

**Questions from CAMRA supplied for Scrutiny re: University Arms.**

**Answers approved by Cllr Jack Scott**

*Please see the below answers to your questions:*

1.1 Do you (representing Sheffield City Council (SCC)) agree that the Localism Act 2011:

(i) does not seek to define the community in specific or narrow manner?

(ii) is intended to give ordinary people access to the protection of, and ability to bid for, assets which are important to their community?

**Yes**

1.2 Do you agree that the City of Sheffield contains many different groups of people who share characteristics, which may include location, religion, race, creed, culture, sport and recreational interests, and that each of these groups may choose to define themselves as a "community"?

**Yes**

1.3 Do you agree that in a City with distinct and diverse communities, a non-discriminatory local authority would recognise that those assets which serve the social well-being and the social interest of each, or any, of those distinct and diverse communities has a community value to the wider Sheffield community?

**Yes.**

**In the context of Asset of Community Value (ACV) nominations, the required test is that in the opinion of the authority the actual current non-ancillary use of the 'asset' furthers the social well-being or social interests of the local community. Where sufficient evidence is available to me that the requirements are met, those assets will be recognised by listing as an ACV.**

1.4 Do you agree with S88 of the Localism Act that "social interests" includes in particular cultural, recreational and sporting interests?

**Yes**

1.5 Do you agree that if an asset meets the social interests, in particular cultural, recreational or sporting interests of a group of its citizens it must therefore pass the social well-being and social

interests test in the Localism Act 2011 and must therefore be registered as an Asset of Community Value (ACV)?

**Please see the response to 1.3 above**

1.6 Do you agree with Judge Warren that in determining whether an asset meets the social interests test, it is not necessary that community use is the primary use of the asset (Firoka Limited v Oxford City Council)?

**Yes**

1.7 Do you agree that, to date, SCC has used an inappropriate definition of "community" which does not reflect the diverse nature of the communities which exist within the City of Sheffield in assessing ACV nominations?

**Not at all.**

**I use the following definition of community: "A distinct group of individuals or agencies who come together for a common interest".**

1.8 Do you agree that in seeking to define "community" in the way it has, SCC has been acting Ultra Vires and contrary to (i) the Localism Act 2011; (ii) the will of Parliament and (iii) the spirit in which the legislation was intended?

**Absolutely not. The Council's approach is in all the circumstances reasonable.**

1.9 Do you agree that SCC should review whether the definition of "community" it has chosen to use for the purposes of deciding ACV nominations to reflect its commitment to a modern, diverse and multi-cultural City of Sheffield?

**No. Our definition is in line with this aspiration.**

1.10 Do you agree that considering 1.1 to 1.9 above, the University Arms meets all the community requirements of an ACV and should be registered as such?

**Not on the basis of the information that was provided, which was lacking in detail and insufficient to overcome the objections of the owner.**

**As directed at the scrutiny committee you are able to make a further nomination of the University Arms. If that is forthcoming, I will consider all of the information before me and decide whether it appears that the University Arms meets the criteria in Section 88 of the Localism Act 2011.**

2. When this ACV decision for the University Arms was made, did the Cabinet Member personally consider all the papers which were provided, as part of the ACV application? - If this is not the case, the decision should be reconsidered.

Nb. Papers sent include:

Covering email, ACV application form, 5-page response to the Pinsent Masons letter and two documents, published by the University of Sheffield:

(i) 'Sheffield Beer Report' (published by the University of Sheffield)

[http://www.shef.ac.uk/polopoly\\_fs/1.569579!/file/Sheffield-BEER-report.pdf](http://www.shef.ac.uk/polopoly_fs/1.569579!/file/Sheffield-BEER-report.pdf) and

(ii) 'Pubs and Places: The Social Value of Community Pubs' in which the IPPR commissioned colleagues at Sheffield University:

[http://www.ippr.org/files/images/media/files/publication/2012/01/pubs-and-places\\_2nd-ed\\_Jan2012\\_8519.pdf?noredirect=1](http://www.ippr.org/files/images/media/files/publication/2012/01/pubs-and-places_2nd-ed_Jan2012_8519.pdf?noredirect=1)

**Yes. As advised at the scrutiny meeting, I have considered all of the appropriate documentation.**

3. What specific aspects of the ACV application for the University Arms clearly differentiate it from other successful ACV applications for public houses?

**In this instance there was an objection from the owner putting forward a contrary opinion on whether it should be listed as an ACV.**

**Where an objection and/or contrary opinions are forthcoming, I must be confident in the reasons put forward in the nomination and that there is an identifiable local community benefitting from the use of the building as defined in section 88 of the Localism Act 2011.**

**In this instance I was not provided with evidence from you to support the reasons for listing to the extent that they could overcome the representations from the owner.**

4.1 Do you agree that:

(i) the University Arms is open to members of the public?

(ii) there are no licensing restrictions which preclude the University Arms from being considered a public house?

(iii) being open to the public and having no licensing restrictions which preclude it from being a public house, the University Arms is therefore a public house?

