

PARKS REPORT  
RLA – 21 September 2023

**Broomfield:**

The Pavilion has been cleared.

The smoking shelter at the Pavilion has been taken down and dismantled to minimize access to the roof.

The selective weed killing and fertilizing has been undertaken by a contractor.

The football pitches have been set out.

The small container in the grounds of the Grove Hall has been painted.

A section of Perspex within the noticeboard has been replaced following damage.

Football pitch preparations have been completed.

Cricket season has finished.

Monitoring and securing The Pavilion ongoing.

The x6 yellow kissing gates have been repainted.

**Heritage Park:**

The shrubs have been cut back in all areas including the Swanscombe Centre Car Park and footpath DS6.

**Knockhall:**

The selective weed killing and fertilizing has been undertaken by a contractor.

The football pitches have been set out.

The roof section above the officials' changing room has been re-felted.

The changing rooms have been deep cleaned in preparation for the new season.

Following the unlawful encampment, the park was cleaned of all waste and repairs made to the post and gate at the vehicle entrance.

New metal folding goals (junior) have been provided for football hirers.

A new gate post has been installed with the gate hinges welded to it for increased security.

**Manor Park:**

A replacement seat has been fitted on the roundabout within the play area.

All the shrubs have been cut back including around St Peter & St Paul's Church.

**Swanscombe Park:**

The ivy has been cut back from the tennis courts area.

The shrubs in and around the picnic area have been cut back.

The bamboo screening in the Community Garden has been replaced with green fabric screening.

**Equipment / Staffing:**

The new trainee groundsman / gardener started on 7 August 2023.

A chop saw and marker barrow have been purchased.

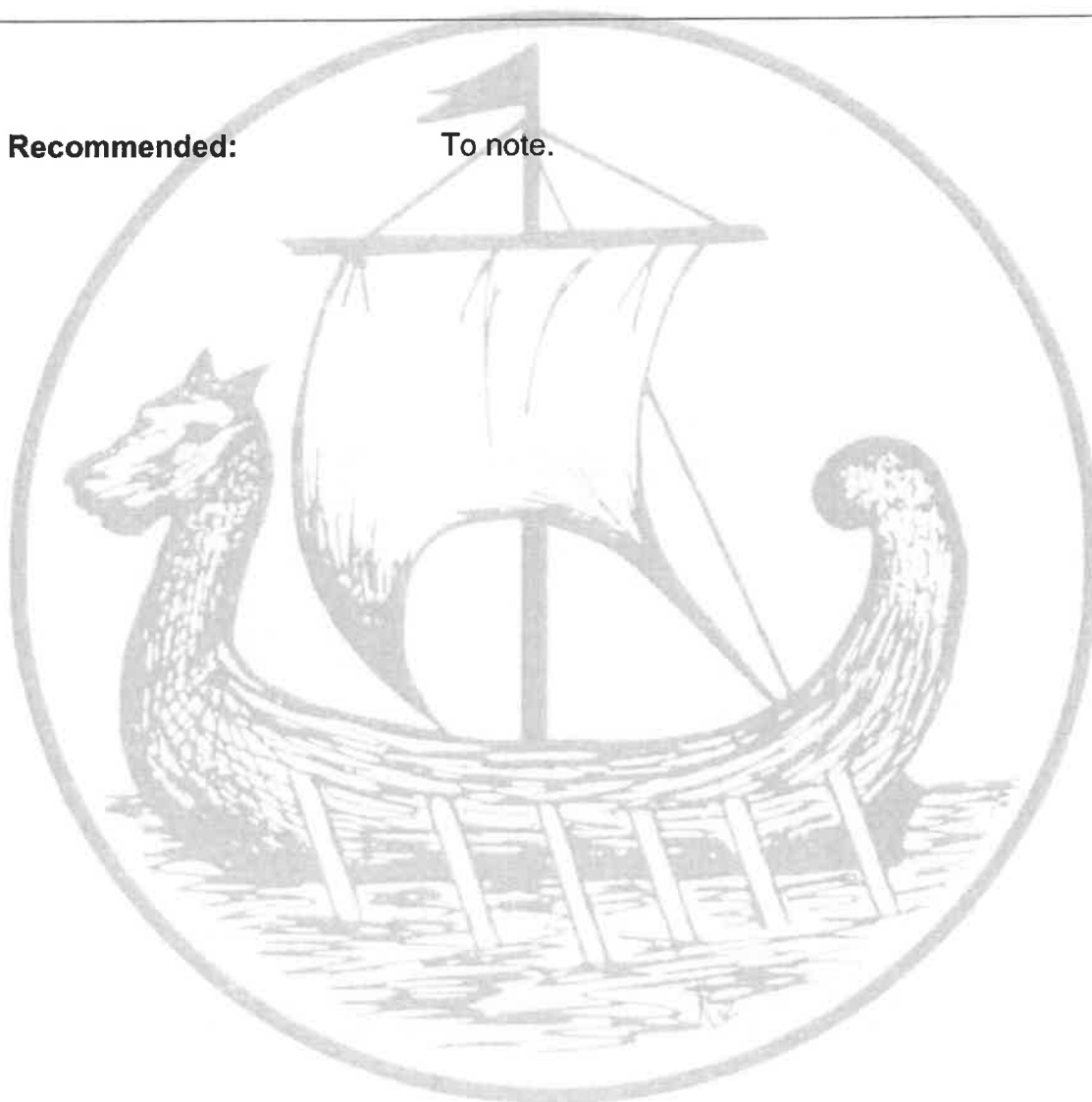
**Miscellaneous:**

The DSTC Community Day took place on 14 July 2023. Due to wet weather the x2 projects planned were unable to take place but the students did manage to litter pick and collected 20 full black bin liners of rubbish.

Keary Road Allotment fence line has been cut back and cleared.

**Recommended:**

To note.



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**Graham Blew**

(A)

**From:** Kerry Smith <Kerry.Smith@dartford.gov.uk>  
**Sent:** 03 August 2023 13:04  
**To:** Graham Blew  
**Cc:** Ella Herberts  
**Subject:** Submission of a Nomination and the Validation Process  
**Attachments:** Listing and Community Right to Bid Guidance 12 July 2021.docx.pdf

**AGENDA ITEM**  
RA 21/9/23 7.1

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Dear Mr Blew

By way of following up on the recent submission to nominate The Old Fire Station as an Asset of Community Value, I would advise that the application and submission on their own are insufficient to get the property re-registered. I have consulted with Legal who advise that we require two things. The first is fresh supporting evidence from you to support that the building is currently being used to further the social wellbeing or social interests of the local community. To help clarify the requirements I have attached the Guidance Notes which I hope will provide the necessary guidance. The second requirement is for recent minutes that record the decision to nominate The Old Fire Station as an Asset of Community Value.

I would also refer you to point 1.1 Submission & Validation Process (page 19) of The Guidance Notes... *The nomination will normally be validated within 10 working days of its receipt by the Council. However, the validation process will be delayed if there is insufficient information provided to support the nomination.*

You are now invited to provide this information within a period of 3 months

I look forward to hearing from you.

Kind regards

Kerry

Kerry Smith  
Community Development Manager  
Landline: 01322 343418  
Mobile: 07974 037509

**DARTFORD**  
BOROUGH COUNCIL

Civic Centre, Home Gardens, Dartford, DA1 1DR

Committed to our community

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# **DARTFORD BOROUGH COUNCIL**

## **ASSETS OF COMMUNITY VALUE LISTING AND COMMUNITY RIGHT TO BID GUIDANCE**

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## PART 1

### 1. INTRODUCTION – ASSETS OF COMMUNITY VALUE

1.1 The Localism Act 2011 introduced a number of community rights, including provisions to help communities safeguard land and buildings serving a community purpose. The asset of community value or ACV regime, allows local communities to identify land or buildings that serve a purpose to further the social wellbeing or social interests of the local community and provides the community with an opportunity to bid for the land or building when the owner decides to sell – known as the community right to bid (see Part II).

1.2 Dartford Borough Council is the listing authority. The Council has had due regard to the *Community Right to Bid: Non-statutory advice note for local authorities* in producing this Guidance.

### 2. WHO MAY NOMINATE AN ASSET?

2.1 Assets may be nominated by **community interest groups with a local connection**, which must have one or more of the following structures:

- (a) a neighbourhood forum (pursuant to section 61F of the Town and Country Planning Act 1990))
- (b) a parish council (may nominate an asset within their own parish area, or an asset in a neighbouring area that does not have its own parish council<sup>1</sup>, or with which they have a shared border);
- (c) an unincorporated body<sup>2</sup>:
  - (i) whose members include at least 21 individuals (who are registered, at an address in the Borough of Dartford or in a neighbouring authority's area, as a local government elector), and
  - (ii) which does not distribute any surplus it makes to its members;
- (d) a charity;
- (e) a company limited by guarantee which does not distribute any surplus it makes to its members;
- (f) an industrial and provident society (Industrial and Provident Societies Act 1965) which does not distribute any surplus it makes to its members; or
- (g) a community interest company (Part 2 of the Companies (Audit, Investigations and Community Enterprise Act 2004 - sections 26, 35 and 36A).

#### For noting:

- Assets cannot be nominated by individuals;
- The Council itself cannot nominate its own asset as an ACV. An ACV may only be added to its ACV list in response to a community nomination;
- Eligibility is decided on whether the group is able to provide the above information and whether it meets the definition of a 'voluntary or community body'. Consequently, the Council cannot refuse to accept a nomination on the grounds that a community body will be unable to acquire and manage the asset in future.

<sup>1</sup> Includes a Town Council (as defined in section 245(6) Local Government Act 1972)

<sup>2</sup> Includes amenity societies and residents' associations

### 3. WHAT TYPES OF LAND/BUILDINGS MAY BE NOMINATED?

3.1 The ACV regime applies to unbuilt-on land and to buildings or to a combination of both, unless excluded from listing (see section 3.3 below).

3.2 It does not matter who the owner is, as it applies to all, including the Crown Estate and local authorities. It does not matter whether the asset is owned by a commercial concern or a non-profit making body. It does not have to be in single ownership. The size of the land or building is not material. It does not matter whether there is currently no use made of the asset (nominations of closed public houses are common).

3.3 The following cannot be nominated as an ACV:

- a building used or partly used as a residence which includes land held with the residence under a single legal title, which would go beyond immediate gardens, outbuildings, yards etc. and extend to all land held under that title (but see the note below) (the exception to the exclusion of residential premises will be premises which include living quarters which are an integral part of a pub or shop and which are otherwise eligible for listing);
- land in respect of which a site licence is required or would be required (under Part 1 of the Caravan Sites and Control of Development Act 1960);
- boats used for residential purposes;
- operational land (as defined in section 263 of the Town and Country Planning Act 1990) i.e. land used for transport infrastructure and some other related purposes by specified bodies with statutory powers.

3.4 In determining a nomination, the Council cannot take account of a potential compensation claim (see section 7 below).

3.5 It is not for an owner to veto a listing, but a matter of judgment by the Council or on appeal, the judge of the First-tier Tribunal (General Regulatory Chamber), on the basis of all the evidence.

**For noting:** The inclusion of land in a registered title does not mean it must be listed along with the remaining land in the title, which qualifies for listing. In *New River Trustee 7 Limited and Another v Wyre Forest DC (CR/2015/0013)* the listing covered not just the Swan pub with car park and garden (including children's play area) but also a section of abutting woodland comprised in the same registered title. On appeal, this woodland was removed. The woodland was not linked to the pub physically or functionally and enjoyment of the view of the woodland did not further the social wellbeing or social interest of the local community.

### 4. WHAT IS AN ASSET OF COMMUNITY VALUE<sup>3</sup>?

4.1 An asset is of community value if in the opinion of the Council:

- the actual current use of the asset that is not ancillary, furthers the social wellbeing or social interests of the local community;
- it is realistic to think that there can continue to be a principle use of the asset which will further (whether or not in the same way), the social wellbeing or social interests of the local community;

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<sup>3</sup> Section 88 Localism Act 2011

- there was a time in the recent past when an actual use of the asset (which 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 asset that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

## 5. WHAT IS THE QUALIFYING CRITERIA FOR NOMINATING AN ASSET?

5.1 The Council applies a two stage approach:

- **The first stage - current actual use of nominated asset:** to consider or form an opinion on whether there is a current actual use, which is a community use, and whether there will be in the future.

The two statutory conditions<sup>4</sup> are:

- (i) the land or building is **currently being actually used** to further the social wellbeing or social interests of the local community ('community use') (see section 7 below) and this use is not an ancillary use (see section 6 below);
- (ii) it is realistic to think that there can continue to be use of the land or building which is not ancillary and which will further community use. This **future community use** is not limited to the current use and so an entirely different community use can be proposed and will suffice providing it is realistic to think that there can continue to be a non-ancillary use of the asset for the community benefit;

*If the criteria are satisfied on the first stage, that is sufficient and there is no need to proceed to the second stage.*

- **The second stage - use in the recent past:** if the criteria on the first stage are not satisfied, the second stage is concerned with the consideration of use in the 'recent past' (see section 9 below).

Therefore, the Council's approach will be as follows:

- If the asset has a current principle use that meets the criteria, it will be presumed that the same use can continue in the future; and
- If the asset had a use in the recent past that meets the criteria, it will be presumed that the same use can continue, unless there have been events that would prevent such a use, such as dereliction or demolition (see section 9 below).

**For noting:** It is not enough that the asset is considered suitable for future community use, if there is no current qualifying use and there has been no such use in the recent past. For example, a building which has been empty and in poor repair for a long period and never used for a community purpose, cannot be listed, simply because it is considered and proposed that it could be converted to a community use in the future.

<sup>4</sup> Section 88(1) Localism Act 2011

## 6. WHAT IS MEANT BY ANCILLARY?

6.1 To satisfy the two statutory conditions (see section 5 above), the relevant community use (see section 7 below), must not be an ancillary use of the property i.e. not the main purpose of the asset. For example, if school playing fields are used on a Saturday by a local sports club or a club for disabled youngsters uses a farm one morning a month, that community use will clearly be an ancillary use. Whether or not the use is ancillary is 'essentially fact-specific'<sup>5</sup>.

## 7. WHAT DOES SOCIAL WELLBEING OR SOCIAL INTERESTS<sup>6</sup> OF THE LOCAL COMMUNITY MEAN i.e. COMMUNITY USE?

7.1 The ACV regime contains no definition of 'social wellbeing or social interest of the community' save that '**social interests**' include in particular, cultural, recreational and sporting interests<sup>7</sup> but the phrase is not limited to such interests.

**For noting: If the use of the asset does not meet the 'social interest' criteria, then the asset can only be listed if it meets the 'social wellbeing' criteria (see section 7.3 below).**

7.2 There is not a single '**local community**', which is the same for all assets nominated. The interpretation will depend on the type of asset nominated and the use that has been made of it. The focus of the statutory criteria is on the 'local community'. It will usually be a question of fact as to what the 'local community' comprises in any particular case.<sup>8</sup> The phrase 'local community' should be given its natural meaning in the English language i.e. 'as a body viewed collectively'.<sup>9</sup>

Although usually, a 'local community' will be a section of the general public with a residential and geographical link to the asset, that is not a requirement with regard to every asset<sup>10</sup>. Rather, for the purposes of the ACV regime, the local community is made up of workers, residents and regular visitors e.g. the interpretation of 'local community' may apply to a town - not just that a pub has a regular clientele but that far more than a de minimis are people from the town.<sup>11</sup>

7.3 In the absence of a legal definition, the Council defines '**social wellbeing**' as 'those aspects of life that society collectively agrees are important for a person's happiness, quality of life and welfare'<sup>12</sup>, comprising the following five elements which take into account its local priorities:

(i) **Community cohesion** – does it bring groups together such as providing for interaction between people, the formation or strengthening of friendships and social networks, particularly within an identifiable community and supporting a sense of local identity, and serving to counter negative factors such as loneliness and social isolation?

(ii) **Equality and social inclusion** – does it contribute to promoting equality for any groups with protected characteristics or people vulnerable to socio-economic disadvantage?

<sup>5</sup> Idsall School v Shropshire CC

<sup>6</sup> 'Social interests' include in particular cultural, recreational and sporting interests but the phrase is not limited to such interests

<sup>7</sup> Section 88(6) of the Localism Act 2011

<sup>8</sup> Pullan v Leeds City Council CR/2015/0011 at para. 10

<sup>9</sup> Findlay in 4C Hotels (2) Limited v City of London at para.21

<sup>10</sup> Findlay in 4C Hotels (2) Limited v City of London

<sup>11</sup> Pullan v Leeds City Council CR/2015/0011 at para. 12

<sup>12</sup> New Zealand Ministry of Social Development's Social Report

(iii) **Wellbeing and health** – does it provide services/activities/opportunities for improving the wellbeing or health of people or help maximise wellbeing of people belonging to vulnerable groups or have long term conditions or enable people to build on their skills, strengths, aspirations and networks so they can co-produce improvements to their own and others wellbeing and health?

(iv) **Decent neighbourhood standards** – does it contribute to maintaining or improving well-maintained parks and green spaces, safer neighbourhoods, access to appropriate childcare where it is needed and household recycling facilities?

(v) **A working borough** - does it contribute to local job creation or engagement, development of local business, reinvesting profits in the local area, investment in education or training and promoting fair trade?

**For noting: The benefit must be for the community and not individuals.**

The following provides examples of nominations, which have failed:

- nomination of an independent school;
- the nomination of All Saints Pastoral Centre in London Colney was rejected because it operated as a residential educational facility which was not viewed as being a community use, but as a private use;
- the nomination of the Knutsford War Memorial Hospital was rejected because the predominant use of the building was by British Red Cross staff running programmes serving the whole of the UK;
- was a pub 'a place for local residents to meet and socialise'? - the mere fact there were other nearby public houses would not of itself prevent the listing, but the pub in question would need to have a substantial group of local regulars;
- planning permission granted to develop a pub for residential development - with the benefit of the permission, the pub would be marketed at a price reflecting residential use, not the lower price which would apply in the case of pub use - not realistic to think that the pub would re-open in the next five years;
- pub use going forward was simply not economically viable.

