
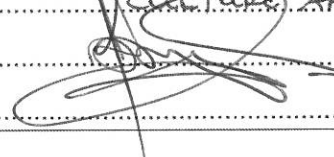


NORTH LINCOLNSHIRE COUNCIL
OFFICER DECISION NOTICE AND RECORD

1. DECISION TAKEN THAT THE FLIXBOROUGH IAN, FLIXBOROUGH NORTH Lincs, BE LISTED AS AN ASSET OF COMMUNITY VALUE			
EXECUTIVE		NON-EXECUTIVE	(Please tick either)
IS THIS A 'KEY DECISION' ?			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
DOES THIS DECISION RELATE TO EXEMPT INFORMATION?			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
EXEMPT PARAGRAPH REFERENCE (NOT TO BE PUBLISHED)			

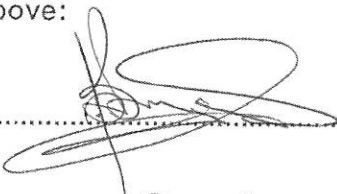
2. OFFICER DECISION TAKER	NAME MR P. R. TAYLOR POSITION/POST HEAD OF ASSET & ESTATE MANAGEMENT SIGNATURE  DATE 8.7.15
3. DECISION TAKEN IN CONSULTATION WITH MEMBER	COUNCILLOR JOHN BRIGGS POSITION CABINET MEMBER FOR ASSETS, CULTURE AND HOUSING SIGNATURE  DATE 8.7.15
Yes <input type="checkbox"/> No <input type="checkbox"/>	
4. REASONS FOR THE DECISION (Please ref to any report/background documents attached)	See Attached Report
5. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED (BY DECISION TAKER(S))	As above
6. ANY CONFLICT OF INTEREST DECLARED BY ANY EXECUTIVE (CABINET) MEMBER (S) CONSULTED, WHICH RELATES TO THE DECISION, OR (NON-EXECUTIVE) - ANY MEMBER OF THE COMMITTEE THAT DELEGATED THE DECISION TAKEN	None
7. WITH REFERENCE TO 6. ABOVE - HAS ANY DISPENSATION BEEN GRANTED TO THE EXECUTIVE (CABINET) MEMBER? (ONLY APPLIES TO EXECUTIVE)	N/A.

PLEASE REMEMBER TO ATTACH ANY ACCOMPANYING REPORT.
RETURN TO HEAD OF DEMOCRATIC SERVICES, CIVIC CENTRE, SCUNTHORPE

- 3) Representation received from Marrons Shakespeares on behalf of Mr David Brown (owner).
- 4) Non-statutory advice note for Local Authorities issued by Department for Communities and Local Government.
- 5) The Assets of Community Value (England) Regulations 2012.
- 6) The Localism Act 2011

Record of Decision Taken:

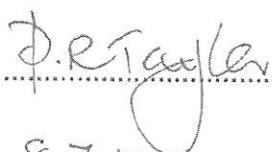
I confirm that I have been consulted on the recommendations contained above:


.....

Cabinet Member for Assets,
Culture and Housing

Date: 8.7.15
.....

I confirm that I approve/~~reject~~ (delete as required) the recommendations contained above:


.....

Head of Asset and Estate
Management

Date: 8.7.15
.....

NORTH LINCOLNSHIRE COUNCIL

**HEAD OF ASSET AND ESTATE
MANAGEMENT**

**COMMUNITY RIGHT TO BID – THE FLIXBOROUGH INN PUBLIC HOUSE, HIGH
STREET, FLIXBOROUGH, NORTH LINCOLNSHIRE, DN15 8RL**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To consider the nomination of The Flixborough Inn Public House, Flixborough, North Lincolnshire, DN15 8RL as a Community Asset.
- 1.2 The key points in this report are:
 - Flixborough Parish Council has nominated The Flixborough Inn in Flixborough, North Lincolnshire as an 'Asset of Community Value'.
 - This report considers the nomination.