**Yes**

4.2 Your documentation states that the University Arms "is likely to have limited appeal to certain parts of the community as a whole". Has Sheffield City Council undertaken research to confirm this subjective statement? If, such research has been undertaken, could both ourselves and the Scrutiny Committee be provided with details?

**The Council has not undertaken a survey and relied upon the information presented by the applicant and owner. I refer you to my answer given to question 2.**

4.3 Do you agree that an asset which benefits the social interest and social well-being of one or more groups of Sheffield's citizens and therefore benefits the wider Sheffield community, thus passes the tests required by the Localism Act 2011 for an Asset of Community Value?

**A group of citizens are not necessarily a local community**

4.4 Do you agree that the large student population within the City itself represents a "community" which satisfies the requirements of both (i) the Localism Act 2011 and (ii) the spirit within which Parliament enacted that legislation?

**Yes. As above any group of people, such as students, are capable of being considered as a 'local community' for the purposes of an ACV nomination.**

4.5 Do you agree that the people who use the University Arms, be they students, academic staff, support staff or members of the public represent a community for the purpose of the Localism Act 2011?

**I refer you to my answer to question 4.4.**

4.6 Do you agree that Sheffield University's website, on 16th.October 2016 included:

<http://withus.com/hustleandbustle/university-arms-sheffield/>

The University Arms in Sheffield

197 Brook Hill, Sheffield, South Yorkshire S3 7HG

The University Arms is a classic real ale pub situated at the heart of the University of Sheffield's campus and is owned and run by the university. The pub's menu has a range of locally

sourced pub favourites, including burgers and sandwiches making it a brilliant working lunch venue. In addition, the bar has a range of real ales selected from the finest breweries across the UK.

A real ale addition

With The University Arms' location a 15 minute walk from Sheffield's famed Kelham Island Brewery, the pub has now found itself on Sheffield's real ale map. Other nearby pubs such as The Fat Cat, The Kelham Island Tavern and The Shakespeare create a real ale circuit around the north side of the city centre. Kelham Island is easily reachable by tram from the nearby University tram stop.

Lunch time treat or drinks with friends

With its classic pub interior, broad selection of drinks and a menu of British pub favourites, The University Arms in Sheffield is the perfect place for after work or after lecture drinks. It can also provide the perfect venue for a low key birthday celebration with good friends and great beers. If you want to enquire about booking tables for larger groups contact the pub on 0114 222 8969.

**I did not look at the Sheffield University website on 16<sup>th</sup> October 2016, although I have no reason to doubt what you assert.**

4.7 Do you agree with Sheffield University that:

(i) the University Arms is a "traditional pub"?

(ii) the University Arms is a place for "a pub lunch with your mates or colleagues, or sit down and enjoy a relaxed drink"?

(iii) the University Arms menu "has pub favourites from chip butties and fish finger sandwiches to pies and lasagne"

(iv) the University Arms has "a private room to hire" for events "with friends and family".

**I have no reason to doubt the above.**

4.8 Do you agree that Sheffield University advertises the University Arms as a public house rather than as a student bar, places no restriction on non-students, boasts of its connection to the wider Sheffield real ale and brewing communities and advertises its services to the general public as evidenced by their website?

**I cannot speak for Sheffield University**

4.9 Do you agree that the University Arms must therefore be a public house which furthers the social interest and well-being of the community as defined by the Localism Act 2011?

**No, please see 4.4 above.**

5.1 Do you agree with the Government (Kris Hopkins MP, Community Pubs Minister, Written Statement to Parliament 26th January 2015) that pubs such as the University Arms:

(i) "play an important role in our local communities"?

(ii) "provide valuable local hubs that strengthen community relationships and encourage wider social interaction"?

(iii) are "estimated to contribute £80,000 to the economy annually"?

**I am bound to consider the legislation as approved by Parliament. I have no interest in the comments of an MP or Minister in this instance.**

5.2 Do you agree with the Government (Kris Hopkins MP, Community Pubs Minister, Written Statement to Parliament 26th January 2015) that Government urges "communities to consider which pubs they wish to see protected" (such as the University Arms), "before they are at risk".

**I refer to my answer to question 5.1**

5.3 Do you agree that in making this statement to Parliament:

(i) the Government assumed that public houses play a significant part in the life and well-being of the community?

(ii) the Government expects citizens to use the provisions of the Localism Act 2011 to protect public houses which they value, by means of ACV registration with local authorities such as Sheffield City Council?

**I have no wish to speak for the Government, with whom I have many fundamental disagreements.**

5.4 Do you agree that in nominating public houses such as the University Arms for Asset of Community Value registration, the citizens who do so are (i) exercising their rights under the Localism Act 2011; (ii) are following the will of Parliament and are (iii) behaving in the spirit in which that legislation was intended?

**Yes. As a point of principle, I believe that most people act with good intentions most of the time.**

5.5 Do you agree that in creating a citizen-based nomination process, the Government was:

(i) enacting legislation intended to encourage and enable ordinary people to successfully nominate valued community assets with the minimum of professional skill, knowledge or ability?

(ii) seeking to make the nomination of an ACV, such as for the University Arms, accessible to all citizens in an easy and straight forward manner?

