

WEST OXFORDSHIRE DISTRICT COUNCIL

COUNCIL – WEDNESDAY 14 MAY 2014

MOTION RELATING TO SUPPORT FOR LOCAL PUBLIC HOUSES

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

(Contact: Keith Butler, Tel: (01993) 861521)

1. PURPOSE

To consider the Notice of Motion proposed by Councillor D S T Enright and seconded by Councillor G Saul at the Council meeting held on 26 February 2014 and referred to the Economic and Social Overview & Scrutiny Committee for consideration and report back to Council.

2. RECOMMENDATION

That the Council considers the motion in light of the recommendation made by the Economic and Social Overview & Scrutiny Committee at its meeting held on 24 April 2014.

3. BACKGROUND

3.1. The following motion was proposed by Councillor D S T Enright and seconded by Councillor G Saul, at the meeting of the Council held 26 February 2014:

“Pubs are important local assets and West Oxfordshire District Council has a record of supporting pubs across the District. They are under threat as a result of a number of pressures including the economic situation, the structure of the tied beer trade, and high property prices.

The Council therefore resolves to create a really simple "toolkit" or online nomination form so parishes and other bodies can nominate pubs as assets of community value, and promote the power to relevant bodies, as an enhancement of the details already available at <http://www.westoxon.gov.uk/residents/communities/community-rights/>.

In addition the Council supports the introduction of a statutory code, as follows, and will write to CAMRA and our MP to share our support:-

- 1. The Beer Tie, whereby landlords can only buy products from their PubCo, works for some licencees. However, for many others it means they can only buy limited products at inflated prices. We want every landlord to have the choice of whether to go free-of-tie. This would allow licencees to operate in a re-constructed market which would actually be more competitive.*
- 2. When a new licencee takes over a pub, or when an existing rent contract expires and is renegotiated, there should be a fully transparent and independent rent review completed by a qualified surveyor.*
- 3. There must be a truly independent body to monitor the regulations and adjudicate in disputes between licencees and pubcos”.*

3.2. The Council decided to refer the motion to the Economic and Social Overview and Scrutiny Committee for consideration, prior to it being determined at this meeting as it wished for more information to be presented to help councillors consider the issue.

- 3.3. A comprehensive report incorporating various background material was prepared for the committee and circulated to Members. The report can be viewed on the Council's website at [Notice of Motion – Support for Local Public Houses](#)
- 3.4. The report was considered by the Economic and Social Overview & Scrutiny Committee at its meeting held on 24 April 2014 at which time the committee made the following recommendation to Council in respect of the Notice of Motion:
- ‘That Council be recommended as follows:*
- Pubs are important local assets and West Oxfordshire District Council has a record of supporting pubs across the District. They are under threat as a result of a number of pressures including the economic situation and high property prices.*
- Therefore the Council supports the proposal that the government help protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted to betting shops, supermarkets and pay-day loan stores or other uses, or are allowed to be demolished.*
- In addition officers be requested to consider strengthening local plan policies regarding change of use of public houses to help protect them as community hubs.’*
- 3.5. The relevant extract from the minutes of that meeting is attached as an appendix to this report.
- 3.6. Members are now invited to consider and determine the motion in the light of the committee recommendation.

Keith Butler
Head of Legal and Democratic Services
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Date: 30 April 2014

Background Papers:
None.

73. NOTICE OF MOTION – SUPPORT FOR LOCAL PUBLIC HOUSES

The Committee considered the report of the Strategic Director in respect of a Notice of Motion proposed by Councillor D S T Enright and seconded by Councillor G Saul at the Council meeting held on 26 February 2014 and referred to this committee for consideration and report back to Council.

The Community Development Manager explained that the report was intended to put the notice of motion in context and outline work that had already been undertaken, relevant planning policies and campaigns in respect of retaining facilities.

Mr Enright thanked officers for presenting such a detailed report and explained that he had bought forward the notice of motion as a way of supporting public houses in the district. Mr Enright indicated that there had been a significant change in drinking patterns and this had impacted on town centre pubs particularly in market towns. As a result they were not relied upon as much and many pubs were struggling to survive.

Mr Enright highlighted that the business models for public houses varied greatly and often landlords were tied to the brewery so were only able to buy products from them putting pressure on their profitability. In addition the pub companies may have to service debt and it was often the case that the property was worth more than the business so there was pressure to convert to residential. Mr Enright emphasised that free houses operated differently and also many breweries were very supportive of tenants.

