

Committee: Assets of Community Value and Local Heritage List Committee

Date:
Wednesday 1 April
2020

Title: Nomination of The Gate Inn public house, Saffron Walden

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Summary

1. The Localism Act 2011 introduces a concept of an 'Asset of Community Value'. Section 87 of the Localism Act places a duty of Local Authorities to 'maintain a list of land in its area that is land of community value'.
2. An Asset is of community value if (in the opinion of the local authority) either:
 - An actual current use of the building or other land, that is not an ancillary use, furthers the social wellbeing or social interests of the local community; and
 - It is realistic to think that there can continue to be non-ancillary use of the building or other land, which will further (whether or not in the same way) the social wellbeing or social interests of the local community.or
 - There is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community; and
 - It is 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 wellbeing or social interests of the local community.
3. The Act states that "social interest" "includes (in particular) each of the following – (a) cultural interest, (b) recreation interest and (c) sporting interests.
4. Assets of community value are buildings or land which involve the physical use by the community and include for example a village shop, pub, community centre, allotment or recreation ground.
5. The purpose of this report is to enable members to determine:
 - a) Whether there is a valid nomination;

- b) Whether the use of the building (current or recent past) furthers the social welling or interests of the community;
- c) Whether it is realistic to think that in the next 5 years the building could be used to further the social wellbeing or interests of the community.
- d) In considering these questions, members need to consider principal, rather than ancillary, uses of the building.
- e) If members conclude that the answers to these questions are “yes”, the building should be included in the list of assets of community value.

Recommendations

- 6. Recommended for Listing: On the basis that there is a valid nomination and the current use of, or there is a time in the recent past when **The Gate Inn public house** furthered the interests of the community, and it is realistic to think that in the next 5 years the building/land could further the interest of the community, officers would recommend that the sites be listed as an Asset of Community Value.

Financial Implications

- 7. There are direct financial implications arising at this stage which relate to the formal process of identifying and contacting asset owners and, if relevant, registering an asset as a Land Charge. These costs can be met from existing budget and staff resources.
- 8. There is also an unquantifiable financial risk to the Council, if there was a claim for compensation. This needs to be kept under review and at an appropriate time consideration should be given to establishing a contingency reserve to mitigate the risk to the Council’s budget. However, the potential liability should not be taken into account in deciding whether or not this is an asset of community value.

Background Papers

- 9. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
- 10. The nomination form in full, maps and representations are appended and will be able to be viewed by the public on the website under [currently nominated assets](#).

Impact

- 11. Consideration of possible impact:

Communication/Consultation	In line with paragraph 8 of The Assets of Community Value (England) Regulations 2012 the Council have taken all practicable
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	steps to give information that it is considering listing the land to the owner of the land, freeholder and occupant. This has taken the form of letters.
Community Safety	No impact.
Equalities	The duty will affect all equally.
Health and Safety	No impact.
Human Rights/Legal Implications	Pursuant to s.19 Human Rights Act 1998 the Secretary of State has certified that in his opinion the Localism Act is compatible with the Convention rights.
Sustainability	If the land is included on the list of Community Assets it will form a Land Charge.
Ward-specific impacts	Located in Saffron Walden Shire. Also may impact Saffron Walden Castle and Saffron Walden Audley End.
Workforce/Workplace	No impact

Situation

a) Is this a valid nomination?

12. S89 of the Localism Act states that land in a local authority area which is of community value may be included in its list of assets of community value only in response to a “community nomination”, or where permitted by regulation made by the Secretary of State. A community nomination means a nomination by a parish council in respect of land in the parish council’s area or “by a person that is a voluntary or community body with a local connection”.

13. The nomination has been made by Saffron Walden Town Council, including:

- An Ordnance Survey Map (Parish Online) outlining the site and boundary has been submitted.
- Address of the owner of The Gate Inn as Hawthorn Leisure Limited.
- Name of the tenant landlord
- Reasons for nominating – see point 18.

14. The nominated asset is within Saffron Walden.

15. This application, made on behalf of Saffron Walden Town Council, was approved by the Saffron Walden Town Council Assets and Services Committee on January 27th 2020, minute reference: A&S 010-20.

16. A nomination must also include:

- i. A description of the nominated land including its proposed boundaries.
- ii. Any information the nominator has about the freeholders, leaseholders and current occupants of the site.
- iii. The reasons for nominating the asset, explaining why the nominator believes the asset meets the definition in the Act.
- iv. The nominator's eligibility to make the nomination.

17. If it meets these requirements it is a valid nomination under S89(2)(i). The nomination being considered is validly made.

b) Does the use of the building (current or recent past) further the social wellbeing or interests of the community?