2. BACKGROUND INFORMATION

- 2.1 The Flixborough Inn is currently a Public House which has been vacant since it closed down in January 2014.
- 2.2 North Lincolnshire Council received a nomination from Flixborough Parish Council on 13 May 2015 proposing that this property should be listed as an 'Asset of Community Value'.
- 2.3 In their nomination the Parish Council states that The Flixborough Inn has been a well used community amenity for many years hosting social occasions such as weddings, funerals, parties and so on. The building is also considered to be a locally important aesthetic asset.
- 2.4 In the future the Parish Council proposes that this asset will continue to be of benefit to the local community. They anticipate that the property could have a range of potential future uses, including as a venue for various community meetings and events, social occasions, private functions and perhaps a sports facility.
- 2.5 As part of their nomination the Parish Council mention that trees on the site directly adjacent to the property form part of the memorial for the people lost in the Nypro disaster at Flixborough. If the Parish Council were to successfully bid for the ownership of the pub then these trees would be preserved and the Parish Council would also replace the memorial monument.

- 2.6 Flixborough Parish Council is eligible to nominate in accordance with the requirements set out in Section 89, Paragraph 2, Subsection b (i) of the Localism Act 2011.
- 2.7 Solicitors acting on behalf of one of the owners of the pub have submitted representations objecting to the proposal to list the property as an Asset of Community Value.

3. OPTIONS FOR CONSIDERATION

- 3.1 To consider whether the nomination of The Flixborough Inn Public House in Flixborough should be successful and added to the Council's list of Assets of Community Value.
- 3.2 In order for a property to be eligible for listing as an Asset of Community Value, it must satisfy both parts of one of the following criteria stated in Section 88 of the Localism Act -
- (1) *A building or other land in a local authority's area is land of community value if in the opinion of the authority-*
- (a) *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*
- (b) *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.*
- (2) *A building or other land in a local authority's area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority-*
- (a) *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*
- (b) *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.*
- 3.3 Comments received on behalf of the owner contend that the Flixborough Inn should not be listed because it does not meet the criteria quoted in paragraph 3.2. Reasons given for this are that the pub is closed, it has been vacant for a number of months and therefore does not currently further the social wellbeing or social interests of the local community, nor has it done so in the recent past as it has been closed for over twelve months. Furthermore, it is suggested that the building should no longer be considered as a public house as the original vendor was requested to remove internal fixtures and fittings relating to this use shortly after the completion of the sale. The solicitor also referred to the proposed future use of the property- the demolition of the pub and redevelopment of the

site for residential use. However, planning approval for the future redevelopment of this site has not been given and no planning application for the construction of housing on the site has been submitted.

- 3.3 The solicitors also claim in their comments that it is not realistic to think that there will be a time in the next five years when there could be non-ancillary use of the property that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
- 3.4 The owners of the property have sought Council approval to demolish the building with the intention of developing the site for residential use. However, no evidence has been submitted to support the demolition of the building and redevelopment of the site, nor to demonstrate that the pub was struggling financially prior to its closure and that the business was no longer viable. There has been no reason presented demonstrating why The Flixborough Inn could not be re-opened and successfully run as a Public House again in the future.

