

Committee(s)	Dated:
Policy & Resources Committee	5 th May 2022
Subject: Application for designation of the Tipperary Public House as an Asset of Community Value	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	4, 10, 12
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: Juliemma McLoughlin, Executive Director, Environment Department	For Decision
Report author: Michelle Price, Environment Department	

Summary

The City Corporation has received a nomination from a Ward Member for Castle Baynard, on behalf of 24 local residents to designate the Tipperary public house, 66 Fleet Street, as an Asset of Community Value (ACV). This is only the second such application that has been made to the City Corporation. Detailed national regulations, the Assets of Community Value (England) Regulations, were published in 2012 and non-statutory guidance issued by the Government in the same year. In 2016, the Policy & Resources Committee adopted guidelines for the assessment of ACV nominations, including specific guidance for public houses. The information supplied by the applicant has been assessed in the context of statutory criteria on the validity of nominations and the City Corporation's ACV guidelines.

The nominator has provided information on the historic use of the building which has been in use as a public house for over 575 years. This information is supplemented by extractions from CAMRA website and publications which cite the extensive social history of the pub and cultural association within the Fleet Street area.

Regulations require that an ACV nomination should be approved by the local authority if the nomination meets the criteria set out in Regulation for the designation of an ACV. The determination of whether the Tipperary should be designated as an Asset of Community Value has been considered on the basis of the evidence submitted by the applicant and the assessment set out in the appendix to this report. The submitted evidence meets the national criteria and the City Corporation's guidelines for designation of an Asset of Community Value.

Regulations require the local authority to notify the landowner and occupier. At the time of drafting this report, no response to the notification has been made by the landowner or present or last known occupier/tenant. 1 letter of support has been received for the nomination.

Recommendation(s)

Members are recommended to:

- Designate the Tipperary Public House an Asset of Community Value.

Main Report

Background

1. On 28th January 2022, the City Corporation received an application from a Ward member of Castle Baynard, on behalf of 24 local residents, for the designation of the Tipperary public house, 66 Fleet Street, as an Asset of Community Value.
2. This is the second such nomination received by the City Corporation. Responsibility for the determination of ACV nominations has not been specifically delegated to a committee and therefore rests with the Policy & Resources Committee.
3. Part 5 Chapter 3 of the Localism Act 2011 provides for the designation of certain buildings or land as Assets of Community Value (ACV). The legislation allows local community groups to nominate buildings or land as ACVs and requires local authorities, including the City Corporation, to make ACV designations if, in the opinion of the authority, the nominated building or land furthers the social wellbeing and social interests of the local community, and it is realistic to think that there can continue to be use of the building or land which furthers the social wellbeing or social interests of the local community. The landowner has a right to request a review of a decision to designate and a right to independent appeal. There is also provision for compensation to be claimed for loss arising out of the designation and the costs incurred in progressing a successful appeal. There is no right of appeal for applicants seeking designation. Once designated, statutory limitations are placed on a landowner's ability to sell the building or land, with a 6 month moratorium period during which the landowner cannot agree a sale, to enable the local community to put together a bid to purchase, although there is no requirement on the landowner to sell to the local community at the end of the moratorium period.
4. The application is available on the City Corporation's website, along with information supplied by the nominator at <https://www.cityoflondon.gov.uk/assets/Services-Environment/tipperary-acv-application.pdf>
5. The City Corporation is required to determine this application within a period of 8 weeks from the date of receipt. The applicant has agreed an extension of

this time period during the City Corporation's pre-election period and subsequent appointment of committees.

6. At its meeting on 15 December 2016, the Policy & Resources Committee approved guidelines for determining nominations for ACVs, applying national regulation to the specific circumstances of the City of London. These guidelines are attached at Appendix 1.

Current Position

7. This report deals with the application for the Tipperary public house. Appendix 2 sets out an assessment of the application for the Tipperary against each of the criteria established in the City Corporation's ACV guidelines. The assessment is in 2 sections, the first section deals with the statutory requirements for a valid nomination and the potential for future use of the land or building. The second section deals with evidence that the public house use furthers the social wellbeing or social interests of the local community. For the statutory requirements under Section 1, a nomination will need to meet all the requirements to be considered a valid nomination. For the evidence assessment under Section 2, a more flexible approach is taken, with criteria assessed as strong evidence, some evidence, no evidence and uncertain. The overall contribution made to social wellbeing and social interest should be assessed taking all criteria and other local knowledge into account.
8. In terms of Section 1: Validation, the application has been submitted by a Ward Member of Castle Baynard on behalf of 24 residents of Castle Bayard Ward registered on the Electoral List. This group of residents meets the regulatory requirements as an eligible community body, with a local connection, to submit nominations for ACV under the regulations. The Tipperary public house's primary lawful use as a drinking establishment is sui generis and it does not fall within any of the exempt land uses set out in national Regulation. The application is therefore valid.
9. The public house was in active use prior to Covid-19 restrictions but has not re-opened following the lifting of restrictions. The pub is currently vacant, having been recently sold. Redevelopment works to the adjacent 65 Fleet Street building are underway and it is understood that the developers agent has confirmed that the pub will be closed and protected during these works and re-opened on completion of the works. There is no indication that the Tipperary will not continue to operate as a public house or provide a social and community benefit.
10. Section 2 of the assessment relates to whether the Tipperary furthers the social wellbeing and social interest of the local community. Appendix 1 shows that the public house does not routinely hold meetings of clubs or events due to its constrained size and layout. There is a small upper floor dining room called the Boar's Head which is available for functions. CAMRA describes The Tipperary as a heritage pub and it is one of several historic pubs within Fleet Street adjacent to the legal quarter of the City. The building is designated as a Grade II Listed heritage asset as a public house operating since around 1667 and is well documented within books and articles. The Tipperary has a long

