

<b>Committee(s)</b>	<b>Dated:</b>
Policy & Resources Committee	15 <sup>th</sup> December 2022
<b>Subject:</b> Application for designation of Simpson's Tavern as an Asset of Community Value	<b>Public</b>
<b>Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?</b>	<b>4, 10, 12</b>
<b>Does this proposal require extra revenue and/or capital spending?</b>	<b>N</b>
<b>If so, how much?</b>	<b>N/A</b>
<b>What is the source of Funding?</b>	<b>N/A</b>
<b>Has this Funding Source been agreed with the Chamberlain's Department?</b>	<b>N/A</b>
<b>Report of:</b> Juliemma McLoughlin, Executive Director, Environment Department	<b>For Decision</b>
<b>Report author:</b> Jessica Robinson, Environment Department	

### Summary

The City Corporation has received a nomination from the Simpsons Tavern Preservation Society, an unincorporated body to designate Simpson's Tavern, Ball Court, 38½ Cornhill, London, EC3V 9DR 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 nominator has provided information on the historic use of this site which has seen use as a Chophouse (eating and drinking establishment) since 1757 servicing generations of customers from the local community, workforce, and visitors, contributing to the social value.

Regulations require that an ACV nomination should be approved by the local authority if the nomination meets specific criteria. The determination of whether Simpson's 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 ACV.

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 those notified. 17 letters of support have been received for the nomination. A letter of

support has also been received from the Member of Parliament for Cities of London and Westminster, Nickie Aiken.

## **Recommendation(s)**

Members are recommended to:

- Designate Simpson's Tavern as an Asset of Community Value.

## **Main Report**

### **Background**

1. On 9<sup>th</sup> November 2022, the City Corporation received a valid nomination from the Simpsons Tavern Preservation Society, an unincorporated body for the designation of Simpson's Tavern as an Asset of Community Value.
2. This is the fourth 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, 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 community and it is realistic to think that there is a time in the next 5 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. 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. This is 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 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 Simpson's Tavern. 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 the Simpsons Tavern Preservation Society, a qualifying unincorporated body. The unincorporated body has a membership of 24 local members which includes elected members and individuals on the Ward Lists. This group meets the regulatory requirements as an eligible community body, with a local connection, to submit nominations for an ACV under the Regulations. Simpson's Tavern contains a public bar as well as a restaurant, laid out in traditional oak stalls that are shared by patrons. This mix of uses means that it is likely that Simpson's Tavern is sui generis, having a mixed use as a public house and restaurant. Its use does not fall within any of the exempt land uses set out in the Regulations. The application is therefore valid.

9. Simpson's Tavern was in active use until it's forced closure on the 16<sup>th</sup> October 2022. The supporting information to the nomination details that rent arrears, as a result of the Covid-19 Pandemic closures, has been required to be paid in full and as a result the current occupant has been

forced to close, albeit post pandemic rents have been paid. The freehold of the premises has been placed for sale, although officers have been unable to find any further information on this other than that supplied within the nomination submission documents. The property is Grade II listed and is sui generis in use, therefore planning permission and/or listed building consent would be required for any change of use or physical alterations to the building. No planning application for this site has been submitted at this time. 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 Simpson's Tavern furthers the social wellbeing and social interest of the local community. Appendix 1 details that spaces are available for functions and booked out for events. The supporting nomination information details that the Tavern is well used for events such as hosting historical societies including the Georgian Dining Academy and the Pickwick Society. It is also used for group and networking events along with annual events such as a Carols Concert.

11. The nominating body has put forward an account of the social history of the pub, which includes the use of the site as London's 'oldest chophouse' which has served the local community, workers and visitors since 1757. The evidence available suggests that the existing Tavern has been in its current form and location since early C18. The building is grade II listed and the listing description states that it is interesting as an example of a City Tavern.

12. The nomination describes that Simpson's Tavern serves local workers, residents, and visitors. Whilst there is not a dedicated social club, the Tavern lies within a large catchment of City workers and has a rich history of serving workers and residents alike. Residents and City workers are recognised as City communities in the City Corporation's Statement of Community Involvement, which supports the Corporation's planning functions.

13. No responses to notification letters sent out have been received in regard to the proposed ACV designation.

14. 16 letters of support have been submitted in relation to the nomination. A letter of support has also been received from the Member of Parliament for Cities of London and Westminster, Nickie Aiken.

### **Procedural Next Steps**

15. The ACV nomination for Simpson's Tavern is therefore considered to meet the requirements under the Localism Act 2011, the Regulations and City guidelines as a valid nomination and one that furthers the social wellbeing and social interests of the City. In line with regulations and

legislation, Simpson's Tavern should be designated as an Asset of Community Value.

16. 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.

17. 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**

18. The consideration of Simpson's Tavern public house as a possible Asset of Community Value accords with the Corporate Plan (2018-2023), which 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**

19. The Localism Act 2011 and the 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**

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

### **Legal implications**

21. 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 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**

22. Although the designation would 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 in accordance with the Development Plan and 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**

23. In recommending the designation of Simpson's Tavern as an Asset of Community Value, due regard has been given (in accordance with the public sector equality duty) to the need to:

- A) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- B) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- C) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

24. The designation of Simpson's Tavern as an Asset of Community Value is not considered to have any specific implications related to the public sector equality duty.

### **Climate implications**

25. There are no direct climate implications.

### **Security implications**

26. There are no direct security implications.

### **Conclusion**

27. Representatives of the local community have nominated Simpson's Tavern, Ball Court as an Asset of Community Value.

28. 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 Simpson's Tavern is land of community value in that:

- there is a time in the recent past when an actual use of the building 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 a 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.

29. No objection to the designation of Simpson's Tavern as an ACV has been received at the date of drafting of this report, although 17 letters of support has been submitted. A letter of support has also been received from the Member of Parliament for Cities of London and Westminster, Nickie Aiken.

30. The ACV nomination for Simpson's Tavern is therefore considered to meet the requirements under the Localism Act 2011, the Regulations and City guidelines for designation as an Asset of Community Value.

## **Appendices**

- Appendix 1 – Assessment of the application for ACV status for Simpson's Tavern.
- 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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