Mr Enright highlighted the challenges facing many rural pubs and the importance of protecting facilities as community hubs in these communities. Mr Enright referred to the registering of Assets of Community Value (ACV) and the possibility of developing a simple online system to allow communities to nominate and also to promote the nomination process more widely.

Mr Haine indicated that he generally supported the motion and was cognisant of the challenges facing the licensed trade in the district. Mr Haine however suggested that a lot of the problems related to the difficult economic situation and people were eating out and frequenting pubs less. The smoking ban in pubs had also had an impact and Mr Haine suggested that landlords needed to be innovative and proactive to be successful.

Mr Haine reiterated that he acknowledged the challenges facing the pub trade but suggested that it was difficult for the council to get involved in respect of beer ties as this was essentially a business decision made by a tenant. With regard to monitoring it was highlighted that the Federation of Licensed Victuallers Associations already had a role in this regard.

Mr Haine then made a proposal that Council be recommended:

“Pubs are important local assets and West Oxfordshire District Council has a record of supporting pubs across the District. They are under threat as a result of a number of pressures including the economic situation and high property prices.

Therefore the Council supports the proposal that the government help protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted to betting shops, supermarkets and pay-day loan stores or other uses, or are allowed to be demolished.

In addition officers be requested to consider strengthening local plan policies regarding change of use of public houses to help protect them as community hubs.”

Mr Owen then seconded the proposal.

Mrs Crossland expressed her support for the proposal and that many of the issues related to commercial matters outside of council control. Mrs Crossland suggested that the focus for supporting public houses should be around planning policy and testing the viability before permission for a change of use was given.

Mr Handley concurred and suggested the proposal was wide ranging and would help in giving protection to important community assets. It was agreed that there were a lot of challenges facing the licensed trade.

Mr Poole referred to the second part of the motion and asked if there were many public houses that were susceptible to that type of development. The Community Development Manager acknowledged that there was likely to only be a small number of premises affected.

The Strategic Director highlighted planning policies that had been successful in protecting pubs in rural areas and it was acknowledged that it may be beneficial to look at the possibility of strengthening policies. Mr Poole referred to the importance of registering ACV's and whilst it offered some protection it was often difficult to prove viability.

Mr Coles asked how successful the Community Right to Bid legislation had been in letting local communities take on local facilities. The Community Development Manager advised that as the legislation was relatively new it was difficult to assess. The committee was reminded that local communities could in any case purchase pubs outside of the legislation through the commercial market.

Mr Coles expressed disappointment that the wording of the proposal by Mr Haine had not been made available to other members in advance.

Mr Haine reiterated the positive impact that existing policy had achieved in respect of rural communities. It was acknowledged that it was unlikely many pubs in the district would be changed to supermarkets or similar developments but the possibility of strengthening policy needed to be looked at including changing business premises to residential. Mr Cotterill referred to problems of pubs that had been left vacant for a number of years. The Strategic Director reminded members that whilst policy can resist change of use, the council had limited powers in respect of commercial decisions relating to premises. The change of use is governed under the Use Classes Order which is applied nationally.

Mrs Chapman indicated her support for the spirit of the original motion by Mr Enright but reiterated that a number of the issues were beyond the control of the council. Mrs Chapman highlighted that a number of village pubs had already been protected but if policy could be strengthened further it would be very positive. Mrs Chapman suggested that the district council also had a lobbying role when facilities were threatened. Mrs Chapman indicated that it would be positive to write to the local MP to advise him of the concerns and the action needed to protect local pubs.

Mr Poole, whilst acknowledging the council had no direct control, suggested that the issue could not be forgotten completely and the committee could still have a role in looking at this aspect in the future.

On being put to the vote the proposition was carried.

RESOLVED: That Council be recommended as follows:

Pubs are important local assets and West Oxfordshire District Council has a record of supporting pubs across the District. They are under threat as a result of a number of pressures including the economic situation and high property prices.

Therefore the Council supports the proposal that the government help protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted to betting shops, supermarkets and pay-day loan stores or other uses, or are allowed to be demolished.

In addition officers be requested to consider strengthening local plan policies regarding change of use of public houses to help protect them as community hubs.