

# Decision Notice

## Delegated Decision

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<b>Decision No:</b>	<b>DD37</b>
<b>Subject:</b>	<b>APPLICATION TO INCLUDE THE SPORTSMAN PH, SHOLDEN ON THE COUNCIL'S LIST OF ASSETS OF COMMUNITY VALUE</b>
<b>Notification Date:</b>	<b>9 MAY 2018</b>
<b>Implementation Date:</b>	<b>4 MAY 2018</b>
<b>Decision taken by:</b>	<b>Director of Environment and Corporate Assets</b>
<b>Delegated Authority:</b>	<b>Delegation 281 of the Scheme of Officer Delegations (Section 6 of Part 3 (Responsibility for Functions) of the Constitution)</b>
<b>Decision Type:</b>	<b>Executive Non-Key Decision</b>
<b>Call-In to Apply?</b>	<b>No</b>
<b>Classification:</b>	<b>Unrestricted</b>
<b>Reason for the Decision:</b>	A community nomination has been received to include the Sportsman PH, Sholden within the Council's list of Assets of Community Value
<b>Decision:</b>	To include the Sportsman PH, Sholden within the District Council's list of Assets of Community Value (ACV).

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### 1. Introduction

- 1.1 In determining this application I have been mindful that I need to determine the nomination in accordance with the provisions of Chapter 3 of the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012.
- 1.2 This requires that community nominations to include a property within the District Council's list of Assets of Community Value meet a series of tests including:
- (a) That the provisions of section 89 of the Localism Act are met with regard to the validity of the nomination.
  - (b) Whether the actual current use (not an ancillary use) of the building or other land is one that furthers the social wellbeing or social interests of the local community; AND whether it is realistic to think that there can continue to be non-ancillary use of the building or other land that will further the social wellbeing or social interests of the local community (whether or not in the same way as the current use) and if not;
  - (c) Whether 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 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.

## **2. Matters considered in reaching the decision**

2.1 In determining the nomination I have taken the following into consideration in reaching my decision:

- (a) Chapter 3 of the Localism Act 2011
- (b) The Assets of Community Value (England) Regulations 2012
- (c) Nomination Form submitted by Sholden Parish Council, received by email on 12<sup>th</sup> March 2018.
- (d) Email received from Mrs Sarah Matthews, dated 29<sup>th</sup> March 2018 supporting the retention of the property as a pub.
- (e) Email received from Ben Robson, dated 29<sup>th</sup> March 2018 supporting the retention of the property as a pub.
- (f) Email received from Ms Annette Dixon, dated 29<sup>th</sup> March 2018 supporting the retention of the property as a pub.
- (g) Email received from Mr Alan Christie, dated 31<sup>st</sup> March 2018 supporting the retention of the property as a pub and it's listing as an ACV.
- (h) Email received from Ms Pauline Manning, also dated 31<sup>st</sup> March 2018 supporting the retention of the property as a pub and it's listing as an ACV.
- (i) Email received from Mrs Samantha Cress, dated 4<sup>th</sup> April 2018 supporting the retention of the property as a pub and it's nomination by the Parish Council as an ACV.

## **3. Review of application and submissions**

### **Context**

- 3.1 The Sportsman PH, is located in The Street, Sholden and it is understood dates from 1684 having originally been a cottage for local farm workers under the Manor of Sholden before being licensed as a pub in 1836. It was offered for sale together with three letting chalets, car park and garden by Clive Emson at auction in December 2017 and it is understood was sold for the sum of £315,000. The nominating body has provided a brief statement within the nomination form setting out their concerns noting that; *“Although The Sportsman ceased trading in 2017 it still remains a public house and the community's wish and anticipation is that new owners would embrace the possibilities of a successful village pub and re-open the business. The Sportsman has been a hub for the local community for almost 200 years. The local community has benefitted from this venue for its social wellbeing and interests by offering activities and clubs which are offered by many pubs. A place to meet friends, play a game of darts, enjoy a meal, companionship from others for those who live alone, the list is endless. The 3 chalets offer accommodation for visitors. Until recently The Sportsman fulfilled this role as the village pub and heart of village community.”*
- 3.2 With regard to future usage, the application notes that; *“Sholden is a growing community and given the chance The Sportsman can fulfil its role again as village pub and the place for the community to meet and enjoy social events or just call in for a chat and a coffee. The 3 chalet units offer accommodation for visitors and additional space for visitors to residents of Sholden if /when required. Recently after*

*years of closure, the village shop reopened. The community have embraced and benefitted from having a well-stocked shop on their doorsteps and have come to enjoy the service offered, not only as a retail outlet but a place to exchange information."*

- 3.3 The nomination form records correctly that the property is unoccupied, but gives no information as to its current ownership, which given the recent sale is unsurprising..
- 3.4 In considering the nomination received from Sholden Parish Council I shall now consider in turn whether each of the three 'tests' noted at paragraph 1.2 above are met:

**A. Validity of the Nomination**

3.1.1 Section 89(2)(b)(i) of the Localism Act notes that "For the purposes of this Chapter "community nomination", in relation to a local authority, means a nomination which... is made by a parish council in respect of land in England in the parish council's area."

3.1.2 As the property is located within the boundaries of Sholden Parish Council I am satisfied that the community nomination is valid.

**B. Does the actual current use (not an ancillary use) of the building further the social wellbeing or social interests of the local community; AND is it realistic to think that there can continue to be non-ancillary use of the building or other land that will further the social wellbeing or social interests of the local community.**

3.1.3 Based on local knowledge it is understood that the Sportsman PH closed last summer and although sold at auction in December the premises have now been shut for several months. It is therefore difficult to find evidence to show that an actual current use of the building furthers the social wellbeing or social interests of the local community.

3.1.4 I therefore consider on balance that the requirements of the Localism Act 2011 as set out at Section 88(1)(a) and (b) are not met.

**C. Whether 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 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.**

3.1.5 In determined whether the current use of the premises furthered the social wellbeing or social interests of the local community and whether it is realistic to think that there can continue to be non-ancillary use which will further (whether or not in the same way) the social wellbeing or social interests of the local community, I note in particular the submissions made within the nomination and also those submitted by local residents.

3.1.6 The nominating body has provided a clear statement included within their application to show how the building previously furthered the social wellbeing or social interests of the local community noting that; *"The local community has benefitted from this venue for its social wellbeing and interests by offering activities and clubs which are offered by many pubs. A place to meet friends,*

*play a game of darts, enjoy a meal, companionship from others for those who live alone, the list is endless.”*

3.1.7 Similarly regarding future uses the nominating body states in their application that; *“Sholden is a growing community and given the chance The Sportsman can fulfil its role again as village pub and the place for the community to meet and enjoy social events or just call in for a chat and a coffee.”*

3.1.8 I am therefore satisfied that it can reasonably be claimed that an actual use of the property has in the recent past furthered the social wellbeing or social interests of the local community and given that the premises have only recently closed, it is far from fanciful to assume that such usage can be re-established within the next five years.

3.1.9 I therefore consider on balance that the requirements of the Localism Act 2011 as set out at Section 88(2)(a) and (b) are met

#### **4 Conclusion**

In conclusion, taking all these points into account I am satisfied:

- That the nomination meets the definition of a community nomination as set out in Section 89(2)(b)(iii) of the Localism Act 2011.
- That the nominating body has provided reasonable justification to satisfy the test set out in section 88(2)(a) & (b) of the Localism Act 2011 as to whether 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 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.

I have therefore decided that the property should be included within the District Council's list of Assets of Community Value.

#### **D. Any Conflicts of Interest Declared?**

No

#### **E. Supporting Information**

None.