

FAREHAM

BOROUGH COUNCIL

OFFICER DELEGATED DECISION

Date: Wednesday, 1 February 2023

Time: 10.00 am

Venue: Civic Offices - Civic Offices

Officer: L Ansell



1. Report Published

Non-Key Decision

- (1) Asset of Community Value Nomination - Wheatsheaf Public House**
(Pages 3 - 12)

A handwritten signature in black ink, appearing to read 'P Grimwood', written in a cursive style.

P GRIMWOOD
Chief Executive Officer

www.fareham.gov.uk
23 January 2023

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FAREHAM

BOROUGH COUNCIL

Report to the Director of Leisure and Community for Decision 01 February 2023

Portfolio:	Leisure and Community
Subject:	Asset of Community Value Nomination – Wheatsheaf Public House
Report of:	Director of Leisure and Community
Corporate Priorities:	Strong, Safe, Inclusive and Healthy Communities

Purpose:

To assess the nomination to register the Wheatsheaf Public House as an Asset of Community Value.

Summary:

Following its nomination by the Portsmouth and South-East Hampshire branch of CAMRA, the Wheatsheaf Public House (PH) was originally listed as an Asset of Community Value (ACV) in June 2016. Under the Localism Act, an Asset of Community Value will only remain listed for a maximum term of five years.

On 12 December 2022, Portsmouth and South-East Hampshire CAMRA and the current freeholder of the Wheatsheaf PH were notified that the Wheatsheaf PH was due to be removed from the Fareham Borough Council Register as an ACV as the listing expired.

Fareham Borough Council received an ACV nomination form from Portsmouth and South-East Hampshire CAMRA to re-list the Wheatsheaf PH on 19 December 2022.

There is a strict set of legal conditions that any nomination needs to demonstrate for an asset to qualify as an ACV. If it qualifies, the Council must register The Wheatsheaf Public House by the deadline of 12 February 2023 (8 weeks from the receipt of nomination).

This ACV nomination needs to be treated as a wholly new application and assessed against current evidence. It cannot rely on having been previously listed as an ACV to evidence that it meets the criteria.

This report outlines the evidence submitted as part of the nomination and assesses whether it meets the legal criteria to be listed as an ACV.

Recommendation

It is recommended that the Wheatsheaf Public House is registered as an Asset of Community Value and added to the Fareham Borough Council register of Assets of Community Value.

Reason:

The nomination form submitted by Portsmouth and South-East Hampshire CAMRA meets the required criteria for listing.

Cost of proposals:

Nil

Appendices: **A:** Asset of Community Value nomination form – Wheatsheaf Public House

FAREHAM

BOROUGH COUNCIL

Briefing Paper to the Director of Leisure and Community

Date:	01 February 2023
Subject:	Asset of Community Value Nomination – Wheatsheaf Public House
Briefing by:	Director of Leisure and Community
Portfolio:	Leisure and Community

Introduction

1. Fareham Borough Council have received a nomination from the Portsmouth and South-East Hampshire branch of CAMRA to list the Wheatsheaf Public House as an Asset of Community Value.
2. This report outlines the evidence submitted as part of the nomination and assesses whether it meets the legal criteria to be listed as an ACV.

Background

3. Following its nomination by the Portsmouth and South-East Hampshire branch of CAMRA, the Wheatsheaf Public House was originally listed as an Asset of Community Value (ACV) in June 2016.
4. In July 2016 the freehold owner of the Wheatsheaf PH agreed a sale of the freehold to the current landlord. Given that the property would continue to operate as a public house, this was classed as an exempt disposal and the Wheatsheaf PH remained listed as an ACV.
5. The Wheatsheaf PH has continued to operate as a public house throughout the full period of its listing.
6. ACVs remain listed on the Fareham Borough Council (FBC) register for a maximum term of five years. On 12 December 2022, Portsmouth and South-East Hampshire CAMRA and the current freeholder of the Wheatsheaf Public House were notified that the Wheatsheaf PH was due to be removed from the FBC Register as an ACV.
7. On 19 December 2022, FBC received an ACV nomination form from Portsmouth and South-East Hampshire CAMRA to re-list the Wheatsheaf PH as an ACV.

8. This ACV nomination needs to be treated as a wholly new application and assessed against current evidence. It cannot rely on having been previously listed as an ACV to evidence that it meets the criteria.

