

Senedd Local Government and Housing Committee inquiry into community assets

Response from CAMRA, the Campaign
for Real Ale



1. Introduction:

1.1 - The Campaign for Real Ale, CAMRA, is a consumer group that campaigns for quality beer and thriving pubs in every community in Wales and across the UK.

1.2 - CAMRA is grateful for the opportunity to contribute to the Committee's inquiry into community assets. We will be focusing our response on protection and support for public houses as community assets.

1.3 - We are happy for our response to be published, and to be contacted further about the contents of our response.

1.4 - If you have questions about our response, please contact Paul Edgeworth, Campaigns Manager

2. The importance of pubs as community assets:

2.1 - Pubs are more than just businesses – they play a crucial role in building and maintaining cohesive communities. Pubs are the best place to enjoy alcohol responsibly, in a supervised environment, and they promote personal happiness and wellbeing. The role of pubs as community hubs is particularly important in rural communities where they often house other local services such as post offices.

2.2 - Pubs contribute to fulfilling the Welsh Government's wellbeing goals as set out in the Wellbeing of Future Generations Act 2015 – in particular, the goals to deliver a healthier Wales and a Wales of cohesive communities.

2.3 - The Welsh Government's 2018 *Subordinate Legislation Consolidation and Review* consultation acknowledges the importance of community pubs and trends of permanent pub closures in recent years. In addition, the Welsh Government's Loneliness strategy also recognises that the closure of community spaces like pubs make it difficult for people to develop and maintain social networks.

2.4 - Our latest statistics show that in 2021, 11 pubs in Wales closed permanently (were demolished or converted), with a further 24 being classed as a long-term closure where a premises is not currently trading.

2.5 It is vital that the statutory and policy framework in Wales protects local pubs as community assets, and supports communities to take ownership of a community pub when it is under threat of closure, conversion, or demolition.

3. Changes to the planning system in Wales:

3.1 - There are significant gaps in planning law in Wales. The lack of legislation to protect community pubs is leaving them particularly vulnerable to demolition or conversion to other uses. Pubs in Wales are afforded the weakest safeguards out of any UK nation.

3.2 - Allowing communities to own and run their local pub as a community asset is an important way to protect valued local pubs, however for this to be a realistic option for communities there needs to be changes to the law.

3.3 - Alongside the need for a community right to buy which we mention later in this response, for Wales to have a thriving community-owned pubs sector, there needs to be reform of the planning system to better protect pubs and to give local groups a fighting chance of saving their community pub.

CAMRA would like to see action in the following areas:

Use Class Orders:

3.4 - The planning system in Wales, and the lack of measures to ensure that all proposals to demolish or change the use of a public house require planning permission, mean that pubs in Wales have the lowest levels of protection within the planning system than anywhere else in the UK.

3.5 - The current Use Class Order is not fit for purpose in managing the social and cultural impact of changes of use. The Use Class Order fails to adequately value the role of community pubs not just as important community assets, but also as cultural and heritage assets.

3.6 - Amending the Town and Country Planning (Use Classes) Order 1987 to recognise pubs as a unique (*sui generis*) use would allow for greater protections and safeguards to be applied to public houses over and above the current A3 (food and drink) classification.

3.7 - Pubs and restaurants or other food and drink establishments serve different roles in the community with pubs offering a more informal setting and a space for the community to meet. Equally, pubs are unique to these islands, whereas restaurants can be found in similar formats across the globe. As an essential aspect of Welsh and British culture it is important that pubs are specifically protected.

3.8 - That is why CAMRA would like to see changes to the Use Classes Order to recognise pubs as a unique use class. Alternatively,

the Welsh Government could make sure that any new use class for drinking establishments and restaurants (as proposed in the Welsh Government's consultation on Permitted Development launched in November 2021) does not come with any permitted change of use from this use class without planning permission.

Permitted Development Rights:

3.9 - CAMRA believes that in Wales change of use or demolition without planning permission should not be permitted for a public house.

3.10 - Any change to a pub should always be subject to a full planning application. This is an important step in safeguarding public houses and allows for the community to object via the planning process should proposals for change of use come forward.