18. The Town Council believe that The Gate Inn furthers the interests of the community for the following reasons:

- The Gate Inn currently functions as a viable business, selling beers and other drinks to a regular clientele drawn largely, though by no means exclusively, from the Eastern part of the town, where it is one of only two traditional pubs remaining.
- It is located in a residential area and as such caters to a different audience to Saffron Walden's town centre pubs. In this respect, in the absence of television screens and recorded music.
- It has featured regularly in good beer and good pub guides, is Cask Marque accredited, and occasionally hosts live acoustic music events. It has a beer garden which is used by local people and an outside petanque pitch. Food plays a significant part in the business and life of the pub. There is a substantial garden with children's swings and climbing frame.
- The Gate Inn is a dog- and family-friendly establishment which has been used by many clubs and societies for meetings, events and charity fundraising. These include:
 - SW Operatic society
 - SW Choral Society
 - Saffron Striders running club.
 - 5-a-side football team and fantasy football league.
 - Coffee and lunch events for mums and kids
- As a popular pub located on a major arterial road in the town, The Gate Inn has a long history of promoting and facilitating social interaction and

engagement. It provides daily opportunities for involvement with other people in the community.

c) Is it realistic to think that in the next 5 years the use of the building could further the social wellbeing or interests of the community?

19. Saffron Walden Town Council consider that it is therefore perfectly realistic to suppose that the pub can continue, over the next five years and more, to further the social wellbeing and social interests of the local community. As such this application is made to list the Gate Inn as an Asset of Community Value.
20. In their application, Saffron Walden Town Council included information on how Community Pubs contribute to the community and local economy:
 - Community pubs represent the very essence of a community asset, providing a meeting place where social networks are strengthened and extended and where people can mix with others from different backgrounds to their own. Pubs host a wide variety of community-oriented events and activities that add considerably to local civic life.
 - As well as injecting an average of £80,000 into their local economy each year, pubs play a key role in raising money for local charities, it is estimated that the average pub raises around £3000 a year for charity.
 - The Institute of Public Policy Research (IPPR) has used Social Return on Investment methodology to quantify the wider social value which pubs generate for their communities, which cannot be captured in financial terms. These wider community benefits range from the amount of money the pub raises for charity to the reduced risk of social isolation through opportunities for pub-goers to make new friends and strengthen community ties. The IPPR's research found that each pub generates between £20,000 and £120,000 of wider social value to their communities. <http://www.ippr.org/publications/55/8519/pubs-and-places-the-social-value-of-community-pubs>
21. In the event that The Gate Inn came up for sale, Saffron Walden Town Council state that they would explore the following options to fund purchase of The Gate Inn and run it for the benefit of the community:
 - Community Share Issue
 - More Than A Pub Programme Funding
 - Community Bank Loans
22. There is no recent history of planning applications on the property

Representations

23. No representations have been received. Any received after publication of this report will be reported at the meeting.

Conclusion

- 24. This is a valid nomination to the Council.
- 25. Members need to consider whether the evidence provided shows that the property, current or in the recent past, furthers the social wellbeing or interests of the community.
- 26. Members need to consider whether it is realistic to think that the public house can continue to be used in a manner that furthers the social wellbeing and interests of the local community.
- 27. Consideration of these issues will lead the Committee to determine whether The Gate Inn should be listed as assets of community value for a period of five years.

Risk Analysis

28.

Risk	Likelihood	Impact	Mitigating actions
The nominating body or the owner is unhappy with the decision reached.	High risk that one of the bodies will be unhappy with the decision.	<p>The owner has rights of internal review and appeal and can claim for compensation.</p> <p>The nominating body does not have rights of review or appeal. A new nomination can be made with additional information.</p> <p>If it felt the Council had acted unlawfully, it could seek to challenge by way of judicial review.</p>	Carefully scrutinise submissions for inclusion on the Asset List so as to ensure only those which comply with the criteria are included.

1 = Little or no risk or impact
 2 = Some risk or impact – action may be necessary.
 3 = Significant risk or impact – action required
 4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix 1: Nomination Form

Section 1 ABOUT YOUR COMMUNITY ORGANISATION

Q1 Name and address of your organisation	
Organisation name:	Saffron Walden Town Council
Address and postcode:	11 Emson Close Saffron Walden CB10 1HL
Registration number (if you are a charity, company, CIC or social enterprise)	

Q2 Please specify what type of organisation you are	
Category	Tick ✓
Parish/Town Council	✓
Unconstituted / unincorporated Community Group whose members include at least 21 individuals who appear on the electoral roll	
Neighbourhood Forum designated as pursuant to section 61F of the Town & Country Planning Act 1990	
Industrial & Provident Society which does not distribute any surplus it makes to its members	
Company Limited by Guarantee which does not distribute any surplus it makes to its members	
Community Interest Company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004	
Charity	

Q3 Who should we contact to discuss this nomination?	
Name:	Lisa Courtney Town Clerk
Address and postcode:	11 Emson Close Saffron Walden CB10 1HL
Telephone number	01799 516501

Q3 Who should we contact to discuss this nomination?

