

## **SHEFFIELD CITY COUNCIL**

### **INDIVIDUAL CABINET MEMBER DECISION RECORD**

The following decision was taken on 27 September 2016 by the Cabinet Member for Community Services and Libraries.

Date notified to all members: Wednesday 28 September 2016

The end of the call-in period is 4:00 pm on Tuesday 4 October 2016

Unless called-in, the decision can be implemented from Wednesday 5 October 2016

1. **TITLE**

Asset of Community Value Nomination - The University Arms, 197 Brook Hill

2. **DECISION TAKEN**

To refuse the registration of The University Arms, 197 Brook Hill, Sheffield S3 7HG, as an Asset of Community Value.

3. **Reasons For Decision**

The reasons provided by the applicant suggest that The University Arms is a commercially viable pub business operating in the city centre. The applicant advises that inclusion in good beer guides guarantees visits from a wider community and it is used by staff, students and residents of the city centre and those in the residential areas to the west of the city centre. The owner describes it as a 'student pub' suggesting that its patronage is only a section of the community. A pub business owned by the University of Sheffield and described by them as a student pub, is likely to have a limited appeal to certain parts of the community rather than the community as a whole. No evidence has been provided to the contrary.

The legislation and the guidance issued by the Government do not provide a clear definition of what an asset of community value should be. The view taken by the City Council in relation to businesses, such as pubs, that serve the public is that the usage should suggest that the property acts as a hub or focal point for a significant proportion of an identifiable community, in order to justify registration as an asset of community value. That usage should also be more than ancillary to the principle use of the property.

In relation to University Arms, the usage described by the Applicant in terms of general community uses such as advertising local events and quiz nights is dismissed by the owner as ancillary to any commercial pub business. It is clear that the owner sees the principle use of the property is as a commercial public house predominantly used by students.

There are other community uses detailed by the Applicant, but there is nothing to suggest that, in total, they are anything other than ancillary to this principle use. It is also unclear what the local community for the purposes of the application is. If it is taken to be the student community, the number of assumed regular patrons would only represent a small proportion of the students in Sheffield and by its nature is a community that substantially changes every few years, and is therefore likely and able to relocate without substantial impact. The owner details several other licensed premises that it provides, suggesting that the University Arms is one of many opposed to a focal point or hub for a substantial proportion of an intended community.

This applicant has not provided evidence to support its reasons that the property provides a non-ancillary benefit to the local community. The reasons given are not sufficiently detailed or evidenced to outweigh the representations from the owner.

In conclusion, there is a lack of evidence that this property's actual and current use furthers the social wellbeing and interests of the local community sufficiently to satisfy the statutory tests set out in sections 88 a) to d) of the Localism Act 2011.

4. **Alternatives Considered And Rejected**

To accept the nomination.

5. **Any Interest Declared or Dispensation Granted**

None

6. **Respective Director Responsible for Implementation**

Executive Director, Communities

7. **Relevant Scrutiny Committee If Decision Called In**

Safer and Stronger Communities Scrutiny Committee