

Notice under Section 91 of the Localism Act 2011

Entry of known as Moles, 14 George Street Bath BA1 2EN into Bath & North East Somerset Council's Unsuccessful List of Assets of Community Value

1. Background

On **19 February 2024**, Bath & North East Somerset Council accepted a nomination under Section 89 of the Localism Act 2011 ("the Act") to list **Moles, 14 George Street Bath** as an Asset of Community Value. The nomination was made by **Friends of Bath Moles (also known as Long Live Moles)**. A map setting out the boundaries of the asset nominated to be listed ("The Asset") is provided as an Appendix to this notice.

Under Section 87 of the Act the Council must maintain a list of assets of community value.

Section 88 of the Act states that

- (1) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area is land of community value if in the opinion of the authority—
 - (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 in the same way) the social wellbeing or social interests of the local community.

- (2) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority—
 - (a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
 - (b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

Under Section 89 of the Act, the Council can only enter assets into the list of Assets of Community Value in response to community nomination.

2. Decision-Making Process

The Council's Cabinet on October 10th, 2012, resolved to agree that:

2.1 Decision-making in response to nominations for entry into the List of Assets of Community Value under the Localism Act 2011 be delegated to the Director of People & Policy (and, in the event of this Director having a conflict of interest, to a director nominated by the Corporate Director), drawing on the decision-making guidance as set out in Appendix One (of the report)

2.2 The Director of People & Policy be delegated decision-making with regard to updating this guidance, in consultation with the Council Leader, in response to experience of implementing the provisions, new regulations and emerging case law.

2.3 The internal review process in relation to listing be undertaken by a director not involved in the initial decision.

2.4 The Director for Property Services be delegated to make arrangements relating to the procedures following listing, including moratorium and compensation provisions, as set out in Appendix Two (of the report)

In accordance with this decision, the Director of People & Policy has now fully considered the nomination in light of the Act and the Assets of Community Value (England) Regulations 2012 ("the Regulations"). Following this consideration, the Director of People & Policy has decided **not** to enter the property into its list of Assets of Community Value.

This decision has been taken because:

(1)

(a) The Asset lies within the administrative boundaries of Bath & North East Somerset Council.

(b) Friends of Bath Moles is entitled under 89(2)b(iii) of the Act to make a community nomination in respect of the Asset

(c) The Asset does not fall within a description of land which may not be listed as specified in Schedule 1 of the Regulations.

and

(2) in the opinion of the Authority,

(a) The actual current use of the Asset that is not an ancillary use that furthers the social wellbeing and interests of the wider local community.

(b) It is not realistic to think that in the future it will be used to further the social well-being or social interest of the local community.

The detailed assessment on which this decision is based, following the criteria adopted by the Council Cabinet on 10th October 2012, and fully considering information supplied by the nominee and other parties (including the owner), is set out in 4 below.

3. What Happens Next

The Asset will now be placed on the list of Assets of Community Value which the Council is required to maintain under Section 87 of the Act.

In accordance with Section 91 of the Localism Act the Council will send this notice to:

- **The owner of the property**
- **The occupier of the property**
- **Friends of Bath Moles**

The information will also be published on the Council’s website.

4. Detailed Assessment of the Nomination of Moles, 14 George Street Bath, as an Asset of Community Value

Assets of Community Value Nomination – Assessment			
DATE OF SUBMISSION:	19th February 2024	DATE DECISION TO BE MADE BY:	2nd April 2024
NOMINATED ASSET:	Moles, 14 George Street Bath - The boundary of the asset is set out in the boundary map attached as an Appendix.		
NOMINATION SUBMITTED BY:	Friends of Bath Moles		

STEP A: This section considers the eligibility of the nominating body to make a nomination and of the asset to be an Asset of Community Value. It does this through a series of YES/NO ANSWERS

A1. Is the nominating organisation an eligible body to nominate?	
Evidence supplied by nominee:	<p>Friends of Bath Moles</p> <p>This body is also known as Long Live Moles and operates an instagram account and has set up a website.</p> <p>https://www.instagram.com/molesbath/?hl=en</p> <p>http://www.longlivemoles.com/</p> <p>The group communicates using group chat and informal face to face discussions.</p> <p>There have been discussions with; Bath Co-operative Alliance and The Music Trust.</p> <p>The local connection of the members of the unincorporated</p>

