

Assets of Community Value

Nomination of Dane Bank Green Space Committee

Grazing Field on Windsor Park, Denton, Manchester

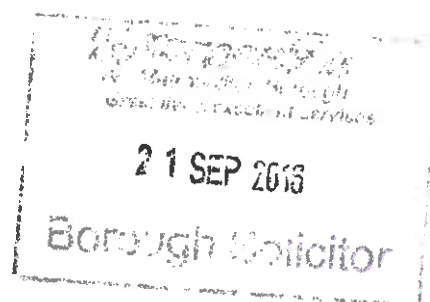
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A. Appendix 1

DANE BANK GREEN space

Sandra Stuart
Executive Director-Governance
TMBC Council Offices
Dukinfield Town Hall
King Street
Dukinfield
SK16 4LA



Dear Sandra,

I am the Co-chairperson of a local community group in Denton called 'The Dane Bank Green Space Committee' and I wish to nominate a local amenity situated in the central green area of Dane Bank, for the status of an Asset of Community Value.

The amenity I wish to nominate is the horse grazing field on Windsor Park, just off Windsor Road, which is home to a rich and varied abundance of wildlife as well as several horses which use the land to play as well as graze.

I have enclosed the requisite completed form as well as a map of Windsor Park with the area I wish to nominate highlighted with a green surround for your convenience.

If you have any questions regarding this nomination, please do not hesitate to contact me using the details contained on the form.

Yours sincerely,

Matthew Limbert
Co-chairperson
Dane Bank Green Space Committee



Voluntary or Community Body Details	
Name of Organisation (full name as written in your constitution or rules, if appropriate):	Dane Bank Green Space Committee
Address including postcode:	Denton Manchester
Registered or trading name and address if different from above	
Contact Name:	Matthew Limbert
Position in Organisation:	Co-chairperson
Correspondence address if different from above	
Daytime telephone number:	
Email address:	
Web address (if applicable)	
Is your organisation a (Tick all that apply):	<input type="checkbox"/> Parish Council; <input checked="" type="checkbox"/> Unincorporated Body; <input type="checkbox"/> Charity; <input type="checkbox"/> Social Enterprise (company limited by guarantee that doesn't distribute any surplus it makes to its members); <input type="checkbox"/> Industrial or Provident Society which does not distribute any surplus it makes to its members; <input type="checkbox"/> Community Interest Company.
Company registration number, registered charities number, or Financial Services Authority registration number (list all that apply).	

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Community Nomination - Asset Detail	
Asset Address including postcode (if known):	Grazing fields Windsor Park, Denton, Manchester
What is the asset (e.g. public house, local shop)?	Grazing fields for horses
Asset Owners – include the names and contact details of the current occupants of the land, and the names and current/last-known addresses of all those holding a freehold or leasehold interest in the land:	Gorton Manchester
Asset / Land Use – Please can you provide details of the use of land over the past 5 years	The land has been used as a grazing paddock for horses stabled at the local community horse stables.

Evidence: Asset of Community Value	
<p>The Localism Act 2011 defines an asset or land of community value if:</p> <p>Its actual or current use (or its use in the recent past) furthers the social wellbeing or social interests of the local community, and</p> <p>It is realistic to think that there can continue to be (or it is realistic to think that there is a time in the next 5 years when) non-ancillary use of the building or land that would further the social wellbeing or social interests of the local community.</p>	
Confirm why you feel that the aforementioned asset is an asset of community value?	The land has been used for many years as a grazing paddock for horses that are stabled locally. There is no other suitable available facility within the area.
Can you provide evidence of this?	Yes.

Name of person authorised to sign on behalf of the organisation:	Matthew Limbert
Position/status in the organisation:	Co- chairperson
Date:	20 / 9 / 16
Signature:	



Aerial view of Windsor Park showing grazing fields highlighted with a green surround.

Dane Bank Green Space Residents Committee
 Constitution version 2.2
 Adopted 8th December 2016



Dane Bank Green Space Residents Committee

CONSTITUTION

ADOPTED: 8th December 2016

1. Name

The name of the campaign group is:
'Dane Bank Green Space Residents Committee'

2. Aims

The Residents Committee has the following aims:

- To work collaboratively with local residents and other stakeholders to prevent the development of buildings on open land between Windsor Road and Thornley Lane known as Dane Bank Green Space (DBGS).
- To protect and improve the DBGS area which is used by the public for recreational purposes.
- To organise a campaign to raise awareness and oppose any plans to develop the site for housing and other non-recreational uses.
- To undertake research and investigation to inform the campaign engaging with a range of individuals and organisations to secure advice and support.

3. Powers

In order to achieve its aims and objectives the Residents Committee may undertake any of the following actions:

- Organise meetings and events
- Work with elected politicians and Council officers
- Work with local stakeholders including all leaseholders on the DBGS site
- Work with other groups and exchange information
- Raise money to support the campaign
- Open a bank account and take out insurance
- Hire professional people with specialist skills to benefit the campaign.

