

**Notice of a  
Decision Session - Executive Leader (incorporating Finance & Performance)**

**To:** Councillor Gillies (Executive Member)

**Date:** Monday, 17 September 2018

**Time:** 3.00 pm

**Venue:** The Craven Room - Ground Floor, West Offices (G048)

**AGENDA**

**Notice to Members – Post Decision Calling In:**

Members are reminded that, should they wish to call in any item\* on this agenda, notice must be given to Democratic Services by **4:00 pm** on **Wednesday 19 September 2018**.

\*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any items that are called in will be considered by the Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5:00pm** on **Thursday 13 September 2018**.

**1. Declarations of Interest**

At this point in the meeting, the Executive Member is asked to declare:

- any personal interests not included on the Register of Interests
  - any prejudicial interests or
  - any disclosable pecuniary interests
- which they may have in respect of business on this agenda.

## **2. Public Participation**

At this point in the meeting, members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Friday 14 September 2018**. Members of the public can speak on agenda items or matters within the Executive Member's remit.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

### **Filming, Recording or Webcasting Meetings**

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if recorded, this will be uploaded onto the Council's website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at

[https://www.york.gov.uk/downloads/file/11406/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809](https://www.york.gov.uk/downloads/file/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809)

## **3. Application for Community Right to Bid under (Pages 1 - the Localism Act 2011 - The Garrison Church 12) of St Wilfrid, Strensall, York**

This report presents an application to list The Garrison Church of St Wilfrid, Strensall, York, as an Asset of Community Value (ACV), for consideration by the Council.

## **4. Urgent Business**

Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officer:

Angela Bielby

Tel: 01904 552599

Email: [a.bielby@york.gov.uk](mailto:a.bielby@york.gov.uk)

For more information about any of the following, please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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**Executive Leader (inc. Finance and Performance) Decision Session**

17 September 2018

Report of the Assistant Director of Regeneration and Asset Management

**Application for Community Right to Bid under the Localism Act 2011**

**Summary**

1. This report presents an application to list The Garrison Church of St Wilfrid, Strensall, York, as an Asset of Community Value (ACV), for consideration by the Council.

**Background**

2. An application has been received, for a decision by the Executive Member in the Council's statutory capacity as an Asset of Community Value (ACV) listing authority.
3. The purpose behind these provisions is to ensure that property (land and building) assets which are currently used to the benefit of the local communities are not disposed of without the local community being given a fair opportunity to bid for these assets when they are put on the open market. This right is not simply to accommodate 'public assets' but also private assets, the test is whether such assets are viewed as 'assets of community value'. These assets therefore could be currently owned by the public, private or voluntary sector.
4. The definition of 'land of community value' is set out in section 88 of the Localism Act 2011. To be considered as an asset of community value the land or property must satisfy either of the following criteria:
  - a. an actual current non-ancillary use of the building or other land furthers the well-being or social interests of the community and whether it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further

(whether or not in the same way) the social well-being or social interests of the local community

OR

- b. there is a time in the recent past when an actual non-ancillary use of the building or other land furthered the social well-being or social interests of the local community and it is realistic to think that there is a time within the next 5 years when there could be non-ancillary use (whether or not the same use as before) that would further the social well-being or social interests of the local community
5. There is no exhaustive list of what is considered to be an asset of community value but cultural, recreational and sporting interests are included. Excluded specifically are residential type properties (such as hotels, housing in multiple occupation and residential caravan sites) and operational land of statutory undertakers.

#### The process

6. The regulations set out how potential assets can be listed which in brief is as follows:
- **Nomination** – this can be by a voluntary or community body with a local connection. Includes parish councils, neighbourhood forums, charities, community interest groups but excludes public or local authorities (except parish councils).
  - **Consideration** – the local authority have 8 weeks to make the decision. Under the Council's procedures the Executive member is the decision maker. If the nomination is successful the asset details are entered onto the 'Community Value list' – see below – and also the local land charges register. If unsuccessful then the details are entered onto an 'unsuccessful nominations' list for a period of 5 years to prevent repeat nominations. The owner can request a review of the decision which must be completed within 8 weeks and the owner can further appeal within 28 days of the review outcome to a Tribunal.
  - **Disposal of assets on the list** – if a building or piece of land which is on the list is going to be sold with vacant possession then the owner of the asset needs to give notice to the local authority. There is then a 6 week moratorium period for any community group to express interest in writing and if they do then a 6 month period for that group to prepare it's bid. After that period the owner can market the property and any

bid from the community group will be considered with bids from other interested parties. There is no guarantee that the offer from the community group will be successful as the owner of the asset will dispose of the property in accordance with its own criteria for disposal. There are a number of exceptions contained within the legislation that mean that this moratorium period does not apply and the owner does not need to give notice of its intention to sell. This includes when there is a legally enforceable requirement, which pre-dates the listing, to sell to a specific party.