history of use as a public house (albeit under different names) and is described as a 'corridor pub' designed for upright drinking, noted for carved bar back, tiled floor, wood panelled wall and two advertising glass panels. It has local social and cultural associations with this part of the city. The Tipperary is deemed to have furthered the social interest of the local community.

11. The application suggests that the Tipperary serves local workers however does not provide any evidence. The nomination outlines the Tipperary's former use by the local resident community and city workers. Whilst there is no social club, the pub lies within a large catchment of city workers. Residents and City workers are defined as City communities in the City Corporations Statement of Community Involvement which supports the Corporation's planning functions. Fleet Street has a large catchment of City workers from the legal quarter of the City.
12. No objection or comment has been received from the building owner to the proposed ACV designation. 1 letter of support has been submitted by local resident.
13. The ACV nomination for the Tipperary is therefore considered to meet the requirements under national Regulations and City guidelines as a valid nomination and one that furthers the social and community interests of the City. In line with Regulation, the Tipperary should be designated as an Asset of Community Value.

Procedural Next Steps

14. If the nomination is refused, there is no right of appeal for the applicant. There is, however, no restriction on the number of nominations relating to the same site that can be made for ACV status. Each would need to be considered on its merits.
15. If the nomination is approved and the ACV designated, the landowner has a right of appeal. In the first instance the appeal is to a senior officer within the City Corporation who has not been involved in the determination of the initial application (this would be through the Town Clerk or other nominated senior officer). If this appeal fails, there is provision for a second independent appeal to the First Tier Tribunal.

Corporate & Strategic Implications

16. The consideration of the Tipperary public house as a possible Asset of Community Value accords with the Corporate Plan (2018-2023) aims to provide modern, efficient and high-quality local services for workers, residents and visitors, and to provide valued services, such as education, employment, culture and leisure, to London and the nation.

Financial implications

17. The Localism Act and Regulations make provision for the possible payment of compensation by the local authority to the landowner of such amount as the local authority may determine for any incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed as an ACV. Specific reference is made in Regulation to compensation arising from a delay in entering into an agreement to sell (due to the moratorium) and for reasonable legal expenses incurred in a successful appeal to the First-Tier Tribunal, but Regulation also permits any other claim in respect of loss or expense.

Resource implications

18. There are no resource implications arising from this report.

Legal implications

19. There are no direct legal implications arising from this report but the building owner has the right of appeal firstly to the City Corporation and secondly to the First-Tier Tribunal which will require additional legal advice, including potentially counsel's advice and support.

Risk implications

20. Although the designation will be a material consideration in the determination of any future planning application, any such application would need to be determined on the basis of its individual merits and its accordance with the Development Plan. Designation as an ACV would not fetter the Planning & Transportation Committee's consideration of the wider merits or otherwise of a planning application.

Equalities implications

21. The City Corporation is required by the Localism Act 2011 to consider this nomination and if, in its opinion, the pub furthers the social wellbeing or social interests of the local community and will continue to further these interests in the future, then the City Corporation must designate the building as an ACV. The ACV status is time limited and will lapse after 5 years. Preparation of the Localism Act 2011 has been informed by an equalities impact assessment of the Localism Bill. The ACV process seeks to promote equality through civic and democratic participation in planning and benefit neighbourhood communities.

Climate implications

22. There are no direct climate implications.

Security implications

23. There are no direct security implications.

Conclusion

24. Representatives of the local community have nominated the Tipperary public house on Fleet Street as an Asset of Community Value. An assessment of the nomination has been undertaken which has concluded that the nomination meets the requirements in national regulation for a valid nomination. This evidence has also demonstrated that the Tipperary furthers the social and community interests of the City and that it will continue to do so in the future. No objection to the designation of the Tipperary as an ACV has been received at the date of drafting of this report, although 1 letter of support has been submitted by local resident.

25. The ACV nomination for the Tipperary is therefore considered to meet the requirements under national Regulations and City guidelines for designation as an Asset of Community Value.

Appendices

- Appendix 1 – City of London Corporation guidelines for assessment of ACV
- Appendix 2 - Assessment of the application for ACV status for the Tipperary public house

The application for ACV status and related representations can be viewed at:
<https://www.cityoflondon.gov.uk/services/planning/planning-policy/localism-and-neighbourhood-planning>

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