

Heritage Public Houses Bill

[AS INTRODUCED]

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TO

Require local authorities to maintain a register of heritage public houses in their area and to make provision in connection with the compilation and maintenance of such registers; to make provision relating to planning applications in respect of public houses on such a register; to place restrictions on the sale of heritage public houses; to make provision relating to the nomination of heritage public houses as assets of community value; to make provision about the listing of heritage public houses; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Register of heritage public houses

1 Register of heritage public houses

- (1) Within one year of the passing of this Act, a local planning authority in England must prepare and publish a register of heritage public houses in its area. 5
- (2) No later than the date of publication of the register, the planning authority must serve notice on—
 - (a) owners, and
 - (b) occupiersof heritage public houses listed in the register. 10
- (3) The notice under subsection (2) must include a copy of the entry for the heritage public house in the register in respect of which notice is being served.

2 Amendments to the register of heritage public houses

- (1) A local planning authority must review the register under section 1 every twelve months. 15
- (2) A local planning authority may amend the register for its area by—
 - (a) adding a premises;
 - (b) removing a premises;

- (c) amending the entry for a premises (whether by removing anything previously included as part of the premises or adding anything not previously included, or otherwise).
- (3) Where a local planning authority amends an entry in a register under subsection (2), it must serve notice on every owner and occupier of that premises as soon as reasonably practicable after the amendment is made. 5
- (4) Where a local planning authority has added a premises to the register or amended the entry in the register for a premises, the notice served under section (3) must include the date on which it did so and must include a copy of the entry or amended entry for the premises. 10

3 Consultation before removing heritage public houses from the register

- (1) Subsection (2) applies where the planning authority proposes to amend the register by—
 - (a) removing a premises, or
 - (b) amending the entry for a premises to remove anything previously included as part of the premises. 15
- (2) The amendment must be publicised by the local planning authority by giving requisite notice—
 - (a) by site display in at least one place on or near the land to which the entry in the register relates, and 20
 - (b) by publishing the notice on a website maintained by the local planning authority.
- (3) A notice under subsection (2) must specify a period within which representations may be made to the local planning authority.
- (4) The period specified under subsection (3) must be at least 28 days beginning with the day the notice is served. 25

4 Regulations: sections 1 to 3

The Secretary of State may by regulations make further provision for the purposes of sections 1 to 3, including provision about—

- (a) the content and form of the register, 30
- (b) the manner of publication of the register,
- (c) the powers and duties of local planning authorities in respect of the collection, processing and publication of information for the purposes of the register,
- (d) the form and manner of serving of notice on owners and occupiers. 35

Interim protections

5 Consultation following an application to list or delist a registered public house

- (1) This section applies where the Secretary of State considers a proposal to—

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- (a) include a registered public house in a list compiled or approved under section 1 (listing of buildings of special architectural or historic interest in England) of the Planning (Listed Buildings and Conservation Areas) Act 1990, or
- (b) exclude a registered public house from such a list. 5
- (2) The Secretary of State must—
- (a) serve a notice of the proposed inclusion or exclusion on the appropriate persons; and
- (b) invite those persons to submit written representations about the proposal. 10
- (3) The appropriate persons are—
- (a) the owner and occupier of the registered public house;
- (b) the local planning authority in whose area the registered public house is situated; and
- (c) such other persons or bodies of persons as appear to the Secretary of State appropriate as having special knowledge of, or interest in, public houses of architectural or historic interest. 15
- (4) A notice under subsection (2) must—
- (a) specify the proposed inclusion or exclusion;
- (b) specify a period within which representations about the proposal may be made, which must be at least 28 days beginning with the date on which the notice is served; and 20
- (c) in the case of a proposed inclusion—
- (i) include a statement of the effect of section 6 (interim protection) of this Act; and 25
- (ii) specify the date on which interim protection takes effect under subsection (2) of that section.
- (5) The Secretary of State may by regulations amend subsection (3) by adding a description of person to the list of appropriate persons in that subsection; and where the Secretary of State does so, they may also make such amendments to this Act as they consider appropriate in consequence of the amendment to subsection (3). 30
- 6 Interim protection pending a decision on whether to list a registered public house**
- (1) This section applies where the Secretary of State serves notice under section 5(2) of a proposal to list a registered public house. 35
- (2) From the beginning of the day specified under section 5(4)(c)(ii), the Town and Country Planning Act 1990 shall have effect in relation to the building as if it were a listed building.
- (3) The protection conferred by virtue of subsection (2) is referred to in this Part as “interim protection”. 40
- (4) The Secretary of State must—

