

<b>Key Decision Required:</b>	<b>No</b>	<b>In the Forward Plan:</b>	<b>No</b>
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## CABINET

24 APRIL 2015

### REFERENCE FROM COUNCIL

**A.1 PETITION: “PUBS MATTER” CAMPAIGN**  
(Report prepared by Ian Ford and Lisa Hastings)

#### **PART 1 – KEY INFORMATION**

##### **PURPOSE OF THE REPORT**

To place before Cabinet, a Petition reported at the meeting of the Council held on 24 March 2015.

##### **EXECUTIVE SUMMARY**

This report places before Cabinet a Petition, which was reported at the meeting of the Council held on 24 March 2015, relating to the Campaign for Real Ale (CAMRA's) “Pubs Matter” Campaign and which has been referred to Cabinet for consideration in accordance with the provisions of the Council's approved scheme for dealing with petitions.

Cabinet is recommended to take no further action on the petition due to the coming into force on 15 April 2015 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which will substantially achieve the aims of the Petition.

##### **RECOMMENDATION**

**That Cabinet determines what action they wish to take having regard to the Petition and the legislation changes outlined in the report.**

#### **PART 2 – SUPPORTING INFORMATION**

##### **BACKGROUND**

At the meeting of the Council held on 24 March 2015, the Chief Executive verbally reported the receipt of a petition submitted by Barrie Coker, Pub Preservation Officer, Tendring CAMRA. The petition is signed by 50 residents of the District and states:

*“Weak planning laws in England are failing to protect pubs, current law means pubs can be demolished or converted into other uses without planning permission.*

*We have signed this petition in the hope that Tendring District Council use the “Sustainable Communities Act” to submit the following to Government:*

*“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 or other uses, or are allowed to be demolished.”*

In an accompanying email with the Petition, Mr Coker stated that Colchester Borough Council, Norfolk County Council and Norwich City Council have already supported this campaign.

In January, the Government announced its intention to introduce legislation, which meant that planning permission would be required to change the use of or demolish Assets of Community Value (ACV) listed pubs.

In February, the Communities and Local Government Select Committee called on the Government to strengthen ACV planning laws further and suggested changes increasing the moratorium on the sale of an ACV pub from six to nine months, introducing a right of appeal against a Council's decision not to list an asset; and preventing an ACV to be sold as a going concern when a purchaser does not intend to retain the current use of the building.

## **CURRENT POSITION**

In late March, and around the date the petition was received, the Government presented its response to the Communities and Local Government Select Committee to Parliament and rejected the recommendations, but added that *“it is committed to reviewing the effectiveness of ACV legislation and would welcome evidence from community groups and asset owners demonstrating the need to make broader changes”*.

In addition, on 24 March, the Town and Country Planning (General Permitted Development) (England) Order 2015, was laid before Parliament, which introduced new legislation meaning that planning permission would be required to change the use of or demolish a pub, which had been listed as an Asset of Community Value under the Localism Act 2011. These come into force on 15 April 2015.

Therefore, through recent developments, aims of the petition have been substantially achieved by changes in legislation requiring planning permission for those assets, which the community wish to protect and have been registered as an ACV.

## **AVAILABLE COURSES OF ACTION**

There are several courses of action available to the Cabinet, including:

- No action (with reasons as to why no action is proposed)
- Taking the action requested in the petition
- Undertaking research into the matters raised (this could include referring the matter to the relevant Portfolio Holder, or officer of the Council) and holding a meeting with the petitioners
- Referring the petition to the appropriate Overview and Scrutiny Committee
- Holding a public meeting

- Holding an inquiry
- Providing a written response to the lead petitioner setting out the Council's views on the request in the petition
- Considering the petition at a future Cabinet meeting
- Calling for a referendum (subject to costs)

#### **BACKGROUND PAPERS FOR THE DECISION**

Petition submitted by Barrie Coker, Pub Preservation Officer, Tendring CAMRA (Campaign for Real Ale).

#### **APPENDICES**

None.