

KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

RESPONSE TO THE COMMUNITY NOMINATION TO RE-LIST THE EASTERN SECTION OF THE FORMER HENRY JENKINS PUBLIC HOUSE, MAIN STREET, KIRKBY MALZEARD

The Parish Council met on Tuesday September 4, 2018 to approve the following comments which we wish to make in connection with the above.

These comments are to be read in conjunction with the response made in June 2017 when the application to List the whole of the building as an Asset of Community Value was made. We note that this application only relates to the Eastern section now in the ownership of Mr J Claybourn as shown on the plan provided within the nomination form. Since the election process in May 2018 there are four new Councillors on the Council and some views of the Council as a whole have therefore altered.

1 As a point of information it was agreed that this section was not in community use until 1975 when it was converted from a Joiners Shop and Builders Yard into part of the public house. As previously agreed between all parties the public house closed in 2011 at which point this section had been in community use for 36 years.

2 The tenants who had just taken over the Queens Head at the time of our previous response are still responsible for running the pub and have entered into a five-year tenancy with the owners Enterprise Inns. It is felt that whilst the pub is busy it could certainly be busier. The tenants are involved with fund raising for local organisations including the Mechanics Institute and Playing Fields Association.

3 After lengthy consideration it was agreed that, as stated previously, if the Henry Jenkins were to re-open it would to some extent compete with the Queens Head but that this competition might also have some positive benefits for residents. The Parish Council does have a responsibility to protect local businesses and values existing businesses such as the Queen's Head but whilst we want to ensure their successful future, we accept that this does not preclude accepting competition.

4 Village facilities continue to develop with a new Repair Garage/Tyre Services business having opened last year, with the range of local organisations improved by the opening of a Youth Club. The range of complementary assets referred to in our previous response should also include the major employers in the village comprising Wensleydale Dairy, D and M Fabrication and R & J Butchers.

5 The up-dated plans of the Mechanics Institute now comprise carrying out alterations to the entrance, bar area and reading room to form a café/bar, conversion of the former Doctor's surgery to form an information office and appointing a part-time community co-ordinator to liaise with village organisations and support a village community association.

6 An application by the Mechanics Institute to the Lottery Heritage Fund for a grant towards these plans was recently rejected. The reasons set out within an e-mail from Clare Allman of the Big Lottery Fund dated 09.07.2018 stated that 'it does not appear to be bringing the community together' but also said that 'the issue with the pub detracted from the application and we felt that until this situation is resolved satisfactorily we could not take your application forward'. HJCC have however subsequently written to the Lottery Heritage Fund and indicated that they support any effort to improve and upgrade the facilities within the Mechanics Institute.

7 The nomination includes evidence concerning the Opinion Survey being carried out by HJCC, which, ten months since its inception, is still unfinished. There are concerns about how some aspects of the survey have been carried out and an independent survey such as a Parish Poll would have been a much more satisfactory means of measuring public opinion had it been affordable. The responses so far do however indicate that the majority of residents support the re-opening of the whole building as a pub with ancillary uses. One matter on which everyone agrees is that the future of the building should be resolved as soon as possible.

8 The planning history of the building has moved on since June 2017 as detailed within the nomination.

9 Importantly a number of Restrictive Covenants have been placed on this section of the building when it was sold recently, which now effectively prevent the building from being used for anything other than a single dwelling. Harrogate Borough Council should take legal advice on whether this section of the building can be re-listed as an ACV when it is not legally able to be utilised for community use. We understand that the decision to deem this sale a 'relevant disposal' is also being queried by HJCC.

10 As clarified initially we are being asked to consider just this section of the former public house and it was unanimously agreed (not only by the Council but by HJCC representatives present at the meeting) that it is not possible to see how this building could (regardless of the restrictive covenants) be used in isolation for community use. HJCC have indicated that they would only be interested in acquiring this building in conjunction with the Western section as neither part would be viable on its own for their purposes.

11 We have read the Business Plan incorporated within the Nomination and the Council feels that further revision may be necessary before its conclusions could be relied upon. However as this Business Plan refers to the whole building and not just the section on which the Re-listing is sought it is not considered relevant to this matter. No Business Plan has been produced on this section of the building alone for the reason set out in item 10 above.

12 The criteria concerning whether the building could further the social well-being or social interests of the community with the next five years is intended to allow for future residential development to be considered, and HJCC make the statement that 'plans have been submitted for nearly 100 houses in Kirkby Malzeard including 47 homes on the Laverton Road site'. It should be noted that only 37 houses are now proposed for Laverton Road and the total number of houses allocated in the village within the draft Local Plan (which runs until 2035) is 47. Even allowing for some infill development the 100 homes figure is inaccurate. Harrogate Council should seek confirmation on this from its Planning Department.

Howard Mountain, Chair

On behalf of Kirkby Malzeard, Laverton and Dallowgill Parish Council

05.09.18