Qualifying Criteria

9. Portsmouth and South-East Hampshire CAMRA have submitted the ACV nomination as a “Community interest group with a local connection”.
10. The designation of CAMRA as a “community interest group with a local connection” has been tested in case law. The legal decision outlined that CAMRA and its local branches can be treated in a ‘hybrid’ way and that they therefore meet the nominating criteria.
11. Additionally, the nomination needs to demonstrate that it meets both of the following criteria:
 - i. Current community use: The land or building is currently being used to further the social wellbeing or social interests of the local community (“community use”) and this use is not an ancillary use.
 - ii. Future community use: It is realistic to think that there can continue to be use of the land or building which is not ancillary and which will further community use. This future community use is not limited to the current use and so an entirely different community use can be proposed and will suffice.

Nomination Application Evidence

12. Portsmouth and South-East Hampshire CAMRA have provided evidence of its status as a community interest group with a local connection.
13. CAMRA have provided evidence that The Wheatsheaf PH is currently being used to further social wellbeing or social interests in the local community as follows:
 - a. The free house pub significantly contributes to the wellbeing of the local community.
 - b. It offers local employment opportunities and supports local businesses that supply beer and food to the pub.
 - c. The pub raises money for local charities like Haven Brest Cancer.
 - d. The pub hosts live music events that help contribute to the culture of the local area.
 - e. The pub has a beer garden enjoyed by customers when the weather is favourable.
 - f. The pub encourages local event advertising that encourages community spirit.
 - g. The pub has a TV for occasional sporting events, promoting community engagement and providing a safe space to enjoy shared social experiences.
 - h. The restaurant offers a range of high-quality dishes using locally sourced ingredients.
 - i. The pub holds 2 or 3 mini-beer festivals a year combining local food with beer.
 - j. The pub is a member of CAMRA LocAle scheme proving a commitment to serving local ales.

- k. The pub has good bus connections and has disabled access, ensuring it is fully accessible to all members of the local community.

Application Feedback

14. Following receipt of the nomination form, local Ward Councillors, Cllr Mrs Hockley and Cllr Miss Harper, and the Executive Member for Leisure and Community, Cllr Mrs Walker, were all asked for representations in response to the nomination. Cllr Mrs Hockley and Cllr Mrs Walker have each confirmed their support for the nomination.
15. The current freeholder of The Wheatsheaf PH was also contacted and asked to make any representations regarding the nomination by 15 January 2023. No representations have been received.

Recommended Approach

16. Portsmouth and South-East Hampshire CAMRA's nomination has met the legal qualification criteria outlined above and so it is proposed that the Wheatsheaf Public House is added to the Council's register of Assets of Community Value.

Next Steps

17. If registration of the Wheatsheaf PH is approved, it will be added to the Council's register of Assets of Community Value. The ACV will remain recorded as a charge against the property with the Land Registry.
18. The ACV listing would be reviewed every two years to ensure that it remains current, or on application from any interested party if they can demonstrate a material change of circumstances at the site, such that the site would no longer qualify as an ACV.
19. The Council would be required to remove the asset from the list as soon as practicable in the following circumstances:
- After a relevant disposal (other than an exempt disposal);
 - When an appeal against a listing has been successful;
 - When, in the Council's opinion, the Asset is no longer of community value;
 - No later than 5 years from the date of entry on the list.
20. If the current Freeholder decides to dispose of the Wheatsheaf PH during the period of the listing, they must advise Fareham Borough Council of their intention to sell. FBC would then publicise this with key dates on the Council's website and inform Portsmouth and South-East Hampshire CAMRA.
21. The following timeframes then come into effect:
- Portsmouth and South-East Hampshire CAMRA have 6 weeks to decide and inform the Freeholder if they wish to submit a bid for the asset.
 - If Portsmouth and South-East Hampshire CAMRA decided to bid for the asset the 6-month moratorium period comes into effect, during which the Freeholder cannot sell the Wheatsheaf PH to anyone else.
 - At the end of the 6-month moratorium period, the Freeholder will review all bids and choose who to sell the asset to. They are under no obligation to sell to Portsmouth and South-East Hampshire CAMRA.

Conclusion

22. A nomination form from Portsmouth and South-East Hampshire CAMRA has been submitted for the registration of the Wheatsheaf PH as an Asset of Community Value and is presented for consideration.

Enquiries:

For further information on this report please contact Kat Hillman (01329 824443)

Assets of Community Value Nominations Form

This questionnaire is designed to provide the Council with the information required to assess whether the nomination of an asset meets the criteria of an asset of community value.