	<p>body was demonstrated through the 21 names have been provided and have been checked against the B&NES elector register.</p>
<p>Feedback from other parties and other information gained in relation to this criterion:</p>	<p>Area Global Management Limited (AGM Ltd) is an independent and specialist town planning consultancy based in the city of Bath.</p> <p>AGM Ltd. has prepared this Rebuttal Statement on behalf of Mr Giles Thomas of Nucleus Developments Ltd. (the freehold owner) in respect of a nomination submitted by 'Friends of Bath Moles' for the property located at 13-14 George Street, Bath, BA1 2EN and the basement of 12 Miles Buildings to be listed as an Asset of Community Value (ACV)</p> <p>The statement will provide background information on this property, it will provide a description of the site and surrounding area, will refer to any planning policies of relevance and will set out the reasoning as to why the property should not be listed by Bath & North East Somerset Council (B&NES) as an ACV.</p> <p>The property and parts thereof are located at 13-14 George Street and 12 Miles Buildings, Bath, BA1 2EN within the city centre of Bath. The property was used as a grass roots music venue for live music/ bands, operated by Moles, which first opened its doors back in 1978. The venue was also used as a nightclub with various in-house club nights which took place.</p> <p>Despite being successful in the early days, Moles has struggled financially in the recent past with the company having gone into administration twice back in 2008 and 2013 and with the business and the freehold having been sold on various occasions. In March 2014 Moles closed due to a fire caused by an electrical fault as a result of years of neglect and under investment. Moles then received a large insurance pay out for business interruption which allowed them to refurbish and repair the property and re-open the music venue in November 2015 as well as sustaining it financially. However, unfortunately, due to escalating costs and a decline in demand, the company became unprofitable and unviable, and Moles was forced to close on 5th December 2023.</p> <p>The property at 14 George Street is four storeys in height and also includes a basement level. It is important to note that there was only ever live music on the basement level. The ground floor was used merely as a reception entrance and bar. The first and second floors were previously used as recording studios and offices, and with the third (top) floor being used as an office together with a residential apartment. The entirety of the building (including all floors) has been nominated by 'Friends of Bath Moles' as an ACV.</p>


Score (YES/NO) and any comments:	YES - The Council is satisfied that the nominating body is an eligible body to nominate; under Regulation 5(1)(b) it is a body made up of 21 people that are included on the B&NES elector role.
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A2. Does the nominating body have a local connection to the asset nominated?

Evidence supplied by nominee:	<p>From evidence supplied by the nominee, it is clear that the Friends of Bath Moles activities are wholly concerned with the local authority's area. The submitted map shows that the Asset is sited wholly within the boundaries of Bath and North East Somerset.</p> <p>A list of 21 people in this group has been checked and validated against the Bath and North East Somerset Council elector register.</p> <p>We are a group of BANES residents who's local connection to Moles spans across its 45-year history. Members of our group have cherished and supported Moles from its inception, with all having formed deep connections with the venue. Our collective appreciation reflects a longstanding and integral relationship with this cultural landmark. Moles is an important grassroots music venue of a size smaller than others in the city and has played a crucial role in providing a more accessible platform for up-and-coming talent. This aspect further enhances our local connection as supporters of a space that fosters emerging artists and contributes significantly to Bath's vibrant music scene.</p> <p>Our group have had a deep connection with Moles throughout its 45-year history. Some have supported the venue from the very beginning, while others have experienced various expanses of time throughout Moles' history. We all share the same passion for the venue that holds many fond and treasured memories for us not only as individuals, but as a community.</p>
Feedback from other parties and other information gained in relation to this criterion	<p>Area Global Management Limited (AGM Ltd)</p> <p>The property subject of the ACV nomination is located at 13-14 George Street, Bath, BA1 2EN, together with the basement level of 12 Miles Buildings. The main property at 13-14 George Street fronts onto George Street (the A4) which connects Gay Street with Broad Street/ The Paragon and is a primary vehicular route through the city centre. Pedestrian access to the building is taken from the upper pavement level of George Street.</p> <p>The property adjoins an office building to its west and to its east is the narrow pedestrianised street of Miles's Buildings, along</p>

	<p>which other office buildings and residential properties are located. Along George Street are various other offices, bars, restaurants, hotels, and retail premises. Along nearby Gay Street are further offices and residential properties.</p> <p>Both No's 13 and 14 George Street are Grade II Listed (List Entry Number: 1395913). The property is located within the defined 'Bath City Centre', the defined 'Bath Central Area' and is also situated within the designated Bath Conservation Area and within the wider UNESCO World Heritage Site boundary, as defined on the adopted Local Plan Policies Map.</p> <p>The Bath Central Area Strategic Policy B2 states that: <i>“Change within the Central Area should reinforce and contribute to the City’s unique character and identity”</i>. Particular assets of the Central Area as set out within the policy include: <i>“The prevalence of active street frontages contributes to lively streets and public areas”</i>.</p> <p>Policy CP12 of the Placemaking Plan deals with centres and retailing including Bath City Centre. The policy states that: <i>“Uses which contribute to maintaining the vitality, viability, and diversity of centres within the hierarchy will be encouraged. Active ground floor uses will be maintained and enhanced”</i>.</p>
<p>Score (YES/NO) and any comments:</p>	<p>YES- The Council is satisfied that the nominating organisation has a local connection to the nominated asset.</p> <p>A list of 21 people in this group has been checked and validated against the Bath and North East Somerset Council elector register.</p>

<p>A3. Does the nomination include the required information about the asset?</p> <ul style="list-style-type: none"> • Description of the nominated land including its proposed boundaries • Names of current occupants of the land • Names and current or last-known addresses of all those holding a freehold or leasehold estate in the land 	
<p>Evidence supplied by nominee:</p>	<p>A plan of the nominated land Includes the proposed boundary, and the name and address of the current occupier and owner of the nominated asset were also supplied.</p> <p>A telephone conversation has confirmed that the venue is made up of a number of components and it was asked that all of these are considered in the nomination.</p> <p>13 George Street is the entrance lobby for Moles. 14 George Street is the basement for the Moles venue. The recording studios and offices are situated above.</p>

