

Public Document Pack



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872453
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

17 October 2023

Dear Councillor

NOTICE OF DELEGATED DECISIONS – (DD24 & DD25 23) APPLICATIONS TO INCLUDE THE SARACEN'S HEAD PUBLIC HOUSE AND LAND SITUATED EITHER SIDE OF ST CRISPIN'S CLOSE, WORTH ON COUNCIL'S LIST OF ASSETS OF COMMUNITY VALUE

Please find attached details of decisions taken by Mr Roger Walton, Strategic Director (Place and Environment), to include a building in Deal and a piece of land in Worth on the Council's List of Assets of Community Value.

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 Democratic Services on 01304 872303 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in dark ink, appearing to read "Rose Bailey - Smith". Below the signature is a short horizontal line.

Democratic Services Officer

ENCL

- 1 **NOTICE OF DELEGATED DECISIONS - (DD24 & DD25 23) APPLICATIONS TO INCLUDE SARACEN'S HEAD AND LAND ON EITHER SIDE OF ST CRISPIN'S CLOSE, WORTH ON COUNCIL'S LIST OF ASSETS OF COMMUNITY VALUE**
(Pages 2-10)

Decision Notice

Delegated Decision

Decision No:	DD24
Subject:	APPLICATION TO INCLUDE SARACEN'S HEAD PUBLIC HOUSE, ALFRED SQUARE, DEAL ON COUNCIL'S LIST OF ASSETS OF COMMUNITY VALUE
Date of Decision:	17 October 2023
Notification Date:	17 October 2023
Implementation Date:	17 October 2023
Decision taken by:	Roger Walton, Strategic Director (Place and Environment)
Delegated Authority:	Delegation 265 to the Strategic Director (Place and Environment) of the Scheme of Officer Delegations (Section 6) 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:	An application has been received to include the Saracen's Head Public House, Alfred Square, Deal within the Council's list of Assets of Community Value.
Decision:	To include the Saracen's Head Public House, Alfred Square, Deal 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) Decision Notice DD36 15, dated 29 March 2016: Application to include The Saracen's Head Public House, Alfred Square, Deal within the District Council's list of Assets of Community Value
- (d) Nomination Form and accompanying documents as submitted by the 'Save the Saracens Group' by email and received on 24 August 2023.

3. Review of application and submissions

Context

- 3.1 The Saracens Head Public House is located on the northern edge of Deal town centre on Alfred Square, within the Middle Street Conservation Area. The building itself dates back to the early 1800s, with historic references to the premises as the "Saracen's Head beer house", being recorded as early as 1821.
- 3.2 The property was included on the Council's list of Assets of Community Value for five years from March 2016, although that listing has now expired. The application advises, confirmed by press reports, that the Pub closed in May this year. Prior to that, it would appear that the pub was in quite active use as can be seen from information posted on social media: See: https://www.facebook.com/saracensheaddeal/?locale=en_GB
- 3.3 In considering the nomination received from the 'Save the Saracens Group', 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

- i. Section 89(2)(b)(iii) of the Localism Act notes that: *"For the purposes of this Chapter "community nomination", in relation to a local authority, means a nomination which; (a) nominates land in the local authority's area for inclusion in the local authority's list of assets of community value, and (b) is made ...(iii) by a person that is a voluntary or community body with a local connection."*
- ii. The 'Save the Saracens Group' is described in their application as an unincorporated body of 21 or more members, who have come together in a bid to re-list The Saracens Head Public House in Deal as an Asset of Community Value. The application is accompanied by a nomination form, which is signed by some 30 local residents.
- iii. This meets the definition of a 'community nomination' and I am therefore satisfied that the application 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.

- i. It is understood that the Saracens Head Public House closed in early May this year and the premises are currently boarded up. It is therefore reasonable to conclude that there is no current use (not an ancillary use) of the building, which can be considered to be furthering the social wellbeing or social interests of the local community.
- ii. I therefore consider 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.

- i. The application submitted by the 'Save the Saracens Group' sets out in considerable detail how they consider the pub to have furthered the social wellbeing or interests of the local community, stating as follows:

“Alfred Square is a historically important location, with two pubs bookending it: The Prince Albert and The Saracens Head. There are 12 Grade II listed buildings on Alfred Square, and it is within a Conservation Area. A pub of this age and in a location such as this is a part of our heritage, and the character of a Conservation Area relies on such assets. Pubs are a key part of our collective culture and identity. Samuel Pepys described pubs as ‘the heart of England’. Whilst wine bars, restaurants and coffee shops are all very nice, they are not the same as a pub. A historic pub such as this, serves as a gathering space for locals and visitors. It’s a space that fosters a sense of belonging, with a physical and tangible link to the past. The pub is crucial to people’s well-being and mental health. It provides a social space at an affordable and egalitarian level and encourages social cohesion. Research from Oxford University shows that people who have a ‘local’ pub are happier, are more satisfied with their life and have a wider network of friends. The pub enables local people to meet and come together. They are often a backdrop to an occasion, whether it’s a personal celebration, seasonal festivity, or world cup final. The pub provides an outlet for creative arts, especially those at the start of their careers. Whilst loud, amplified live music would be unsuitable in a location such as this, small acoustic nights could work very well. The pub provides an opportunity for regular pub quiz nights, further strengthening local community friendships and networks.”

