

**South Lakeland District Council  
Delegated Executive Decisions**

**Date of Proposed Decision: Thursday, 11 August 2022  
Asset of Community Value Nomination - Ship Inn,  
Sandside**

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**Portfolio:** Customer and Locality Services Portfolio Holder

**Decision Maker:** Director of Customer and Commercial Services

**Report Author:** Tom Dugdale – Case Management Officer

**Wards:** Arnside & Milnthorpe;

**Forward Plan:** N/A

**Links to Council Plan Priorities:**

Working across boundaries – N/A

Delivering a balanced community – Working with communities to reduce isolation and loneliness.

A fairer South Lakeland – N/A

Addressing the climate emergency – N/A

**1.0 Expected Outcome**

1.1 Entry of the Ship Inn, Sandside onto the list of successful nominations of Assets of Community Value.

**2.0 Proposed Decision**

**2.1 It is recommended that the Director of Customer and Commercial Services:-**

**Agrees that the Ship Inn, Sandside as identified on the plan attached be entered onto South Lakeland District Council's list of successful nominations as an Asset of Community Value.**

**3.0 Background and Proposals**

3.1 A nomination to list the Ship Inn as an Asset of Community Value was submitted by an unincorporated body, set up specifically to nominate the asset, named Ship Inn Community Action Group (SICAG) on 20<sup>th</sup> June 2022.

3.2 In accordance with s89(2)(b)(iii) of the Localism Act 2011, SICAG are eligible to make a community nomination in respect of the asset and have a local connection.

3.3 The Ship Inn is owned by The Ship Inn Sandside Limited, and has been closed undergoing building work since November 2020.

3.4 The nomination states that the Ship Inn is a historic pub located in the hamlet of Sandside, a popular meeting destination for local residents and visitors to the area.

3.5 Section 88 of the Localism Act 2011 sets out those uses of land which may result in a property being considered as an asset of community value. They are uses that are

non-ancillary and that further (or have recently furthered) either the social wellbeing or social interests of the local community. In the case of the Ship Inn, it appears that its main, non-ancillary use, was, until November 2020, that of a public house.

- 3.6 The nomination states that the Ship Inn was, up until its recent closure, of important local social benefit to the community, encouraging local people to come together to meet, socialise and interact with others in a welcoming way, which is enjoyable, uplifting and positively rewarding. The nomination provides a list of activities and amenities that the Ship Inn provided, including: Weekly dart and pool leagues, weekly quiz nights, discounted lunch prices for elderly residents, the provision of school meals for the local primary school and a place to hold events for local community groups.
- 3.7 The nomination states that the loss of the pub would negatively impact the community as there is no similar facility within the local area for local residents to meet and hold events. It states that the facilities that the asset offered contributed towards reducing isolation and enabling communities to be self-sufficient by providing a central hub for local knowledge and the sharing of information, and being a place where local residents who live alone were able to meet and socialise with others. It also states in the nomination that the asset's facilities and the activities that it has, and could still offer, could be seen to improve the social wellbeing and interests of the local community. It has been noted that Storth Village Hall is only 0.5 miles away, and possibly could facilitate some of the activities that were held at the pub. However it could be said that this type of venue is a different type of destination, and not always open and available. Whereas a pub tends to be open year round and available to all when operating fully.
- 3.8 Section 88 of the Localism Act 2011 states that a building or other land can be considered as an asset of community value if:
  - a) There is a time in the recent past when the actual use of the building (that was not an ancillary use) furthered the social wellbeing or interests of the local community.
  - b) It is realistic to think that there is a time in the next five years where there could be a non-ancillary use of the asset that would further the social wellbeing or social interests of the local community.
- 3.9 The nomination states that there is an overwhelming interest in the local community to see the Ship Inn reopen as a public house for the use of the local community and visitors alike. It states that the pub is currently closed, and the building works being undertaken have been intermittent and appear to have come to a halt. The unincorporated body that was specifically set up to nominate the asset have stated that if the asset were to be put up for sale in the future, then a steering group with the vision of bringing the asset into community ownership would be created. The nomination states that the group would apply for support from organisations such as Campaign for Real Ale and Pub is the Hub, and start to research Government support, fund raising and grant options. It should also be taken into account that the current planning application on the building relates to work that would enhance the asset as a public house, so it could be said that it is likely that the asset will reopen to serve the community under its current ownership.
- 3.10 The Council has previously approved nominations of similar assets to be registered as assets of community value. An example of this being the Prince of Wales, Foxfield, which was added to the register in April 2022 under similar circumstances.
- 3.11 It is considered that the Ship Inn meets the criteria necessary to be accepted as an asset of community value. The evidence that has been provided indicates that in the recent past (before its closure) the use of the property as a public house, which was

