is not accepted as important pubs could be more

effectively protected through the use of the relevant provisions of the Localism Act 2011, which allows local groups a right to identify and nominate individual pubs to be listed as assets of community value” (minute 639 refers).

- 3.3 The Cabinet’s decision was called-in for scrutiny at the Place Scrutiny Committee held on the 27th January 2014. The Place Scrutiny Committee resolved that the matter be referred back to Cabinet for reconsideration (minute 693 refers).
- 3.4 The concern of the Place Scrutiny Committee was that the Cabinet’s proposed response, would not address the problem identified in the Notice of Motion in an effective way.
- 3.5 Further consideration has been given to the issue and it is considered to be the case that the assets of community value provisions in the Localism Act 2011 is the most suitable means available.
- 3.6 The Localism Act 2011, which allows for individual pubs that are identified as community assets to be “listed” as an “asset of community value”. The regulations allowing this came into force on 21st September 2012. This would be a more resource efficient method of protection and is a community-led process, which focusses on those pubs deemed to be of value to the community.
- 3.7 This gives local groups a right to nominate a building for listing by the local authority as an asset of community value. It is open to parishes and community organisations, including neighbourhood forums to nominate local assets to the Council, to be included on the list of assets of community value. Nominated assets may be owned by anybody. This method of protection is personal to a particular asset, whereas the route set out in the above motion seeks a blanket protection of all pubs. This still has cost implications in the form of processing requests and potential appeal reviews.
- 3.8 Following registration of an “asset of community value”, if the premises are put up for sale, the community have an extended period within which they can raise finance and bid to buy the site. This process is considered a far more appropriate way of addressing the possible loss of pubs.

4. Other Options

- 4.1 Other options, as previously considered by Cabinet are discussed above.

5. Reasons for Recommendations

- 5.1 To assist Members with a revised course of action in respect of the issue of community pubs.

6. Corporate Implications

6.1 Financial Implications.

There are no financial implications.

6.3 Legal Implications

None

6.4 People Implications

None

6.5 Property Implications

None

6.6 Consultation

All relevant officers have been consulted on the recommendations.

6.7 Equalities and Diversity Implications

None

6.8 Risk Assessment

No specific risks have been identified.

6.9 Value for Money

No issues identified

6.10 Community Safety Implications

None.

6.11 Environmental Impact

None

7. Background Papers

7.1 Minute 639 Notice of Motion – Community Pubs: Cabinet 7th January 2014

7.2 Minute 693 Notice of Motion – Community Pubs: Place Scrutiny Committee 27th January 2014

8. Appendices

None