In contrast, examples of nominations, which have been successful:

- a school serving the local community;
- the nomination of a local members' club such as a bowling club or golf club - these are open to the local community even if on payment of a membership fee and so use by the club may be regarded as furthering the social wellbeing and social interest of the local community. *However, it is not to be expected that all clubs will be treated in this manner;*
- the listing of Rushall Library in Walsall, as it furthered social well-being i.e. because it was a valuable learning tool both in terms of library skills and lifelong learning as well as recreational activities taking place there. It was considered that it catered for diverse sectors of society and age groups reducing isolation, addressing disadvantage, and protecting vulnerable groups.

**For noting:** A nomination which is prompted by a desire to retain a building which is considered to enhance the character of the local area is not sufficient by itself to show a community benefit. The focus should be on the use to which the building is put, rather than the physical appearance of the building, which should be dealt with exclusively by building and planning law. For example, a nomination of an unused boathouse by the side of a canal was refused on that ground.

## 8. WHAT DOES IT MEAN TO 'FURTHER' SOCIAL WELLBEING OR SOCIAL INTERESTS?

8.1 The words 'further' and 'furthered' does not require the potential asset to be unique or even special. The sole issue to be decided is whether the use of the asset furthers the social wellbeing or social interests of the local community<sup>13</sup> (see section 5 above).

8.2 The types of factor taken into account in determining whether the social wellbeing or social interests of the local community is being furthered by a use, is wide. The following cases illustrate the diverse type of factors to be taken into account, their indeterminate character and the nature of the exercise to be undertaken. It is not possible to evaluate satisfaction of the criteria by scientific means. It signifies that it is not a simple task for the Council when deciding a nomination:

- (Matterhorn Capital v Bristol City Council) - a scouts hut had provided an opportunity for members of the local community to volunteer and that was a relevant factor;
- (St. Gabriel Properties v Lewisham LBC) - due to the dangers of alcohol and the need to reduce drinking, the Windmill pub in Lewisham harmed the social wellbeing of the local community;
- (Trough v Shropshire CC) - a car park had been used to further social wellbeing and social interest by 'providing convenient means of access (particularly for those with mobility issues) to the wide range of social activities taking place in the village hall.'

## 9. WHAT IS MEANT BY 'RECENT PAST'?

9.1 The Council treats the '**recent past**' as being the **five year period** preceding the date of the nomination of the asset. The Council will consider the following factors in determining what constitutes the 'recent past':

- (i) the length of the period of community use of the asset in the past;
- (ii) the type of asset involved;
- (iii) the nature of the community use of the asset;
- (iv) the degree of connection between the asset and the community;
- (v) whether the asset has been out of use for a period prior to the nomination;
- (vi) whether the asset was used for a non-community use following acquisition by a compulsory purchase power for use by a public body.

The actual community use in the 'recent past' does not have to be shown to be for a substantial part of that 'recent past', although trivial or a temporary use will be disregarded.<sup>14</sup>

9.2 The following provides examples of nominations, which have failed on the basis that there had been no community use in the 'recent past':

- The Brighton Hippodrome - closed for seven years;
- The Grand Theatre in Doncaster - closed for twenty years;
- The River Arms in Cheeseborne – closed for six years;
- The Cricketers Rest in Norwich - closed for five and a half years;
- Farmer's Arms in Woolsery -closed for two years - considered sufficient to result in the removal of the public house from the list of ACV, on review - this was against a

<sup>13</sup> Pullen v Leeds City Council CR/2015/0011

<sup>14</sup> Worthy Developments v Forest of Dean DC

background from 2005 until closure in 2012, of a reducing community use, until by 2012, it was negligible.

9.3 To establish a community use in the 'recent past', reliance may be placed on use allowed by licence (an informal community use) e.g. use of a garden to a lessee of adjoining premises<sup>15</sup>.

9.4 When considering the community use in the 'recent past', the Council will also consider whether there is a realistic prospect that there **could be a future community use of the asset in the next five years**, which is not an ancillary use. The test does not require the likely future use of the asset to be determined, but rather to determine whether future community use is one of a number of realistic options for the asset. The test is not whether such future use is wholly unrealistic but whether it is realistic to think that there could be such a relevant non-ancillary use in the next five years.

9.5 The Council emphasises the importance of the owner of the nominated asset to make representations in response to a nomination. This is particularly so if the information set out in the nomination form is incorrect. This does happen and especially if the information has been taken from the internet relating to the asset and the activities carried on there. Websites can be outdated or express wishes that do not happen. The owner's stated intentions will be taken into account 'as part of the whole set of circumstances', but those intentions will not be decisive alone. Claims will be closely scrutinised and not readily accepted<sup>16</sup>.

9.6 The following provides examples of nominations, which have failed on the basis that there was no realistic prospect that there could be a future community use of the asset in the next five years, which was not an ancillary use:

- a pub, although first established in 1600, had been closed since 2008 – planning permission had been granted for a restaurant use, so no other possibility was realistic particularly as large sums would be required to be raised for a community use and no-one had been motivated to run the pub during the five years of closure.
- Woolwich Grand Theatre - the owner already had planning permission for redevelopment - it was not realistic in the light of the planning permission to think that there would be a future community use of the land;
- Haddon Property Development Limited v Cheshire East Council – although the social wellbeing of the local community had been furthered in the recent past, there was no realistic prospect of this in the next five years - the clubhouse only had a temporary planning permission which had been extended once, but on that extension, it been made clear that there would be no further extensions - the temporary permission had expired and so the clubhouse should have been demolished as it was no longer authorised - there was no evidence as to what would replace it or that players would accept the absence of a clubhouse even if there was a nearby village community hall - further, there was no evidence as to the general viability of the golf course;
- Swan and Castle in Quainton - change of use from a pub to financial services (A2 – financial and professional services) and the grant of a tenancy at will to a provider of such services;
- pub business was in terminal decline<sup>17</sup>;
- location of a pub - not accessible on foot and outside a village.

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<sup>15</sup> Singh v Leeds CC

<sup>16</sup> Curtis Sloane v Bassetlaw DC (CR/2015/0021)

<sup>17</sup> Fernwick v Mid Suffolk DC

## 9.7 Effect of planning permission & planning policies

- The grant of planning permission for a non-community use such as residential development around the time of the nomination may mean that it is not realistic to think there can be a future community use of the property.<sup>18</sup> However, such a conclusion does not follow automatically from the grant. If there is no evidence from the owner as to the timescale for the implementation of the planning a permission for residential development, this will provide an opportunity for there to be a community use until the planning permission is implemented<sup>19</sup>.
- Separately from the question of if and when the planning permission will be implemented, is the question as to whether the authorised use will last. In *Hawthorn Leisure v Bracknell Forest BC* (CR/2015/0020) the owner claimed the right to use the pub for retail use under a change of use said to have occurred under the permitted development rights regime before the introduction in April 2015 of the need to obtain a grant of planning permission if the pub has been nominated or listed. The accounts were scrutinised - the total sales were far less than the wages bill. In consequence. It was considered unrealistic to expect a retail use to continue for any significant time and so in turn, it was realistic to think there could be a future community use;
- (*Spirit Pub v Rushmoor BC* CR/2013/0003) - an extant planning permission for change of use to a McDonalds restaurant made the continued pub use of the Tumbledown pub unrealistic;
- (*New Barrow Ltd v Ribble Valley BC* CR/2016/0014) - the appellant successfully relied upon a recently granted licence upon the land along with a pre-application enquiry response by the Respondent council as local planning authority to submit that the continued use of allotments was unrealistic;
- (*Greyhound Inn Developments Ltd v Bromsgrove DC* CR/2017/0004) - the Greyhound Inn, whilst not part of a local plan policy to allowing sufficient access to the housing allocation - it was successfully submitted that with the BROM3 allocation being current until at least 2030 (the end date of the plan) it was not realistic to believe the pub could come back into community use since its demolition would occur under one owner or another.

9.8 Evidence of current usage of the asset must be checked against known information including the planning history.

## 10. PUBLIC HOUSES

10.1 At times, the impression has been given that all public houses qualify for listing but that is clearly not the case as was acknowledged in the *Patel v Hackney LBC*. Some public houses, even if currently in use, will not qualify. A high street public house or drinking place is much less likely to be an ACV than a village pub. Similarly, a public house mainly orientated to food is more likely to be treated as akin to a restaurant than a traditional pub. Restaurants can be listed, but are less likely to be than a public house.

10.2 In considering whether a pub qualifies for nomination, the Council will take the following matters into account, when a pub is nominated:

- (i) as regards customers - is there a transient user base or are the customers drawn from the local community? - for instance, one of the reasons for rejecting the nomination of the Sheffield Tap was that its location next to a major transport hub indicated a transient user base

<sup>18</sup> *STO Capital v Haringey LBC* (CR/2015/0010)

<sup>19</sup> *Singh v Leeds City Council* (CR/2015/0023)



- (ii) has the pub been nominated by an organisation based in the locality? (referred to in the Sheffield Tap assessment);
- (iii) is there evidence from regular users?<sup>20</sup>;
- (iv) is the pub a base for sports teams such as football or darts?
- (v) do community groups meet at the pub?
- (vi) are there special facilities for meetings, such as a room or a garden for events?
- (vii) do functions take place at the pub, such as quiz nights or musical occasions?
- (viii) are family occasions such as birthday parties catered for at the pub?
- (ix) what facilities are there at the pub, such as games?
- (x) is the pub involved in community funding, raising for charities?
- (xi) is the pub involved in reaching out to the local community?<sup>21</sup>
- (xii) are there other pubs in the area and have there been closures?
- (xiii) does the pub provide food?
- (xiv) is the pub involved in local community arrangements, such as acting as a venue for local trading schemes or community exchanges?
- (xv) is the pub supplied by local brewers or food producers?
- (xvi) length of time it has been run as a pub?
- (xvii) what support is there within the local community?
- (xviii) what are the skills and experience of those involved on behalf of the local community?
- (xix) what pledges have been made or funds raised?

10.3 Planning permission is required for a change of use other than to a pub restaurant<sup>22</sup>. While this change negates the need for community interest groups to list their local as an ACV to prevent changes of use without planning permission, listing can still be pursued.

10.4 The Council, as local planning authority, can consider ACV status as a material consideration on a planning application and so ACV listing could be an extra factor the local planning authority has to take into account when considering an application to change the use of a pub. This then offers an extra layer of protection for communities wanting to keep venues operating as pubs.

## 11. ASSETS OF COMMUNITY VALUE LEFT VACANT

11.1 The ACV regime only imposes a moratorium when the owner wants to dispose of the property and there is no right of first refusal let alone an option, which can be exercised when the property falls out of use.

11.2 A stalemate can lead to no use being made of the boarded up listed asset for a long period, which normally will not be good for the local community or the appearance of the locality.

11.3 The Guidance on the Compulsory Purchase Process and the Crichel Down Rules (February 2018) states that authorities “can receive requests from the community or local bodies to use their compulsory purchase powers to acquire community assets, which may have been designated as Assets of Community Value, that are in danger of being lost where the owner of the asset is unwilling to sell or vacant commercial properties that are detracting from the vitality of an area.”

<sup>20</sup> Haley (Old Boot) v West Berkshire and Pullan v Leeds City Council

<sup>21</sup> Hawthorn Leisure v St. Edmondsbury BC CR/2015/0018 at para. 15

<sup>22</sup>Town and Country Planning (General Permitted Development) (England) (Amendment) (No 2) Order 2017

11.4 There is no separate statutory power to compulsorily purchase ACV listed assets. The Council has to use one of the range of existing statutory powers available to it and in particular the powers in section 226 of the Town and Country Planning Act 1990.

11.5 Compulsory purchase is not a simple route by which closed and unused listed assets can easily be acquired by the local community. There are a number of significant hurdles to be overcome:

(a) **Negotiation** – initial efforts have to be made to acquire the property by negotiation before going down the compulsory purchase route as it is a step of last resort. Often there will have been disputes highlighted in the planning applications as to whether or not the owner and the community interest have actually engaged with each other. Usually, there will be a significant gap between the market value placed on the closed asset by the owner and the community interest group. The cost of substantial repairs will be irrelevant if the building is to be demolished to make way for houses but a crucial element in funding, if it is to be run for example as a public house.

(b) **Compelling case** – compulsory purchase powers cannot automatically be exercised if the property is listed as an ACV. The Guidance on the Compulsory Purchase Process and the Crichel Down Rules (February 2018) provides:

‘Acquiring authorities should use compulsory purchase powers where it is expedient to do so. However, a compulsory purchase order should only be made where there is a compelling case in the public interest.’

A proper balance has to be achieved between the public interest and the private rights. Listing as an ACV is not by itself sufficient. There must be a viable scheme with a history justifying the serious step of compulsory purchase. The Council will want to be sure that the community interest group is not just able to acquire the listed asset, but is able to maintain and run it.

Some of the factors to be taken into account by the Council in assessing the strength of the case are set out in section 16 of the Guidance on the Compulsory Purchase Process and the Crichel Down Rules (February 2018) which provides that the Council ‘should, for example, ascertain the value of the asset to the community, or the effect of bringing it back into use; the perceived threat to the asset; the future use of the asset and who would manage it (including a business plan where appropriate); any planning issues; and how the acquisition would be financed.’

(c) **Costs** – compulsory purchase will inevitably be more expensive than negotiations during a moratorium period. There are the Council’s costs for legal and valuation advice and for complying with the formal requirements of the process. The Council must be able to fund these costs and will expect this burden to ultimately be borne by the community interest group. Before embarking on the compulsory purchase process, the Council will want to have in place an arrangement, which ensures that the costs burden is not left with it.

(d) **Formalities** – these include matters such as the need to advertise the proposal and obtaining the confirmation of the Secretary of State with the possibility of a public inquiry.

(e) **Market value** – the price to be paid will require the determination of the open market value adjusted by the special assumptions and provisions applicable to the compulsory purchase process. This is not a straightforward process. This price will have to be met in full by the community interest group and the Council will want to be satisfied that the price can and will be met by the community interest group.

11.6 The Council may consider the use of less intrusive powers such as:

- section 215 of the Town and Country Planning Act 1990 (which allows a local authority to require the proper maintenance of a property);
- section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the issue of a repairs notice),

to require the proper maintenance of a listed asset left vacant.

## 12. FOOTPATHS

12.1 Land crossed by public footpaths may be listed as an ACV, if there are activities carried on, or which have been carried on, in the 'recent past' upon the land which further the social wellbeing or social interests of the local community.

12.2 If the land is crossed by a public footpath, but the remainder is also used by the local community, then the footpath may be part of the overall picture<sup>23</sup>.

Examples of successful nominations include:

- (Banner Homes v St. Albans City and District Council (CR/2014/0018) - meadow across which two public rights of way run;
- (Trustees of Sundorne Estate v Shropshire CC (CR/2016/0015)) - concerning a green in the middle of a housing development with a path crossing it but the whole of which could be accessed and was used by children to play on;
- (Cocklemoor at Langport) - land informally used for recreation by locals;
- (Fordrough known as Copse and Bridleway) - comprising a wooded wildlife habitat and footpath connecting Heart of England way to the south and west;

12.3 **Visual amenity**- when the asset is already clearly an ACV due to the activities carried on upon the property, then to take into account the visual amenity does not really add anything to the determination. It is a different matter if there is not carried on upon the property activities furthering social wellbeing or social interests of the local community, but the property provides a visual amenity to the local community. In such circumstances, a community nomination is unlikely to succeed

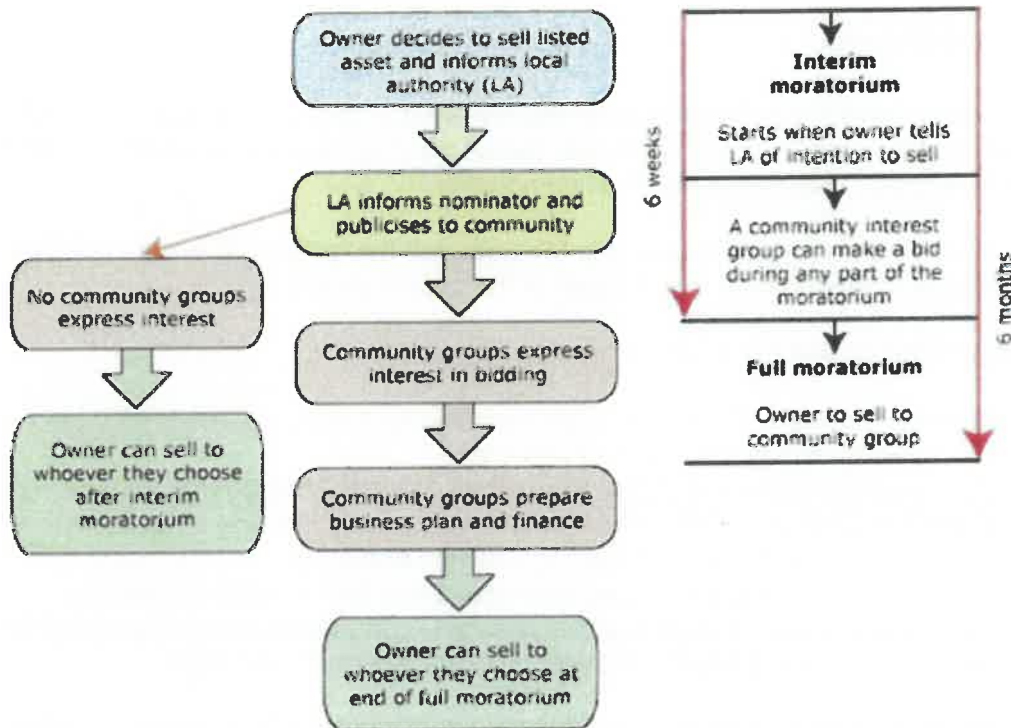
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<sup>23</sup> Trustees of Sundorne Estate v Shropshire Council

## PART II

### COMMUNITY RIGHT TO BID

#### Moratorium periods and the flowchart<sup>24</sup>



#### 1. COMMUNITY RIGHT TO BID (CRB)

The CRB is neither a right to buy nor a pre-emption right but a right to bid, leaving the owner free to proceed with a disposal as the owner wishes, subject to a full moratorium period of 6 months, during which the community interest group can make a bid for the asset.