4. Membership

Committee membership rules are set out below:

- Membership shall be open to any person over 18 years of age living or located in the Greater Manchester area who is interested in helping the Committee to achieve its aims and objectives, and willing to abide by the rules of the Committee.
- Membership is open to anyone without regard to gender, race, nationality, disability, sexual preference, religion or belief.
- Every member of the Committee shall have one vote at the AGM and other Committee meetings.
- Committee membership may be terminated for good reason by the DBGS Management Committee but the member has a right to be heard by the full Committee before a final decision is made.

5. Residents Committee

Key responsibilities for members of the DBGS Residents Committee:

- To actively participate in the work of the Committee
- To attend Committee meetings, participate in key policy decisions and approve all expenditure in excess of £100
- To elect all members of the Management Group (Co-Chairs, Campaign Coordinator, Treasurer and Secretary)
- The Residents Committee can vote to remove a member but such action must be for a good and proper reason and requires a two-thirds majority vote. Any person affected by this action has the right to be heard before a final decision is made.
- The Committee may appoint another person to fill a vacancy provided the maximum number is not exceeded.

Meeting administration:

- The Committee will meet regularly at least once a month and the quorum will be a minimum of 8 members
- Agendas will be agreed between the Co-Chairs and Campaign Coordinator and circulated in advance of Committee meetings
- Either of the Co-Chairs will chair all meetings of the Committee
- Routine matters at Committee meetings will be decided by show of hands. Key decisions on policy, the constitution or expenditure over £100 will be decided by show of hands and/or email votes from every member of the committee. If there is a tied vote the agenda item may be deferred or the Chair may exercise a second vote to determine a decision
- Minutes of all decisions and agreed actions will be circulated for information.

6. Management Group

The day to day work of the DBGS Residents Committee will be organised and administered by a Management Group comprising two Co-Chairs, Campaign Coordinator, Treasurer and Secretary. Key responsibilities:

- To work closely and meet regularly to manage the campaign and make operational decisions in line with agreed policies and plans
- To manage membership levels and maintain a minimum of 25 and a maximum of 40 active members
- To report progress and refer all key decisions to the Residents Committee.

7. Duties of the Management Group

Co-Chairs:

- To lead the DBGS campaign
- To organise and chair meetings of the Residents Committee
- To represent the Committee at functions and public meetings
- To act as media spokesperson for the Group
- To control all DBGS Committee statements published on Facebook
- To approve expenditure on items costing less than £100
- To ensure adherence to the Constitution.

Campaign Coordinator:

- To manage the day to day work of the campaign group
- To manage website design, access and content with support from a website designer and content publisher
- To deputise for the Co-Chairs as and when required
- To support other members of the Management Group
- To advise on communications and overall administration.

Treasurer:

- To manage the financial affairs of the Residents Committee
- To maintain a proper account of income and expenditure for auditing purposes
- To manage donations and all fund raising activities
- To open and manage a bank account on behalf of the DBGS Committee. Any cheques issued shall be signed by the Treasurer and one other nominated official.
- To ensure all expenditure is necessary and affordable, supporting the aims and objectives of the DBGS Residents Committee.

Secretary:

- To maintain the Residents Committee membership list
- To distribute meeting agendas, record decisions and circulate minutes
- To monitor website enquiries, correspondence and other communications
- To assist the Management Group in general administration.

8. Annual General Meeting

The Residents Committee shall hold an Annual General Meeting (AGM) in the month of July. All members of the Committee shall be given at least 14 days' notice and shall be entitled to attend and vote. The quorum for an AGM shall be 20 members.

The business of the AGM shall include:

- A report from the Co-Chairs on membership, activities and achievements over the year and their vision for the future
- A report from the Campaign Coordinator on communications, research and overall administration over the year
- A report from the Treasurer on income and expenditure
- Nominations and election of a new Management Group
- Any proposed amendments to the Constitution
- Any other business that might be raised.

9. Special General Meeting

A Special General Meeting may be called by the Management Group or by any group of members (minimum of five) to discuss an urgent matter. The Secretary shall give all members a maximum of 14 days' notice, dependent on circumstances, of any Special General Meeting together with notice of the business to be discussed. All members shall be entitled to attend and vote. The quorum shall be 20 members.

10. Dissolution

The Residents Committee may be wound up at any time if agreed by two-thirds of those members present and voting at the AGM or any Special General Meeting. In the event of winding up, any assets remaining after all debts have been paid shall be given to another group with similar aims.

**This constitution was adopted at a general meeting of the
 DEGS Residents Committee on 8th December 2016**

Signed by:

Co-Chair:

Co-Chair:



From: Roger Greenwood
Sent: 24 January 2017 11:54
To: Ade Alao
Cc: Ian Coulson; Bill Boaden
Subject: RE: Land at Windsor Park Denton - Assets of Community Value

Hi Ade, draft response for Daniel as requested. Bill - Daniel has requested contact details for each of the tenants – Have you supplied?

