

Mr P Callow
Head of Asset and Property Management
City of York Council
West Offices
Station Rise
York
YO1 6GA

Submitted Via Email: philip.callow@york.gov.uk

31 May 2015

Dear Mr Callow

The Melbourne, Cemetery Road, York - Nomination as an Asset of Community Value

We write in respect of the above site and its nomination as an Asset of Community Value ("ACV"), by an unincorporated body, led by Mr Richard Baker. Enterprise Inns Plc is the freehold owner of the site and we would ask you to take the following into account in reaching any decision.

Background

We have approved the site for disposal as it is no longer considered viable for continued use as a public house within our business model. The background to this position can be summarised as follows:

- The performance of the pub is heavily restricted by a small trading area and there is no opportunity to provide a kitchen / catering facility within the building which could otherwise assist in its ongoing performance.
- In seeking to assist trading levels, we have previously invested in the property and provided support to publicans, however this has not had the desired effect of making the pub sustainable on a long term agreement.
- There have been 5 publicans of the public house in the last 5 years.
- We undertook an extensive marketing / advertising campaign over an 18 month period in order to attract an appropriate publican, but unfortunately only received 6 applicants, none of whom progressed to take the pub on any form of substantive agreement.

Considering the above factors the pub was approved for disposal in January 2015. At this point we instructed an agent (CBRE) to market the property for sale. Despite this marketing exercise, no interest was expressed in the property for continued use as a public house. We are therefore pursuing opportunities for the alternative use of the site for which interest has been expressed.

Legislative Requirements

It is important to recognise that, in considering whether a property should be listed as an ACV, regard is to be had to section 88 (1) of the Localism Act, whereby the site is only capable of being listed as an ACV if:

- (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and*
- (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.*

It is clear that in order for the site to be listed as an ACV, its continuing use for a purpose which furthers social wellbeing or social interest has to be realistic. No such evidence has been provided by the nominator.

We therefore respectfully request that the application to list the site as an ACV be rejected. Should the Council decide to list the property as an ACV, we reserve the right to seek a review of the decision by oral hearing at the appropriate time.

Yours sincerely

Emma Hurst

Asset Manager

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