**1.1 Interim moratorium-** Where an asset is included in the ACV list, the owner is required to notify the Council, in writing, of their intention to dispose of the asset<sup>25</sup>. This notification will trigger a moratorium period (a period of delay), during which the owner may not dispose of the asset (other than where the disposal is exempt (see section 1.7 below)). This **interim moratorium** is for a period of **six weeks** from the date the Council receives written notification of the owner's intention to dispose of the asset.

An owner must inform the Council of their intention to enter into a relevant disposal. There is no prescribed form for doing so, but it must be in writing.

<sup>24</sup> Flowchart reproduced under Crown copyright. Contains public sector information licensed under the Open Government Licence v3.0.)

<sup>25</sup> Disposal of a freehold estate with vacant possession or a grant or assignment of a leasehold estate (for a term which, when granted, had at least 25 years to run) with vacant possession) - Section 95(2) Localism Act 2011

The current owner does not have to inform the Council when the disposal actually takes place. However, note that a person who, as a result of the disposal, has become the owner of listed asset must, as soon as practicable after becoming the owner, inform the Council that the disposal has taken place and provide their details<sup>26</sup>.

**1.2 Full moratorium** - During the six weeks interim moratorium period, a suitably constituted community interest group (see Part I, section 2, above) that can demonstrate a local connection, may submit an intention to bid. Where this is received, the **full moratorium period** of **six months** (starting from the date on which the Council receives written notification of the owner's intention to dispose of the asset) is triggered, during which, no disposal may take place except to a qualifying community interest group by negotiation.

The Council must, as soon as practicable after receiving the community interest group's intention to bid, update its ACV list and either pass on the intention to bid to the owner of the asset or inform the owner of the details of the intention to bid.

**For noting:** After having requested to be treated as a potential bidder:

- there is **no** obligation for the community interest group to make an offer or to buy or acquire any interest in the asset;
- there is **no** right for the community interest group to buy or acquire any interest in the asset;
- there is **no** obligation on the owner to dispose of the land to the community interest group on any terms or accept a community bid even if the bid equals or exceeds any other offer received by the owner. However, if the owner is a charity or trustee, then (under charity law), the offer might have to be accepted);
- there is no restriction on what the owner can do with the asset once listed, subject to compliance with any requirement for planning approval from the local planning authority.

**1.3** This **six month full moratorium period** is intended to enable the community interest group to prepare a bid (to the owner) to purchase the asset. Any subsequent sale takes place under normal market conditions.

**1.4 Protection period** - If after the full moratorium period, the community interest group has not successfully bid for the asset, a further **protection period** of **twelve months** is triggered (the total eighteen month period commencing on the day the Council receives written notification of the owner's intention to dispose of the asset). During this protection period, the asset may be sold, by the owner, on the open market, without the risk of a further moratorium period being triggered.

**1.5** If an asset on the ACV list is unregistered, but subsequently registered at HM Land Registry (because of a disposal, mortgage or voluntary registration), the owner or new owner, must notify the Council within four weeks of the registration and complete the Land Registry's Form QQ to enter a restriction on their land register.

**1.6** If an owner of a listed asset disposes of the asset in contravention of the requirements of the ACV regime, the land transaction will be held to be invalid in law.

**1.7** The legislation<sup>27</sup> details circumstances where a disposal is **exempt** – for example where the disposal is as a result of a court order, a separation agreement made between spouses or civil partners, upon inheritance and as a result of insolvency proceedings. The legislation should be consulted for the full list of exemptions and detailed definitions.

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<sup>26</sup> Reg. 19(2), 2012 Regulations

<sup>27</sup> Section 95(5) of the Localism Act 2011 and Schedule 3 to the 2012 Regulations

If one building or a smaller piece of land is successfully listed as an ACV but is situated within a larger area of unlisted land, then if the owner decides to sell both the listed land or building and the unlisted land, then this could be exempt from the ACV regime as a part-listed disposal. The owner will then be able to sell the ACV without complying with the moratorium requirements.

Exempt disposals do not have to satisfy conditions A to C below. Demonstrating that a disposal of an ACV is an exempt disposal, will mean that an owner will not trigger the moratorium provisions referred to above.

**1.8 Relevant disposals and conditions** - A person who is an owner of an asset included in the ACV list must not enter into a 'relevant disposal' i.e. a disposal of a freehold estate with vacant possession or a grant or assignment of a leasehold estate (for a term which, when granted, had at least 25 years to run) with vacant possession) of the asset, unless the following three conditions are met (A to C).

**Condition A:** the person, who wants to enter into a relevant disposal, must have notified the Council, in writing, that they want to enter into a relevant disposal of the land. Once notification has been given, the Council will:

- amend the relevant entry on the ACV list, providing the date the notice was received and the end of the moratorium periods;
- notify the nominator of those matters if the listing was a result of a community nomination; and
- publicise the information in the area where the asset is situated (sensible starting points for publicising the sale could include an advert in the local newspaper, a site notice or a post on the Council's website).

**Condition B:** that either:

- the interim moratorium period has ended without the Council having received during that period, a written request (however expressed) from any community interest group for the group to be treated as a potential bidder in relation to the asset; or
- the full moratorium period has ended.

**Condition C:** the protected period has not ended.

1.9 Schedule 3 to the 2012 Regulations contains a lengthy list of exceptions of what will not be regarded as 'relevant disposals' for the purposes of section 95(1) of the Localism Act 2011. Section 95(1) will not apply to a disposal made pursuant to the exercise of a legally enforceable option to buy, nomination right, right of pre-emption, or right of first refusal (unless the land was already listed as an ACV when the option or right was granted)(paragraph 4(b), Schedule 3).

The language used in paragraph 4(b) is of an 'option to buy'. This language may have been intended to be interpreted widely and to cover a sale that was entered into before the land was listed as an ACV. If this were not the case, the legislation would be retrospectively appropriating the private property rights of individuals, without compensation, which is unusual and unlikely to have been the intention.

The Council is likely to treat a sale contract that has been exchanged as tantamount to an option to buy and thus allow the sale to complete.

1.10 The moratorium provisions apply only to disposals, so for example if a building listed as an asset of community value is to be **demolished** without being sold, the moratorium rules

in section 95 do not apply. Therefore, if an owner decides to demolish a building that has been listed as an ACV and has the necessary planning consent and any other required consent to do so (for example, under any restrictive covenant or mortgage conditions), then demolition will not trigger the moratorium provisions or any obligation to rebuild.

### 1.11 Is there a relevant disposal where the purchaser of an ACV, which had formerly been a public house but was not at the time of the disposal, intends to use the property as a public house again?

The sale or purchase of the freehold of an ACV will ordinarily constitute a relevant disposal pursuant to the definition in section 96 of the Localism Act 2011, and engage the moratorium period(s) under section 95.

Section 95(5)(f) provides that the moratorium period will not apply to a relevant disposal where this is a disposal of an estate on which a business is carried on and is at the same time, and to the same person, as a disposal of that business as a going concern". This term is not, however, defined in the Localism Act 2011. In summary,, there is some uncertainty as to whether the circumstances described would justify the application of the section 95(5)(f) exemption.

One interpretative source is the [UK Corporate Governance Code](#) which defines the term, in the context of a 'going concern statement' as an assumption that a company will continue in operation and that it is not intended or required to liquidate the company or cease trading. This seems to be the general understanding of the phrase.

The HMRC's guidance is of illustrative value, and note that this reflects [Article 5](#) of the [VAT Special Provisions Order 1995/1268](#). The HMRC considers that one of the main conditions of a Transfer of a Business as a Going Concern (TOGC) is that the "assets you transfer must be intended for use by the new owner to carry on the same kind of business. It is the continuation of an economic activity that is important, not necessarily that it is identical to that of the seller" (see [HMRC: VAT Notice 700/9: transfer of business as a going concern](#), at paragraph 2.2.2). The HMRC also states that in order to be a TOGC, a business cannot have had a "significant break in trading" in the normal trading pattern before or immediately after the transfer (at paragraph 2.2.7). It states in particular that "a short period of closure that does not significantly disrupt the existing trading pattern, for example, for redecoration, will not prevent the business from being transferred as a TOGC".

Is the seller operating a business at the pub such that it might be considered a 'going concern'? This is a question of fact and judgement for the Council as to whether the closure of the pub constitutes a disruption of an existing trading pattern. It would be reasonable to ask the seller for further information in this respect in order to prove, for example, that a TOGC would be transferred. The Council might ask, for example, whether a business is still in situ at the pub, and why it has been closed recently.

The Council is not required by the Localism Act 2011 to use the HMRC guidance or the Corporate Governance Code in interpreting these terms, however.

It may be of interest to note that in 2015 the House of Commons Communities and Local Government Committee produced a [report](#) which recommended that section 95(5)(f) be repealed as an exclusion from the requirement of section 95(1) given that it had acted as a loophole whereby a pub business could be sold "even if the buyer is clearly a developer with no intention of retaining the pub" (at paragraph 27). This suggests that the HMRC's guidance has not been persuasive to other councils faced with similar decisions, but the legal basis on which they might have made them is unclear. [CAMRA's submissions](#) to the report indicate that even where a pub was not in use for some time, a local authority has still applied the

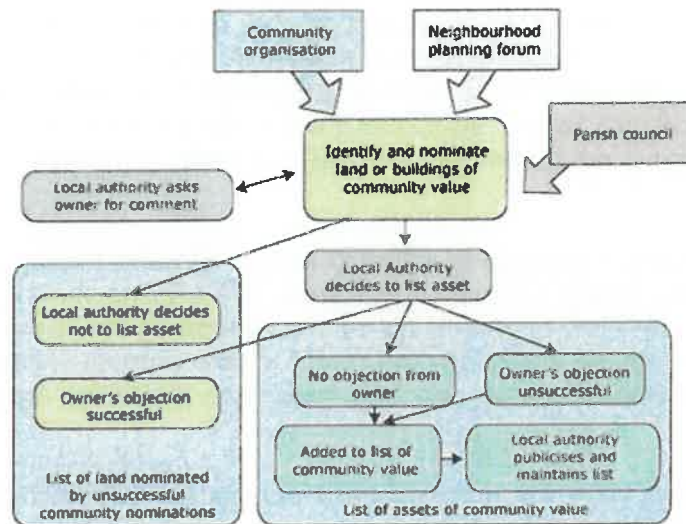
section 95(5)(f) exemption (*at paragraph 5.10*). Other councils' historic ACV decisions do not have precedent status but it is evident from these at least that they have understood that a pub need not be open to be a TOGC.



# PART III

## THE ACV NOMINATION & CRB PROCEDURES

Listing process: flowchart<sup>28</sup>



### 1. SUBMISSION OF NOMINATIONS & VALIDATION PROCESS

Nominations will be sent to:

Assets of Community Value  
 Policy & Corporate Support  
 Dartford Borough Council  
 Civic Centre  
 Home Gardens  
 Dartford  
 Kent DA1 1DR

Or

Emailed to [CommunityRighttoBid@dartford.gov.uk](mailto:CommunityRighttoBid@dartford.gov.uk)

The ACV administration process will be dealt with by Policy & Corporate Support.

1.1 The nomination will be **validated** by Policy & Corporate Support, normally within 10 working days of its receipt by the Council. However, the validation process will be delayed if the Council decides that the nomination is not reg. 6 compliant (see section 1.2 below) or *insufficient* information has been provided in support of the nomination. In these circumstances, the nominator will be given one further and final opportunity to make the nomination compliant, including providing additional information where applicable, within a

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period of 3 months. Failure to make the nomination compliant, including providing sufficient information in support of the nomination, will result in the nomination being treated as unsuccessful and added to the list of unsuccessful nominations held by the Council.

The Council does not prohibit re-nomination or limit the number of times an asset can be re-nominated following an initial unsuccessful nomination.

The primary use of the land and buildings (taken as a whole) must be to further social wellbeing or social interests of the community. Therefore, the proportion of the land/buildings comprising the application that is used for the qualifying primary purpose will be important. Arguably, if only a third of the land or buildings nominated satisfy this particular requirement, then it is debatable whether the primary use criteria are satisfied. In such a situation, rather than rejecting the application outright, the Council will invite the nominator to revise its existing application or submit a new application entirely, to focus on a smaller piece of land or a particular building.

The Council must take all practicable steps to **inform several people**, including the owner, that it is considering listing the asset. However, there is no formal regime in the 2012 Regulations either permitting or prohibiting representations by the owner against the listing as an ACV, nor is there any obligation on the Council to take account of any representations that it may receive. In practice however, the Council is likely to receive representations from the owner.

A **single nomination may encompass land owned by different people** and separate nominations will not be required.

1.2 **Reg. 6 compliance:** The nomination to list an asset must include:

- (a) a description of the nominated land including its proposed boundaries;
- (b) a statement of all the information that the nominator has with regard to:
  - (i) the names of current occupants of the land, and
  - (ii) the names and current or last-known addresses of all those holding a freehold or leasehold estate in the land;
- (c) the nominator's reasons for thinking that the Council should conclude that the land is of community value; and
- (d) evidence that the nominator is eligible to make a community nomination.

1.3 On being satisfied that the nomination is reg.6 compliant, the Council will:

- **invite representations** from:
  - (a) the relevant parish council (if not the nominator);
  - (b) the owner of the land;
  - (c) where the owner is not the freeholder:
    - (i) the holder of the freehold estate in the land; and
    - (ii) the holder of any leasehold estate in the land other than the owner; and
  - (d) any lawful occupant of the land.
- **reach a decision**<sup>29</sup> whether or not to list the asset within eight weeks of being satisfied that the nomination is valid, or such longer period as is agreed with the owner in writing.

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<sup>29</sup> Delegated to the Head of Legal Services or nominee

1.4 Where a nomination relates to land falling within the Borough of Dartford and another local authority area(s), the Council will co-operate with the other authority(ies) in carrying out its ACV functions.<sup>30</sup>

## 2. ACCEPTING OR REJECTING A LISTING NOMINATION

2.1 If a decision is made to **accept** the nomination, the Council will give written notice of inclusion of the asset on its [ACV List](#) to:

- (a) the relevant parish council (if not the nominator);
- (b) the owner of the land;
- (c) where the owner is not the freeholder:
  - (i) the holder of the freehold estate in the land; and
  - (ii) the holder of any leasehold estate in the land other than the owner;
- (d) any lawful occupant of the land; and
- (e) the person who made the nomination (the nominator).

Alternative reasonable steps to give notification of the listing will be made where the above is not possible e.g. a site notice attached to the land/property.

2.2 **Notice of listing** will provide information regarding:

- the consequences of the land or building being listed;
- the right of the owner, to request an internal review of the decision.

Subject to **section 3.3 below**, the asset will be listed on the [ACV list](#) for a period of 5 years. Listing will also be recorded on the Local Land Charges Register and an application made to the Land Registry, for a restriction on land title (**see section 4 below**).

2.3 Where a nomination is **rejected**, the Council will provide the nominator and the owner with written reasons for its decision (copied to the following – if applicable):

- (a) the relevant parish council (if not the nominator);
- (b) where the owner is not the freeholder:
  - (i) the holder of the freehold estate in the land;
  - (ii) the holder of any leasehold estate in the land other than the owner;
- (c) any lawful occupant of the land.

The nominator has no right to request an internal review of the decision not to list – the nominator may however judicially review the Council.

## 3. LISTS OF SUCCESSFUL AND UNSUCCESSFUL/REJECTED NOMINATIONS

3.1 Lists of successful and unsuccessful/rejected nominations, will be maintained on the Council's website. Both lists will be made available for public inspection, on request, at the Council's offices. One free copy of either will be provided on request.

3.2 Reasons for unsuccessful nominations will be included on the list of [unsuccessful nominations](#). It is for the Council to decide how long unsuccessful nominations should be maintained on this list – when it considers it appropriate to do so.

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<sup>30</sup> Section 102 Localism Act 2011

3.3 Listed assets will be removed from the [ACV list](#) no later than 5 years from the date of entry on the ACV list, or as soon as practicable:

- (a) after a relevant disposal (other than an exempt disposal);
- (b) when an internal review against a listing has been successful;
- (c) where an appeal to the First-tier Tribunal (Regulatory Property Chamber) against listing has been successful;
- (d) when the Council forms the opinion that the land or building is no longer of community value.

Following removal of an asset from the ACV list, the Council will give notice to:

- (a) the relevant parish council (if not the nominator);
- (b) the owner of the land;
- (c) where the owner is not the freeholder:
  - (i) the holder of the freehold estate in the land; and
  - (ii) the holder of any leasehold estate in the land other than the owner;
- (d) any lawful occupant of the land; and
- (e) the person who made the nomination (the nominator).

The Council will take alternative reasonable steps to give notifications, where the above is not possible e.g. a site notice attached to the land/property.

The Council will remove any local land charge that has been registered to reflect the listing and apply to the Land Registry to remove any restriction in form QQ that was entered on the register of title ([see section 4.3 below](#)).

3.4 It is up to the Council to decide on the detailed contents and layout of its lists and when to modify them but the Council is required, as soon as practicable, to add to its ACV list:

- (a) that a notification by the owner of intention to dispose of the asset has been received by it and the date on which this was received;
- (b) in all cases under (a), the end dates of the interim and full moratorium periods and the protected period;
- (c) where relevant, that the full moratorium has been triggered;
- (d) where (c) applies, the identity of the community interest group that triggered the full moratorium.