	<p>12 Miles Building basement is where the toilets for the venue are situated.</p> <p>Nucleus Developments Limited – Giles Richard Thomas Correspondence address: Charlecombe Grove Farm, Charlcombe, Bath, BA1 9BQ</p>
<p>Feedback from other parties and other information gained in relation to this criterion:</p>	<p>None</p> 
<p>Score (YES/NO) and any comments:</p>	<p>YES- the Council is satisfied that the nomination has included the required information about the asset.</p>

<p>A4. Is the nominated asset outside of one of the categories that cannot be assets of community value (as set out in Schedule 1 of the Assets of Community Value (England) Regulations 2012):</p> <ul style="list-style-type: none"> • A residence together with land connected with that residence. • Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960 • Operational land as defined in section 263 of the Town and Country Planning Act 1990. 	
<p>Evidence supplied by nominee:</p>	<p>Nomination and supporting evidence sufficiently demonstrates that the asset is outside of the categories of assets within Schedule 1 of the Regulations</p>
<p>Feedback from other parties and other information gained in relation to this criterion:</p>	<p>Area Global Management Limited (AGM Ltd)</p> <p>The property at 14 George Street incorporates a four-storey building which also includes a basement level. Moles music venue/ nightclub operated from the basement level only, whereas the ground floor level housed the reception entrance and bar. The first and second floors were previously used as recording studios and offices, and with the third (top) floor</p>

	<p>being used as an office together with a residential apartment.</p> <p>We understand that the entirety of the building (including all floors) has been nominated by 'Friends of Bath Moles' as an ACV. In particular, they have requested that the following areas and buildings be nominated as an ACV:</p> <ul style="list-style-type: none"> • 13 George Street – Entrance to the Venue. • 14 George Street – Moles venue in the basement/ ground floor level and the recording studios and offices on the upper floors. • 12 Miles Buildings – the toilets that are situated in the basement. <p>Whilst it is appreciated that the basement of 14 George Street housed the live music/ nightclub with ancillary support from the ground floor being used to support the venue, alongside the toilets situated in the basement at 12 Miles Buildings, we strongly disagree that the upper floors (first, second and third floors) of 14 George Street which were used as recording studios and offices and with a residential apartment contained on the third (top) floor should have been included within the ACV nomination.</p> <p>Clearly, the recording studios/offices and residential apartment located on these upper floors are not an asset of community value and do not benefit or further the social wellbeing or social interests of the local community in the way that other community assets may be considered to do so, such as public houses, community centres, recreational or sporting facilities.</p> <p>The vacant offices and recording studios and residential flat on the first, second and third floors of 14 George Street do not meet this definition of an ACV and these upper floors of the building should not have been included within the ACV nomination.</p>
Score (YES/NO) and any comments	YES (Only the Music / Club Area should be considered as a partial listing) - the Council is satisfied that the nomination is outside of one of the categories that cannot be assets of community value.

If YES to all of Part A, move on to Step B. If NO to one or more parts, please inform the nominator that the nomination is ineligible. Place nomination on list of unsuccessful nominations.

STEP B: This section considers the current or recent usage of the asset. It does this through a YES/NO answer and an identification as to whether the use is current or in the "recent past".

<p>B1. Is the current or recent usage which is the subject of the nomination an actual and non-ancillary usage?</p> <ul style="list-style-type: none"> NOTE 1: A working definition of “recent past” is “within the past three years”. NOTE 2: A working definition of “non-ancillary” is that the usage is not providing necessary support (e.g. cleaning) to the primary activities carried out in the asset, but is itself a primary, additional, or complementary use. 	
<p>Evidence supplied by nominee:</p>	<p><u>The Nomination form includes the following:</u></p> <p>Friends of Bath Moles</p> <p>Grassroots music venue</p>
<p>Feedback from other parties and other information gained in relation to this criterion:</p>	<p>Area Global Management Limited (AGM Ltd)</p> <p>Moles was a grass roots music company using 14 George Street as a venue for live music/ bands which first opened its doors back in 1978. The venue was also used as a nightclub with various in-house club nights which took place within the basement level of 14 George Street. It should be noted that on the majority of week nights, the venue was used for student club nights rather than for any live music. Moles ceased operating on 5th December 2023. However, the former recording studios and offices located at first, second and third floor levels of the building had previously been vacated back in 2015, some nine years ago, and have remained vacant ever since.</p> <p>It is interesting to note that since Moles has closed and since ‘Friends of Bath Moles’ submitted their nomination to list the property as an ACV, there has been very little interest or following on any of the social media sites which have been set up to try and help save the music venue, therefore illustrating that the local community action groups desire and determination for maintaining a music venue in this building is not as prolific as the applicant’s for the ACV listing have contended it to be.</p> <p>The company, over a significant number of years before its closure, was making little profit/ operating at a loss as it was no longer commercially viable, and it was only the nightclub element of the operation which allowed Moles to stay in business. A copy of accounts from the years 2006 to 2022 have been provided).</p> <p>The Company (Moles) has struggled financially in the past with the company having gone into administration twice back in 2008 and 2013 and with the business and the freehold having been sold on various occasions. In March 2014 Moles was subject to a fire caused by an electrical fault as a result of years of neglect and under investment and therefore had to close. Moles then received a large insurance pay out for business</p>