**I have no wish to speak for the Government, with whom I have many fundamental disagreements.**

5.6 Do you agree that the people who use a public house may do so for a variety of reasons but that the primary reason for most people, most of the time, is to further their recreational interests?

**Yes.**

5.7 Does you agree that by using a pub for recreational purposes, those who use that pub are furthering their social interest and social well-being?

**No, not automatically.**

5.8 Do you agree that the tests required by the Localism Act 2011 to prove recreational interest and social interest are low hurdles to overcome and that the University Arms must easily pass those tests?

**A decision has been made regarding the University Arms. Should a further application be made it will considered based on the evidence submitted.**

5.9 Do you agree that in passing those tests, the University Arms must be an Asset of Community Value as provided for by the Localism Act 2011?

**Please see my answer to question 5.8**

5.10 Do you agree that the tests and hurdles which its officers have been applying to Asset of Community Value nominations for public houses, such as that for the University Arms, have been set higher than those required by the Localism Act 2011?

**No. We have taken advice on our approach and believe it to be reasonable.**

5.11 Do you agree that in setting tests and hurdles for Assets of Community Value which exceed those required by the Localism Act 2011, Sheffield City Council has been acting Ultra Vires?

**No. We have taken advice on our approach and believe it to be reasonable.**

5.12 Do you agree that the current record of Sheffield City Council regarding ACV nominations received, registered or rejected has been adversely affected by setting hurdles and tests for Assets of Community Value above and beyond those (i) allowed by the Localism Act 2011 and (ii) reasonably expected by the citizen?

**No. We have taken advice on our approach and believe it to be reasonable.**

5.13 Do you agree that the remedy is to (i) over-turn the decision to reject the nomination of the University Arms and register the pub as an Asset of Community Value and (ii) to review the Council's other rejections of pub Asset of Community Value nominations for similar errors in assessing whether or not the nominated asset meet the requirements of the Localism Act 2011?

**No. The process allows for a further nomination to be made.**

6.1 Do you value an active CAMRA Branch in the City?

**Yes**

6.2 Do you agree that the CAMRA volunteers who prepare ACV nominations for public houses do so out of a legitimate concern that all residents of the City should have access to public houses in their local community, regardless of sex, race or creed or cultural affiliations provided they are legally entitled to do so?

**Yes. As a point of principle, I believe that most people act with good intentions most of the time**



6.3 Do you agree with the Sheffield Branch of CAMRA that the City of Sheffield has a fine heritage of public houses such serving local communities across the City?

**Yes**

6.4 Do you value this heritage?

**Yes**

6.5 Do you value the economic contributions made to the City by (i) public houses and (ii) the associated local brewing industry?

**Yes**

6.6 Do you agree that large numbers of public houses have closed across the City, reducing the number of public houses available to the local communities who use them?

**Yes, although the figures for pub closures across Sheffield are not definitively known.**

6.7 Does Sheffield City Council know how many public houses in its area of jurisdiction have permanently closed since the year 2000?

**No. Please see my answer to question 6.6**

6.8 Do you share the Sheffield Branch of CAMRA's concern at the decline in the number of public houses available to members of communities across the City?

**Yes. Furthermore, I welcome this legislation that has enabled local communities to come together to protect valued community assets, the decline of such facilities is to the detriment of those communities.**

6.9 Do you have a formal strategy to promote and protect public houses within the City?

**No**

6.10 Do you accept that in using the citizen's right to nominate public houses as Assets of Community Value under the Localism Act 2011, the Sheffield and District Branch of CAMRA is acting to:

- (i) protect public houses from redevelopment without planning permission and
- (ii) give local communities the opportunity to bid for those public houses should they come up for sale?

**I am not in a position to comment on CAMRA's reasons for making nominations.**

6.12 Do you agree that the City's public houses should be protected from re-development without planning permission?

**Yes. This is my preference.**

6.14 Do you accept that the Council's rejection of the Sheffield Branch of CAMRA's nomination of the University Arms and other public house nominations gives rise to the belief that the Council does not believe that:

- (i) public houses should have the protection of the City's planning regime,
- (ii) that the citizenry should have access to a Community Right to Bid for public houses and
- (iii) that public houses are Assets of Community Value.

**No. This would not be a reasonable belief. Each nomination is judged on its merits in accordance with the requirements of the Localism Act 2011.**

6.15 Do you accept that the Council's rejection of the Sheffield Branch of CAMRA's nomination of the University Arms, along with its rejection of other public houses in the City, despite their obvious contribution to the social well-being and social interest of the communities which they serve, has led to a loss of faith in the Council's Community Right to Bid process?

**No, I do not. I am very happy to agree to ACV applications where sufficient information is provided for me to form a rational judgement.**

**It is important to note that there have been successful nominations, and I hope there continues to be further successful nominations in the future to protect assets valued by local communities.**

6.16 Do you agree with the volunteers of the Sheffield and District Branch of CAMRA that there is little point in submitting further ACV nominations for public houses, within the Council's administrative area?

**No, I do not agree. The Council and I welcome ACV nominations irrespective of from whom they originate and would encourage eligible organisations to continue to make robust use of the process.**

This page is intentionally left blank