## 4. LOCAL LAND CHARGES AND RESTRICTION AGAINST LAND TITLE

4.1 The 2012 Regulations protect land that is listed as an ACV and prevent it from being disposed of in breach of section 95 of the Localism Act 2011<sup>31</sup>. This is done by:

- registering the ACV listing as a local land charge;
- entry of a restriction on the land register.

The restriction must be in Form QQ, which states: 'Form QQ (Land included in a list of assets of community value maintained under section 87(1) of the Localism Act 2011) - No transfer or

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<sup>31</sup>A disposal of listed land that contravenes section 95(1) will be ineffective except where the owner making the disposal was unaware that this was the case at the time of the disposal, having made all reasonable efforts to find out if the land was listed

lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011'.

If the lease of an ACV is for a term of at least 25 years when granted, then the Form QQ restriction must be registered against that leasehold title only. If the lease was granted for a term of less than 25 years, however, then the restriction should be entered against the freehold title.

The application to the Land registry must be made by the Council as soon as practicable following the listing of the land as an ACV, unless there is an existing restriction in Form QQ.

4.2 As a local land charge, the listing is binding on successive owners of the land, whether or not they know of the listing (or whether the listing is actually registered in the local land charges register). Anyone carrying out an investigation of title of the land (for example on a prospective purchase, grant of lease or mortgage), will become aware of the ACV listing, when they carry out a local land charges search.

4.3 Where the Council has caused a restriction in Form QQ to be entered in respect of registered land and that land is subsequently removed from the ACV list, the Council must apply as soon as practicable to the Land Registrar to cancel the restriction.

## 5. LISTING REVIEW PROCEDURE

5.1 The owner of an asset included in the ACV list may ask for a review of the decision to list the asset as an ACV. The request must be made in writing, to the Council and received no later than *eight weeks* of the date of the decision, to include the asset in the ACV list, or longer, where the Council has agreed to this in writing, with the owner.

**Who can challenge a decision to list an ACV where there is a freeholder and two qualifying leaseholders (under a head lease and an under lease)?** Section 92(1) of the Localism Act 2011 provides that the 'owner of land' listed as an ACV may challenge the local authority's decision to list. The term 'owner' is defined in section 107 as the freeholder, unless, there are two or more qualifying leaseholders who have been granted leases of at least 25 years. Where this is the case, section 107(4) provides that the owner will be "the person in whom is vested the qualifying leasehold estate that is more or most distant (in terms of the number of intervening leasehold estates) from the freehold estate". In summary, it is the under-tenant alone who can challenge a decision to list an ACV.

5.2 The procedure detailed in [paras.3 -10, Schedule 2 of the 2012 Regulations](#) must be applied. The internal review will be conducted by an officer, independent of the initial decision ([see section 6 below](#)).

An internal review cannot be conducted by Councillors - this applies even if the owner is the local authority.

5.3 There is no express provision for representations to be made by the nominator on an internal review. Similarly, there is no express provision allowing the involvement of the nominator or interested parties at the review hearing, if one is held.

5.4 The asset will remain listed while the review is being undertaken.

5.5 Where the owner is dissatisfied with the outcome of an internal review, they have the right to appeal to appeal to the First-Tier Tribunal (General Regulatory Chamber), against the Council's decision.

A new owner who has bought the asset following a request for a listing review may appeal against the review decision.

5.6 If, as a result of the review, the Council decides that the asset should not have been included in the ACV list, this must be communicated in writing to the nominator, with reasons for the decision. The asset will be removed from the ACV list.

5.7 A nominator has no right to request a review or appeal from a refusal to list. This means that if a nominator wishes to challenge such a decision, the only option is to pursue judicial review proceedings.

## 6. DELEGATIONS

6.1 Delegated authority for making decisions under the ACV regime is as follows:

(a) The Head of Legal Services (or nominee) is authorised to determine listing nominations, in consultation with the Leader of the Council and where the Leader is conflicted, with the Deputy Leader.

(b) The Strategic Director (External Services) (or nominee) is authorised to review listing decisions.

(c) The Financial Services Manager (or nominee) is authorised to determine applications for compensation.

(d) The Strategic Director (Internal Services) (or nominee) is authorised to review a decision not to award compensation or the amount of compensation.

## 7. COMPENSATION

7.1 If an owner or former owner of listed or previously listed asset incurs loss or expense that it is likely they would not have incurred had the asset not been listed as an ACV, they may be able to claim compensation<sup>32</sup>.

7.2 The following are examples of types of compensation claim that might be made:

- (i) a claim arising from any delay in entering into a binding agreement to sell the land listed as an ACV, which is wholly caused by relevant disposals being prohibited under the six-week interim moratorium period or in the case of a full moratorium period, by relevant disposals of the land being prohibited during any part of the six-month full moratorium period;
- (ii) a claim for reasonable legal expenses incurred in a successful appeal to the First-tier Tribunal (General Regulatory Chamber) against the Council's decision:
  - to list the land;
  - to refuse to pay compensation; or
  - relating to the amount of compensation offered or paid to the owner.

7.3 The case of *St John Ambulance v Teignbridge District Council (2018) (CR/2018/0003)* should also be noted, in which the First-tier Tribunal (General Regulatory Chamber) held that

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<sup>32</sup> Reg.14 of the 2012 Regulations

regulation 14(2) (stating that a landowner may be able to claim compensation where loss or expense is incurred which would not have incurred if the land was not listed) was wide enough to also include loss or expense arising from the listing of an asset, as well as any arising from compliance with the procedural requirements of the ACV.

7.4 **Loss arising from listing** - two types of loss may be caused by a listing. The first is loss for which compensation may be claimed through the statutory 'compensation scheme' and the second, is loss, which is not, covered by the 'compensation scheme' such as the costs incurred in conducting a survey of local residents<sup>33</sup>. Such loss will fall to the owner of the listed asset.

**Compensation scheme** - the tests to be established to justify a compensation claim are<sup>34</sup>:

- (a) the claimant owns or owned an ACV listed asset - a claim cannot be pursued by a third party who has suffered loss but not owned the asset whilst ACV listed e.g. no claim can be made by an aggrieved prospective purchaser who has incurred expenditure on investigating a property and then not proceeded because it has been listed as an ACV;
- (b) the claim relates to loss or expense in relation to the asset;
- (c) the loss or expense must have been incurred whilst the asset was ACV listed and owned by the claimant;
- (d) the loss or expense is likely not to have been incurred if the asset had not been listed.

**For noting:** The loss or expense must be an incurred loss or expense or be proved to be loss or expense which would be likely not to have been incurred if the asset had not been listed. This means that the loss or expense must have accrued and so be an actual loss or expense. It is not enough that there may be a speculative loss or expense, which has not yet been crystallised and can only be estimated. It must have been sustained.

The time limit for making a claim is determined by reference to the incurring of the loss or expense or when the loss or expense is finished being incurred<sup>35</sup>.

Causation - the issue of remoteness will not be relevant. The above tests are all embracing and do not permit other tests to be applied as well.

**Specific classes of compensation**<sup>36</sup>

(a) **Delay due to moratorium** - a claim may be made 'arising from any period of delay in entering into a binding agreement to sell the land which is wholly caused' by the operation of the interim or the full moratorium period (see Part II above).

This will cover a loss or expense caused by delay due to the operation of the moratorium provisions, provided that the loss or expense has been incurred.

To succeed with a claim, it must be shown that the loss or expense arising from delay was 'wholly caused' by the operation of the moratorium period.

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<sup>33</sup> Whitehead v Tunbridge Wells BC and Pullan v Leeds City Council

<sup>34</sup> Reg.14(2) of the 2012 Regulations

<sup>35</sup> Reg.14(5)(b) of the 2012 Regulations

<sup>36</sup> Reg.14(3) of the 2012 Regulations

A compensation claim can include loss or expense caused merely by the entry of the asset on the ACV list<sup>37</sup>. In those circumstances, what has to be proved in order to have a successful claim is that the loss or expense incurred would be likely not to have been incurred if the asset had not been listed.

The onus is on the claimant to prove the loss. When assessing the likely loss, the Council will have regard to Judge Simon Bird QC's 'baseline' approach in *St John Ambulance v Teignbridge DC* [2018] UKFTT 2018/CR/0003, which seeks to achieve a realistic assessment of the loss rather than an amount based on a wholly artificial assessment.

(b) **Costs of successful appeal**<sup>38</sup> – reasonable legal expenses incurred in a successful appeal to the First-tier Tribunal (General Regulatory Chamber) can be recovered as compensation. The appeal can relate to an ACV listing, a decision not to award compensation or the amount of compensation. The compensation is triggered by success in an appeal. Whether the Council acted reasonably in contesting the appeal is wholly irrelevant<sup>39</sup>.

Compensation will not cover costs incurred in opposing listing prior to the listing decision or in the review of the listing decision. It must be costs incurred in the appeal to the First-tier Tribunal (General Regulatory Chamber).

7.5 It is for the Council as listing authority, to meet any successful compensation claim against it.

7.6 **Claim procedure** - Any claim for compensation must:

- be made in writing to the Council;
- be made within 13 weeks of the loss or expense being incurred or having finished being incurred;
- state the amount of compensation sought for each part of the claim;
- include supporting evidence for *each part* of the claim.

**For noting:** unless all these requirements are complied with, then an entitlement to compensation cannot arise. However, any subsequent amendment or re-formulation is not prohibited.<sup>40</sup> This means, in particular, that the compensation claim is not determined based on the original evidence only, nor that can no new head of damage be introduced.

7.7 Once the Council has reached a decision regarding compensation, it must give the landowner (or former owner) written reasons for its decision. Although there is no statutory time period within which the Council must respond to a claim, as a matter of good practice, it should endeavour to reach a decision as quickly as practicable, once it has all of the necessary evidence. The Council's timescale for deciding a compensation claim is 4 weeks from the date of receipt of the notice of claim, unless otherwise agreed with the claimant.

7.8 **Who cannot apply for compensation?** - the following public and publicly-funded owners or former owners of listed or previously listed assets cannot apply for compensation for loss or expense in relation to listed land:

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<sup>37</sup> *St John Ambulance v Teignbridge DC* [2018] UKFTT 2018/CR/0003

<sup>38</sup> Reg.14(3)(b) of the 2012 Regulations

<sup>39</sup> *New Barrow Limited v Ribble Valley BC*

<sup>40</sup> *St John Ambulance v Teignbridge DC* [2018] UKFTT 2018/CR/0003 & *Fielder v Harrogate BC* CR/2018/0006



- an authority or other body in respect of loss or expense incurred at a time when it has accounts that are required to be audited under section 4 of the Local Accountability Act 2014;
- a government department, authority or other body in respect of loss or expense incurred at a time when section 6 of the National Audit Act 1983 applies to it;
- an authority or body in respect of loss or expense incurred in any of its financial years if its use of resources in that year is examinable under section 7 of the National Audit Act 1983.

## 7.9 Reviewing the Council's compensation decision

- (a) An owner or former owner of a listed or previously listed asset who has made a claim for compensation may ask the Council to review either or both of its decisions relating to<sup>41</sup>:
- whether compensation should be paid.
  - the amount of compensation that should be paid.
- (b) The request for a compensation review must be made in writing within eight weeks of the date the Council gave the owner (or former owner) written reasons for its original decision regarding compensation (unless any longer period is agreed in writing with the Council). The Council must review its decision if an owner (or former owner) requests a compensation review, which meets these requirements.
- (c) The Council must complete the review within eight weeks of receiving the request for a review (unless a longer period is agreed in writing with the owner). Where the Council has reviewed its original compensation decision, it must notify the person who requested the review, in writing, of its compensation review decision and the reasons for it.
- (d) The procedure for reviewing a compensation decision is as detailed in [paras.3 -10, Schedule 2 of the 2012 Regulations](#). The internal review will be conducted by an officer, independent of the initial decision on the claim for compensation (see [section 6 above](#)). However, in relation to making an appeal to the [First-tier Tribunal \(General Regulatory Chamber\)](#), only the owner or former owner who requested the internal review, may appeal against the decision (this is different to a listing appeal where a new owner who has bought the land following a request for a listing review may appeal against the review decision). The appeal will be against a refusal or reduced payment.

An internal review cannot be conducted by Councillors - this applies even if the owner is the local authority.

## 8. COMMUNITY RIGHT TO BID PROCEDURE

8.1 The **interim moratorium period** is triggered by the owner's notification in writing to the Council of an intention to enter into a relevant disposal of a listed asset (exempt disposals do not need to be flagged with the Council but it would be helpful if they were).

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<sup>41</sup> Reg.16(1) 2012 Regulations

8.2 Once the Council has been notified of the owner's intent to dispose, it is required to update its ACV list to show this and give the end dates of the interim and full moratorium periods and of the protected period.

8.3 The nominating community group must be informed and the Council must publicise the matter in the neighbourhood of the asset in question. It is for the Council to determine how this is done.

8.4 The interim moratorium period is the period of six weeks beginning with the date on which the Council receives notification in relation to the disposal. During this time, the owner may not enter into a sale of the asset, unless such a sale falls within one of the exemptions<sup>42</sup> or is to a local community interest group.

8.5 During the interim moratorium period a community interest group (not restricted to the nominating group), may request to be treated as a potential bidder for the asset. Receipt of a written request to be treated as a potential bidder triggers the full moratorium period.

8.6 The **full moratorium period** is the period of six months beginning with the date on which the Council receives notification in relation to the disposal. During this time, the owner *may not enter* into a sale of the asset, unless such a sale falls within one of the exemptions<sup>43</sup> or is to a local community interest group.

8.7 The community interest group does not have to provide any evidence of intention or financial resources to make such a bid. However, they must provide evidence that they have one or more of the structures outlined above, in Part 1, section 2 above.

8.8 The Council must as soon as is practicable, let the owner know that a request to be treated as a bidder has been received.

8.9 If no expression of interest to bid is forthcoming from a local community interest group during the interim moratorium period, the asset enters the **protected period**. Similarly, should no bid be forthcoming during the full moratorium period, or be unsuccessful, the asset enters the protected period at that point.

The **protected period is 18 months beginning with the date on which the Council received notification from the owner in relation to the disposal**. During this time, the owner is free to sell the asset to whomever they choose and without further delay.

8.10 If, after the full 18 months protected period, the asset has not been sold but remains for sale, the owner will again be required to notify the Council of the intention to enter into a relevant disposal and the moratoria will again be available to the community.

8.11 If a relevant disposal takes place within the full moratorium period to a local community interest group, or during the protected period on the open market, the asset is removed from the asset list.

8.12 A **pending decision regarding re-nomination** would not prevent an owner from selling the land or building, although it is likely that they would have to make the buyer aware of this as part of any conveyancing enquiries. However, if it is the case that the nomination is successful, and the property is re-listed by the Council, then whether the ACV moratorium provisions apply, will ultimately depend on the stage that the sale has reached:

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<sup>42</sup> Section 95(5) of the Localism Act 2011 and Schedule 3 to the 2012 Regulations

<sup>43</sup> Supra

- if a relevant disposal has happened beforehand and after de-listing, that is, there is a binding agreement to sell (section 96(4), Localism Act 2011), then the subsequent listing of the property as an ACV will not affect the sale (but may potentially affect future disposals by the buyer). In this event, negotiations will have to be far advanced (if not concluded). The option to buy exemption may also apply as long as it was entered into in the gap between de-listing and re-listing;
- if it is the case that there is no binding agreement to sell during the gap between de-listing and re-listing and the sale process is still in its relatively early stages, then it is possible that upon re-listing, the seller will be subject to the moratorium provisions under section 95(1) of the Localism Act 2011.

**Note:** After the protected period has expired, there is nothing in the legislation that prevents the interim and full moratorium periods being triggered again if the owner issues notice to the Council of their intention to sell, provided that the asset remains a listed ACV.

## 9. DATA PROTECTION

9.1 The Council collects personal information for the purpose of administering the Assets of Community Value service. The lawful bases for processing personal information are:

- legal obligation(s) under the Land Registration Rules 2003
- legal obligation(s) under the Localism Act 2011
- legal obligation(s) under the Assets of Community Value (England) Regulations 2012
- necessary for the performance of a task in the public interest or in the exercise of official authority vested in the Council under the above legislation

See the [Corporate Privacy Notice](#) & [Assets of Community Value Privacy Notice](#)

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6

## Assets of Community Value – Nomination Form [please read the Notes in the Annex before completing this form]

### PART A: ABOUT THE COMMUNITY ORGANISATION MAKING THE NOMINATION

<b>Organisation name</b>	SWANSCOMBE AND GREENHITHE TOWN COUNCIL
<b>Organisation/head office address including post code</b>	COUNCIL OFFICES THE GROVE SWANSCOMBE KENT TN10 0GA
<b>Registration number if a company, charity, community interest company, industrial provident society</b>	
<b>Organisation type – NB: Assets cannot be nominated by individuals</b>	<b>Tick as appropriate</b>
Parish Council	<input checked="" type="checkbox"/>
Body designated as a neighbourhood forum under the Town and Country Planning Act 1990 and the Neighbourhood Planning (General) Regulations 2012	<input type="checkbox"/>
Unincorporated bodies with at least 21 individual members and which does not distribute any surplus it makes to its members	<input type="checkbox"/>
A charity - if not a registered charity, please attach evidence of your organisation's status, such as Articles of Association	<input type="checkbox"/>
A company limited by guarantee that is non profit distributing	<input type="checkbox"/>
Community Interest Company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004)	<input type="checkbox"/>
Industrial Provident Society that is non profit distributing (Industrial and Provident Societies Act 1965)	<input type="checkbox"/>
Other – please detail	<input type="checkbox"/>

<b>Please provide a copy of the following as relevant to your organisation type</b>	<b>Tick as appropriate</b>
Memorandum of Association	<input type="checkbox"/>
Articles of Association	<input type="checkbox"/>
Constitution/Terms of Reference	<input type="checkbox"/>
Resolution/minutes (certified as being a true copy)	<input type="checkbox"/>
Standing Orders	<input checked="" type="checkbox"/>
Registration Form and Interest Statement for Community Interest Company	<input type="checkbox"/>

**Distribution of surplus funds** - For companies limited by guarantee, industrial and provident societies and unincorporated bodies, please **provide documentary evidence** that any surplus made by the organisation is wholly or partly applied for the benefit of the Borough of Dartford or a neighbouring local authority area sharing a border.

