

Public Document Pack



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13 September 2019

Dear Councillor

NOTICE OF DELEGATED DECISIONS – (DD12/DD13/DD14/DD15) APPLICATIONS FOR ASSETS OF COMMUNITY VALUE

Please find attached details of decisions taken by Mr Roger Walton, Strategic Director (Operations and Commercial), to list the following as Assets of Community Value: Carpenter's Arms, Coldred; Bell Inn, Shepherdswell; Co-op Store, Shepherdswell and White Cliffs Medical Centre, Shepherdswell.

As non-Key Officer Decisions, call-in does not apply (paragraph 18(a) of Part 4 (Rules of Procedure) of the Constitution).

Members of the public who require further information are asked to contact Kate Batty-Smith on 01304 872303 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink that reads "Kate Batty - Smith". Below the signature is a short horizontal line.

Democratic Services Officer

ENCL

1 **NOTICE OF DELEGATED DECISIONS - (DD12/DD13/DD14/DD15) APPLICATIONS FOR ASSETS OF COMMUNITY VALUE** (Pages 2-13)

Decision Notice

Delegated Decision

Decision No:	DD12
Subject:	APPLICATION TO INCLUDE THE CARPENTER'S ARMS, COLDRED ON THE COUNCIL'S LIST OF ASSETS OF COMMUNITY VALUE
Notification Date:	13 September 2019
Implementation Date:	23 August 2019
Decision taken by:	Roger Walton, Strategic Director (Operations and Commercial)
Delegated Authority:	Delegation 281 of Section 6 (Scheme of Officer Delegations) of Part 3 (Responsibility for Functions) of the Constitution
Decision Type:	Executive Non-Key Decision
Call-In to Apply?	No (<i>Call-in does not apply to non-Key Officer Decisions</i>)
Classification:	Unrestricted
Reason for the Decision:	A community nomination has been received to include the Carpenter's Arms, Coldred within the Council's list of Assets of Community Value.
Decision:	To include the Carpenter's Arms, Coldred within the District Council's list of Assets of Community Value (ACV).

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 Part 5 of the Localism Act 2011;
- (b) The Assets of Community Value (England) Regulations 2012;
- (c) Nomination Form submitted by Shepherdswell Parish Council, received by email on 12th July 2019;
- (d) Decision Notice setting out the decision to include the Carpenter's Arms, Coldred within the Council's list of Assets of Community Value dated 16th December 2013.

3. Review of application and submissions

Context

- 3.1 The Carpenter's Arms, Coldred is a traditional country pub located in Coldred Hill at the centre of the small hamlet of Coldred.
- 3.2 The application received from the Parish Council simply notes that; "*the Carpenter's Arms is the only public house in Coldred. It serves 135 parishioners in the Coldred Ward and is the only public meeting facility available.*" The application goes on to note that the Parish Council may wish to see the building used as a public house, restaurant, café or coffee shop, parish office, drop-in centre or youth club. A written business plan would be produced and finance sought to support a bid, with the building having the potential to be used in the future for a number of community activities including or additional to the present use.
- 3.3 The property was included on the Council's list of Assets of Community Value from 16th December 2013 until 15th December 2018, when it was removed as the 5 year listing period had expired in accordance with the provisions of Paragraph 87 (3) of the Localism Act 2011.
- 3.4 In considering the nomination received from Shepherdswell 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 Shepherdswell 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 The current use of the property as a village pub currently celebrating its 300th anniversary with a series of events. It is clearly an important facility serving the needs of both local residents and the wider community hosting a range of events and local walks. I am therefore satisfied that an actual current use of the building furthers the social wellbeing or social interests of the local community. There is also nothing to suggest that there cannot 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.

3.1.4 I therefore consider on balance that the requirements of the Localism Act 2011 as set out at Section 88(1)(a) and (b) is 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 Given that I have determined that the current use of the premises is furthering the social wellbeing or social interests of the local community and that 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, there is no need therefore to consider whether the test set out at C. above is satisfied.

4. Conclusion

4.1 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(1)(a) & (b) of the Localism Act 2011 as to whether an actual current 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 can continue to 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

4.2 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.