4. ANALYSIS OF OPTIONS

- 4.1 It is clear that the Flixborough Inn fails to meet the test set out in in Section 88, Subparagraph (1) of the Localism Act 2011 (quoted in paragraph 3.2) because it is not currently in use as a Public House. However, officer opinion is that this case does satisfy the requirements of Section 88, Subparagraph (2) of the Localism Act 2011.
- 4.2 The pub ceased trading in January 2014 and has been closed for less than two years, and therefore officer's opinion is that it has furthered the social wellbeing of the local community in what is considered to be the recent past.
- 4.3 It is a reasonable expectation that there will be a time in the next five years when there could be non-ancillary use of the property that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community as officer's opinion is that the proposals for the future use of the property put forward by the Parish Council in their nomination (covered in Section 2 of this report) are realistic.
- 4.4 The Parish Council proposes to use the property as a community facility in the future to further the social wellbeing and social interests of local people. In a parish of approximately 1,700 people (Source: ONS (2013)) with no other existing pub, shop or community facility, it is highly likely that there will be a time in the next five years when there could be non-ancillary use of the building or land that would further the social wellbeing or social interests of the local community.
- 4.5 It is therefore considered that the nomination of the Flixborough Inn public house satisfies the requirements set out in Section 88, Subparagraph(2), Sections a and b of the Localism Act 2011.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 If the owner decides to market the asset for sale or long lease, qualifying interest groups will have to be given the opportunity to bid in order to acquire the asset.
- 5.2 As soon as the owner advises the local authority in writing that they wish to enter into a relevant disposal there is a six-week period during which community interest groups can apply to be treated as potential bidders.
- 5.3 If no potential bidders come forward the owner can proceed with the relevant disposal.
- 5.4 If a qualifying community interest group applies to be treated as a potential bidder there is a six month moratorium period starting from the date the local authority was advised that the owner wished to enter into a relevant disposal. During this time community interest groups can prepare their bids.
- 5.5 After the six months has elapsed the owner is free to enter into a relevant disposal whether or not a bid has come forward.
- 5.6 Flixborough Parish Council plans to seek funding from a range of organisations to fund any future bids. They also aim to establish a regular income via various funding streams in order to support their business model and the ongoing maintenance costs. Such potential sources of income may include revenue from the property's use as an internet café and youth centre.

6. OUTCOME OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

- 6.1 Not applicable.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTEREST DECLARED

- 7.1 Appropriate Council Ward Members and the owner (as identified by the Parish Council in their nomination) of the Flixborough Inn have been consulted and objections have been raised by solicitors on behalf of one of the owners of the site. They do not agree that the property has furthered the social well being or social interests of the local community in the recent past and do not believe it could do so in the future. These comments have been taken into account during the recommendation decision process as explained in Sections 3 and 4 of this report.
- 7.2 It should be noted that The Flixborough Inn Public House has recently been the subject of a planning application for the determination of the requirement for prior notification for its demolition prior to redevelopment of the site for housing. On 19 May 2015 it was decided that a further planning application for the prior approval of the demolition and clearance of the site would be required from the developer. An application for prior approval for the demolition of the pub was since submitted on 9 June 2015, giving further information about vehicle

movements and access during the demolition process and details on the removal of any asbestos found to be present. This application is still under consideration at the time of writing this report.

- 7.3 New legislation introduced by the Government on 6 April 2015 offers greater protection for public houses that are either nominated or listed as Assets of Community Value. If the decision is made to add The Flixborough Inn to the Council's list of Assets of Community Value then the owner will be required to submit a full planning application for the demolition of the building. The pub's listed status as an Asset of Community Value will then be a consideration for the Case Officer to acknowledge during the planning decision making process.

8. RECOMMENDATIONS

- 8.1 As explained in Section 4 of this report, The Flixborough Inn has only been closed since January 2014 and therefore satisfies the test that the property furthered the social wellbeing and social interest of the local community in the recent past as set out in Section 88, Subparagraph (2), Section (a) of the Localism Act 2011.
- 8.2 Taking into consideration the plans the Parish Council have for the future of the property (detailed in Section 2 of this report), it is demonstrated that there will be a time in the next five years when there could be use of the building and land that would further the social wellbeing or social interests of the local community in accordance with the test set out in Section 88, Subparagraph (2), Section (b) of the Localism Act 2011.
- 8.3 Therefore, having taken all representations into account, it is recommended that The Flixborough Inn, Flixborough, North Lincolnshire is listed as an Asset of Community Value.
- 8.4 In liaison with the Cabinet Member for Asset Management, Culture and Housing it is agreed that the nominated property should be listed as an Asset of Community Value.

DIRECTOR OF PLACES

Hewson House
PO Box 53
Station Road
BRIGG
North Lincolnshire
DN20 8HX
Author: Sarah Petrow
Date: 25 June 2015

Background Papers used in the preparation of this report :

- 1) Community Right to Bid Nomination from Flixborough Parish Council.
- 2) Flixborough Parish Council Standing Orders (Standing Orders and Chairmanship, May 2003, The National Association of Local Councils).