

Committee(s)	Dated:
Policy & Resources Committee	15 th December 2022
Subject: Application for designation of St Brides Tavern 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: Jessica Robinson, Environment Department	

Summary

The City Corporation has received a nomination from an Unincorporated Body (via a Ward Member for Castle Baynard acting on their behalf) to designate St Brides Tavern public house, 1 Bridewell Place, London, EC4V 6AP, as an Asset of Community Value (ACV).

National regulations (the Assets of Community Value (England) Regulations) ("the 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 against these regulations, the national guidance and the Corporation guidelines.

The site has been a public house in its current form and location since 1958. Prior to this evidence has been presented to suggest a site of social interest has existed within the vicinity since 1755, when the Cogers Society formed, and iterations of a public house in this area until the current establishment was developed in 1958. It is therefore considered that there has been the long-term use public house for the past 64 years, with older iterations dating back further which has clearly contributed to a sense of place furthering social interest in the area.

The Regulations require that an ACV nomination should be approved by the local authority if the nomination meets specific criteria. The determination of whether St Brides Tavern 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 landowners and occupier. At the time of drafting this report, one response to the notification has been made by the long leaseholder of the site which has been considered by officers in the assessment of this nomination submission.

2 letters of support have been received directly in relation to this nomination. 1 letter of support has also been received from CAMRA. There are also further letters of support detailed within the nomination submission that have also been taken into consideration.

Recommendation(s)

Members are recommended to:

- Designate St Brides Tavern Public House an Asset of Community Value.

Main Report

Background

1. On 16th October 2022, the City Corporation received a valid nomination from an Unincorporated Body (via a Ward member of Castle Baynard acting on their behalf), for the designation of St Brides Tavern public house, 1 Bridewell Place, as an Asset of Community Value.
2. This is the third 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 in some situations, with an initial 6-week moratorium taking effect after the local authority has been informed of a proposed sale. During this period a community interest group can indicate a desire to be treated as a potential bidder in relation to the land. If such a request is received a 6 month moratorium period comes into effect, 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/st-brides-tavern-acv-nomination.pdf>

5. The City Corporation is required to determine this application within a period of 8 weeks from the date of receipt.

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 can be viewed here <https://www.cityoflondon.gov.uk/assets/Services-Environment/planning-localism-neighbour-assets-guidelines-2016.pdf>.

Current Position

7. This report deals with the nomination for St Brides Tavern public house. Appendix 1 sets out an assessment of the nomination 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 qualifying unincorporated body via a Ward Member of Castle Baynard. The unincorporated body has a membership of 22 individuals from Castle Bayard Ward registered on the Electoral List. This group meets the regulatory requirements as an eligible community body, with a local connection, to submit nominations for an ACV under the Regulations. St Brides 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 regulations. The application is therefore valid.

9. The public house is in active use. The existing lease will end in January 2023. Redevelopment works are proposed for the wider site (inclusive of the existing public house) and a planning application has been submitted to the City of London Corporation for consideration but has not yet been decided. The submitted planning application, and appendix to the submitted objection letter, details the proposed reprovision of a public house on this site of St Brides Tavern. A previous planning permission granted in 2015 proposed the demolition of the public house. This planning permission has been implemented through the carrying out of some minor initial works. This scheme would remain a fallback option for the owner to proceed with but considering the current application and time that has passed since the permission was granted there is no indication at the current time that this development is likely to proceed. As such, at the current time there is no certainty regarding the redevelopment of the site and the timing of this. For this reason, it is realistic to think that there can continue to be non-ancillary use of the building which will further (whether or not in the same way) the social well-being or social interests of the community.

10. Section 2 of the assessment relates to whether St Brides Tavern furthers the social wellbeing and social interest of the local community. Appendix 1 details that while the public house does not routinely hold meetings of clubs or events due to its nature as a City pub used regularly by locals, workers and visitors there is also an upper floor bar which is available for functions and booked out for events. The supporting nomination information details that the public house is well used for events such as birthdays, various parties, leaving dos, family celebrations, hen dos, reunions etc. It also provides a list of bookings made so far (up to the submission of the nomination in September 2022), with 27 larger group bookings detailed and more expected for the later part of the year.

11. CAMRA describes this pub as a continuation of a rich history of public house use in this area, dating back to the early 18th Century where the Cogers debating society was considered to have formed, with the current building representing a rare survivor of a post-war purpose-built pub.

12. St Brides Tavern has a long history of use as a public house in its current form dated to 1958 and is described by CAMRA as a City Pub which has local social and cultural associations with this part of the City.