not an ancillary use of the property, furthered the social wellbeing of the community who could use it as a place to socialise and hold events. On the basis of the information provided it is considered that it may be realistic to think that there is a time in the next five years where there could be another non-ancillary use of the property that would further the social wellbeing or interests of the local community. It is also clear that this nomination is in the spirit of the legislation that gives communities the right to nominate assets.

#### **4.0 Appendices Attached to this Report**

<b>Appendix No.</b>	<b>Name of Appendix</b>
1	Ship Inn Sandside – ACV Nomination Form
2	Ship Inn Sandside – ACV Location Plan
3	Ship Inn Sandside – ACV Assessment Form

#### **5.0 Consultation**

- 5.1 The Council has notified the owner of the property of the nomination. The Ship Inn Sandside Limited is currently registered at Houghton Park House Coachworks, Grisleymer Lane, Milnthorpe, Cumbria, LA7 7RF as an active company under registration 08645180. The owner has submitted a supporting information document, stating their current and future plans for the asset, and stating their desire that it continues to be an asset that enhances the social wellbeing and interests of the local community (Appendix 4).
- 5.2 The assessment of the nomination was carried out by a Case Management Officer in liaison with the Performance, Innovation and Commissioning Specialist.
- 5.3 In line with the Cabinet decision on 20 March 2019, delegated authority is given to the Director of Customer and Commercial Services, in consultation with the Customer and Locality Services Portfolio Holder, to make the decision as to whether the nominated asset is added to the list.
- 5.4 In accordance with Section 91 of the Localism Act 2011 the Council will send notice to all relevant parties of its decision in respect of the nomination.
- 5.5 The District Councillors for the Arnside and Milnthorpe Ward and Beetham Parish Council have been notified of the nomination. Councillor Pete McSweeney has registered his support of the nomination.

#### **6.0 Alternative Options**

- 6.1 The alternative option is to decline the nomination. The officers who have assessed the nomination in this case feel that the criteria in the legislation have been met and that the listing is justified on the basis of the information received. Section 88 of the Localism Act states that it is a decision for the authority whether or not the criteria are met.

#### **7.0 Implications**

##### **Financial, Resources and Procurement**

- 7.1 There are no financial or resources implications.

##### **Human Resources**

- 7.2 There are no human resources implications.

## Legal

- 7.3.1 Under Section 87 of the Localism Act 2011 the Council must maintain a list of assets of community value.
- 7.3.2 Section 88 of the Localism Act 2011 states that a building or other land is, or may be, an asset of community value if, in the opinion of the Authority:
- The property is actually used, or was used in the recent past, for an activity that was not an ancillary use and which furthered the social wellbeing or interests of the local community; and
  - It is realistic to think that there can continue to be non-ancillary use of the property which will further (whether or not in the same way) the social wellbeing or social interests of the local community' or
  - It is realistic to think that there is 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.
- 7.3.3 We note that the property has been closed due to it requiring works for just over a year and a half. Due consideration needs to be given as to whether this is sufficient to satisfy the 'recent past' test as set out above. 'Recent past' is not defined by legislation or in the explanatory memorandum to the Localism Act 2011. Government guidance on the 'recent past' test confirms that it is for the local authority to decide the meaning of 'recent past' depending upon the specific facts of each case. It is therefore for the local authority to decide whether 19 months closure is reasonable to be considered 'recent past'. Furthermore in an unreported case, R (Edgar) v Bournemouth Borough Council 2013 the courts are reluctant to interfere with a decision made by the local authority on this point where it can demonstrate all relevant matters can be taken in to account.
- 7.3.4 On the basis of the evidence provided in the nomination in this case, officers have determined that the necessary criteria of Section 88 of the Localism Act 2011 including in this particular case, that the 'recent past' test has been met.