**Membership of unincorporated bodies** - Please provide the names and addresses (please continue on a separate sheet if necessary) of at least 21 members who are included in Dartford Borough Council's register of electors

**Local connection** - For organisations other than parish councils, **please provide documentary evidence** that the organisation is wholly or partly concerned with the Borough of Dartford or a neighbouring local authority area sharing a border.

A parish council may nominate an asset within its own parish area, or an asset in a neighbouring area that does not have its own parish council e.g. a town council, or with which it has a shared border

**PART B: ABOUT THE ASSET BEING NOMINATED FOR INCLUSION IN THE COUNCIL'S LIST OF ASSETS OF COMMUNITY VALUE**

Name of asset (building or land) or combination of both	THE OLD FIRE STATION BUILDING
Address or location of the asset (including post code)	CHURCH ROAD SWANSCOMBE KENT DA10 0HF
Is the asset (please tick one)	In use at the present time <input checked="" type="radio"/> Empty <input type="radio"/> Derelict <input type="radio"/>
What is the main use of the asset?	TRAINING FACILITY AND COMMUNITY CAFE PUBLIC TOILETS
Is the asset being used for any ancillary uses? – See Annex - Note 1	YES <input type="radio"/> NO <input type="radio"/> If yes – please provide details of the ancillary use(s)
Has the asset been granted planning permission for a non-community use?	YES <input type="radio"/> NO <input type="radio"/> DO NOT KNOW <input type="radio"/> If yes- please provide details, including the planning reference number

**PART C: SUPPORTING DOCUMENTS/INFORMATION**

**C1. Maps and drawings**

Please provide information that helps to clarify the exact location and extent of the asset being nominated:

- where the land is registered, the HM Land Registry Title and Title Plan (no less than one month old) with boundaries clearly marked on the Title Plan;
- if the land is not registered at HM Land Registry:
  - ✚ a written description with ordinance survey location, with an explanation where the boundaries lie, the approximate size and location of any building/s on the land and details of any roads bordering the site; and
  - ✚ a drawing or sketch map with boundaries clearly marked in red – websites which might help you navigate to individual properties on a map include: <http://maps.google.co.uk/> and [www.dartford.gov.uk](http://www.dartford.gov.uk)

**C2. Current main use of asset**

What is the *current* main use of the asset?

TRAINING FACILITY AND COMMUNITY CAFE  
PUBLIC TOILETS

Do you consider that the current and main use of the asset furthers the social wellbeing or cultural, recreational or sporting interests of the local community? – See Annex - Note 2 below

Yes  No

If yes, please explain. If no, go to question C3

THE ASSET PROVIDES A SAFE FRIENDLY ENVIRONMENT FOR ALL AGES OF THE COMMUNITY TO MEET AND PROVIDES NUTRITIONAL MEALS AT AFFORDABLE PRICES. IT ALSO PROVIDES RESIDENTS AND VISITORS WITH ACCESS TO INFORMATION AND SERVICES. IT ALSO PROVIDES THE ONLY PUBLIC TOILETS IN THE AREA.

Over what period is this main use of the asset anticipated to continue?

CURRENT LEASE WITH DARTFORD BOROUGH COUNCIL EXPIRES ON 28 FEBRUARY 2027

Does the local community interest group have legal and authorised use of the land or property? If yes, please explain

YES, PLEASE SEE ABOVE REGARDING CURRENT LEASE

**C3. Questions for assets not *currently* used for community benefit**

If the main use of the asset does not *currently* further the social wellbeing or cultural, recreational or sporting interests of the local community, did it do so at some stage in the last two years and is it realistic to consider that it will do so again during the next five years? See Annex - Note 3 below

Please provide supporting evidence such as reference to and evidence from a Parish Plan and/or other documents as to the importance of this asset locally.

Yes  No

Please provide details of how the asset was used in the past and dates of this usage

SEE ATTACHED / ENCLOSED HISTORICAL INFORMATION

How do you anticipate that the asset would return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?

When do you consider that the asset could realistically return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?

**C4. Owner and occupier details** (Please provide all information available to you)

	Name	Address	Please delete as appropriate	
Holder(s) of freehold estate	DARTFORD BOROUGH COUNCIL	CIVIC CENTRE HOME GARDENS STATION APPROACH DARTFORD DA1 1DL	Current <input checked="" type="checkbox"/>	<input type="checkbox"/>
			Last known <input type="checkbox"/>	<input type="checkbox"/>
			Not known <input type="checkbox"/>	<input type="checkbox"/>
			Not applicable <input type="checkbox"/>	<input type="checkbox"/>
Holder(s) of any leasehold estate	SWANSCOMBE AND GREENHILL TOWN COUNCIL CAS COMMUNITY SOLUTIONS (CIC)	COUNCIL OFFICES THE GROVE SWANSCOMBE DA10 0GA THE OLD FIRE STATION CHURCH ROAD SWANSCOMBE DA10 0HF	Current <input checked="" type="checkbox"/>	<input type="checkbox"/>
			Last known <input type="checkbox"/>	<input type="checkbox"/>
			Not known <input type="checkbox"/>	<input type="checkbox"/>
			Not applicable <input type="checkbox"/>	<input type="checkbox"/>
Occupiers			Current <input type="checkbox"/>	<input type="checkbox"/>
			Last known <input type="checkbox"/>	<input type="checkbox"/>
			Not known <input type="checkbox"/>	<input type="checkbox"/>
			Not applicable <input type="checkbox"/>	<input type="checkbox"/>



**C5. Optional information to help us consider the nomination** (it is not essential to answer these questions but they reflect part of the criteria which will be used to consider the nomination - any information you can supply will help to speed up this process) – **See Annex - Note 4 below**

Is the asset used wholly or partly as a residence? If yes, please provide details

NO

Is the asset covered by the Caravan Sites and Control of Development Act 1960? If yes, please provide details

NO

Is the asset defined as operational land under section 263 of the Town and Country Planning Act 1990, owned by statutory undertakers such as utility companies? If yes, please provide details

NO

**C6. Further Information**

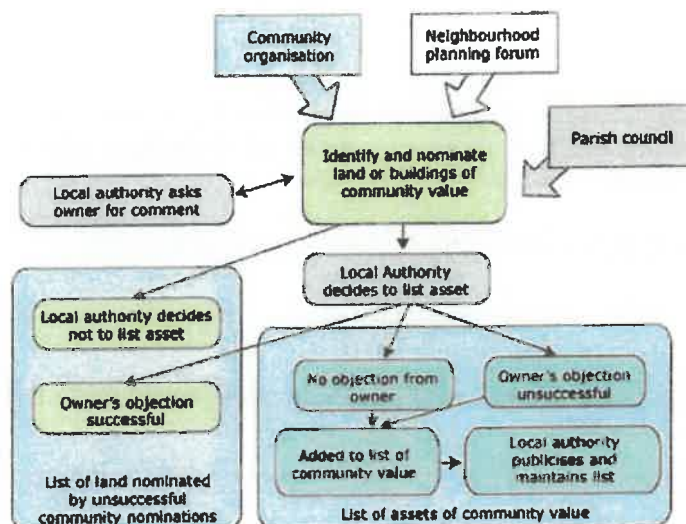
Please provide any further information to support why you consider Dartford Borough Council should conclude that the asset is of 'community value' (for example, do you have evidence of community engagement such as results of local surveys that support the nomination).

BOTH THE SWANSCOMBE AND GREENHITHE TOWN COUNCIL AND CAS COMMUNITY SOLUTIONS (CIC) HAVE LEASES WITH DARTFORD BOROUGH COUNCIL TO OPERATE FROM THE PREMISES.

THE ASSET WAS PREVIOUSLY REGISTERED AS AN ASSET OF COMMUNITY VALUE IN 2017 (ATTACHED)

PLEASE SEE ENCLOSED DETAILS OF HISTORICAL INFORMATION

## Listing process: flowchart<sup>1</sup>



Name: **GRAHAM BLEW**

Position in Organisation: **TOWN CLERK**

Address (Including Postcode): **COUNCIL OFFICES, THE GROVE, SWANSCOMBE, DAVO OGA**

Daytime Telephone Number: **01322 385513**

E-Mail Address: **gabem.blew@swanscombeandgreenhithe.town.council.gov.uk**

I declare the information I have given on this form is correct and complete:

Date: **13-7-23**

### SUBMIT FORM

Please post your completed form to: Policy and Corporate Support, Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent DA1 1DR or Email: [communityrighttobid@dartford.gov.uk](mailto:communityrighttobid@dartford.gov.uk)

**Data Protection Privacy Notice** - We provide an Asset of Community Value Right to Nominate & Bid (ACV service). We need to collect your personal information to administer this service. Our lawful bases for processing your personal information are:

- our legal obligations under the Land Registration Rules 2003
- our legal obligation(s) under the Localism Act 2011
- our legal obligation(s) under the Assets of Community Value (England) Regulations 2012
- necessary for the performance of a task in the public interest or in the exercise of official authority vested in us under the above legislation

We are required by law to invite representations on an ACV listing nomination before making a decision as to whether or not to list the asset. Your information will be shared with

- the relevant parish council (if not the nominator);
- the owner of the land;
- where the owner is not the freeholder:
  - the holder of the freehold estate in the land; and
  - the holder of any leasehold estate in the land other than the owner; and
- any lawful occupant of the land.

<sup>1</sup> Flowchart reproduced under Crown copyright. Contains public sector information licensed under the Open Government Licence v3.0.)

Swanscombe and Greenhithe Town...

11 The Grove

The Grove Hall

The Grove

The Grove

Milton Rd Milton Rd

The Parade

A J Celebrations

1 High St

Tonic

Milton Rd

Church Rd

Stanhope Rd

The Peony Palace

Stanhope Rd

Mrs Vigors Cakes

Stanhope Rd

Hope Rd

Stanhope Rd

Stanhope Rd

Hope Rd

Hope Rd

Church Rd

Church Rd

Fine Food and Wine

Hammer Rd

Hammer Rd

Hammer Rd

Stanhope Rd

A E Frost

Stanley Rd

Partridge Roberts

Huntington Ink UK

Stanley Rd

Stanley Rd

Milton Rd

Milton Rd

Milton Rd

The Swan Tail



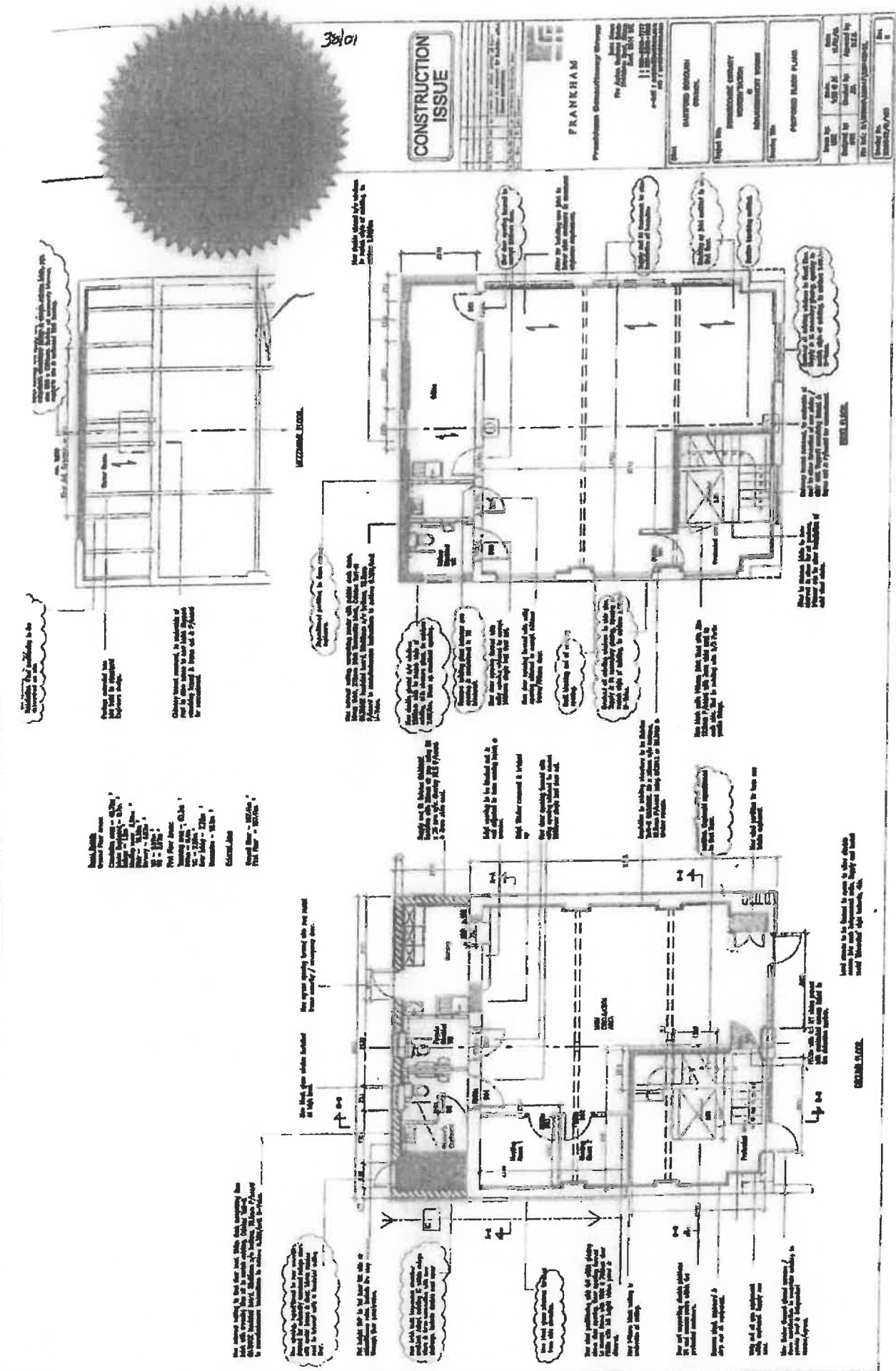
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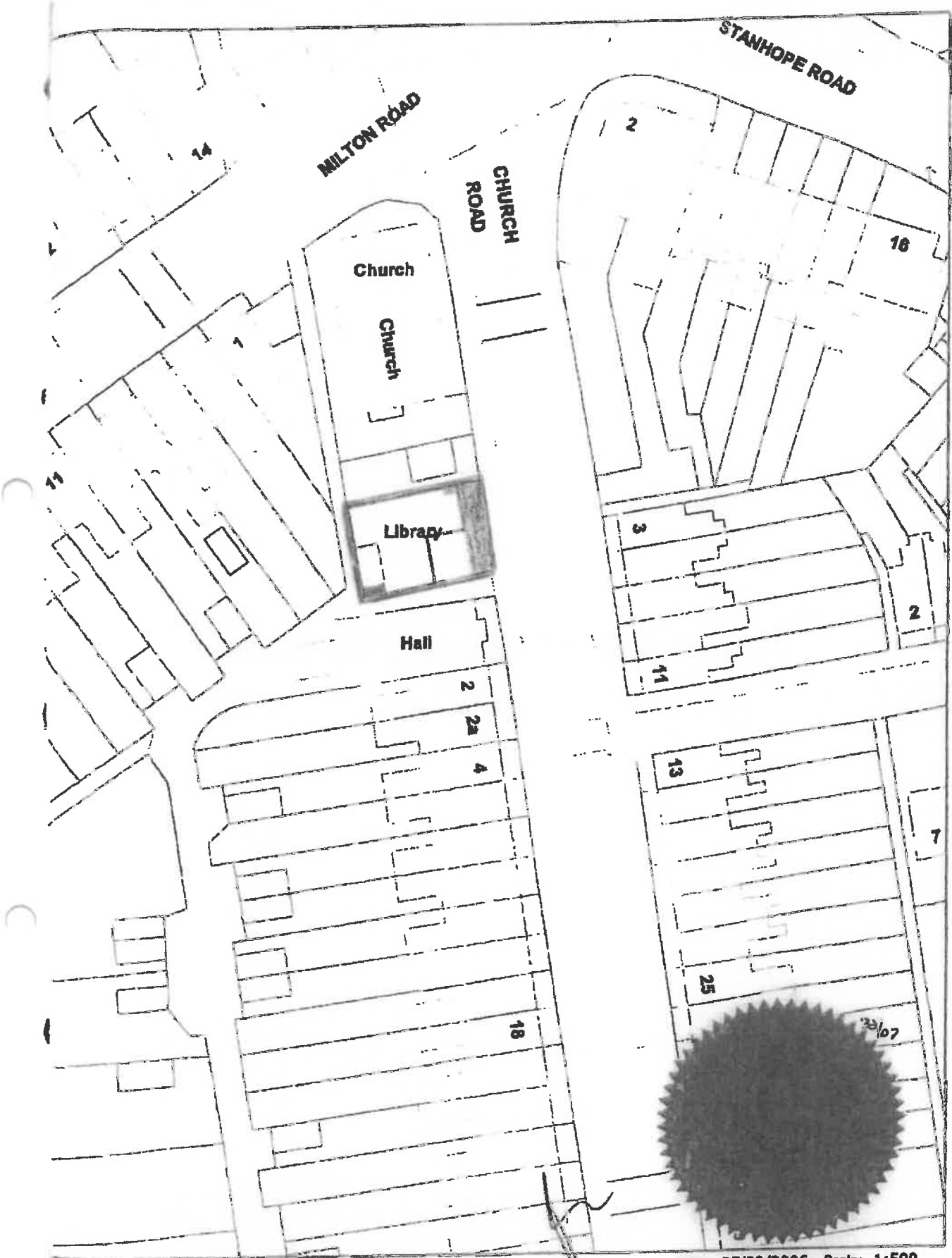
Map data ©2017 Google Terms Send feedback 20 m



# Plans of Buildings - Ground and First Floor



PLAN 2



Date: 25/09/2006 Scale: 1:500

**DARTFORD**  
 PROPERTY SERVICES  
 Civic Centre, Home Gardens, Dartford, Kent, DA1 1DR

**'The Old Fire Station'**  
 Church Road, Swanscombe

PLAN 1

Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationery Office © Crown Copyright 2006  
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Dartford Borough Council 100626870 2006

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**STANDING ORDERS**

These Standing Orders were reviewed by the Town Council at its AGM on 17 May 2023, Minute 20/23-24.