Email address	townclerk@saffronwalden.gov.uk
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Section 2 ABOUT THE PROPERTY TO BE NOMINATED

Q4 Which asset do you wish to nominate?

Name of property:	The Gate Inn
Address and postcode:	74 Thaxted Rd., Saffron Walden, Essex CB11 3AG
Name of property owner	Hawthorn Leisure Ltd.
Address and postcode:	Touchstone 1, Pinewood Business Park Coleshill Rd. Marston Green Solihull B37 7HG
Telephone number	??
Email address (if known)	??
Current occupier's name (if different from property owner)	Andreea Dirstar
Details of occupier's interest in property	Tenant Landlord

Section 3 DEMONSTRATING THE COMMUNITY VALUE OF THE ASSET

Q5a Why do you feel the property is an asset of community value?

Please give as much information as possible about the current use of the asset i.e. what activities take place, what groups use the facility currently or in the recent past etc. Continue on a separate sheet if necessary. Definition of an asset of community value can be found in the guidance notes.

The Ministerial Foreword in the Government's own guidance for local authorities on assets of community value begins: "...from local pubs and shops to village halls and community centres, the past decade has seen many communities lose local amenities and buildings that are of great importance to them".

Community pubs represent the very essence of a community asset, providing a meeting place where social networks are strengthened and extended and where people can mix with others from different backgrounds to their own. Pubs host a wide variety of community-oriented events and activities that add considerably to local civic life.

As well as injecting an average of £80,000 into their local economy each year, pubs play a key role in raising money for local charities, it is estimated that the average pub raises around £3000 a year for charity.

The Institute of Public Policy Research (IPPR) has used Social Return on Investment methodology to quantify the wider social value which pubs generate for their communities, which cannot be captured in financial terms. These wider community benefits range from the amount of money the pub raises for charity to the reduced risk of social isolation through opportunities for pub-goers to make new friends and strengthen community ties. The IPPR's research found that each pub generates between £20,000 and £120,000 of wider social value to their communities¹.

The Gate Inn currently functions as a viable business, selling beers and other drinks to a regular clientele drawn largely, though by no means exclusively, from the Eastern part of the town, where it is one of only two traditional pubs remaining. It is located in a residential area and as such caters to a different audience to Saffron Walden's town centre pubs. In this respect, in the absence of television screens and recorded music.

It has featured regularly in good beer and good pub guides, is Cask Marque accredited, and occasionally hosts live acoustic music events. It has a beer garden which is used by local people and an outside petanque pitch. Food plays a significant part in the business and life of the pub. There is a substantial garden with children's swings and climbing frame.

The Gate Inn is a dog- and family-friendly establishment which has been used by many clubs and societies for meetings, events and charity fundraising. These include:

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- Coffee and lunch events for mums and kids

¹ <http://www.ippr.org/publications/55/8519/pubs-and-places-the-social-value-of-community-pubs>

As a popular pub located on a major arterial road in the town The Gate has a long history of promoting and facilitating social interaction and engagement. It provides daily opportunities for involvement with other people in the community.

It is therefore perfectly realistic to suppose that the pub can continue, over the next five years and more, to further the social wellbeing and social interests of the local community. As such this application is made to list the Gate Inn as an Asset of Community Value.

This application to be made on behalf of Saffron Walden Town Council was approved by the Saffron Walden Town Council Assets and Services Committee on January 27th 2020, minute reference: A&S 010-20.

Q5b How could the building or land be acquired and used in future?

If it is listed as an asset of community value, community interest groups (not limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the building or land, and how they could run it for the benefit of the community. Continue on a separate sheet if necessary.

Community Share Issue
More Than A Pub Programme Funding
Community Bank Loans

Business models vary but can include voluntary workers drawn from the community, professional landlord/staff on a tenancy or management model.

Declaration

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate

Signed: 

Print Name: . Lisa Courtney.
.....

Position in Organisation: . Town Clerk
.....

Date:10.02.20
.....

Appendix 2: Site boundary plan

Asset of Community Value Nomination -
The Gate Thaxted Road Saffron Walden