3.11 - The objective should not be to prevent all such changes but to ensure that appropriate evaluation is undertaken where public amenities are concerned before the change takes place. Local communities and local authorities are currently often powerless to protect those public houses that are valued by the community and financially viable.

3.12 - This would bring planning policy in Wales in line with England where protections are in place to require planning permission before a public house is allowed to be converted to another use, giving communities a chance to have their say through the planning process, and local authorities a chance to apply local planning policies on retention of community assets.

3.13 - Pubs are vital to both the Welsh economy, to our culture, enhance the personal and social wellbeing of those who use them, and play a unique role in our communities, both urban and rural.

3.14 - We remain extremely concerned that current planning law in Wales offers less protection than in any other part of Great Britain when it comes to protecting pubs from unwanted development and stemming the tide of unnecessary pub closures.

3.15 - Planning loopholes are systematically exploited by developers leading to the loss of community pubs. These pubs are often bought by companies looking to convert them into housing, other uses such as supermarkets and take-aways, or seeking to demolish them altogether and develop the land for another use.

3.16 - It is vital that the existing permitted development rights that allow pubs to be converted into other uses or demolished without local communities having a say through the planning process are be

removed. This is an important step in safeguarding public houses and allows for the community to object via the planning process

3.17 - CAMRA agreed with the proposals contained with the 2018 *Subordinate Legislation Consolidation and Review* consultation on proposals to consolidate and amend the General Permitted Development Order to change permitted development rights to afford greater protection to public houses in communities where their loss would unacceptably affect local amenity.

3.18 - We would urge the Welsh Government to take forward these proposals as part of the changes to Permitted Development Rights as a result of this consultation.

3.19 - Given the threats to the future of community pubs, both urban and rural, by speculative developers as the industry recovers from the COVID-19 pandemic, we believe that now is the correct time to introduce measures to require planning permission to be sought in every instance where a public house is facing a change of use or demolition.

3.20 - It is important to mention that it is not just rural pubs which are at considerable risk, or which are considerable community assets – in city and town centres, inner suburbs, and surrounding housing estates, pubs are just as vital to those who live around them and, in many cases, just as much at risk. The key is not the location but the function of the pub as a centre for social interaction, promoting community cohesion and the wellbeing of local residents

Changes to Permitted Development Rights in town centres:

3.21 - CAMRA is concerned that the Welsh Government's proposal to allow greater flexibility when it comes to change of use in town centres, as proposed in the Consultation on Permitted Development that was launched in November 2021. We fear that this would put pubs in urban areas at greater risk of being lost to communities.

3.22 - Research by the Plunkett Foundation shows that across the UK only 15% of trading community-owned pubs are in urban areas; and that community groups in urban areas often face greater challenges when trying to take community ownership of their local pub. The most common reason cited in research carried out by the Plunkett Foundation was private competition for the asset.

3.23 - CAMRA believes that it would be unacceptable for the Welsh government's proposals on relaxing change of use protections in town centres to be applied to pubs.

3.24 - Rather than consider a permanent relaxation in the already weak rules, we believe that the proposal should be amended to better protect public houses from demolition or change of use without planning permission.

3.25 - In order to safeguard public houses, CAMRA would like to see the Welsh Government make a slight alteration to exempt public houses from the permitted changes of use within town centres on a permanent basis in addition to the provisions for hot food for consumption off the premises and uses within Class B1(c) of Schedule 1 to the Use Classes Order.

3.26 - Temporary relaxation of planning controls in town centres introduced as a response to the COVID-19 pandemic must be reversed to prevent pubs permanently being converted into other uses and lost to communities for good.

3.27 - We do not believe that allowing a public house to be converted to another use in perpetuity under this proposal is fair or reasonable, and fear that this would lead to further closures of pubs without local communities being able to have a say over their future.

3.28 - As well as being key to increasing footfall and have a positive impact on shops, services and the local economy in town centres across the country, pubs are a vital part of our social fabric.

3.29 - Public houses have a significant positive impact on their community. Pubs in town centres and urban settings are just as vital to their communities as rural pubs and in many cases just as at risk.

Assets of Community Value:

3.30 - CAMRA would also like to see the Welsh Government reconsider its position on the introduction of an Asset of Community Value programme, similar to that operating in England.