- **Compensation** – the presence of the land or building asset on the community value list may result in additional expenditure or a loss to the owner and therefore the owner can apply for compensation from the local authority. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value)..

### **The Garrison Church of St Wilfrid, Strensall, York**

7. The freehold of the Garrison Church is owned by The Secretary of State for Defence (the nomination form received from Strensall Parish Council named the owner as being Defence Infrastructure/MoD). Legal Services have confirmed that a nomination must be considered by the Council if the nominator is someone who meets the eligibility criteria specified in the relevant legislation and if the nomination form includes the information specified in regulation 6 of the ACV Regulations 2012. Strensall Parish Council are an eligible organisation. In accordance with the regulations, the freehold owner occupier of the property has been informed in writing that the application has been made. They have been invited to make representations regarding the nomination.
8. Strensall Parish Council state in the nomination form that the Garrison Church is a vital part of the local community. It is used for Sunday Worship in order to cater for an enlarged local population, which has outgrown the parish church of St Mary, which can only seat 90 comfortably and up to 120 at a squeeze. Special services such as Christingle Services (with candles) can be accommodated at St Wilfrids. They are not permitted at St Mary's for Health and Safety reasons. Village Carol Services and lessons are also held at the church

9. The building has the capacity to hold large weddings and funerals as well as being a concert venue. In addition fund raising events are held there, organised by the local community.
10. Full details are provided in the nomination form in Annex 1.
11. No representations have been received from the Defence Infrastructure Organisation on the proposed listing.
12. The application meets the basic criteria for listing. It is, therefore, recommended that the Garrison Church of St Wilfrid, Strensall, York, should be listed on the ACV register.

### **Consultation**

13. Consultation has taken place with owners and occupiers of the property.

### **Options**

14. The application to list the Garrison Church, Strensall as an Asset of Community Value can either be accepted or rejected. There are no other options as sufficient information has been provided to make a decision.

### **Analysis**

15. As the application meets the basic criteria for listing the recommendation is that the application is approved. If the asset is listed then the legislation states that the owner can, within 8 weeks of the decision date apply for a review of the listing as set out in paragraph 7 of this report.
16. Although there is no right of review by the applicants, if the decision was made not to list this property this would have to be on the basis that the qualifying criteria as set out in the Localism Act 2011 had not been met. For the reasons set out in paragraphs 8 – 10 in this report, it is considered that they have been met.



## **Council Plan**

17. A Council that listens to residents through working with communities and partners.

## **Implications**

18. **Financial** – Compensation may be payable by the Council to the owner of any property which is listed. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value).

**Human Resources (HR)** – none

**Equalities, Crime and Disorder and IT** - none

**Legal** – Legal advice has been incorporated within this report.

**Property** – All property issues included in the report

**Other** – none

## **Risk Management**

19. There are no significant risks to this application.

## **Recommendations**

20. The Executive Member is asked to consider:

The listing of the Garrison Church of St Wilfrid, Strensall, York, as an Asset of Community Value (ACV), because it meets the required criteria.

Reason: To ensure the Council meets its legislative requirements of the Localism Act 2011 and promotes community access to community facilities.

**Contact Details**

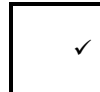
**Author:**

Chief Officer Responsible for the report:

Tim Bradley  
Asset Manager  
Asset and Property Management  
Tel No. (01904) 553355

Tracey Carter  
Assistant Director  
Regeneration and Asset Management  
Tel. No. (01904) 553419

**Report  
Approved**



5 Sept 2018

**All**



**Ward Affected:** Strensall

**For further information please contact the author of the report**

**Annexes**

Annex 1 – The Garrison Church, Strensall, York – Application to add to the List of community assets

Annex 2 – Current list of assets of community value

**Abbreviations**

ACV - Assets of Community Value

City of York Council

22 JUN 2018

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## ASSETS OF COMMUNITY VALUE NOMINATION FORM

If you need assistance completing this form, then please refer to the guidance document which can be downloaded from the website shown below or alternatively call 01904 553360

[www.york.gov.uk/assetsofcommunityvalue](http://www.york.gov.uk/assetsofcommunityvalue)

### Section 1

#### About the property to be nominated

Name of Property:	GARRISON CHURCH OF ST WILFRID, STRENSALL
Address of Property:	ST WILFRID'S ROAD STRENSALL
Postcode:	YO32 5SJ

Property Owner's Name:	DEFENCE INFRASTRUCTURE / MOD
Address:	KINSTON ROAD, SUTTON COLDFIELD, WEST MIDLANDS
Postcode:	B757RL
Telephone Number:	
Current Occupier's Name:	MOD

### Section 2

#### About your community organisation

Name of Organisation:	STRENSALL WITH TOWTHORPE PARISH COUNCIL
Title:	PARISH COUNCIL
First Name:	FIONA
Surname:	HILL
Position in Organisation:	Parish Clerk
Email Address:	clerk-strensallpc@btconnect.com
Address:	THE VILLAGE HALL, NORTHFIELDS, STRENSAAL, YORK
Postcode:	YO32 5XW
Telephone Number:	1904491569

#### Organisation type:

*Click in field for options*

PARISH COUNCIL

#### Organisation size

How many members do you have?