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**STANDING ORDERS**

These Standing Orders were reviewed by the Town Council at its AGM on 17 May 2023, Minute 20/23-24.

PREFACE

Some of the Standing Orders are compulsory as they are laid down in Acts of Parliament. These are printed in **bold type**. These Standing Orders cannot be altered.

TOWN MAYOR

The Chairman of a Town Council is entitled to use the title "Town Mayor". The title confers no additional powers on the chairman, and in particular, has no implications for his conduct in meetings.

1. MEETINGS OF THE TOWN COUNCIL.

- a) Meetings of the Town Council shall be held at the Council's offices in each year on such dates and times and at such place as the Council may direct. **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- b) Smoking is not permitted at any meeting of the Council. All Council properties are No Smoking Areas.
- c) Mobile phones must be switched to silent, during all Meetings of the Council, committees and sub-committees.
- d) **Three clear days before a Meeting of the Town Council (not including the day of issue, the meeting day, a Sunday, a day of the Christmas Break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning):**
  - i) **Notice of the time and place of the Meeting shall be published at the Council's offices, which is signed by the Town Clerk, specifying the business proposed to be transacted thereat (usually in the form of an Agenda);**
  - ii) **Where a meeting is called by councillors', the Notice will be signed by those members, specifying the business proposed to be transacted thereat;**
  - iii) **The summons to attend a Meeting specifying the business to be transacted at the meeting and certified by the proper officer of the Council, shall be sent to every member of the council by an appropriate method.**
- e) Except in the case of business required by or under the Local Government Act 1972 or any other Act to be transacted at the Annual Meeting and other business brought before that Meeting as a matter of urgency in accordance with the Town Council's Standing Orders, no business shall be transacted at the Meeting other than that specified in the summons relating thereto.
- f) The minutes of a meeting shall record the names of councillors present and absent.



**STANDING ORDERS**

These Standing Orders were reviewed by the Town Council at its AGM on 17 May 2023, Minute 20/23-24.

- g) All members are required to submit apologies, and the reason, for absence prior to the beginning of the meeting they refer to.

**2. THE STATUTORY ANNUAL MEETING.**

- a) In an election year the Annual General Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office and;
- b) In a year, which is not an election year, the Annual General Council Meeting shall be held on any such day in May as the Council may direct (decided at the previous Annual Meeting).
- c) In an election year, if a Member(s) are unable to return their Declaration of Acceptance of Office at the Annual General Council Meeting then the Council will need to accept that it/they can be submitted at a later date.
- d) In addition to the Statutory Annual Town Council Meeting, at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.

**3. CHAIRMAN OF THE MEETING OF THE TOWN COUNCIL.**

- a) The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- b) Subject to standing orders which indicate otherwise, anything authorized or required to be done by, to or before the Chairman may, in their absence be done by, to or before the Vice – Chairman (if any).

**4. PROPER OFFICER.**

Where a statute, regulation or order confers function or duties on the Proper Officer of the Council in the following cases, he shall be the clerk or nominated officer: -

- a) To receive declarations of acceptance of office;
- b) To receive and record notices disclosing interests at meetings;
- c) To receive and retain plans and documents;
- d) To sign notices or other documents on behalf of the Council;
- e) **To receive copies of by-laws made by another local authority;**
- f) To certify copies of by-laws made by the Council;
- g) **To sign and issue the summons to attend meetings of the Council;**
- h) To keep proper records for all Council meetings;
- i) **To facilitate inspection of the minute book by local government electors.**

**STANDING ORDERS**

These Standing Orders were reviewed by the Town Council at its AGM on 17 May 2023, Minute 20/23-24.

**5. QUORUM OF THE COUNCIL.**

**Three Members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.**

- a) If a quorum is not present when the Council meets, a maximum period of 10 minutes, from the advertised start time of the meeting, can be allowed in an effort to obtain a quorum.
- b) **If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum no business shall be transacted, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.**
- c) The quorum of a sub-committee shall be one half of its members.

**6. VOTING.**

- a) **All questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- b) **Voting on any question shall be by a show of hands, or, if at least two Members so request, by signed ballot. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request must be made before moving on to the next business.**
- c) **Subject to (i) and (ii) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.**
  - (i) **If the person presiding at the Annual Meeting would have ceased to be a Member of the Council but for the statutory provisions which preserve the Membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.**
  - (ii) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

**7. ORDER OF BUSINESS.**

- a) **At each Annual Town Council Meeting the first business shall be:**
  - i) **To elect a Town Mayor of the Council;**
  - ii) **To receive the Town Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received;**
  - iii) **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations;**
  - iv) **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received;**

**STANDING ORDERS**

These Standing Orders were reviewed by the Town Council at its AGM on 17 May 2023, Minute 20/23-24.

- v) To elect a Deputy Town Mayor of the Council;
- vi) To receive the Deputy Town Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received;
- (vii) To appoint memberships of committees and sub-committees;
- viii) To appoint representatives to outside bodies;
- ix) To inspect any deeds and trust investments in the custody of the Council as required;

and shall thereafter follow the order set out in para (c) below;

- b) **At every meeting other than the Annual Town Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.**
- c) After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:
  - i) To read and consider the Minutes; provided that if a copy has been circulated to each Member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read;
  - ii) After consideration to approve the signature of the Minutes by the person presiding as a correct record;
  - iii) To deal with business expressly required by statute to be done;**
  - iv) To dispose of business, if any, remaining from the last meeting.
  - v) If necessary, to authorise the signing of orders for payment.
  - vi) To receive and consider reports and minutes of committees.
  - vii) To receive and consider resolutions or recommendations in the order in which they have been notified.
  - viii) To consider correspondence received by Council.
  - ix) To authorise the sealing of documents.
  - x) To answer questions from councillors.

## 8. URGENT BUSINESS.

A motion to vary the order of business on the grounds of urgency:

- a) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- b) Shall be put to the vote without discussion.

**STANDING ORDERS**

These Standing Orders were reviewed by the Town Council at its AGM on 17 May 2023. Minute 20/23-24.

**9. RESOLUTIONS MOVED ON NOTICE.**

- a) Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least five clear working days before the next meeting of the Council.
- b) The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
- c) The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the Member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- d) If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other Member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- e) If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- f) Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.

**10. RESOLUTIONS MOVED WITHOUT NOTICE.**

Resolutions dealing with the following matters may be moved without notice:

- a) To appoint a Chairman of the meeting.
- b) To approve the absences of councillors.
- c) To approve the accuracy of the minutes of the previous meeting.
- d) To correct an inaccuracy of the minutes of the previous meeting.
- e) To dispose of business, if any, remaining from the last meeting.
- f) To alter the order of business on the agenda for reasons of urgency or expedience.
- e) To proceed to the next business on the agenda.
- f) To close or adjourn debate.
- g) To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- h) To appoint a committee or sub-committee or any councillors thereto.
- i) To receive nominations to a committee or sub-committee.
- j) To dissolve a committee or sub-committee.
- k) To note the minutes of a meeting of a committee or sub-committee.

**STANDING ORDERS**

These Standing Orders were reviewed by the Town Council at its AGM on 17 May 2023, Minute 20/23-24.

- l) To consider a report and/or recommendations made by a committee or a sub-committee or an employee..
- m) To extend the time limit for speeches.
- n) To exclude the press and public for all or part of a meeting.
- o) To silence or eject from the meeting a councillor or member of the public for disorderly conduct.
- p) To give the consent of the Council if such consent is required by these Standing Orders.
- q) **To suspend any Standing Order except those which are mandatory by law.**
- r) To adjourn the meeting.
- s) To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- t) To answer questions from councillors.

**11. QUESTIONS.**

- a) A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided five clear working days' notice of the question has been given to the person to whom it is addressed.
- b) No questions not connected with the business under discussion shall be asked except during the part of the meeting set aside for questions.
- c) Every question shall be put and answered without discussion.
- d) A person to whom a question has been put may decline to answer.

**12. RULES OF DEBATE.**

- a) No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- b) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- c) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- d) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- e) The mover of a motion or the mover of an amendment shall have the right of reply, not exceeding five minutes and no other speech shall exceed five minutes except by consent of the Council.
- f) An amendment to a motion shall be either:
  - i) To leave out words.

**STANDING ORDERS**

These Standing Orders were reviewed by the Town Council at its AGM on 17 May 2023. Minute 20/23-24.

- ii) To leave out words and add other words
  - iii) To add words.
- g) A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration..
- h) If an amendment be carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- i) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- j) The mover of a resolution or of an amendment shall have a right of reply, not exceeding five minutes.
- k) A Member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- l) A Member may speak on a point of order or a personal explanation. A Member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him, which may have been misunderstood.
- m) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- n) When a resolution is under debate no other resolution shall be moved except the following:
- i) To amend the resolution.
  - ii) To proceed to the next business.
  - iii) To adjourn the debate.
  - iv) That the question be now put.
  - v) That a Member named be not further heard.
  - vi) That a Member named leave the meeting.
  - vii) That the resolution be referred to a committee.
  - viii) To exclude the public and press.
  - ix) To adjourn the meeting.
  - x) To suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- o) A Member shall remain seated when speaking unless requested to stand by the Chairman.
- p) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

**STANDING ORDERS**

These Standing Orders were reviewed by the Town Council at its AGM on 17 May 2023, Minute 20/23-24.

- q) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide whom to call upon.
- r) Whenever the Chairman speaks during a debate all other Members shall be silent.

### 13. CLOSURE.

At the end of any speech a Member may, without comment, move "*that the question be now put*", "*that the debate be now adjourned*" or "*that the Council do now adjourn*". If such motion is seconded, the Chairman shall put the motion but, in the case of a motion "*that the question be now put*", only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion "*that the question be now put*" is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

### 14. CODE OF CONDUCT.

- a) All Members must observe the Code of Conduct, adopted by the Council.
- b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
- c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forth with and without discussion. If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Town Clerk.
- d) If either of the motions mentioned in paragraph c is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.
- e) Breaches of the Code of Conduct adopted by the Council shall be dealt with by the Town Clerk, in consultation with the Monitoring Officer, Dartford Borough Council.

**STANDING ORDERS**

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**15. RIGHT OF REPLY.**

The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

**16. RESCISSION / ALTERATION OF PREVIOUS RESOLUTION.**

- a) A Member may, with the consent of his seconder, move amendments to his own resolution.
- b) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least three members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- c) When a special resolution or any other resolution moved under the provisions of paragraph (b) of this Order has been disposed of, no similar resolution may be moved within a further six months.

**17. VOTING ON APPOINTMENTS.**

Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

**18. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL.**

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order No. 34(a)).

**19. RESOLUTIONS ON EXPENDITURE.**

Any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance & General Purposes Committee or of another Committee after recommendation by the Finance Committee) and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon (and the Finance & General Purposes Committee shall report on the financial aspect of the matters).



**STANDING ORDERS**

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**20. EXPENDITURE.**

Orders for the payment of money shall be authorised by resolution of the Council in accordance with Financial Regulations.

**21. SEALING OF DOCUMENTS.**

- a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- b) **The Council's Common Seal shall alone be used for sealing documents. It shall be applied and signed by the Town Mayor if present, or the Deputy Town Mayor, and Proper Officer in the presence of another member.**

**22. SPECIAL MEETING.**

- a) **The Chairman of the Council may convene a Special meeting of the Council at any time.**
- b) **If the Chairman of the Council does not or refuses to call a Special meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene a Special meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**
- c) The Chairman of a committee may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

**23. COMMITTEES AND SUB-COMMITTEES.**

**The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:**

- a) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
- b) **May appoint persons other than Members of the Council to any committee except for the Finance & General Purposes Committee; and**
- c) May subject to the provisions of Standing Order 23 above at any time dissolve or alter the membership of committee.
- d) The Town Mayor and Deputy Town Mayor, ex-officio, shall be voting members of every Committee and therefore unable to substitute for members of Committees.

**STANDING ORDERS**

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- e) Every Committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.
- f) Members of the Council shall be allowed to attend any Meeting of the Town Council's Committee's or sub-committee's as Substitute for an absent Member of such committee or sub-committee (substitutes have to be nominated by the member that cannot attend) except for the Personnel Committee where no substitutes be allowed.
- g) An ordinary member of a committee who has been replaced at a meeting by a substitute member shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting.

**24. SUB-COMMITTEES.**

- a) **Every committee may appoint sub-committees for purposes to be specified by the committee.**
- b) The Chairman and Vice-Chairman of the committee shall be Members of every sub-committee appointed by it unless they signify that they do not wish to serve.
- c) Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee shall be one-third of its Members and a sub-committee shall be one-half of its Members.
- d) The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of Members in contracts and other matters shall apply to committee and sub-committee meetings.

**25. ADVISORY COMMITTEES – WORKING GROUPS.**

- a) The Council may create advisory committees, whose name, and number of members (5) and the bodies to be invited to nominate members shall be specified.
- b) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- c) An advisory committee may make recommendations and give notice thereof to the Council.
- d) **An advisory committee may consist wholly of persons who are not members of the Council.**
- e) That quorum for a Working Group to meet is 3 members.
- f) That substitutes be permitted and have to be nominated by the Working Group member that cannot attend.

**STANDING ORDERS**

These Standing Orders were reviewed by the Town Council at its AGM on 17 May 2023, Minute 20/23-24.

- g) That at the creation of any Working Group it should be specified whether or not the Working Group is expected to act as a delegation to discuss matters and gather information on behalf of the Town Council.

**26. VOTING IN COMMITTEES.**

- a) Members of committees and sub-committees entitled to vote, shall vote by show of hands, or, if at least two members so request, by signed ballot.
- b) **Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

**27. PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS.**

A member who has proposed a resolution, which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

**28. ACCOUNTS AND FINANCIAL STATEMENT.**

- a) Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the Finance & General Purposes Committee, or by the Proper Officer for payment with the approval of the Town Mayor or Deputy Town Mayor or Chairman of the Finance and General Purposes Committee.
- c) All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments before the Council.
- d) The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of May.

**STANDING ORDERS**

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**29. ESTIMATES / PRECEPTS**

- a) **The Council shall approve written estimates for the coming financial year at its meeting before the end of the month of January.**
- b) **Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than 30 November.**

**30. INTERESTS (ENGLAND).**

- a) **If a member has a Disclosable Pecuniary Interest or Prejudicial Interest as defined by the Code of Conduct and Standing Order 43 adopted by the Council on 6 September 2012, then they shall declare such interest as per Standing Order 43. All such declarations shall be recorded in the minutes.**
- b) **The Clerk may be required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**
- c) **If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails to do so shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where a relationship to a member is disclosed, Standing Orders 30 (a), (b) (c) and (d) shall apply as appropriate.**
- d) **The Clerk shall make known the purpose of Standing Order 30 (c) to every candidate.**

**31. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS.**

- a) **Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this subparagraph of this Standing Order to every candidate.**
- b) **A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.**
- c) **Standing Order Nos. 30 (b) and 31 shall apply to tenders as if the person making the tender were a candidate for an appointment.**

**STANDING ORDERS**

These Standing Orders were reviewed by the Town Council at its AGM on 17 May 2023, Minute 20/23-24.

**32. INSPECTION OF DOCUMENTS.**

- a) A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- b) **All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

**33. UNAUTHORISED ACTIVITIES.**

No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:-

- a) Inspect any lands or premises which the Council has a right or duty to inspect; or
- b) Issue orders, instructions or directions.

Unless authorised to do so by the Council or the relevant committee or subcommittee.

**34. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS.**

- a) **The press and public shall be admitted to all Meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the press and public which must be done by a resolution which shall give reasons for the public's exclusion.**
- b) The Council shall state the special reason for exclusion.
- c) At all meetings of the Council the Chairman may, at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting. Members of the public are allowed to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted. Public speaking shall be limited to three minutes per person / organisation, this may be extended (if appropriate) at the Chairman's discretion.
- d) A question asked by a member of the public during a public participation session at a meeting shall not require a response or debate. The Chairman may direct that a response to a question posed by a member of the public be referred to a councillor for an oral response or to an officer for a written response.
- e) **The Clerk shall afford to the press and public reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present.**
- f) If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that they be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

**STANDING ORDERS**

These Standing Orders were reviewed by the Town Council at its AGM on 17 May 2023, Minute 20/23-24

- g) Any person who records, films, photographs, broadcasts or uses other communication methods in such a way as to be disruptive to the conduct of the meeting or the decision making process, will be asked by the Mayor or the Chairman to desist from such behaviour with immediate effect. Standing Order 34 (f) will be applied where the person fails to comply with the Mayor or Chairman's instruction.
- h) **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**

**35. CONFIDENTIAL BUSINESS.**

- a) No member of the Council or of any committee or sub-committee shall disclose to any person not a Member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
- b) Any member in breach of the provisions of paragraph (a) of this Standing Order may be removed from any committee or sub-committee of the Council by the Council subject to any decision made as per Standing Order 14 (e).

**36. LIAISON WITH COUNTY AND DISTRICT COUNCILLORS.**

- a) A list of the scheduled meetings, as agreed at the AGM shall be sent, as way of an invitation to attend, to the County, Borough, Unitary or District Councillor for the appropriate division or ward.
- b) At the discretion of the Clerk a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.

