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NOTICE OF EXECUTIVE DECISION TO BE MADE

The following Executive Decisions are due to be made by the CABINET MEMBER FOR ECONOMIC GROWTH on WEDNESDAY, 18 MARCH 2020.

1. Consideration of continuing the listing of the Wellington Hotel as an asset of community value (EG660L) (Pages 3 - 10)

Reports relating to the decision(s) to be taken are attached to this notice, unless they contain confidential or exempt information. A meeting will not necessarily take place when the decision is made. Please contact Democratic Services for more information.

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For publication

Consideration of the community right to bid (assets of community value) continuation of listing request for the Wellington Hotel (EG660D)

Meeting: Cabinet Member – Economic Growth

Date: 18 March, 2020

Report by: Assistant Director – Policy and Communications

1.0 Purpose of report

1.1 To consider the continuation of the listing of the Wellington Hotel, New Whittington as an asset of community value.

2.0 Recommendation

2.1 That Chesterfield Borough Council continues the listing of the Wellington Hotel as an asset of community value with a further review period of five years.

3.0 Background

3.1 The Localism Act 2011 created the Community Right to Bid (Assets of Community Value). The Assets of Community Value regulations introduce a new right for community or voluntary bodies to request that a local asset (buildings or land) should be listed as an “Asset of Community Value).

- 3.2 This right covers both public and private assets and is designed to facilitate a “Community Right to Bid” for assets deemed to be of community value.
- 3.3 The regulations also set out new duties and responsibilities for local authorities including keeping a list of assets of community value, scheme operation and regulation and payment of compensation.
- 3.4 The regulations came into force on the 20th September 2012, with a non-statutory advice note being issued to local authorities in October 2012. This legislation applies to district and unitary authorities.
- 3.5 In March 2015, Chesterfield Borough Council listed the Wellington Hotel as an asset of community value following the nomination by a qualifying group and an assessment against the listing criteria.

4.0 Asset of community value criteria

- 4.1 Chapter Three of the Localism Act 2011 states that land or buildings within the local authority’s area are of community value if in the opinion of the authority it is:
- (a) An actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests (which include cultural, sporting or recreational 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.

5.0 Review of the listed assets

- 5.1 Chesterfield Borough Council’s Community Right to Bid procedures require a review to be undertaken every five years

of buildings and land listed as assets of community value. The review considers:

- Whether or not the original nominating group wish to continue with the listing
- If there is additional information from either the nominating group, asset owners and other key stakeholders which supports the continuation of the listing or indicates that there has been a change in circumstances which may require re-consideration of listed status
- If the building or land continues to meet the listing criteria

5.2 This review has now taken place for the Wellington Hotel, New Whittington following confirmation from the nominating group that they would like the listing to continue.

6.0 Location of the nominated building and availability of facilities and amenities within the vicinity

6.1 The Wellington Hotel is located in the Barrow Hill and New Whittington ward in the north-east of the borough on High Street. This road acts as a link out towards the M1 motorway and inwards towards the Whittington Moor roundabout.

6.2 Within 400m (around a five minute walk) of the Wellington Hotel there are four alternative public houses and two alternative community spaces – St. Barnabas Church and New Whittington Primary School. Both venues have bookable function rooms and facilities.

6.3 Further out within 1000m there are no alternative community facilities.

7.0 The Wellington Hotel nomination and listing

7.1 The Friends of the Wellington originally nominated the Wellington Hotel as an asset of community value in January

2015 with the listing being agreed by Chesterfield Borough Council in March 2015.

- 7.2 Below is a summary of how the Friends of the Wellington believed in 2015 that the Wellington Hotel met the asset of community value criteria:
- The Wellington Hotel is accessible to the whole community with a wide frontage with no steps, level access throughout the public areas of the pub and ramped access to an enclosed beer garden and children's play area
 - The Wellington Hotel contributes directly to the local economy via direct employment and the sourcing of products and services from New Whittington and the wider Borough
 - The Wellington Hotel has a wider community impact in terms of reducing social isolation and anti-social behaviour, proving meals to local residents with mobility difficulties, hosting a variety of community events and providing a free meeting space of a variety of local clubs and societies
 - In 2012 the Wellington Hotel was awarded runner up in Marston's PLC's regional community pub of the year awards
- 7.3 In addition to the nomination form, the Council received a petition signed by over 1,800 people which requested that the Wellington Hotel be listed as an asset of community value.
- 7.4 The Friends of the Wellington group have confirmed that they believe the information above is still correct and that the Wellington Hotel continues to provide a strong community impact in terms of reducing social isolation and enabling a range of clubs and societies to meet and maintain their activities. The group have been in regular dialogue with the owners of the Wellington and the management company to request further improvements to facilities.
- 7.5 The three elected members for Barrow Hill and New Whittington ward have expressed their support for the

continuation of the listing of the Wellington Hotel as an asset of community value.

7.6 As part of the Community Right to Bid Procedures, Chesterfield Borough Council contacted the owner of the Wellington Hotel and the management company for comment on the continuation of the listing. No comments have been received.

8.0 Asset consideration

8.1 The information provided by the nominating group and via site visits indicates that the Wellington Hotel continues to meet the listing criteria under section A “An actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests (which include cultural, sporting or recreational interests) of the local community” of the Asset of Community Value criteria. Section 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” of the Asset of Community Value criteria could also be applied.

9.0 Risk Management

Risks	Impact	Likelihood	Mitigating Actions	Residual Impact	Residual Likelihood
If the asset is listed – there is likely to be an Appeal requested by the owner.	Medium	Likely	<ul style="list-style-type: none"> Robust consideration of the asset nominated. Procedures in place for a review of the original decision. Ongoing communication with the owners. Procure specialist legal advice. 	Low	Likely
If the asset is listed	High	Very likely	<ul style="list-style-type: none"> Robust 	Medium	Likely

- First-tier tribunal proceedings requested by the owner.			consideration of the asset nominated. <ul style="list-style-type: none"> • Procedures in place for a review of the original decision. • Ongoing communication with the owners. • Procure specialist legal advice. 		
If the asset is listed - Request for compensation by the owners for costs incurred during litigation and loss of income from lease/sale due to delays.	High	Very likely	<ul style="list-style-type: none"> • Ongoing communication with the owners. • The £20k compensation in any one year has to be funded by the Council; the remainder can be claimed back from DCLG. 	High	Likely
If the asset is not listed – reputational damage to the Council and negative impact on community relations in the local area.	Medium	Very likely	<ul style="list-style-type: none"> • Robust consideration of the asset nominated. • Ongoing communication with the local community 	Low	Possible

10.0 Equality considerations

10.1 The Department for Communities and Local Government impact assessed the Community Right to Bid proposals. This included equalities impact screening. No significant impact has so far been identified for any of the protected groups identified in the Equality Act 2010.

10.2 Equality analysis was undertaken for the nomination with issues including accessibility, use by protected groups and social inclusion issues forming part of the asset consideration.

11.0 Recommendation

11.1 That Chesterfield Borough Council continues the listing of the Wellington Hotel as an asset of community value with a further review period of five years.

12.0 Reason for recommendation

12.1 The Wellington Hotel is considered to meet the asset of community value criteria.

Decision information

Key decision number	942
Wards affected	Barrow Hill and New Whittington

Document information

Report author	Contact number/email
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