- ii. As regards to 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, the nomination by the 'Save the Saracens Group' states as follows:

“There is huge local support for this cause. We have, at last count, over 300 signatures on our online petition. North Deal Councillor Susan Beer has confirmed her support in principle of us setting up a community-led enterprise to run the pub, should the ACV be successful. Other businesses need other businesses. Two local businesses, The Prince Albert pub and The Fryer Tuck fish and chip shop, both supports retaining The Saracens Head as a pub and re-listing it as an ACV. Local brewery Time and Tide have confirmed their support and would be a key supplier in any community-led enterprise. A well-run pub is a viable business. Unfortunately, The Saracens Head has had two recent tenants who were inexperienced, short-term, and who did not run the pub particularly well. Coupled with that, the ‘tied

tenancy' business model is particularly challenging. As a free house, it would likely be far more successful as a business.

It is our opinion that The Saracens Head should be an independently run, free house. Not only that, it should be a community pub, owned by the local community in which it is located, on a not-for-profit basis. As a group we would get together, set up a community-led enterprise, and crowdfund it to take on a new lease or buy the freehold. In terms of day-to-day operations, we would look to either employ someone with pub experience to run it, or, if we could gather the relevant skills, knowledge and experience between us, we would look to run it ourselves."

- iii. It is quite clear from both the application and from social media that the Saracens Head Public House has in the recent past offered a range of activities, which could quite clearly be said to further the social wellbeing or interests of the local community. Events advertised online, vary from regular live music to monthly quizzes, with a varied food menu being offered.
- iv. The 'Save the Saracens Group' have set out in some detail, a proposal which if successful could enable such activities to continue and thus further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
- v. I therefore consider that the requirements of the Localism Act 2011 as set out at Section 88(2)(a) and (b) are met.

4. Conclusion

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

- a) That the nomination meets the definition of a community nomination as set out in Section 89(2)(b)(iii) of the Localism Act 2011 and regulation 5 of the Assets of Community Value (England) Regulations) 2012.
- b) 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.
- c) I have therefore decided that the property should be included within the District Council's list of Assets of Community Value.

5. Any Conflicts of Interest Declared?

None.

6. Supporting Information

None.

Decision Notice

Delegated Decision

Decision No:	DD25
Subject:	APPLICATION TO INCLUDE AN AREA OF LAND SITUATED ON EITHER SIDE OF ST CRISPIN'S CLOSE, WORTH ON COUNCIL'S LIST OF ASSETS OF COMMUNITY VALUE
Date of Decision:	17 October 2023
Notification Date:	17 October 2023
Implementation Date:	17 October 2023
Decision taken by:	Roger Walton, Strategic Director (Place and Environment)
Delegated Authority:	Delegation 265 to the Strategic Director (Place and Environment) of the Scheme of Officer Delegations (Section 6) 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:	An application has been received to include an area of land situated on either side of St. Crispin's Close, Worth within the Council's list of Assets of Community Value.
Decision:	To include an area of land situated on either side of St. Crispin's Close, Worth 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 Worth Parish Council and received on 23 August 2023, with an additional plan received on 30 August 2023.

3. Review of application and submissions

Context

- 3.1 The application received relates to an area of open amenity land situated on either side of St. Crispin Close in Worth as shown at Appendix 1.
- 3.2 The applicant has indicated within the application that they believe that the land was previously agreed to be transferred to Worth Parish Council as part of the planning application for the adjacent housing development on the Bisley Nursey site. However, such a provision was not included within the Section 106 agreement, and it is understood that the land currently remains in the ownership of the developers Sunningdale Housing Developments (Bisley) Ltd.
- 3.3 In considering the nomination received from Worth 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

- i. 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 parish council in respect of land in England in the parish council's area.
- ii. Worth Parish Council is a Parish Council, and the area of land to which the application relates is within the boundaries of the Parish Council and so clearly this test is met.

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.

- i. The application submitted by Worth Parish Council claims that: "*Residents and visitors use the current area for rest, recreation, dog walking etc.*" although there is limited evidence included within the application to support this claim.
- ii. Essentially, the land is simply an area of open space either side of the road, laid out as a grass with limited planting, to which the public do have unrestricted access. However, the inclusion of this open space as part of the adjacent housing development was clearly intended to provide an area of land for recreation and so I am content to conclude that an actual current use (not an ancillary use) of the land does further the social wellbeing or social interests of the local community.

- iii. As regards whether the land could continue to further the social wellbeing or social interests of the local community, the applicant has stated as follows: *“Yes. There are plans for not only continuing the activities above but also for the construction of a boules pitch. There are also concerns that the Parish may need the land in the future for a new Village Hall. This is already an area of open space that provides great value and amenity, already furthering the social wellbeing and social interests of the local community. For the possible future protection such an amenity, designation as an Asset of Community Value will provide current and future residents with some safeguards concerning the future of a valued piece of real estate.”*
- iv. Given the conditions relating to the provision of the open space contained within the planning consent, there is no reason to suggest that there cannot continue to be non-ancillary use of the land that will further the social wellbeing or social interests of the local community.
- v. 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.

- i. Given that I have determined that the current use of the land 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:

- a) That the nomination meets the definition of a community nomination as set out in Section 89(2)(b)(i) of the Localism Act 2011.
- b) 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.
- c) I have therefore decided that the property should be included within the District Council’s list of Assets of Community Value.

5. Any Conflicts of Interest Declared?

None.

6. Supporting Information

None.

7. Appendices

Appendix 1: Plan of area of land relating to this ACV application.

Appendix 1: Plan of area of land relating to this ACV application.