interruption which allowed them to refurbish and repair the property and re-open the music venue in November 2015 and which sustained it for a few more years. The venue was then subject to the consequences of the Covid pandemic and more recently the cost-of-living crisis which have all taken their toll on Moles. Therefore, unfortunately, due to a change in demand, escalating costs and the music venue becoming unprofitable and unviable, Moles was forced to close in 2023.

It is noted that Moles has had to deal with the consequences of a fire, and that the Covid pandemic, a shift in demand and escalating running costs, that has not helped any hospitality company, will have contributed to it being no longer a viable venue.

Furthermore, it should be noted that the fire exit that exits via 12 Miles Buildings is no longer accessible and therefore restricts the capacity of customers utilising the basement of the building. This therefore raises various health and safety issues, and with limited fire escapes, means that the basement is no longer suitable or safe to be used for such a live music venue.

With rising costs likely to continue and with activity declining in the week-round night time hospitality market, the commercial viability of this site being revived as a grass roots music/ live band venue is highly unlikely and unrealistic.

Indeed, since January 2024 the property has been marketed by CSquared Real Estate LLP and the premises are currently being offered for lease on their website, together with being listed on all other significant property portals. There are also advertising boards erected in the windows of the premises. There has been limited interest so far with just six enquiries, and all of these have been from restaurants, public house/ bar operators and one retailer.

Two interested parties have undertaken viewings of the property on behalf of a pizza restaurant and public house operator, but both discounted the premises. The pizza restaurant discounted the premises as they did not consider the premises to have a suitable configuration and location was also a slight concern, whereas the public house operator considered the premises unsuitable as the financial figures did not work for their concept.

Of particular note is that there has been no interest from any live music venue operators or nightclubs and the viability of such a business no doubt plays a key obstacle in securing any such tenant.

Furthermore, and having regard to the above, if the Council were to accept the nomination and list this property as an ACV, it would considerably constrain and restrict any re-use of the

	<p>property, and this may well result in the entire property in this central area of Bath.</p> <p>remaining vacant for the foreseeable future instead of being put to new viable uses, which will result in negative impacts for the vitality and viability of this area of the city centre, which is in no-one's interest.</p>
Score (YES/NO) and any comments:	<p>YES</p> <p>The current usage which is the subject of the nomination is an actual and non-ancillary usage.</p>

If the current or recent usage that is the subject of the nomination is actual and non-ancillary, go to Step C. If not, place on the list of unsuccessful nominations.

STEP C: This section considers whether the use furthers (for current uses) or furthered (for uses in the recent past) the social interests or social wellbeing of the local community. It does this through a series of questions scored on the basis of evidence.

C) Why do you believe the asset is of community value?

Please see below a list of questions that you should answer in this section and refer to the Guidance Notes for detail on the types of supporting evidence that should be included.

- **C1)** How does the nominated land and/or building meet the social interests of the local community as a whole? (25%)
- **C2)** Is any aspect of the nominated land and/or building's usage actively discouraged by the Council's [Policy and Budget Framework](#)? (25%)

A request will be made of the council officers to comment for their individual themes on whether the nomination conflicts with their plans, strategies, and policies.

- **C3)** Why is the nominated land and/or building usage seen as having social value for the local community? (25%)
- **C4)** How strongly does the local community feel the land and/or building usage furthers their social interests? (25%)

C1. Who benefits from the use?

- **Does it meet the social interests of the community as a whole and not simply the users/customers of the specific service?**
- **Who will lose if the usage ceases?**

Evidence provided by nominee.

Moles has been a key piece in Bath's cultural landscape for over 45 years. Throughout its history, it has consistently engaged the community by hosting a diverse range of events such as live music, club nights, films, quizzes, and painting evenings. Moles has been a local jewel for fostering local talent and bringing the community together through arts and culture. Beyond its longevity, Moles has played a pivotal role in shaping the music scene, providing a launchpad for numerous artists

that have gone on to achieve international recognition, including Radiohead, Blur and Bath's very own Tears for Fears. This cultural contribution not only enriches our local culture but also puts our city on the map as a hub for emerging talent.

Evidence gained from other relevant sources (owner, Ward member, B&NES Council)

Save Moles Petition – As at 21.03.24 - 4280 signed online:

https://www.change.org/p/save-moles-bath-s-iconic-music-venue?recruiter=1268642098&recruited_by_id=b0949680-e9d0-11ec-b613-9fbf464d2774&utm_source=share_petition&utm_campaign=petition_dashboard&utm_medium=copylink

Online Comments about saving Moles:

https://www.reddit.com/r/Bath/comments/18byr17/sign_the_petition_for_moles/?rdt=46537

Email from M. J. Baldwin., Chair - Circus Area Residents Association.

and

Ed Prichard, 6 Miles's Buildings Bath BA1 2QS

For the attention of Mr Mark Hayward, Community Engagement Officer.