13. The nominating body had put forwards an account of the social history of the pub, which includes information relating to the Cogers, a debating club in the area in 1755. The evidence available suggests that the existing pub is unlikely to be in the same location as historic establishments, but the local community has followed this link between past and existing and the role of pubs in this area, which St Brides could be seen to continue from. Whilst the physical state and exact location of the pub has altered over time, it appears to have a long-standing recognition as a public house

or space for social interest and clearly contributes to a sense of place furthering the social interests of the area.

14. The nomination describes that St Brides Tavern serves local workers, residents, and visitors. Whilst there is no specific social club, the pub lies within a large catchment of City workers. Residents, residents' associations, business groups, individual businesses and workers are included within the communities that the City Corporation will consult in relation to planning matters as set out in the City Corporation's Statement of Community Involvement.

15. A detailed letter of objection to the nomination of St Brides Tavern has been received from the long leasehold owner of the building to the proposed ACV designation. This letter is appended in full to this report. Several considerations have been raised by the long lease holder in their objection letter which have been taken into consideration throughout the report.

16.2 letters of support have been submitted directly to the City of London Corporation, along with 9 expressions of support within the submission documentation.

17. A letter of support has also been received from CAMRA, which is referred to in this report and is appended in full. The letter of objection received points to the guidance issued by CAMRA to those wishing to promote a nomination, which gives examples of evidence that could be used to demonstrate such value. Whilst this is helpful guidance to those wishing to pursue a nomination, this guidance has no official status and it is a generic document, aimed at all the different types of public houses across the country. It is not necessarily focused on an inner-city public house in an area with a relatively low residential population, and footfall that is often much lower on the weekends than during the week. It cannot take into account all the ways which a public house may further the social wellbeing and social interests of the local community, nor is there a threshold that can be set (for example an expectation that most of the facilities or provision of events on the list need to be offered). Officers consider that the supporting letter for this ACV nomination demonstrates that CAMRA considers this public house to meet the criteria for listing.

18. The ACV nomination for St Bride Tavern 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 regulations and legislation, St Brides Tavern should be designated as an Asset of Community Value.

Procedural Next Steps

19. 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.

20. 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

21. The consideration of St Brides Tavern 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

22. 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 the Regulations 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 the Regulations also permits any other claim in respect of loss or expense.

Resource implications

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

Legal implications

24. There is an Exempt Appendix to this report which provides legal advice and is not for publication. There are no direct legal implications arising from this report (save as otherwise set out in this report) but the building owner has the right of appeal, firstly to the City Corporation and secondly to the First-Tier Tribunal which would require additional legal advice, including potentially counsel's advice and support.

Risk implications

25. 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 and taking into account any other material considerations. 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

26. 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 it is realistic to think that there can continue to be non-ancillary use of the building which will further (whether or not in the same way) the social wellbeing or social interests of the local community then the City Corporation must designate the building as an ACV.

27. The City Corporation are required to have regard to the public sector equality duty set out in s149 of the Equality Act 2010 in the exercise of its functions. It is considered that a public house of this type can contribute positively in bringing together persons and groups from all walks of life and thus contribute to fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. In considering the CAMRA guidance the objector notes that the public house is not fully accessible or inclusive. Good access for disabled people at a public house and the provision of an easily accessible and inclusive space to meet with other members of the local community, and which provides a safe and enjoyable environment is one of a significant number of things listed in the CAMRA guidance which could be evidenced to demonstrate community value. Whilst equality of access would have further weighed in favour of the public house being listed, the City Corporation need to apply the statutory criteria in the determination of the application.

Climate implications

28. There are no direct climate implications.

Security implications

29. There are no direct security implications.

Conclusion

30. A qualifying unincorporated body have nominated St Brides Tavern public house on Bridewell Place as an Asset of Community Value.

31. An assessment of the nomination has been undertaken which has concluded that the nomination meets the requirements set out in the Localism Act 2011 and in the Regulations for a valid nomination. This evidence has also demonstrated that St Brides Tavern furthers the social and community interests of the City and that it will continue to do so in the future.

32. One objection to the designation of St Brides Tavern as an ACV has been received at the date of drafting of this report which has been taken into account in the assessment of this nomination.

33. 2 letters of support have been submitted and 9 letters of support detailed within the submission document.

34. The ACV nomination for St Bride Tavern is therefore considered to meet the requirements under the Localism Act, the Regulations and City guidelines for designation as an Asset of Community Value.

Appendices

- Appendix 1 – Assessment of the application for ACV status for St Brides Tavern public house.
- Appendix 2 – Supporting documents and representations.
- Appendix 3 – Legal Implications NOT FOR PUBLICATION.

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>

The City of London's guidance on ACV nominations can be viewed at:
<https://www.cityoflondon.gov.uk/assets/Services-Environment/planning-localism-neighbour-assets-guidelines-2016.pdf>

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