## Health, Social, Economic and Environmental

- 7.4 Have you completed a Health, Social, Economic and Environmental Impact Assessment? Yes
- 7.5 A building or other land is an asset of community value if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community and could do so in the future. The Localism Act 2011 states that social interests include cultural, recreational and sporting interests.
- 7.6 Summary of Health and Sustainability Impacts

		Positive	Neutral	Negative	Unknown
<b>Environment and Health</b>	Greenhouse gases emissions		X		
	Air Quality		X		
	Biodiversity		X		
	Impacts of Climate Change		X		
	Reduced or zero requirement for energy, building space, materials or travel		X		

	Active Travel		X		
<b>Economy and Culture</b>	Inclusive and sustainable development		X		
	Jobs and levels of pay		X		
	Healthier high streets	X			
	Culture, creativity and heritage	X			
<b>Housing and Communities</b>	Standard of housing		X		
	Access to housing		X		
	Crime		X		
	Social connectedness	X			

### Equality and Diversity

- 7.7 Have you completed an Equality Impact Analysis? NO
- 7.8 There are no foreseeable adverse impacts on any single equality group arising out of the legislation relating to Assets of Community Value.
- 7.9 Summary of Equality and Diversity impacts

Please indicate: P = Positive impact; 0 = Neutral; N = Negative; Enter "X"						
<b>Age</b>	<b>P</b>	<b>X</b>	<b>0</b>		<b>N</b>	
<b>Disability</b>	<b>P</b>	<b>X</b>	<b>0</b>		<b>N</b>	
<b>Gender reassignment (transgender)</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>	
<b>Marriage &amp; civil partnership</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>	
<b>Pregnancy &amp; maternity</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>	
<b>Race/ethnicity</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>	
<b>Religion or belief</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>	
<b>Sex/gender</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>	
<b>Sexual orientation</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>	
<b>Armed forces families</b>	<b>P</b>		<b>0</b>	<b>X</b>	<b>N</b>	
<b>Rurality</b>	<b>P</b>	<b>X</b>	<b>0</b>		<b>N</b>	
<b>Socio-economic disadvantage</b>	<b>P</b>	<b>X</b>	<b>0</b>		<b>N</b>	

### Risk

<b>Risk</b>	<b>Consequence</b>	<b>Controls required</b>
The Council fails to meet the statutory deadlines for responses and publication of lists	The Council faces challenge on the way in which it addresses nominations for Assets of Community Value	Appropriate procedures put in place to achieve the Council's obligations
The Council may be required to bear the burden of administering any initial appeals in respect of either nominations or compensation decisions	The Council's financial and other resources would be used to address any appeal	Appropriate procedures put in place to achieve the Council's obligations

Risk	Consequence	Controls required
Listed assets of community value not added to the local land charge register	Reputational challenge	Appropriate procedures put in place to achieve the Council's obligations

### Contact Officers

Tom Dugdale – Case Management Officer: 793269 [t.dugdale@southlakeland.gov.uk](mailto:t.dugdale@southlakeland.gov.uk)

### Background Documents Available

Name of Background document	Where it is available
Community Right to Bid: Nonstatutory advice for local authorities	<a href="#">DCLG Website</a>

### Tracking Information

Signed off by	Date sent	Date Signed off
Legal Services	05/07/2022	06/07/2022
Section 151 Officer	06/07/2022	18/07/2022
Monitoring Officer	06/07/2022	01/08/2022
CMT	N/A	

Circulated to	Date sent
Lead Specialist	23/06/2022
Human Resources Lead Specialist	N/A
Communications Team	N/A
Leader	N/A
Committee Chairman	N/A
Portfolio Holder	
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A
Council	N/A

**Note – Report authors must consult the relevant Portfolio Holder, members of the Corporate Management Team, the Monitoring Officer, and any other interested parties before a decision can be taken. If any objections are received, they must be reported at the meeting before the decision is taken.**

Signed by:-	Title:-