14

**Section 3****Supporting information for nomination**

Any information entered in this section only may be copied and passed onto the owner of the property you are nominating. Definition of an asset of community value can be found in the guidance document.

Why do you feel the property is an asset of community value? Please give as much information as possible.

**Occasions Include:**

Sunday worship in order to cater for an enlarged population (St Mary's only seats 90 comfortably and up to 120 at a squeeze).

Christingle Services; (Room needed for H and S reasons with candles)

Village Carols and lessons

All other/any ecumenical/multi faith occasions

Large funerals and possibly large weddings if we could keep St Wilfrid's licensed as a place to conduct marriages.

Concerts

Fundraising events

*(full list on e-copy)*

**Section 4****Boundary of Property**

What do you consider to be the boundary of the property? Please give as much detail/be as descriptive as possible. Please include a plan.

The church building, car park and associated land

**Section 5****Attachment checklist**

- Copy of group constitution (if you are a constituted group)
- Name and home address of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan (if possible)

**Section 6****Declaration**

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

Sign: \_\_\_\_\_

Dated: \_\_\_\_\_

*20/06/2018*

Please e-mail your completed form to [property.services@york.gov.uk](mailto:property.services@york.gov.uk) or post to:

**Asset and Property Management**

**City of York Council**

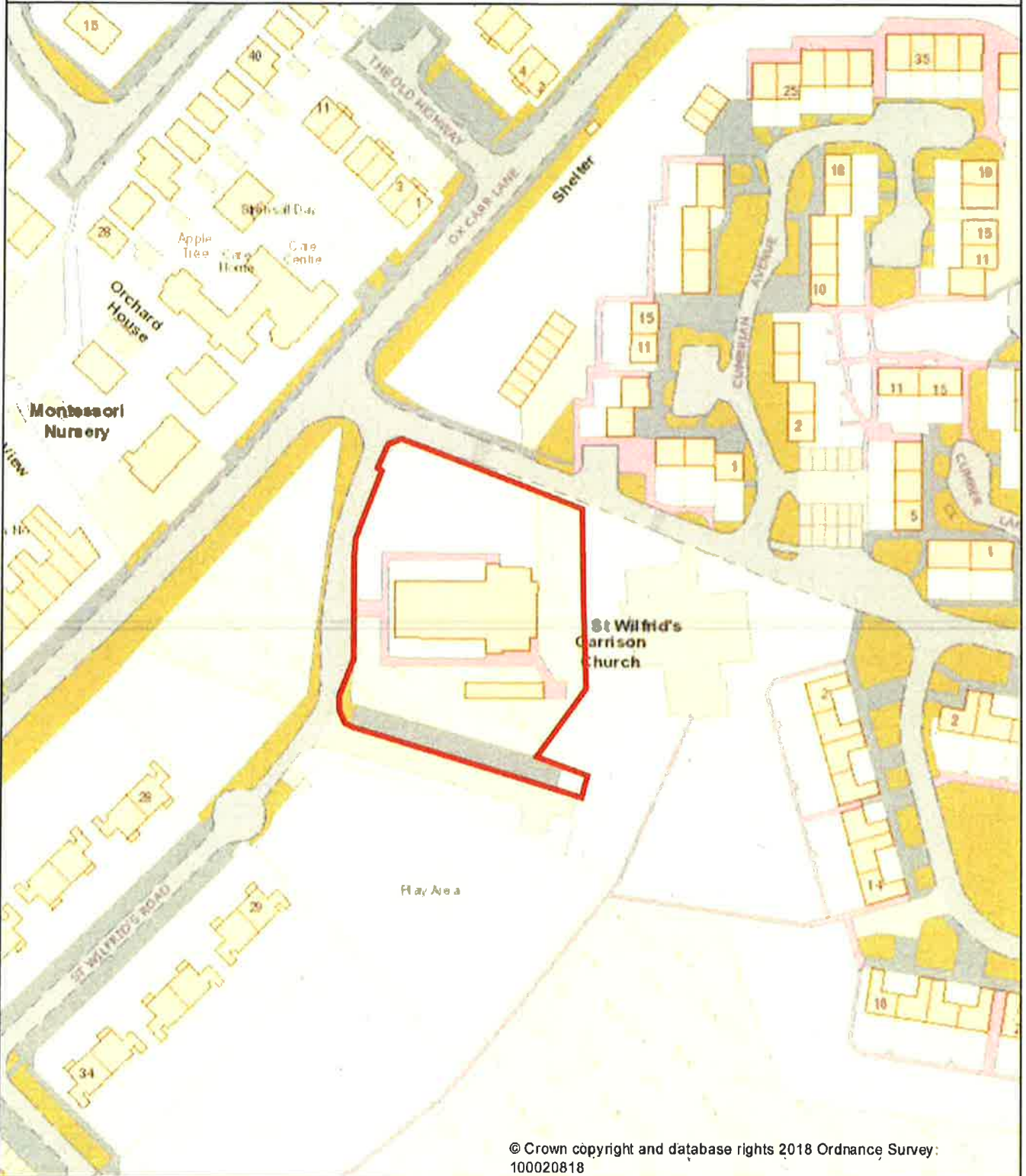
**West Offices**

**Station Rise**

**York**

**YO1 6GA**

# Garrison Church of St Wilfrid, Strensall



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**Date:** 22 Aug 2018

**Author:**

**Scale:** 1:1,250





## **Annex 2 - Current list of Assets of Community Value**

1. The Golden Ball Public House, 2 Cromwell Road, York, YO16 6DU - approved 6<sup>th</sup> March 2014.
2. The Fox Inn, 166 Holgate Road, York, YO24 4DQ – approved 17<sup>th</sup> July 2014.
3. The Mitre Public House, Shipton Road, York, YO30 5XF – approved 17<sup>th</sup> July 2014.
4. The Winning Post Public House, 127-129 Bishopthorpe Road, York, YO23 1NZ – approved 20<sup>th</sup> November 2014.