The Localism Act 2011 defines an asset/land of community value if:

1. Its actual or current use (or there is a time in the recent past when its use) furthers the social wellbeing or social interests of the local community, and
2. It is realistic to think that there can continue to be (or it is realistic to think that there is a time in the next 5 years when) non-ancillary use of the building or land that would further the social wellbeing or social interests of the local community.

The questionnaire is divided into three parts:

1. Voluntary or Community Body Details;
2. Asset Detail
3. Social Wellbeing and Social Interests criteria,

As a result of your application, in order to evaluate the nomination, the Council may:

- request additional information or evidence;
- seek clarification;
- conduct interviews; or,
- require presentations.

1.	Voluntary or Community Body Details
1.1	Name and address of the organisation in whose name this nomination is being submitted, include contact name, phone number, email etc: <div style="background-color: black; width: 100%; height: 40px;"></div>
1.2	Registered or trading name and address if different from question 1.1
1.3	Correspondence address if different from question 1.1

1.4	Does your organisation have a website, if so please provide the address? https://pseh.camra.org.uk/index.php	
1.5	Is your organisation a(n):	
	• Neighbourhood Forum	<input type="checkbox"/>
	• Parish Council	<input type="checkbox"/>
	• Unincorporated Body	<input type="checkbox"/>
	• Charity	<input type="checkbox"/>
	• Social Enterprise (company limited by guarantee that doesn't distribute any surplus it makes to its members)	<input type="checkbox"/>
	• Industrial or Provident Society which does not distribute any surplus it makes to its members	<input checked="" type="checkbox"/>
	• Community Interest Company	<input type="checkbox"/>
1.6	Company registration number, registered charities number, or Financial Services Authority registration number (list all that apply).	
1.7	<p>Please provide detailed evidence that you are indeed eligible to make a community nomination in accordance with sections 4 and 5 of the Regulations.</p> <p>A previous legal decision confirmed that CAMRA Branches are eligible to nominate pubs as ACVs as a "Community interest group with a local connection". CAMRA is a company limited by guarantee and is not profit distributing. CAMRA's national surplus is not distributed to its members and the individual CAMRA Branch activity is wholly or partly applied to the local authority area where the asset nominated is located. Please see attached Article of Association (section 5)</p>	
Community Nomination - Asset Detail		
2.1	<p>Asset Address</p> <p>The Wheatsheaf, 1 East Street, Titchfield, PO14 4AD</p>	
2.2	<p>Asset Owners – include the names of the current occupants of the land, and The names and current or last-known addresses of all those holding a freehold or leasehold state in the land</p> <p>Freehold owner: MARK BROOKS, The Wheatsheaf Public House 1 East Street, Titchfield, Hampshire PO14 4AD</p>	
2.3	<p>Asset / Land Use – Please can you provide details of the use of land over the past 5 years</p> <p>The Wheatsheaf on the site has been successfully used as a public house to the benefit of the local community for more than 5 years</p>	
3.	Evidence: Asset of Community Value	

The Localism Act 2011 defines an asset or land of community value if:

1. Its actual or current use (or there is a time in the recent past when its use) furthers the social wellbeing or social interests of the local community, and
2. It is realistic to think that there can continue to be (or it is realistic to think that there is a time in the next 5 years when) non-ancillary use of the building or land that would further the social wellbeing or social interests of the local community.

3.1	<p>How do you feel that the aforementioned asset is indeed an asset of community value?</p> <p>Can you provide evidence of this?</p> <p>The freehouse pub significantly contributes to the wellbeing of the local community. It offers local employment opportunities and supports local businesses that supply beer and food to the pub. The pub raises money for local charities like Haven Breast Cancer.</p> <p>The pub hosts live music events that help contribute to the culture of the local area.</p> <p>The pub has a beer garden enjoyed by customers when the weather is favourable.</p> <p>The pub encourages local event advertising that encourages community spirit.</p> <p>The pub has a TV for occasional sporting events.</p> <p>The restaurant offers a range of high quality dishes using locally sourced ingredients.</p> <p>The pub holds 2 or 3 mini-beer festivals a year combining local food with beer.</p> <p>The pub is a member of CAMRA LocAle scheme proving a commitment to serving local ales.</p> <p>The pub has good bus connections and has disabled access</p>
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Name of person authorised to sign on behalf of the organisation: David Blaikie

Position/status in the organisation: Life Member of CAMRA since 1989

Date: 19th December 2022

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On completion the form should be submitted by email to the Head of Leisure and Corporate Services. lansell@fareham.gov.uk