Dear Mr Hayward, our residents organisation, the Circus Area Residents Association (CARA), has a significant catchment area of approximately 960 households which include a number of residential and mixed residential streets which include the Circus, Gay Street, Miles Buildings, Bartlett Street, and the north side of George Street amongst many other linked and/or neighbouring residential streets. It has been brought to our attention that the building at 14 George Street - Bath, premises formerly occupied by the Moles music/nightclub, is subject to an application to be registered as an 'Asset of Community Value'.

We would wish to register our objection to this application on the following basis:

- Local residents in neighbouring streets, such as those mentioned above, have experienced many examples of anti-social and disruptive behaviour from attendees at this site whilst it has continued to function as a music/nightclub/late-night venue. Representations made to the operators of this venue have not corrected these issues primarily, we can only believe, as a result of its inappropriate location within a mixed-residential and commercial location. Indeed, many streets in very close proximity are primarily family-residential in their nature and as such are worthy of consideration to enjoy an unimpeded family environment.
- The density of hospitality businesses in George Street represents already an over-saturation of that particular business sector and non-registration of this site as an 'Asset of Community Value' would provide at least an opportunity to 'inject' more quality retail activity into this important location.
- The Council's own aspirations for improved quality occupancies for the Milsom Quarter precinct and also presumably those premises in its immediate bordering streets as well as for its more general business/economic development project should act, in our view, as a restriction in allowing this particular registration to be enacted.
- This site, over a significant number of years, appears to have been commercially unviable operating as a music/nightclub environment. With the changes, likely to continue, in respect of the night-time hospitality market, which continues to evident less and less all week-round activity, the commercial viability of this site being 'resurrected' as anything similar to a music/nightclub operation appears highly unlikely.
- There appears to be no evidence that the applicant has provided any viable evidence of funding available in either the medium-term or long-term that would make their proposition of retaining the site for similar future usage viable.

In the meantime, we understand that opportunities may well exist for marketing the location as a more viable and quality destination, if it is not restrained by the granting of this application.....an opportunity far more akin to our Council's aspirations for introducing quality retail and commercial activities into key trading locations. Bath should not be risking the unnecessary 'dormancy' of such an important site with still so many other empty sites detracting from our streetscape.

- The pedigree and success of the Moles brand, we do not accept as being in any way dependent on this single and particular site. The brand/goodwill of Moles could be appropriately purchased and re-launched, perhaps even by the applicant, in a Bath location far more appropriate to its style of operation without risking a resurgence of its previous anti-social impact on a prime, albeit mixed demographic, residential area.

We would respectfully request you to consider our above objections and reject, in this instance, the applicant's request for registration of the premises as an 'Asset of Community Value'.

A telephone conversation with Amanda Allerton, Arena Global Management Ltd – Stated that the owner has no plans to sell the site and is considering use as a restaurant. AGB are representing the owner Giles Thomas.

Area Global Management Limited (AGM Ltd)

The subject property is located in close proximity to a number of residential properties located along Miles Buildings, Gay Street, the Circus and Bartlett Street.

The location of the subject property at the western end of George Street, in such close proximity to the various residential streets and properties as mentioned above, has resulted in nearby residents experiencing various forms of anti-social behaviour including excessive levels of noise and disturbance when attendees have vacated the premises in the early hours of the morning when it was still in operation as a music venue/ nightclub.

Furthermore, a significant number of objection letters to the nomination of the building as an ACV have also been received and it is important to note that 100% of these objections come from residents within the local vicinity of the property. These include an objection e-mail from the Chairman of the Circus Area Residents Association (CARA).

In light of the above, we therefore consider the listing of the nominated property at 13-14 George Street and the toilets in the basement of 12 Miles Buildings as an ACV would result in adverse and detrimental amenity impacts to the surrounding residential properties and should therefore not be listed as an ACV by B&NES.

Additionally, a large number of individual letters from residents were provided by AGM , these were all against the ACV listing.

Enter score 5 out of 25 and rationale.

Up until its closure, Moles operated as a venue that offered live music and club nights. At times, the business operated under a membership-based model.

The venue functioned as a privately owned business that provided benefits to those involved in the music industry or music scene.

Apart from those who chose Moles as their entertainment destination, it is difficult to identify any community anchors or connections that were established to serve the wider community. No evidence has been provided to demonstrate that the business was focused on addressing the social interests of the community as a whole, rather than solely catering to the users/customers of its specific services.

C2. Is any aspect of the usage actively discouraged by the Council's Policy and Budget Framework?

Evidence provided by nominee to our knowledge no aspect of the land or buildings usage is actively discouraged by B&NES Council's Policy & Budget Framework.

