

**Assets of Community Value
Assessment Process Summary**

Name of nominating organisation	Fairview Community Association
Name of nominated property:	The Maple Leaf
Address of nominated property	The Maple Leaf 83 Hewlett Road Cheltenham GL52 6AJ

Stage 1 assessment – eligibility criteria

All of the criteria must be fulfilled for the nomination to be taken to stage 2 assessment.

Criteria	Evidence Required	Assessment
<p>A. Is the nominating organisation eligible?</p> <p>Nomination must be received by a qualifying community organisation, as set out in government regulations:</p> <ul style="list-style-type: none"> parish council, including neighbouring parish council unincorporated groups (Nominations can be accepted from any unincorporated group with membership of at least 21 local people who appear on the electoral roll within the local authority) neighbourhood forums community interest groups with a local connection (charity, community interest company, company limited by guarantee that is non-profit distributing, industrial and provident society that is non-profit distributing) 	<p>In the case of community interest groups, the constitution, memorandum and articles of association or governing document.</p> <p>In the case of an unincorporated group, evidence of the membership of at least 21 people who appear on electoral roll.</p>	<p>The nomination was made by Fairview Community Association. As an unincorporated body, they have submitted their constitution. This states the following:</p> <p>1. Name The name of the group shall be the Fairview Community Association, hereafter referred to as the FCA.</p> <p>2. Aims The aims of the FCA shall include (but are not be limited to):</p> <ol style="list-style-type: none"> To support the Neighbourhood Co-ordination Group (NCG) process for the Fairview area. To provide a forum for residents to voice and assist resolution of concerns and issues within the Fairview area. To enable community development that supports a welcoming and inclusive Fairview community. To raise funds to support the activities listed in a), b) and c). <p>In terms of finance, they also state the following in their constitution:</p> <p>All monies raised on or on behalf of the FCA are only to be used to further the aims of the FCA as specified in item 2 of this constitution or agreed local charitable organisations.</p> <p>They have also supplied a list of 21 names of local people who are on the electoral roll.</p>

<p>B. Can the nominating organisation demonstrate a local connection to the asset?</p> <p>The organisation must demonstrate that its activities are concerned with the local authority area where the asset is located or with a neighbouring authority.</p>	<p>Any evidence demonstrating local connection for example: website, publications, reports, maps.</p>	<p>Yes</p>
<p>C. Does the nomination include the information requested on the nomination form?</p> <p>This should include:</p> <ul style="list-style-type: none"> • a description of the land and proposed boundaries • details of any information the nominating organisation has regarding ownership, occupancy, freeholders and leaseholders 	<p>Nomination form to be checked for this information.</p>	<p>Yes</p>
<p>D. Is the asset included in one of the categories of exempt assets, as set out in schedule 1 of the regulations?</p> <ul style="list-style-type: none"> • A residence and land associated with a residence, except where an otherwise eligible asset contains residential quarters. • Licensed caravan sites. • Operational land of statutory undertakers as defined in section 263 of the Town and Country Planning Act 1990. 	<p>Evidence will be checked against known information and planning history.</p>	<p>Yes</p>

Summary

The Council is satisfied that Fairview Community Association is eligible to make the nomination on account of it being an unincorporated group with a membership of at least 21 local people who appear on the electoral roll within Cheltenham Borough. It is also non-profit distributing.

Stage 2 assessment – determining community value

All of the criteria must be fulfilled for the nomination to be successful.