Decision Notice

Delegated Decision

Decision No:	DD13
Subject:	APPLICATION TO INCLUDE THE BELL INN, SHEPHERDSWELL ON THE COUNCIL'S LIST OF ASSETS OF COMMUNITY VALUE
Notification Date:	13 September 2019
Implementation Date:	23 August 2019
Decision taken by:	Roger Walton, Strategic Director (Operations and Commercial)
Delegated Authority:	Delegation 281 of Section 6 (Scheme of Officer Delegations) of Part 3 (Responsibility for Functions) of the Constitution
Decision Type:	Executive Non-Key Decision
Call-In to Apply?	No (<i>Call-in does not apply to non-Key Officer Decisions</i>)
Classification:	Unrestricted
Reason for the Decision:	A community nomination has been received to include the Bell Inn, Shepherdswell within the Council's list of Assets of Community Value.
Decision:	To include the Bell Inn, Shepherdswell within the District Council's list of Assets of Community Value (ACV).

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 Part 5 of the Localism Act 2011;
- (b) The Assets of Community Value (England) Regulations 2012;
- (c) Nomination Form submitted by Shepherdswell Parish Council, received by email on 12th July 2019;
- (d) Decision Notice setting out the decision to include the Bell Inn, Shepherdswell within the Council's list of Assets of Community Value dated 16th December 2013.

3. Review of application and submissions

Context

3.1 The Bell Inn, Shepherdswell is a traditional country pub located in Church Hill at the centre of the village.

3.2 The application received from the Parish Council simply notes that; *"the Bell Inn provides recreational interests for local people, is the only restaurant in the village and is a regular meeting place for card players and many village societies."* The application goes on to note that the Parish Council may wish to see the building used as a restaurant, café or coffee shop, parish office, drop-in centre or youth club. A written business plan would be produced and finance sought to support a bid, with the building having the potential to be used in the future for a number of community activities including or additional to the present use..

3.3 The property was included on the Council's list of Assets of Community Value from 16th December 2013 until 15th December 2018, when it was removed as the 5 year listing period had expired in accordance with the provisions of Paragraph 87 (3) of the Localism Act 2011.

3.4 In considering the nomination received from Shepherdswell 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 Shepherdswell 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 The current use of the property as a village pub is clearly an important facility serving the needs of local residents with an active programme of events offered including music & quiz nights and food promotions. I am therefore satisfied that an actual current use of the building furthers the social wellbeing or social interests of the local community. There is also nothing to suggest that there cannot 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.

3.1.4 I therefore consider on balance that the requirements of the Localism Act 2011 as set out at Section 88(1)(a) and (b) is 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 Given that I have determined that the current use of the premises is furthering the social wellbeing or social interests of the local community and that 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, there is no need therefore to consider whether the test set out at C. above is satisfied.

4. Conclusion

4.1 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(1)(a) & (b) of the Localism Act 2011 as to whether an actual current 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 can continue to 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

4.2 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.

Decision Notice

Delegated Decision

Decision No:	DD14
Subject:	APPLICATION TO INCLUDE THE CO-OP STORE, SHEPHERDSWELL ON THE COUNCIL'S LIST OF ASSETS OF COMMUNITY VALUE
Notification Date:	13 September 2019
Implementation Date:	23 August 2019
Decision taken by:	Roger Walton, Strategic Director (Operations and Commercial)
Delegated Authority:	Delegation 281 of Section 6 (Scheme of Officer Delegations) of Part 3 (Responsibility for Functions) of the Constitution
Decision Type:	Executive Non-Key Decision
Call-In to Apply?	No (<i>Call-in does not apply to non-Key Officer Decisions</i>)
Classification:	Unrestricted
Reason for the Decision:	A community nomination has been received to include the Co-op Store, Shepherdswell within the Council's list of Assets of Community Value.
Decision:	To include the Co-op Store, Shepherdswell within the District Council's list of Assets of Community Value (ACV).

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 Part 5 of the Localism Act 2011;
- (b) The Assets of Community Value (England) Regulations 2012;
- (c) Nomination Form submitted by Shepherdswell Parish Council, received by email on 12th July 2019;
- (d) Decision Notice setting out the decision to include the Co-op Store, Shepherdswell within the Council's list of Assets of Community Value dated 16th December 2013.