Evidence gained from other relevant sources (Owner, Ward member, B&NES Council)

Councillor Paul Roper - I have received representation from CARA that they would not like to see the night club reopen because of noise. Given that the club has been there for 40 years I am not particularly sympathetic to that point of view. I do believe the venue was loss making and requires investment. If it was assigned as a community asset I would be intrigued as to how they could make the venue sustainable – but that may not have a bearing on the application? But in principle I would have no objection.

Councillor George Tomlin - No strong feeling either way. Can I ask is there a precedent for a nightclub to be registered as an ACV? I also have noticed the owners have repainted the outside of the property recently since its closure. Do we have any insight into what their plans are for the venue?

Area Global Management Limited (AGM Ltd) - Impact on the Active Street Frontage within the Bath Central Area

As set out above, the subject property at 13-14 George Street is located within the defined 'Bath City Centre' and the defined 'Bath Central Area' as defined on the adopted Local Plan Policies Map.

The Bath Central Area Strategic Policy B2 states that: *"Change within the Central Area should reinforce and contribute to the City's unique character and identity"*. Particular assets of the Central Area as set out within the policy include: *"The prevalence of active street frontages contributes to lively streets and public areas"*.

Policy CP12 of the Placemaking Plan deals with centres and retailing including Bath City Centre. The policy states that: *"Uses which contribute to maintaining the vitality, viability, and diversity of centres within the hierarchy will be encouraged. Active ground floor uses will be maintained and enhanced"*.

The ground floor of No's 13-14 George Street was previously used as the reception area and bar when Moles was operating from the property which closed its doors on 5th December 2023 and has remained vacant since then. Furthermore, as stated previously, the upper floors of 14 George Street were previously used as offices/ recording studios and an apartment and offices on the third (top) floor of the building.

As the ACV nomination incorporates the ground floor of the building which is currently vacant and did not house the actual music venue/nightclub area of Moles, then by incorporating this ground floor level within the ACV nomination is likely to unnecessarily hinder and restrict the potential leasing and occupation of the ground floor level of this building within this central area of Bath. This may then lead to the ground floor remaining vacant due to the restrictions placed upon it through the ACV nomination, which will, in turn, result in a detrimental effect on the city's vitality and viability.

Likewise, by incorporating the vacant offices/ recording studios and apartment on the upper floors of the building within the ACV nomination, this will have a significant detrimental impact on the vitality and viability of the defined Bath Central Area as these upper floors have never been in community use and are highly unlikely to be used for any community use in the future and are therefore likely to remain

vacant because if these upper floors are listed as an ACV it will impact any planning decisions for a change of use that the owner of the property may wish to pursue in the future.

Thus, it is concluded that should the entirety of the building at 13-14 George Street and the basement level of 12 Miles Buildings be listed by B&NES as an ACV, this is highly likely to result in all floors of the building remaining vacant, rather than being used for alternative more viable and appropriate uses, which will have a significant detrimental impact on the vitality, viability and diversity of this central area of the city of Bath, contrary to planning policy.

Enter score 15 out of 25 and rationale.

As Above

C3. Why is the usage seen as having social value in the context of the community on whose behalf the nomination is being made?

Evidence provided by nominee.

Moles had been a venue for live music for almost 50 years at the time of closure – for a large portion of the people currently living in Bath, this has been as long as they have been here. Over this time, it has survived numerous crises including previous bankruptcies and fires but has always remained a music venue for the people of Bath to enjoy.

Many of these people have important, cherished memories within its four walls, hence why we believe the building is so important for the local community and must be preserved.

Why we believe the asset will continue to be of community value:

As advocates for Moles, we firmly believe that the asset will continue to be of community value for several reasons. Moles has a rich history spanning 45 years, demonstrating its resilience and significance to the local community over time, The venue's legacy is deeply ingrained in the hearts of locals and beyond and we anticipate that its continued existence will contribute to the preservation and enrichment of our city's cultural identity.

The community's commitment to Moles is evident throughout its history. In 2014 when a fire struck the venue, the local community came together to support the restoration efforts, showcasing the communal attachment to Moles. In 2023 when the venue announced its closure, 4,000 people signed the petition to save the venue. These collective efforts to revive the venue after adversity further solidifies its status as a community asset.

Moles has been more than just a place for events; it has been a gathering point for shared experiences, social connections, and a sense of belonging. With this level of community support, we are confident that Moles will continue to be a cherished asset, fostering community cohesion, cultural vibrancy, and the flourishing of local talent for years to come.

Evidence gained from other relevant sources (owner, Ward member, B&NES Council)

None

Enter score 10 out of 25 and rationale.

It is recognised that music venues are not just spaces for entertainment; they serve as hubs for interaction, cultural expression, and community well-being. Their impact extends far beyond the music itself, enriching the lives of individuals and strengthening the fabric of local communities. The Moles

community has looked at the history of the venue and puts forward the case based around the iconic brand and successful bands that played at the venue.

The evidence provided by the nominator encompasses the memories of the venue. It is difficult to find examples of how usage seen as having social value in the context of the community has had an impact.

C4. How strongly does the local community feel about the usage as furthering their social interests?

Evidence provided by nominee.