**37. PLANNING APPLICATIONS.**

The Clerk shall, as soon as it is received, keep a records of the following particulars of every planning application notified to the Council:

- i) the date on which it was received
- ii) the name of the applicant
- iii) the place to which it relates;

**STANDING ORDERS**

These Standing Orders were reviewed by the Town Council at its AGM on 17 May 2023, Minute 20/23-24.

**38. FINANCIAL MATTERS.**

- a) The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer. Such Regulations shall include detailed arrangements for the following:
- i) the accounting records and systems of internal control;
  - ii) the assessment and management of risks faced by the Council;
  - iii) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
  - iv) the financial reporting requirements of members and local electors and
  - v) procurement policies (subject to (b) below) including the setting of values for different procedures where the contract has an estimated value less than £25,000.
- b) **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- c) Any formal tender process shall comprise the following steps:
- i) a public notice of intention to place a contract to be placed in a local newspaper;
  - ii) a specification of the goods, materials, services and the execution of works shall be drawn up;
  - iii) a copy of the specification of works shall be added to the 'Contracts Finder' website.
  - iv) tenders are to be sent, in a sealed marked envelope, to the Responsible Financial Officer by a stated date and time;
  - v) tenders submitted are to be opened, after the stated closing date and time, by the Clerk and/or Responsible Financial Officer and at least one Member of Council;
  - vi) tenders are then to be assessed and reported to the appropriate meeting of Council or committee.
- d) The Council, nor any committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders 30 (e), 31 regarding improper activity.
- e) The Financial Regulations of the Council shall be subject to an annual review
- f) **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts**

**STANDING ORDERS**

These Standing Orders were reviewed by the Town Council at its AGM on 17 May 2023, Minute 20/23-24.

**Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**

- g) A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

**39. CODE OF CONDUCT ON COMPLAINTS.**

The Council shall deal with complaints of misadministration allegedly committed by the Council or by any Officer or Member in such manner as adopted by the Council.

**40. GENERAL POWER OF COMPETENCE (GPC).**

- a) Before exercising the GPC, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b) The Council's period of eligibility begins on the date that the resolution above was made and the council is then required to revisit that decision and make a new resolution at every annual meeting of the council after the ordinary election that normally takes place every four years (the confirmation does NOT have to take place every year).

**41. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

- a) Any or every part of the Standing Orders except those printed in bold type may be suspended by resolution in relation to any specific item of business.
- b) A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

**42. STANDING ORDERS.**

- a) A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.
- b) The Chairman's decision as to the application of Standing Orders at meetings shall be final.



**STANDING ORDERS**

These Standing Orders were reviewed by the Town Council at its AGM on 17 May 2023, Minute 20/23-24.

- c) A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

**43. INTERESTS OF MEMBERS.**

- (1) **A member with a Disclosable Pecuniary Interest (DPI) or Prejudicial Interest in a matter to be considered, or being considered at a meeting must:**
- a) **disclose the interest; and**
  - b) **explain the nature of that interest at the commencement of that consideration or when the interest becomes apparent; unless he/she has been granted a dispensation:**
  - c) **not participate in any discussion of, or vote on, the matter at the meeting; and**
  - d) **withdraw from the meeting room whenever it becomes apparent that the business is being considered; and**
  - e) **not seek improperly to influence a decision about that business.**
- (2) **Unless a dispensation has been granted where a Member with a DPI or Prejudicial Interest in a matter under discussion, chooses to participate in the discussion and vote, the Town Mayor / Chairman may refuse to count the "vote" of the member concerned, for the "vote" will have been cast illegally and cannot be considered to be a vote at all.**
- (3) **A dispensation may be granted in accordance with standing order 43(2) if having regard to all relevant circumstances any of the following apply:**
- i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
  - iii. **it is otherwise appropriate to grant a dispensation.**
- (4) **The Town Mayor / Chairman may request that a member declare a DPI or Prejudicial Interest in a matter under discussion, and, leave the room, should he/she have reason to believe that the provisions of the Code of Conduct and / or this Standing Order are being breached. The Town Mayor / Chairman may apply the rules in Standing Order 14 relating to "code of conduct".**
- (5) **Where a DPI has been agreed by the Town Clerk as being a Sensitive Interest, the member need only to disclose the existence of the interest but not its nature.**
- (6) **Notification of Interests**

**STANDING ORDERS**

These Standing Orders were reviewed by the Town Council at its AGM on 17 May 2023, Minute 20/23-24.

The Town Clerk must be notified of any DPI before the end of 28 days beginning with the day a member becomes a member or voting co-opted member of the Town Council, or before the end of 28 days beginning with the day on which the Code of Conduct takes effect (whichever is the later). In addition, a member must, before the end of 28 days beginning with the day they become aware of any DPI or change to any interest already registered, register details of that new interest or change, by providing written notification to the Town Clerk.

**(7) Requests for Dispensations (Interests)**

A member's request for a dispensation must be made using the "Dispensation Request Form" and submitted to the Town Clerk not less than 1 clear working day before the meeting it is needed for. All requests for dispensation must include :

- The name of the applicant;
- The description (e.g. Disclosable pecuniary interest or other) and the nature of the interest;
- Whether the dispensation is for the member to participate in a discussion only or a discussion and a vote;
- The date of the meeting or the period (not exceeding 4 years) for which the dispensation is sought and
- An explanation as to why the dispensation is sought.

**(8) Members are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office as Councillors / Co-opted members. Interests must be recorded and capable of audit.**

**(9) Members attending meetings to present petitions will declare any interests in a manner specified in this Standing Order.**

**44. REGISTRATION AND DECLARATION OF A GIFT, BENEFIT OR HOSPITALITY.**

Any member receiving a gift, benefit or hospitality in the course of their duties as a Town Councillor, with a value of £100.00 or more should notify the full details as soon as is possible to the Town Clerk, in writing. Each gift, benefit or hospitality with a value of £100.00 or more will be reported to the next full council meeting.

**45. RECORDING, FILMING, PHOTOGRAPHING, BROADCASTING AND/OR ORAL COMMENTARY BY THE PRESS AND/OR PUBLIC.**

**(i) The press and public may, during the whole or part of a meeting of the Council, Committees, Sub-committees, that is open to the public:**

**(a) film, photograph, record and broadcast the proceedings;**

**(b) use other means for enabling persons not present at the meeting, to see or hear proceedings, as it takes place or later;**

**STANDING ORDERS**

These Standing Orders were reviewed by the Town Council at its AGM on 17 May 2023, Minute 20/23-24.

- (c) in writing only, report or provide commentary on the proceedings, so that the written report or written commentary is available, as the meeting takes place or later, to persons not present at the meeting.**
- (ii) A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**(iii) If it is resolved to exclude the press and public in accordance with Standing Order 34 (a) (b), all rights to film, photograph, record and broadcast the meeting will be rescinded and recording equipment used for the purpose of reporting the meeting, removed from the meeting room.
- (iv) Where a member of the public is permitted to address a meeting, the Mayor (in the case of a meeting of the Council) or Chairman (in the case of a meeting of a Committee, Sub-committee), will ask the individual to give their express permission to being filmed, recorded, photographed or appear in a broadcast. Where permission is refused, the Mayor or Chairman will instruct that, whilst the person is addressing the meeting, any recording, filming, photographing, broadcast or the use of other communication methods, cease with immediate effect. Failure of any person to comply with this instruction will be deemed to constitute disruptive behaviour in accordance with para.5 of the Policy on Recording, Filming, Photographing and Broadcasting Swanscombe and Greenhithe Town Council Meetings.**
- (v) In the event that the activity is carried out in a manner that disrupts and/or interferes with the proper conduct of the meeting, the Mayor or the Chairman may at any time withdraw consent to film, record, photograph, broadcast or to the use of other communication methods. The Mayor or Chairman's ruling is final.**

**46. MANAGEMENT OF INFORMATION & DATA PROTECTION**

- a) The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b) The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c) The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d) Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**
- e) In accordance with freedom of information legislation, the Council shall publish**

**STANDING ORDERS**

These Standing Orders were reviewed by the Town Council at its AGM on 17 May 2023, Minute 20/23-24.

**information in accordance with its publication scheme and respond to requests for information held by the Council.**

- f) The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**
- g) The Council may appoint a Data Protection Officer.**
- h) The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- i) The Council shall have a written policy in place for responding to and managing a personal data breach.**
- j) The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- k) The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- l) The Council shall maintain a written record of its processing activities.**

## HISTORICAL INFORMATION

The Fire Station building was over restored in the period after 2002 – there was a lovely fireplace with original surround and fender on the first floor – my advice to retain it was ignored – so not quite sure what there is to list other than the outside and its historical importance.

Briefly –

- The single storey fire station was built in 1908 after a long campaign by Swanscombe Parish Council (this was the body that governed the area now covered by the Swanscombe & Greenhithe Town Council) to provide a purpose-built fire facility in the town.
- The opening was a big event in Swanscombe – parade of fire engines from neighbouring places as well as Swanscombe & Greenhithe, flags out, church bells ringing and a huge crowd of locals to watch Swanscombe coming of age as a town on 13<sup>th</sup> June 1908.
- The building appears to have been the very first that was owned by the local government of Swanscombe and Greenhithe – meetings were held at rented property in Galley Hill.
- The first storey was added in 1922 specifically for use as a Council Chamber and office for the Parish Clerk.
- In November 1928 one of the pioneer branches of the fledgling Kent County Library was opened which, by 1929, had a paid assistant to run it = one of only a handful in Kent at that time (most others were volunteers). This occupied the first floor and was entered via a rear staircase.
- In 1926 Swanscombe was upgraded from a parish to an urban district council and moved to larger offices leaving the first floor free for the library. SUDC also ran the fire brigade locally until 1941 when all brigades were part of the National Fire Service – later taken over by Kent Fire Brigade in 1948.
- On 3<sup>rd</sup> December 1944 there was a stand down march past by the Home Guard with the Fire Station used as a town hall for all the civic leader of Swanscombe and Greenhithe to gather at and take the salute.
- The Fire Station now offers a café service and training facilities in new technology and is used for surgeries by Citizen's Advice Bureau.
- The historical importance of the building is obvious – especially as it is now again owned by Swanscombe & Greenhithe Town Council after having been taken by Kent County Council in 1948 – a place of huge significance in the social history of the town.

I hope this helps,

**Christoph Bull**

**Chalk Parish Historian and Historical Advisor to Swanscombe & Greenhithe Town Council.**

ASSET PREVIOUSLY REGISTERED IN 2017

**From:** Sarah Williamson <Sarah.Williamson@dartford.gov.uk>  
**Sent:** Thursday, November 16, 2017 10:20 AM  
**To:** Graham Blew <graham.blew@swanscombeandgreenhithetowncouncil.gov.uk>  
**Subject:** First and only on the list: Asset of Community Value - Nomination Form

Dear Graham

Thank you for your message. In answer to your questions:

1. Dartford Borough Council has been keeping a List of Assets of Community Value since 2011.
2. The Old Fire Station is the first and only asset on the list.

Kind regards

**Sarah Williamson**  
Policy & Projects Officer  
Dartford Borough Council  
01322 343470  
[sarah.williamson@dartford.gov.uk](mailto:sarah.williamson@dartford.gov.uk)

**From:** Sarah Williamson [<mailto:Sarah.Williamson@dartford.gov.uk>]  
**Sent:** 14 November 2017 16:13  
**To:** Graham Blew <[graham.blew@swanscombeandgreenhithetowncouncil.gov.uk](mailto:graham.blew@swanscombeandgreenhithetowncouncil.gov.uk)>  
**Subject:** RE: Website: Confirmed : 4: 3: 2: 8 weeks: Asset of Community Value - Nomination Form

Dear Graham

Thank you for your message. The email is confirmation of the decision but if you would like this sent in a letter format, we are happy to provide this. Please let me know if you wish this to be sent via letter and I will arrange this.

The property is now listed on Dartford Borough Council's website on the List of Assets of Community Value, which you can find on the Community Right to Bid page or please follow the below link:

<https://www.dartford.gov.uk/by-category/environment-and-planning2/new-planning-homepage/miscellaneous-planning-information/community-right-to-bid>

Kind regards

**Sarah Williamson**  
Policy & Projects Officer  
Dartford Borough Council  
01322 343470  
[sarah.williamson@dartford.gov.uk](mailto:sarah.williamson@dartford.gov.uk)



Please accept this statement as current evidence of how the Old Fire Station is used to improve both social wellbeing and interests within the community.

The building itself is split into two very distinct areas. The ground floor is the Old Fire Station Community Café, with the first floor operated by CAS Community Solutions.

### **Old Fire Station Community Café – Ground Floor**

The Community Café is a social hub to the community. Its primary function is to provide affordable food and drinks to the community in a friendly, accessible location, but it does so much more.

The café acts as a meeting point to a lot of the elderly and vulnerable members of the community. Lunch in the café, for some, is the only interaction they have with people outside of their household. To aid this we have registered the café within the Chatty Café scheme. This provides material on the tables at the venue to help promote social interaction and conversation between people. The staff are also encouraged to promote conversation and provide a friendly welcoming environment.

The café also acts as a venue for various events and activities. These include the annual NHS Big Tea and MacMillan Coffee Morning events. In addition, where possible, the cafe hosts talks and historical presentations.

The space includes a one-to-one room which is available for use and has previously been the meeting space for Citizens Advice, SaFE Advice Service, Mind among others. We have also hosted energy advice services and Kent Police engagement events. The café has an information point which provide access to the Town Councils website and the wider internet safely.

The café is currently the only REFILL station within the town. This scheme register's locations where anyone can come along with an empty drinking bottle and have it refilled for free.

The Old Fire Station Community Café also embraces its heritage as a former library and fire station by displaying signage, pictures and memorabilia from both former uses.

### **CAS Community Solutions – First Floor**

CAS Community Solutions is a Community Interest Company that operates to provide training and support to the local community.

The training venue has recently provided the following:

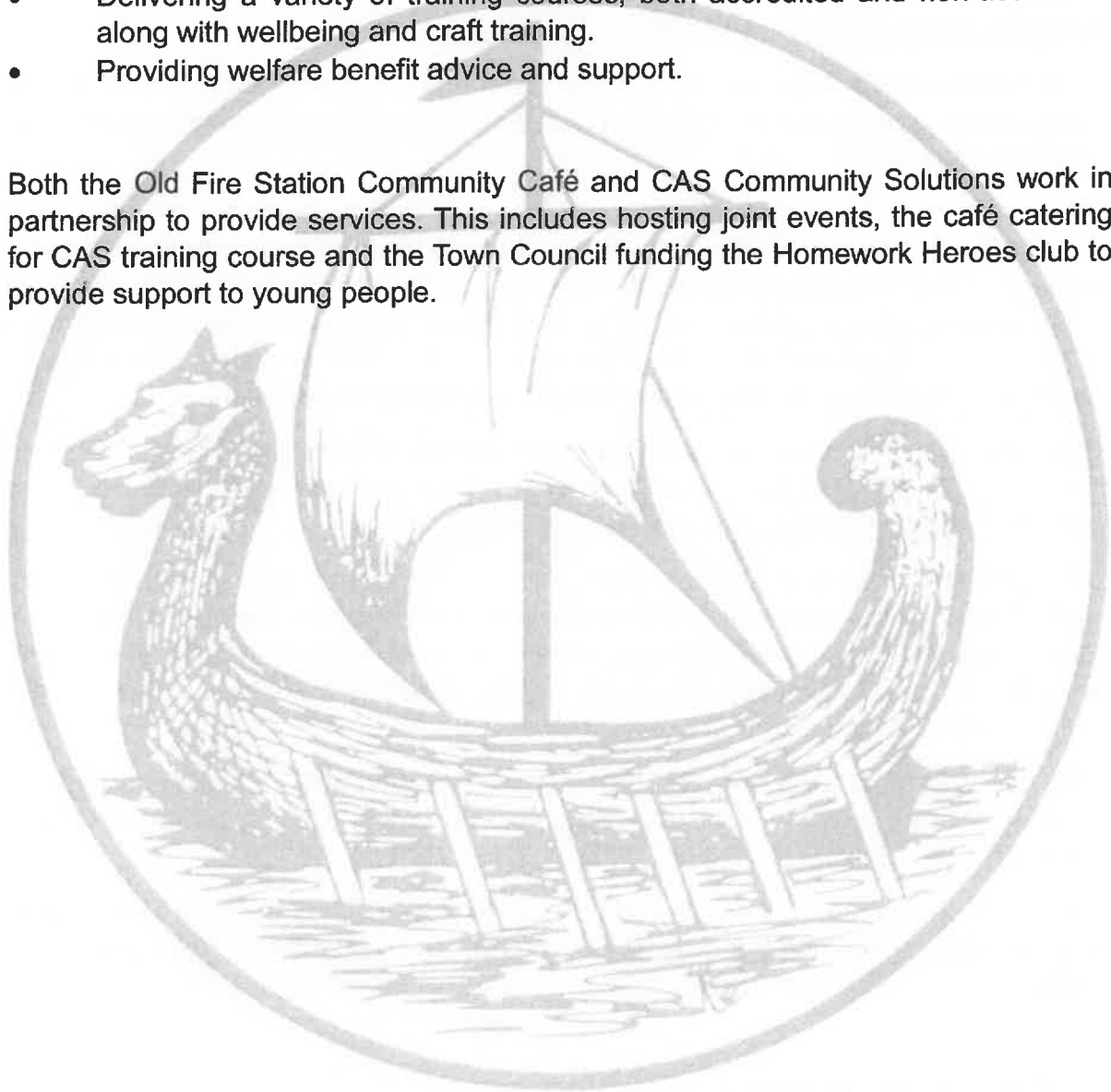
- A Warm Hub with activities for the community

## ASSET OF COMMUNITY VALUE

Additional Supporting Evidence – August 2023

- A Conversation Café with training to help those needing support with the English language.
- Support with both the recent Census and those completing documentation for the European Union Settlement Scheme.
- Homework Heroes afterschool and holiday provision.
- Job Club – providing support, training, and volunteering opportunities.
- Operating as a National Data Bank providing free data, text and talk time.
- Delivering a variety of training courses, both accredited and non-accredited along with wellbeing and craft training.
- Providing welfare benefit advice and support.