- (a) publish a list of the registered public house subject to interim protection, and
 - (b) provide a copy of the notice served under section 5(2) in respect of such a registered public house to any person who requests one.
- (5) Interim protection ends in relation to a registered public house – 5
- (a) where the Secretary of State lists the building, at the beginning of the day specified in the notice under section 2(3)(b) Planning (Listed Buildings and Conservation Areas) Act 1990;
 - (b) where the Secretary of State decides not to list the building, at the beginning of the day specified in a notice served on – 10
 - (i) every owner and occupier of the building, and
 - (ii) every local planning authority in whose area the building is situated.
- 7 End of interim protection for a registered public house**
- (1) This section applies where interim protection ceases to have effect in relation to a building as a result of the issue of a notice under section 6(5)(b). 15
- (2) The fact that the interim protection has ceased to have effect does not affect the liability of any person to be prosecuted and punished for an offence under Planning (Listed Buildings and Conservation Areas) Act 1990 committed with respect to the building while the interim protection had effect. 20
- (3) Any proceedings on or arising out of an application for listed building consent with respect to the building lapse; and any such consent granted while it had effect lapses.
- (4) Any listed building enforcement notice served by the local planning authority with respect to the building ceases to have effect. 25
- 8 Compensation for loss or damage caused by interim protection**
- (1) This section applies where interim protection ends in relation to a building because the Secretary of State serves notice under section 6(5)(b) that they have decided not to list the building.
- (2) Any person who had an interest in the building when the interim protection took effect is entitled, on making a claim to the Secretary of State, to be paid compensation by them for any loss or damage suffered by the person that is directly attributable to the interim protection. 30
- (3) The loss or damage for which compensation is payable includes any amount payable by the claimant in respect of a breach of contract caused by the need to stop or cancel works to the building because of the interim protection. 35
- (4) A claim for compensation under this section must be made in writing within 6 months beginning when the interim protection ends.
- (5) The Secretary of State may by regulations make further provision in connection with this section. 40

*Restrictions on the sale of heritage public houses on a register***9 Sale of registered public house: restriction**

- (1) A person who is an owner of a registered public house may not sell the public house unless either condition A or B is met.
- (2) Condition A is that a covenant has been concluded pursuant to section 33 of the Local Government (Miscellaneous Provisions) Act 1982 requiring the premises to continue to be operated as a public house. 5
- (3) The Secretary of State may by regulations make provision in relation to covenants required to meet Condition A in subsection (2).
- (4) Condition B is that— 10
- (a) that particular person has notified the local authority in writing of that person's wish to sell the registered public house, and
- (b) the enhanced moratorium period has ended.
- (5) “The enhanced moratorium period”, in relation to a disposal, means the twelve months beginning with the date on which the local authority receives notification under subsection (4) in relation to the sale. 15
- (6) The local planning authority may extend the period under subsection (5) by a further twelve months.
- (7) The Secretary of State may by regulations make further provision in connection with this section, including provision for exemptions. 20

10 Registered public houses: assets of community value

- (1) The Localism Act 2011 is amended as follows.
- (2) In section 87(3), after “subsection (5)” insert “or it relates to a public house that is listed in the local authority’s register of public houses under the Heritage Public Houses Act 2025”. 25
- (3) In section 88(6), at end insert—
- “(d) interests relating to registered public houses under the Heritage Public Houses Act 2025.”.
- (4) In section 89(1), after paragraph (a) insert—
- “(aa) where land relates to a public house that is listed in the local authority’s register of public houses under the Heritage Public Houses Act 2025, or”. 30
- (5) In section 95, after subsection (6) insert—
- “(6A) In subsections (3) and (4), where land relates to a public house that is listed in the local authority’s register of public houses under the Heritage Public Houses Act 2024— 35
- “the full moratorium period”, in relation to a relevant disposal, means the six months beginning with the date on which the

enhanced moratorium period has ended under section 9(5) of the Heritage Public Houses Act 2025,

“the interim moratorium period”, in relation to a relevant disposal, means the six weeks beginning with the date on which the enhanced moratorium period has ended under section 9(5) Heritage Public Houses Act 2025, and 5

“the protected period”, in relation to a relevant disposal, means the eighteen months beginning with the date on which the enhanced moratorium period has ended under section 9(5) Heritage Public Houses Act 2025.” 10

Planning applications in respect of heritage public houses

11 Applications to change the permitted use of a registered public house

- (1) A person who is an owner of a public house may not be granted permission to change the use of that registered public house unless all of the following conditions are met— 15
- (a) that particular person has notified the local authority in writing of that person's wish to enter into a disposal of the registered public house,
 - (b) the enhanced moratorium period has ended, and
 - (c) that person has not received any offers to purchase the registered public house at a fair market price. 20
- (2) Reference to “the enhanced moratorium period” in subsection (1)(b) shall have the same meaning as defined in section 9(5).
- (3) The Secretary of State may by regulations make provision for the determination of “fair market price” in subsection (1)(c). 25

Definitions

12 Definitions

In this Act—

- “public house” means premises that satisfy the following conditions— 30
- (a) a premises licence authorising the sale by retail of alcohol for consumption on the premises has effect;
 - (b) the premises are used principally for such sales to members of the public for consumption on the premises; and
 - (c) the sales are not made subject to the condition that buyers reside at or consume food on the premises; 35
- “heritage public house” means a premises that satisfies one or more of the following conditions—
- (a) is at least 150 years old and has been used as a public house in the past ten years; or
 - (b) has been most recently used as a public house and the local planning authority deems its building or interior to have a 40

degree of heritage significance meriting consideration in planning decisions;
“registered public house” means a premises included in a register under section 1.

General

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13 Regulations

- (1) Regulations under this Act are to be made by statutory instrument.
- (2) A statutory instrument containing regulations under this Act may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

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14 Financial provisions

There is to be paid out of money provided by Parliament –

- (a) *any expenditure incurred under or by virtue of this Act; and*
- (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.*

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15 Extent, commencement and short title

- (1) This Act extends to England and Wales.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Heritage Public Houses Act 2025.

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