Since the announcement of Moles' closure and subsequent liquidation the community has suffered a loss to the local arts and culture scene. The absence of Moles has led many local talents to favour performing in neighbouring cities, diminishing our city's standing as a cultural hub. For many, Moles was not just a venue but a safe space for many within our community. It's welcoming atmosphere and inclusive ethos provided a sanctuary for social connection and expression that was cherished by all. The community have rallied together in support to see the venue reopen. This overwhelming support is evidenced by a petition we initiated, which garnered over 4,000 signatures in less than a month. The petition has gathered many testimonials, such as 'Moles is a legendary venue and has a truly beautiful community', 'a cultural institution that holds immense significance in our society', and 'this is a big loss to Bath's cultural history'. This substantial community backing further emphasises the venue's integral role in advancing the social interests of the local community.

Evidence gained from other relevant sources (owner, Ward member, B&NES Council)

None

Enter score 10 out of 25 and rationale.

The emphasis has been on highlighting what will be lost as a result of the closure of the venue.

It is difficult to find details within the nomination that demonstrate how the future use of the venue will further social interests.

There is little evidence that outlines how listing Moles will further the social wellbeing or social interest of the local community.

It is not clear whether a viable business will be able to operate in the future. The evidence shows that the previous businesses have failed to remain sustainable.

**Total score:
40 OUT OF 100**

If STEP C meets a minimum scoring of 55%, go to Step D

STEP D: This section considers whether 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.

For assets such as this where the actual non-ancillary usage is a **current** one (see Step B above), 88(1) (b) of the Localism Act requires the Council to consider whether in the opinion of the local authority **it is realistic to think that there can continue to be non-ancillary use of the building or other land that will further (whether or not in the same way) the social wellbeing or social interests of the local community.**

This will be considered through the following tests:

- If the asset is considered to remain fit for purpose (under D1 below), then this is considered to be sufficient grounds for thinking that it is realistic to think that continuing use of the asset will further the social wellbeing or social interests of the local community identified in Step C above.
- If the building is not considered to remain fit for purpose under D1, then an additional Test (under D2 below) will be applied to determine whether the asset could be made fit for purpose practically and within reasonable resource requirements and within timescales. The timescales to be applied for this to take place for assets with “recent usage” will be “within the next five years”.

D1. Has the building/land-take/space/legal requirement for this usage changed significantly since its initial use so that the asset is not fit for purpose?	
Evidence supplied by nominee:	<i>No. All assets are to be sold off as a result of the businesses liquidation. The building itself has not changed and remains a Grade II listed property. If the ACV nomination is to be successful, we plan on crowdfunding from the local community and beyond to repurchase lost assets.</i>
Feedback from other parties and other information gained in relation to this criterion:	None
Score (YES/NO) and rationale	No

If No to D1, place on register of Assets of Community Value, and do not go to D2. If Yes to D1, go to D2.

D2. Could the asset be made fit for purpose practically and within reasonable resource requirements and within timescales?	
Evidence supplied by nominee:	Not applicable
Feedback from other parties and other information gained in relation to this criteria:	Not applicable
Score (YES/NO) and Rationale:	Not applicable

If yes to D2, place on register of Assets of Community Value. If no to D2, place on list of unsuccessful nominations.

<p>RECOMMENDATION:</p>	<p>THAT THIS ASSET BE PLACED ON THE ASSETS OF COMMUNITY VALUE</p>
<p>REASON FOR DECISION</p>	<p>(1)</p> <ul style="list-style-type: none"> a) The Asset lies within the administrative boundaries of Bath & North East Somerset and within the Kingsmead Ward. b) Friends of Bath Moles is entitled under 89(2)(b)(iii) of the Act to make a community nomination in respect of the Asset. c) The nomination form includes the matters required under Regulation 6 of the Regulations. (d) The Asset does not fall within a description of land which may not be listed as specified in Schedule 1 of the Regulations. <p>and</p> <p>(2) in the opinion of the authority,</p> <ul style="list-style-type: none"> (a) The nomination puts forward the argument that the local community are supportive of coming together to run this as a music venue in the future. However, in our view this is not enough to show that there is a realistic prospect that the necessary funds will be sourced and made available to make this happen. (b) The authority recognises that Moles has operated as a music venue for forty-five years and closed in December 2023 due to the business no longer being viable. The venue operated as a business; no evidence has been provided to explain how there was any specific community use in the past. (c) It is not realistic to think that in the future it will be used to further the social well-being or social interest of the local community. (d) Whilst it is acknowledged that the basement was used for live music and known as Moles, with the ground floor reception entrance and bar as well as the toilets in the basement at 12 Miles Buildings supporting the live music, we disagree that the upper floors (first, second and third floors) of 14 George Street which were used as recording studios and offices and with a residential apartment

contained on the third (top) floor should have been included within the ACV nomination.

- (e) Through evidence provided through AGM Ltd (acting on behalf of the property owner). It is acknowledged that Moles had to deal with the consequences of a fire, escalating costs and a decline in demand which contributed to the company becoming unprofitable and unviable resulting in the company going into administration. Therefore, it is argued that if a company with many years of experience in live music and despite their best efforts and experience, this property is no longer suitable for this kind of company and that the venue is proven unviable for this purpose. With no interest from any live music companies in renting the property, with rising costs likely to continue and with activity declining in the week-round night time hospitality market, the commercial viability of this site being revived as a grass roots music/ live band venue is highly unlikely and unrealistic.