Both the Old Fire Station Community Café and CAS Community Solutions work in partnership to provide services. This includes hosting joint events, the café catering for CAS training course and the Town Council funding the Homework Heroes club to provide support to young people.







Hedgehogs R Us

AGENDA ITEM 7.2  
RCA 21/9/23

Linda Cook  
● Richmond Close  
Market Weighton  
YO433EX

[HedgehogsRus@mail.com](mailto:HedgehogsRus@mail.com)

Firstly, thank you for taking the time to read this letter!

I am writing to all Councils, Parishes, Towns and Wards in the UK to ask them to take part in this amazing project!

## Hedgehogs R Us Highway Project

With Hedgehog numbers in decline and Hedgehog awareness on the rise, there has never been a better time to get involved in Hedgehog conservation.

A Hedgehog Highway is a 5 inch gap in a fence and is essential in the battle to prevent the extinction of our endangered spiky friends. This gap allows them access to forage for food and meet mates.

Hedgehog shaped fence surrounds raise awareness to the plight of Hedgehogs, create a talking point and encourage others to take part in the project. Fence surrounds are made from recycled plastic and can themselves be recycled.

I am asking for each area of the UK to use a small portion of their assigned funds to purchase a box of hedgehog highway surrounds and make them available for their residents.

Each box of 50 is £150 and includes:

- \* 50 Hedgehog Highway surrounds & 50 information leaflets
- \* A display box & window sticker showing you are part of the project.



Ideas of how to benefit your community include:

- \* Donate the Highways and leaflets to your local school to educate in wildlife conservation
- \* Swap the Highways for a donation of Hedgehog food which can then be given to your local Hedgehog Rescue Centre

The project will be receiving a lot of publicity in the coming months via Social Media and I really hope that you choose to take part.

My dream is to make the whole of the UK one giant Hedgehog Highway and for that dream to come true, it needs EVERYONE to take part.

Money is donated to Hedgehog Conservation for every box sold too!

If you would like to order or have any questions please do not hesitate to get in touch and thank you for caring.



Linda Cook, Founder of Hedgehogs R Us

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## Councils who have ordered

1. Kirkbampton		P.
2. Denby		P.
3. Somercotes		P.
4. Angmering		P..
5. East Preston		P.
6. Aston Clinton Parish Council		P..
7. Aylesbury Town Council		P..
8. Chesham Town Council		P.
9. Ellesborough Parish Council		P..
10. Edlesborough Northall & Dagnall Parish Council		P..
11. Haddenham Parish Council		P..
12. Pitstone Parish Council		P.
13. Stone with B'stone & Hartwell Parish Council		P.
14. Weston Turville Parish Council		P.
15. Stratford St Mary Parish Council		P.
16. Warmington Parish Council		P..
17. Raunds		P..
18. Burbage Parish Council		P..
19. Blandford Forum Town Council		P..
20. Ferring		P..
21. Little Clifton		P.
22. Whitwell Parish Council		P..
23. Cosby Parish Council		P
24. Penistone Town Council		P
25. Bognor Regis Town		P
26. Netherbury Parish Council		P
27. Keighley Town Council		P
28. Ripponden Parish Council		P
29. Lytchett Matravers Parish Council		P
30. Mobberley		P
31. Alderley Edge		P
32. Keynsham Town Council		P
33. Poynton		P
34. Chestfield		P
35. Egremont Town Council		P
36. Ceredigion County Council		P
37. Marston Parish Council		P
38. Mountsorrel Parish Council		P
39. Houghton Regis Town Council		P
40. Sandhurst Town Council		P
41. Barlborough Parish Council		P

42. Higham Ferrers		P
43. Hartford Parish Council		P
44. Highcliffe and Walkford Parish Council		P
45. Kingsmead Parish Council		P
46. Laleston		P
47. Pyle Community Council		P
48. Misterton Parish Council		P
49. Tibshelf Parish Council		P
50. Thurlaston Parish Council		P
51. Catshill and North Marlbrook Parish Council		P
52. Leicester Forest East Parish Council		P
53. Peasedown St John Parish Council		P
54. Kimberley Town Council		P
55. Leighton Linlade Town Council		P
56. Lyme Regis Town Council		P
57. Charmouth Parish Council		P
58. Campton and Chicksands Parish Council		P
59. Burley Parish Council		P
60. Maulden Parish Council		P
61. South Hanningfield Parish Council		P
62. Bedwas, Trethomas and Machen Community Council		P
63. Birstall Parish Council		P
64. Anstey Parish Council		P
65. Runwell Parish Council		P
66. St Eval Parish Council		P
67. Newquay Town Council		P
68. Heyford Park Council		P
69. Llanbedr Pont Steffan/Lampeter		P
70. Conwy Town Council		P
71. Rawcliffe PC		P
72. Bosham		P
73. St Just		P
74. Stow on the Wold		P
75. Spurstow		P
76. Sedbergh Parish Council		P
77. Looe Town Council		P
78. Poundstock Parish Council		P
79. Keswick Town Council		P
80. Llandudno Town Council		P

81. Stanway Parish Council	P
82. Marhamchurch Parish Council	P
83. Pentewan Valley Parish Council	P
84. Sadberge Parish Council	P
85. Budleigh Salterton Town Council	P
86. Brixworth Parish Council	P
87. Clapton-on-the-Hill Parish Meeting	P
88. Torpoint Town Council / Friends of Thanckes Park	P
89. Loddiswell Parish Council	P
90. Moreton-in-Marsh	P..
91. Ipplepen Parish Council	P..
92. Wadebridge Town Council	P
93. North Tawton Town Council	P
94. Walgrave Parish Council	P
95. Hayle Town Council	P
96. Bridgend Town	P
97. Naseby Parish Council	P
98. Lechlade Town Council	P
99. South Tawton Parish Council	P
100. Llanddulas and Rhyd-y-Foel	P
101. Buckfastleigh Town Council	P
102. Hexham Town Council	P
103. Fremington Parish Council	P
104. Exmouth Town Council	P
105. Newton Abbot Town Council	P
106. Okeford Fitzpaine Parish Council	P
107. Stanstead Abbots Parish Council	P.
108. Sherborne Town Council	P.
109. Kingsteignton Town Council	P
110. Ivybridge Town Council	P
111. Tow Law Town Council	P
112. Hutton Henry (& Station Town) Parish Council	P
113. Whitfield Parish Council	P
114. Hatfield Town Council	P
115. Sutton Parish Council	P
116. Ladock Parish Council	P
117. Moss and District Parish Council	P
118. Woodhall Spa Parish Council	P
119. Brandesburton Parish Council	P
120. Barmby on the Marsh Parish Council	P

121. West Moors Town Council		P
122. Wicken Parish Council		P
123. Little Berkhamsted Parish Council		P
124. Easington Village Parish Council		P
125. Burlescombe Parish Council		Aug
126. Malborough Parish Council		P
127. South Huish Parish Council		P
128. North Somercotes Parish Council		P
129. Barmby Moor Parish Council		P
130. Sheet Parish Council		P
131. Okehampton Town Council		P
132. Hetton Town Council		P
133. Pocklington Town Council		
134. Millbrook Parish Council		P
135. South Cave Parish Council		
136. Bridlington Town Council		P
137. Kilpin Parish Council		P
138. Skegness Town Council		P
139. Hawkwell		P
140. Woodmansey Parish Council		P
141. Camblesforth Parish Council		P
142. North Cave Parish Council		P
143. Campsea Ashe Parish Council		

**Martin Harding**

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**From:** Wayne Pedrick <Wayne.Pedrick@GCLL.co.uk>  
**Sent:** 25 August 2023 08:16  
**To:** Graham Blew  
**Subject:** RE: The Swanscombe Centre  
**Attachments:** Pulse Fitness - Swanscombe Leisure Centre.pdf; Swanscombe Key Statistics.pdf

**[WARNING]** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Graham, hope you are well.

### **Swanscombe Gym Development**

The fitness equipment at Swanscombe is coming to the end of its life and needs replacing, GCLL are investing £170,000 in new state of the art fitness equipment. The new layout has now been finalised, GCLL are currently working on the start date which will be sometime in October. We anticipate a week closure so Swanscombe only members can use Cascades and/or Cygnet during this closure period.

We are working on pre-sales as we know that a new high-tech gym will attract new members [See attached Gym Layout for Swanscombe]

### **Health and Safety**

GCLL have an independent health and safety advisor, Citation, who carry out an annual health and safety audit of all our centres making sure that we comply with health and safety, new legislation and health and safety policies. This process is very thorough where they inspect all health and safety documents such as fire alarm testing, PAT testing, fire extinguishers, servicing record, legionella etc. followed by a comprehensive tour of the buildings. I'm pleased to say that all health and safety documentation is up to date with only 9 observations picked up across all sites (4 at Cascades, 4 at Cygnet and 1 at Swanscombe) all observations have been actioned and if not already completed are waiting completion.

Please find attached The Swanscombe Centre Key Statistics 2023 update:

Many thanks

Wayne Pedrick  
**Head of Operations**

Gravesham Community Leisure Limited  
Head Office  
Cascades Leisure Centre  
Thong Lane  
Gravesend  
Kent  
DA12 4LG

[www.gcll.co.uk](http://www.gcll.co.uk)

Registered in England No. 28949R

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# Swanscombe Key Statistics

**490**

Fitness membership subscriptions



**616**

Total membership subscriptions

## Fitness memberships Breakdown

Adult - 293   60+ - 17   Student - 18   Family - 18  
Low Income - 39   Fit Kid - 69   Teen - 36



**12**

Employees

**1 in 3**

Reside in Swanscombe & Greenhithe



**20,854**

Recorded visits Jan-July 2023

**11,673**

Gym visits from January - July



**15**

Instructor led Group Classes per week



**429**

Group Class attendances YTD

**7.5k**  
Likes

**7.8k**

Followers



**3,512**


Swanscombe monthly profile views on Google

**6,246**

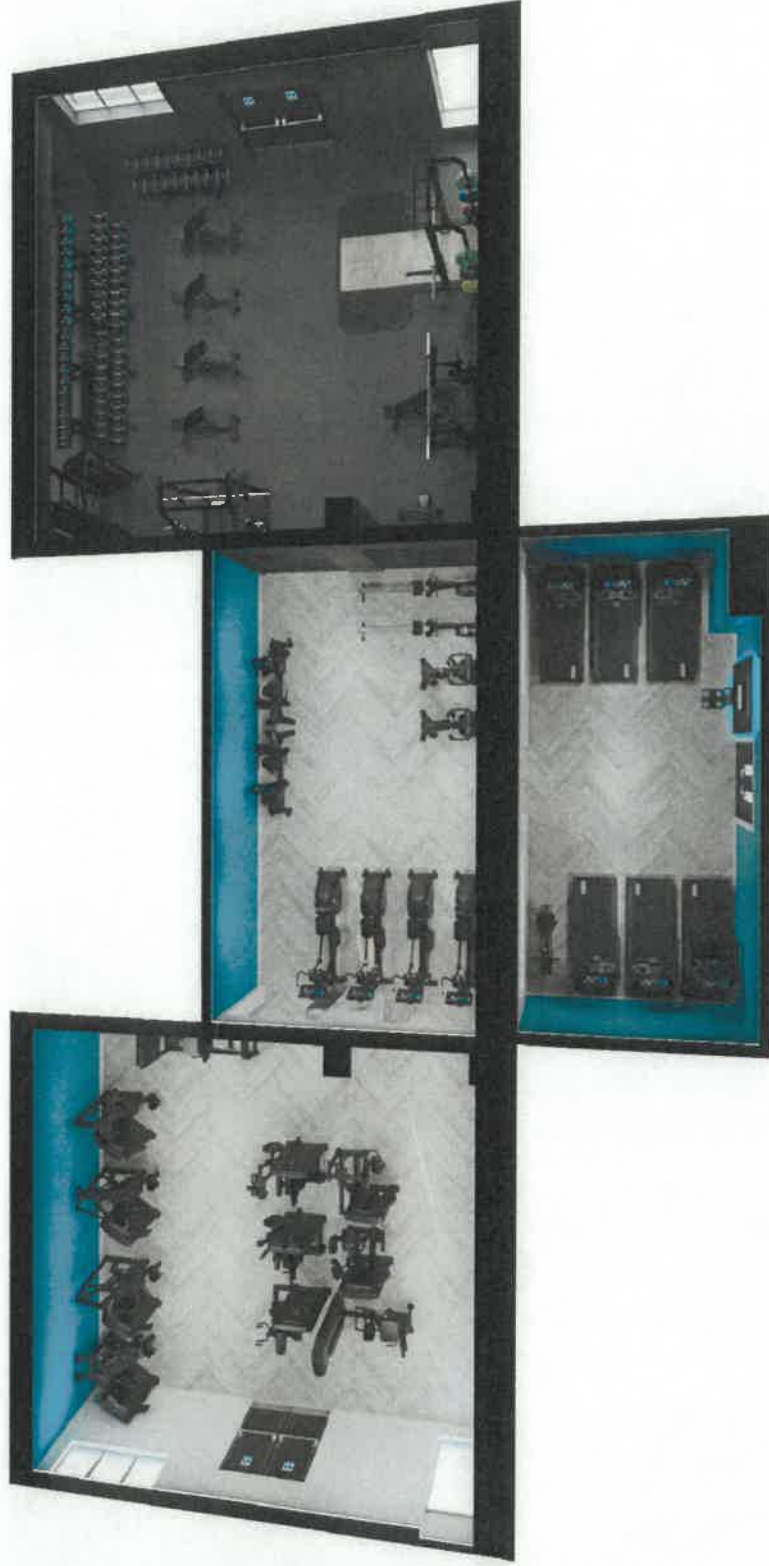
GCLL App downloads



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 pulsefitness

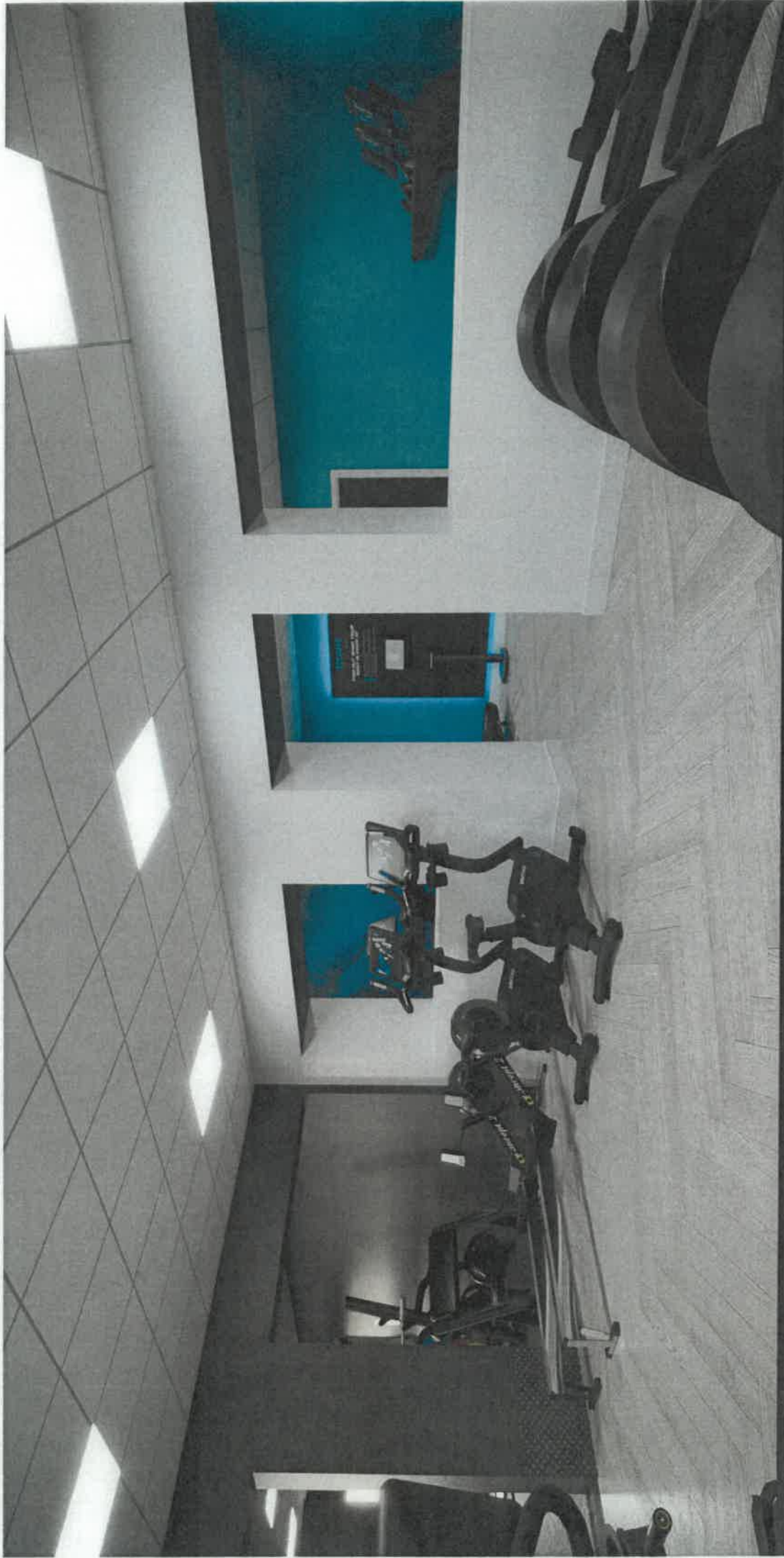
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# THE HEART OF FITNESS

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