Criteria	Evidence Required	Assessment
<p>E. Is there evidence of the use being described in the nomination, and that this is the main and non-ancillary use of the land or premises, or this has been its use within the last 5 years?</p>	<p>Any evidence of usage history including number of individuals or groups, publicity, calendar of events, bookings schedule etc.</p>	<p>The pub has closed and has been on the market with Fleurets of Bristol. It appears that the property has recently been sold.</p>
<p>F. Does this use further the social wellbeing and social interests of the local community?</p> <p>In particular:</p> <ul style="list-style-type: none"> • What is the current level of use of the asset and who uses it? • Is it used by particular communities of interest or need? • What do communities gain from their use of the asset and what would be the impact if it were lost? 	<p>What evidence is there that the asset furthers social interests including (a) cultural interests; (b) recreational interests; (c) sporting interests.</p> <p>What evidence is there that the asset furthers social well-being in terms of promoting social interaction and engagement and generating a sense of involvement with other people and their communities.</p>	<p>Throughout its active life the Pub has provided a central facility in its upstairs room for use by community including dance classes, choir , music and band practice plus use by the Liberal Democrat party; whose office is also on Hewlett Road.</p> <p>In addition it provided an interface for Fairview residents to meet the local PCSO Kim Graham who scheduled regular Police Information Points there.</p> <p>Separately the pub has provided entertainment including performances by local bands plus Open-Mike and Quiz nights for local residents.</p> <p>The FCA was successfully hosted by the Pub until a short closure, on Jo's leaving, in April 2013. That also led to the closure of the FCA.</p> <p>The success of the FCA has only highlighted the need for a continuing community space such as available in the Maple Leaf. We have worked with the recent tenants Alisdair Findlay and Adam Bertrand who continued to build on the pub contribution to the community by providing improved food menus, children's play area and large screen sport and afternoon film entertainments in addition to continuing its other range of social activities. However, the short tenure of both of these last publicans has not provided a sustainable, central facility from which to administer the community group and activities.</p> <p>New research from Oxford University only today reveals that people who have a 'local' pub are not only significantly happier than those who do not, but also have higher life satisfaction and have more close friends. Professor Robin Dunbar, Oxford University, reports in "Friends on Tap": "<i>Friendship and community are probably the two most important factors influencing our health and wellbeing. Making and maintaining friendships, however, is something that has to be done face-to-face: the digital world is simply no substitute. Given the increasing tendency for our social life to be online rather than face-to-face, having relaxed accessible venues where people can meet old friends and</i></p>

		<p><i>make new ones becomes ever more necessary."</i> The Maple Leaf had provided this until closure in February 2015. It is; thus, very realistic to think that there will be community use on this site within the next 5 years.</p>
<p>G. Could the asset realistically continue to be used for this, or another qualifying community purpose (or could this be achieved within the next five years)?</p>	<p>Evidence that there has been no significant change to the asset, which might impact on its fitness for purpose for proposed use or any business plans available for the asset.</p> <p>Condition of the asset and likelihood of funds being raised to remedy any defects to ensure it is fit for purpose.</p> <p>Evidence of a suitable organisation in a position to take this on.</p> <p>Market intelligence to support the case for sustainable community use of the asset.</p>	<p><u>Comments from Owner</u> Thank you for liaising with my colleague Natasha regarding the Community Right To Bid Application that has recently been submitted by the Fairview Community Association, in respect of 83 Hewlett Road, Cheltenham.</p> <p>We have taken the opportunity to review the criteria that need to be met in order for the building to be considered as an Asset of Community Value. We would like to draw your attention to further information that clearly demonstrates that 'it is not realistic that there can be continued 'non-ancillary' use of the building as a Public House.', meaning one of the criteria cannot be satisfied.</p> <p>I would like to begin by highlighting the fact that I believe that the 'Community Right to Bid' introduced by the Localism Act is a good concept where appropriate. We have a passion for successfully renovating redundant and historic buildings for on-going commercial use, such as the former Cheltenham Court House now occupied by Jamie's Italian. I am very pleased to have been able to open this building for use by the wider public.</p> <p>However, in the case of the public house at 83 Hewlett Road, there is simply no option but to look at an alternative 'non-ancillary' use for this building. The primary reason being the lack of demand from future occupiers.</p> <p>In the case of 83 Hewlett Road the building has been vacant for just over a year, during which time we have received no enquiries from local residents, the FCA, or any interested parties, commercial or otherwise, wishing to use any of the space inside the building for any activity whatsoever.</p> <p>Prior to its closure over a year ago, the pub had not been let on a lease for almost the previous three years (34 months). During that period the property was widely marketed to let on Enterprise Inns' website, and on other property portals including 'Find my Pub' and 'Business for Sale'. The building was also marketed on Humberstones' website.</p> <p>No occupiers came forward to take the space on a lease and as such the owner, Enterprise Inns, was forced to put the property on the market for sale early in 2015. Since this time the building has continued to deteriorate, and now a significant sum of money would be required to</p>

update the property to a suitable standard, making the case for re-use as a public house even more enviable.

