

CABINET MEMBERS DELEGATED DECISION

Open/Exempt		Would any decisions proposed:			
Any especially affected Wards Yes	Mandatory/	Be entirely within Cabinet's powers to decide		YES/NO	
	Discretionary /	Need to be recommendations to Council		YES/NO	
	Operational	Is it a Key Decision		YES/NO	
Lead Member: Cllr Baljinder Anota E-mail: cllr.baljinder.anota@west-norfolk.gov.uk		Other Cabinet Members consulted:			
		Other Members consulted: Cllr Brian Long Cllr Barry Ayres – Ward Members			
Lead Officer: Honor Howell – Corporate Governance Manager E-mail: honor.howell@west-norfolk.gov.uk		Other Officers consulted: Oliver Judges – Executive Director - Place			
Financial Implications YES/NO	Policy/Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO	Environmental Considerations YES/NO
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)					
Date meeting advertised: 11 December 2023			Date of meeting decision to be taken: 18 December 2023		
Deadline for Call-In: 2 January 2024					

TITLE: APPLICATION TO LIST THE CROWN AND ANCHOR PUBLIC HOUSE, WIGGENHALL ST GERMAN'S AS AN ASSET OF COMMUNITY VALUE

Summary

The council has received an Asset of Community Value (ACV) nomination from Wighenhall St German's Parish Council in respect of the Crown and Anchor Public House, 16 Lynn Road, Wighenhall St German's PE34 3EY.

Under the Localism Act 2011 sections 87 to 108 and the Assets of Community Value (England) Regulations 2012, an ACV is land in the Council's area that the Council consider to have community value on the basis that:

S.88(1)(a) the primary current use of the land furthers the social well-being or social interests of the local community

And

S.88(1)(b) it is realistic to think that the land can continue to be used in a way that will further the social well-being or social interests of the local community (whether or not in the same way as previously)

Land/buildings which don't current hit the threshold can also be regarded as being an ACV if they met the threshold in the recent past and it is realistic to think they can do so again in the next 5 years (Section 88(2))

Recommendation

That the Crown and Anchor Public House, Wiggshall St Germans is listed as an Asset of Community Value.

Reason for Decision

To enable the asset to continue to contribute to the social interest and well-being of the local community.

1 Background

- 1.1 Under the Localism Act 2011, the Community Right to Bid process enables eligible groups and entities to nominate land or property to be registered as an Asset of Community Value (ACV). The process is designed to offer communities greater opportunities to take ownership of assets and facilities important to them.
- 1.2 A building or land within West Norfolk can be listed as an ACV if the council considers that:
 - The primary current use of the asset furthers the social wellbeing or social interests (cultural, recreational and/or sporting) of the local community
 - It is realistic to think that there can continue to be use of the asset which will further the wellbeing or social interests of the local community, although not necessarily in the same way as before
 - The asset had a use which furthers the social wellbeing or social interests (cultural, recreational and/or sporting) of the local community in the recent past and it is realistic to think that there is a time in the next 5 years when it could do so again (whether or not in the same way as before).
- 1.3 The council received a nomination from the Parish Council to list the Crown and Anchor Public House as an ACV. The application was valid and met the criteria laid in legislation for the listing of an asset:
 - The Parish Council are a local group and meet the Article 5 criteria
 - Article 6 – the nomination contains a plan and sufficient information to identify the owners of the property
 - The property is local
 - Provided supporting evidence for concluding that the asset is of community value – the property is available to the whole community and available for hire by the whole community for groups and clubs

- 1.4 The property has a primary use as a public house. It closed for business on 6 October 2023 following departure of the tenant. Therefore, the property cannot be said to have an 'actual current use' and therefore it must be considered whether the property has, in the 'recent past' had a use which furthered the social wellbeing or interests of the local community, and as such, a use could return in the next 5 years.
- 1.5.1 Prior to its closure the property traditionally attracted a mixed clientele of local residents, passing trade of walkers and cyclists and is located in the centre of the village. Therefore, the property does have a history of community use.
- 1.6 The nomination has stated that, since it's closure, there has been considerable local interest (74 expressions of interest) in running the property as a community pub with local groups such as the local football club, using the property as a 'base'. In support of this ambition, a steering group was set up on 19 October 2023 with the aim of raising funds to acquire the freehold and refurbish/renovate the property. It is therefore considered that it is realistic to think that the property could be used to further the social wellbeing or social interests of the local community within the next 5 years.

2 Options Considered

- 2.1 A voluntary or community body that wishes to nominate an asset to be listed as an ACV must ensure that its nomination includes the following:
- A description of the nominated land including its proposed boundaries
 - A statement of all the information considered in reaching the decision to nominate, including the names of any current occupants and the names and addresses of all those holding a freehold or leasehold estate in the asset
 - The reasons for the conclusion that the asset is of community value
 - Evidence that the voluntary or community body is eligible to make a community nomination.

The Parish Council have met the requirements for the listing of the Public House as an ACV, and a decision has been taken to list according to legal advice obtained.

3 Policy Implications

- 3.1 The ACV policy was agreed by Cabinet in December 2023. This application qualifies for listing in accordance with the council's policy on Assets of Community Value and the Localism Act 2011.

4 Financial Implications

- 4.1 There are no financial implication.

5 Personnel Implications

5.1 None

6 Environmental Implications

6.1 None

7 Statutory Considerations

7.1 The council has a duty to consider applications for listing as an ACV in line with the Localism Act 2011 and its own adopted policy.

8 Equality Impact Assessment (EIA)

8.1 Pre-screening EIA attached.

9 Risk Management Implications


9.1 None

10 Declarations of Interest / Dispensations Granted

10.1 None

11 Background Papers

11.1 None

Signed:..... 

Cabinet Member for: PROPERTY AND CORPORATE SERVICES Date: 8/12/23

Pre-Screening Equality Impact Assessment

Borough Council of
**King's Lynn &
West Norfolk**



Name of policy/service/function	Crown and Anchor Public House – Listing as an ACV				
Is this a new or existing policy/ service/function?	New / Existing (delete as appropriate)				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	The Crown and Anchor Public House is being listed as an Asset of Community Value, in line with the policy.				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Gender			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
	Other (e.g low income)			x	
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	Yes/ No				
3. Could this policy/service be perceived as impacting on communities differently?	Yes/ No				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	Yes / No				
5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	Yes / No	<p>Actions:</p> <p>Actions agreed by EWG member</p>			

Assessment completed by: Name	Honor Howell
Job title Corporate Governance Manager	Date 8.12.23

Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.