3. Review of application and submissions

Context

- 3.1 The Co-op Store, Shepherdswell is located in the centre of the village at the junction of Eythorne Road and Westcourt Lane and is open 7 days per week serving the local community.
- 3.2 The application received from the Parish Council simply notes that; "*the co-op store is an important shopping resource for Shepherdswell and its surrounding villages. It is the major retail outlet in the village and invaluable to residents without personal transport.*" The application goes on to note that the Parish Council may wish to see the building used as a village shop, possibly community managed and run. A written business plan would be produced and finance sought to support a bid.
- 3.3 The property was included on the Council's list of Assets of Community Value from 16th December 2013 until 15th December 2018, when it was removed as the 5 year listing period had expired in accordance with the provisions of Paragraph 87 (3) of the Localism Act 2011.
- 3.4 In considering the nomination received from Shepherdswell 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 Shepherdswell 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 The current use of the property as a village shop is clearly an important facility serving the needs of local residents and thus I am satisfied that an actual current use of the building furthers the social wellbeing or social interests of the local community. There is also nothing to suggest that there cannot 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.

3.1.4 I therefore consider on balance that the requirements of the Localism Act 2011 as set out at Section 88(1)(a) and (b) is 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 Given that I have determined that the current use of the premises is furthering the social wellbeing or social interests of the local community and that 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, there is no need therefore to consider whether the test set out at C. above is satisfied.

4. Conclusion

4.1 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(1)(a) & (b) of the Localism Act 2011 as to whether an actual current 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 can continue to 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

4.2 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.

Decision Notice

Delegated Decision

Decision No:	DD15
Subject:	APPLICATION TO INCLUDE THE WHITE CLIFFS MEDICAL CENTRE, SHEPHERDSWELL ON THE COUNCIL'S LIST OF ASSETS OF COMMUNITY VALUE
Notification Date:	13 September 2019
Implementation Date:	23 August 2019
Decision taken by:	Roger Walton, Strategic Director (Operations and Commercial)
Delegated Authority:	Delegation 281 of Section 6 (Scheme of Officer Delegations) of Part 3 (Responsibility for Functions) of the Constitution
Decision Type:	Executive Non-Key Decision
Call-In to Apply?	No (<i>Call-in does not apply to non-Key Officer Decisions</i>)
Classification:	Unrestricted
Reason for the Decision:	A community nomination has been received to include the White Cliffs Medical Centre, Shepherdswell within the Council's list of Assets of Community Value.
Decision:	To include the White Cliffs Medical Centre, Shepherdswell within the District Council's list of Assets of Community Value (ACV).

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 Part 5 of the Localism Act 2011;
- (b) The Assets of Community Value (England) Regulations 2012;
- (c) Nomination Form submitted by Shepherdswell Parish Council, received by email on 12th July 2019;
- (d) Decision Notice setting out the decision to include the White Cliffs Medical Centre, Shepherdswell within the Council's list of Assets of Community Value dated 16th December 2013.

3. Review of application and submissions

Context

- 3.1 The White Cliffs Medical Centre, Mill Lane, Shepherdswell is a branch practice with a dispensary of the main surgery located in Dover, Kent. Both sites have on-site parking facilities. The practice has approximately 8500 registered patients and serves a deprived and culturally diverse community. The practice is owned and managed by three male GPs in partnership. They are supported by a female locum GP, a nurse prescriber, three practice nurses, two healthcare assistants, a practice manager and administrative team. The dispensary team operating from Shepherdswell branch surgery consists of three dispensers and a receptionist.
- 3.2 The application received from the Parish Council simply notes that they anticipate that the village would wish to retain its medical facility and that a written business plan would be produced and finance to make a bid sought if required.
- 3.3 The property was included on the Council's list of Assets of Community Value from 16th December 2013 until 15th December 2018, when it was removed as the 5 year listing period had expired in accordance with the provisions of Paragraph 87 (3) of the Localism Act 2011.
- 3.4 In considering the nomination received from Shepherdswell 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 Shepherdswell 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 The current use of the property is as a branch surgery providing medical facilities for the local community and thus I am satisfied that an actual current use of the building furthers the social wellbeing or social interests of the local community. There is also nothing to suggest that there cannot 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.

3.1.4 I therefore consider on balance that the requirements of the Localism Act 2011 as set out at Section 88(1)(a) and (b) is 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 Given that I have determined that the current use of the premises is furthering the social wellbeing or social interests of the local community and that 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, there is no need therefore to consider whether the test set out at C. above is satisfied.

4. Conclusion

4.1 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(1)(a) & (b) of the Localism Act 2011 as to whether an actual current 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 can continue to 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

4.2 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.