



Data Protection Officer  
Freedom of Information  
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Date: 25 August 2020

## **FREEDOM OF INFORMATION REQUEST 1256**

I write further to your email dated 11 August 2020.

Your request has been dealt with under the terms of the Freedom of Information Act 2000 (FOIA), explained on our [freedom of information](#) page.

Your request:

Can you please confirm if your department currently has a written viability checklist or test, to use when pub companies request change of use through lack of viability on a public house, in order to validate or reject their claim of lack of viability.

If you do use a check list or test can you, please tell me if it is an internal document or if it was obtained from another source and if it was where it came from.

Finally, would you be interested in an up to date viability test which has been updated to take into account the current market conditions and the new Covid-19 world the hospitality sector is operating under. The checklist/test would be completely free and is endorsed by both the forum of British pubs and CAMRA.

Our response:

With reference to the first point you have raised. I can confirm that we do not have either a written viability checklist or test to be used in the circumstances you have described. However, should a planning application be submitted for the change of use that would involve the loss of public house, we do as a general rule ask for information relating to the presence of any other public houses within the locality of the application site. In addition, if the application site is the only public house in the area, further details are sought relating to the marketing of the property, including the length of time the property has been marketed, and the value the property has been marketed for.

It would also be useful if an up to date viability test could be made available. It would therefore be appreciated if the relevant information would be provided to: [planning.policy@nwleicestershire.gov.uk](mailto:planning.policy@nwleicestershire.gov.uk)

The supply of information in response to a freedom of information request does not confer the right to re-use the information. UK copyright law allows information supplied for the purposes of private study and non-commercial research to be used without permission. Information supplied can also be re-used for the purposes of news reporting except for in the case of photographs.

## **GOING FORWARD**

If you are dissatisfied with the information supplied please feel free to contact me on the number above for any queries in relation to this response. Please note that in responding to further enquiries I can only comment on the information contained within this correspondence and cannot provide any further information that may pertain to an additional FOIA request.

Please remember to quote the Authority's four digit reference number given at the top of this email in any future communications.

If you remain dissatisfied following the conclusion of the above informal review, you have the right to ask for an internal review. A request for a review whether formal or informal should be submitted within two calendar months of the date of receipt of the response to your original letter and should be sent to [DPO@NWLeicestershire.gov.uk](mailto:DPO@NWLeicestershire.gov.uk) or the address above.

Further details on our appeals and complaints procedure can be found on our website [here](#).

If you remain dissatisfied following the conclusion of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at [accessicoinformation@ico.org.uk](mailto:accessicoinformation@ico.org.uk).

Yours sincerely

Mackenzie Keatley  
Information Governance Officer