The authority recognises that Friends of Bath Moles would like to maintain Moles as a music venue, however the evidence that has been submitted in the nomination concludes that there is not a strong enough case for the asset to be listed.


Factors that are key to this decision are:


There is little evidence that set out how listing Moles will further the social wellbeing or social interest of the local community.

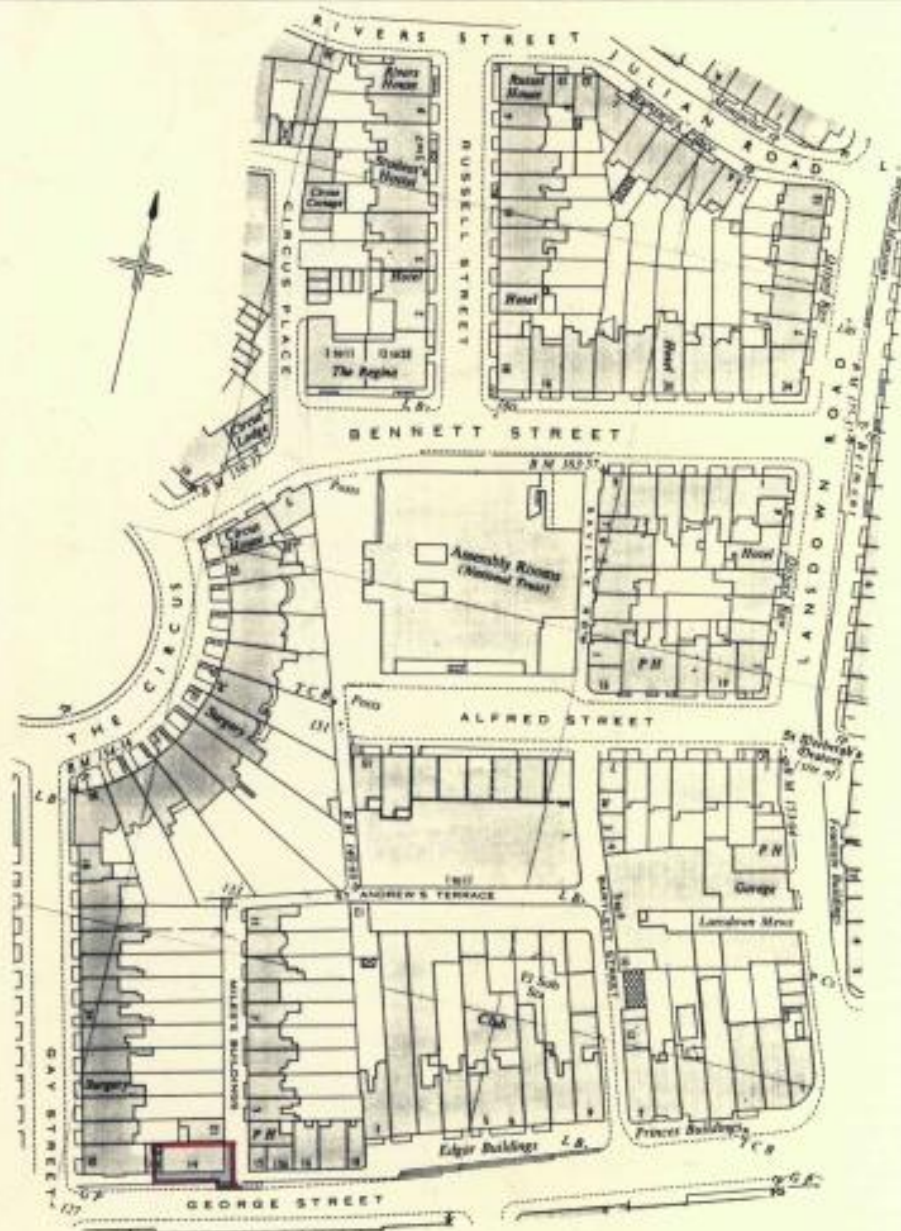
It is not clear that a viable business will be able to operate in the future. The evidence shows that the previous businesses have failed to stay sustainable.

There are similar facilities in the local area that are easily accessible to local people. Venues and public houses exist within Bath that provide access to live entertainment, these include.

- The Forum
- Chaple Arts Centre
- Burdall's Yard
- The Bell Inn
- Komedia

	<ul style="list-style-type: none">• Widcombe Social Club• St James Wine Vaults• The Rondo Theatre
Decision Taken by	 Cherry Bennett Director of People & Policy Bath & North East Somerset Council
Date	03 April 2024

H.M. LAND REGISTRY			TITLE NUMBER	
			AV89564	
ORDNANCE SURVEY PLAN REFERENCE 	COUNTY	SHEET	NATIONAL GRID	SECTION
	AVON		ST 7465	G
Scale: 1/1250		BATH DISTRICT	© Crown copyright 1978	



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