3.31 - We are aware of a small number of communities in Wales successfully taking pubs into community ownership, however a lack of enabling listing system and support schemes mean that the process is significantly more challenging than in England and Scotland.

3.32 - Introducing an Asset of Community Value programme, with a genuine Right to Buy power, could help communities to be able to list their local pubs, demonstrating the importance of a pub to their area and offering an additional layer of protections for local pubs and social clubs.

Article 4 Directions:

3.33 - In the absence of planning protections for pubs across Wales, CAMRA would like to see the removal of the need for approval of the Welsh Ministers for Article 4 Directions made by local planning authorities.

3.34 - Article 4 Directions can be a tool to help local communities to be able to have their say through the planning process if a public house is facing change of use or demolition.

3.35 - Allowing Immediate Directions to be used would withdraw permitted development rights in relation to change of use, temporary buildings and uses, and demolition of buildings.

3.36 - The Welsh Government should also extend the ability for local planning authorities to issue Article 4 directions in relation to any public house or houses in their authority area, and not just in conservation areas, in order to offer some additional protections against the conversion or demolition of pubs as vital community assets.

3.37 - However, this would not be substitute for improved protections for community pubs in the planning system in Wales, as discussed elsewhere in this submission

4. Community Right to Buy:

4.1 - In addition to the need to reform the planning system in Wales to better protect pubs from conversion and demolition, CAMRA would like to see enhanced rights for community groups to buy community assets including pubs.

4.2 - There is a need for legislation on community rights to explicitly provide for the protection of privately owned assets such as pubs, over and above the current Community Asset Transfer scheme.

4.3 - It is our belief that a robust and effective route to community ownership of Assets is needed through the introduction of a genuine 'Community Right to Buy', as is already the case in Scotland where communities are afforded the first right of refusal.

4.4 - This would allow a community group putting in a genuine market level bid would be granted first refusal on purchasing any registered pub buildings when they come up for sale.

4.5 - This enhanced right to buy is needed rather than a 'Community Right to Bid' which currently operates in England. Under this right, does not guarantee that a bid (even a genuine, market level bid) will be accepted by an asset owner.

4.6 - Until communities have a right to buy a community asset, there will always be the problem of trying to fight off private competition for community pubs. Until legislation is reformed, finance needs to be available to help urban communities intervene quickly if their pub comes up for sale.

5. Finance and support services:

5.1 - Alongside a community right to buy, the Welsh Government should also provide funding and support services for community groups to successfully take on assets as community-run venues.

5.2 - CAMRA would like to see a pub-specific programme of funding and advice, as was the case with the successful *More Than A Pub* programme which operated in England and provided business development support and funding to enable community groups in both urban and rural areas to take on their local pub as a community-owned business.

5.3 - In England, CAMRA worked alongside organisations like Pub Is the Hub, Locality, the British Beer and Pub Association, Co-operative and Community Finance and KeyFund to support the Plunkett Foundation and Power to Change to support the *More Than A Pub* project.

5.4 - We would like to see a similar scheme in Wales supported by organisations across the beer and pubs sector as well as organisations promoting voluntary groups and community rights to offer support and funding to community groups looking to save their local pub and take it on as a community-owned asset.

5.5 - Any such scheme should include:

- a dedicated advisory service
- pre-project advice
- access to varied funding programmes covering both revenue and capital funding for community-owned pub projects
- support to build capacity within communities in order to successfully run a local pub as a community-owned business.
- Support for urban communities in addition to the existing support available for assets in rural areas

6. Conclusion

6.1 - In conclusion, CAMRA urges the Committee to consider making recommendations to the Welsh Government to act quickly to protect local pubs as valued community assets.

6.2 - As part of any solution, the Welsh Government should remove permitted development rights for pubs recognised as valued community assets, so that so communities have a say before a pub is demolished or converted to another use.

6.3 - Communities should be given a right to buy privately-owned community assets and a pub-specific funding and support programme should be introduced to ensure that all communities are empowered to save their local and take it on as a community-owned pub.

6.4 - CAMRA recognises that not all pubs can be saved and community ownership of pubs will not be a viable option in all cases. For us, the most important element of protecting community assets is to give local people the chance to save them from redevelopment and ensure they continue to serve local people.