5. New Earswick and District Bowls Club, Huntington Road, York, YO32 9PX – approved 6<sup>th</sup> November 2014.
6. Holgate Allotments, Ashton Lane, Holgate, York, YO24 4LX – approved 29<sup>th</sup> June 2015.
7. The Swan, Bishopthorpe Road, York, YO23 1JH – approved 20<sup>th</sup> October 2015.
8. The Derwent Arms, 29 Osbaldwick Village, Osbaldwick, YO10 3NP – approved 14<sup>th</sup> March 2016.
9. The Minster Inn, 24 Marygate, York, YO30 7BH – approved 11<sup>th</sup> July 2016.
10. The Wenlock Arms Public House, 73 Main Street, Wheldrake, YO19 6AA – approved 11<sup>th</sup> July 2016.
11. Costcutter Shop, 58 Main Street, Wheldrake, York, YO19 6AB – approved 11<sup>th</sup> July 2016.
12. Wheldrake Woods (owned by the Forestry Commission), Broad Highway, Wheldrake, YO19 6 – approved 11<sup>th</sup> July 2016.
13. The Blacksmiths Arms, Naburn York, YO19 4PN – approved 12<sup>th</sup> September 2016.
14. Holgate Community Garden and Play Park, Upper St Paul's Terrace, York, YO24 4BS. – approved 12<sup>th</sup> Sepyember 2016
15. White Rose House, 79 Main Street, Wheldrake, York, YO19 6AA – approved 29<sup>th</sup> September 2016.

16. The Grey Horse Public House, Main Street, Elvington, York, YO41 4AA – approved 19<sup>th</sup> December 2016.
17. The Lord Nelson Public House, Nether Poppleton, York, YO26 6HS – approved 16<sup>th</sup> January 2017.
18. The Deramore Arms Public House, Main Street, Heslington, York, YO10 5EA. – approved 13<sup>th</sup> March 2017.
19. The Carlton Tavern Public House, 104 Acomb Road, York, YO24 4HA – approved 10<sup>th</sup> April 2017.
20. The Royal Oak Public House, 1 Main Street, Copmanthorpe, York, YO23 3ST. – approved 12<sup>th</sup> June 2017.
21. The Blue Bell Public House, 53 Fossgate, York, YO1 9TF. – approved 17<sup>th</sup> October 2017.
22. The Old Ebor Public House, 2 Drake Street, York, YO23 1EQ. – approved 17<sup>th</sup> October 2017.
23. New Earswick Swimming Pool, Hawthorne Terrace, New Earswick, YO32 4TZ. - approved 12<sup>th</sup> March 2018.
24. Strensall Library, 19 The Village, Strensall, York, YO32 5XS. – approved 9<sup>th</sup> April 2018.
25. The Lord Collingwood Public House, The Green, Upper Poppleton, York, YO26 6DP. – approved 14<sup>th</sup> May 2018.