Many attempts to rebrand the venue in recent years have been unsustainable and unviable, with various new brands including The Pump and Optic, The Fiery Angel, The Fairview and the Maple Leaf. The Maple Leaf operated from September 2013 until closure early last year on a total of 5 informal 'tenancies at will' indicating how it was impossible for the previous owners to find any leaseholder.

With the information set out above, it is clear that it is not realistic to expect to continue the main use of the public house and therefore one of the criteria required for a building to be listed as an Asset Of Community Value is not met.

Comments from Merrett and Co – acting for the owner

The pub has been empty since February 2015.

The property has been advertised to let since September 2013 and let on a succession of tenancies at will and traded as The Maple Leaf.

Previous to this it has traded under a variety of names which highlights how the pub has struggled and tried to rebrand itself.

1. Pump and Optic
2. Fiery Angel
3. The Fairview
4. The Maple Leaf

The local community group who have nominated the pub as an ACV have noted in their nomination form that it was the Fiery Angel until April 2013 when it closed for a period.

The premises were let on leases until September 2013. After this date it has been let on 5 Tenancies at Will (TAW) between the following times:

1. 19th September 2013 to 11th December 2013
2. 11th December 2013 to 14th November 2014
3. 14th November 2014 to 12th February 2015
4. 12th February 2015 to 26th February 2015
5. 26th February 2015 to 5th May 2015 when it closed.

During the periods it was let on TAW there was a "To Let" board on the premises advertising a "Flexible Deal" from May 2013 until July this year. As you are probably aware a TAW is not a lease there is just a verbal agreement in place between the two parties.

		<p>Enterprise Inns were actively looking to rent the space on a lease during these periods, but were unsuccessful. It was advertised on Enterprise Inns' own website from 1st May 2013 until 24th November 2014 and from 3rd December 2014 until 9th July 2015.</p> <p>In addition it was advertised on other pub websites including "Find My Pub" and "Businesses For Sale".</p> <p>The premises were also advertised to let by pub agents Humberstones from January 2015 until July 2015 which alone would meet the criteria for adequate marketing.</p> <p>Despite being closed, the pub is being marketed as a Licensed Premises. It is therefore reasonable to conclude that the asset could continue to further the social wellbeing and social interests of the local community within the next five years.</p>
<p>H. Is there any evidence that the local community feel strongly that the asset should be retained as a community asset?</p>	<p>Any evidence of surveys, petitions, awareness raising, publicity, evidence from parish plans, neighbourhood plan or other local document to support the case.</p>	<p><u>Comments from owner:</u> Fairview Community Association acknowledges that 83 Hewlett Road is a public house and that the meeting room is an ancillary use. Following our recent planning application affecting the building, the press release highlighted comments by Gary Stacey, the representative from the Fairview Community Association. He said 'The FCA was conceived in a function room, community space if you like at the Fiery Angel in 2011'. He continued 'We are not saying don't develop this building — indeed the community is keen to discuss alternative options' in order to incorporate community benefit into this major application'.</p> <p>Therefore, whilst the Community group are keen to demonstrate their desire to use a meeting/function room, this does not change the fact that the non-ancillary use is for a public house. In actual fact the Fairview Community Association <i>do not object to the loss of</i> the public house, but rather want their own meeting room within any future renovation of the building. That any meetings would actually take place in a separate room of the premises to the main public house areas adds more weight to this fact Given we have not been contacted for use of the building since we purchased the property over a year ago, of question how regularly a meeting space would be used</p>

Recommendation

There is good evidence that the Maple Leaf furthers the social wellbeing and social interests of the local community, that this is the main and non-ancillary use of the premises. The comments from both the owner and the owner's legal representative have been noted, but there still remains the possibility that the qualifying use could be achieved within the next five years. This nomination therefore meets the criteria to be an asset of community value and will be placed on Cheltenham Borough Council's list of successful nominations