Hi Daniel - Re - Nominations to list 4 pieces of land in Denton as assets of community value – Observations as requested.

The following are my observations/comments in relation to the four applications;

Horse Grazing Fields – Area 1 on the attached plan – Riding Stables lease expires August 2024.

- The grazing of horses is not an activity which is made widely available to the community. It appears to benefit only a small number of people and does not obviously improve the social well-being and interest of the local community - I would argue that use is not broad or inclusive across the community.

Denton West Cricket Club – Area 2 on the attached plan - Lease to the club has expired – Holding over.

- Generally you need to be a member of the club to participate in activities. However the club is freely open to spectators from the local community who attend training sessions and match days.

Denton West Boys and Girls Club – Area 3 on the attached plan – Lease to The Greater Manchester Federation of Boys Clubs - expires 23 June 2021

- Generally you need to be a member of the club to participate in activities. However the club is freely open to spectators from the local community who attend training sessions and match days.

Dane Bank Angling Club – Area not illustrated on the plan – No lease in place.

- Only limited evidence of a constituted club available on the internet.
- The club doesn't have any rights to use the ponds under the terms of the current lease.
- It appears to benefit only a small number of people and does not obviously improve the social well-being and interest of the local community - I would argue that use is not broad or inclusive across the community.

Hope this Helps

Ade

Roger Greenwood
Sport and Leisure Facilities Development Manager
 Investment and Development
 Development and Investment
 Place

[Tameside MBC](#) | [Twitter](#) | [Facebook](#) | [Instagram](#)

A 11
Aileen

Mrs K Carmichael

Denton
Manchester

Ms Aileen Johnson
Head of Legal Services
Council Offices
Dukinfield Town Hall
King Street
Dukinfield
Tameside

Date: 18 January 2017

SK16 4LA

30 JAN 2017

Dear Sirs

Nomination of Various Assets of Community Value at Windsor Park Denton

I am writing in response to your letter dated 9th January 2017 seeking my comments, as owner of the relevant leasehold interest, in respect of the nomination of four assets as being of community value.

As these are four separate applications (to be determined as such by the Council) I address each one separately.

Legal Tests

As you will be aware the statutory regime governing the listing of assets of community value is the Localism Act 2011 (section 88 onwards) which is supported by the Assets of Community Value (England) Regulations 2012.

To be listed as an Asset of Community Value (ACV) one of the following two criteria must be met:

1. In the opinion of the authority—

- an actual current use of the is that it furthers the social wellbeing or social interests of the local community; and
- the use is not ancillary; and
- realistically, the non-ancillary use of the land that furthers the social wellbeing or social interests of the local community can continue.

2. If in the opinion of the local authority—

- there is a time in the recent past when an actual use of the land furthered the social wellbeing or interests of the local community; and
- the use is not ancillary;
- realistically there is a time in the next five years when there could be non-ancillary use of the building or other land that would further the social wellbeing or social interests of the local community.

The land must also not be excluded from listing under the Assets of Community Value Regulations 2012.

In light of the above I would comment on the applications as follows.

Grazing Field, Windsor Park Denton

An application has been made to list the grazing field adjacent to the stables on the grounds that the land has been used for many years as a grazing paddock.

The grazing land is in private ownership and there is no general access to members of the public other than in association with their use of the adjacent stables and riding school. There is certainly no general right for the local community to use the land for their general own interests.

The primary use of the land subject to the application, and the current planning use of the land, is agricultural. Agricultural use is not a planning use that can reasonably be said to be one which furthers the social wellbeing or social interests of the local community. Any use of the land for anything other than grazing horses is incidental to the primary agricultural use.

There is no evidence to suggest that in its recent past it has had an actual use which furthers the social wellbeing or social interests of the local community nor any future intention to allow such a use.

I would respectfully suggest that the grazing field, which is the subject of this application, does not meet the criteria required and as such should not be listed as an ACV.

Dane Bank Angling Club

The application relates to three ponds which are located within the grazing land.

The ponds are used by the Angling Club on an unofficial basis (they have no lease or licence in place to the ponds) and the club currently has only a handful of members.

The recent case of *Haddon Property Development v Cheshire East Council CR/2015/0017* confirmed that where a class of people that use a particular facility is highly exclusive and limited there may be circumstances where it cannot be said to further the social wellbeing or social interests of the *community* and as such does not confer a community benefit. The area surrounding the ponds is home to thousands of people. It is difficult to see how use of the ponds by several enthusiasts could be classed as having a benefit for the *community*.

The application places great emphasis on the fact the ponds are used by '*anglers from all over the north-west of England*'. The entire north west of England would not fall within the definition of a '*community*'.

Due to the limited and exclusive number of *local* persons using these ponds for fishing it cannot be said that the ponds further the interests of the *community* and as such do not meet the necessary criteria and should not be listed as ACVs. The fact the ponds are apparently used by larger numbers of non-local persons is not material and not a valid ground for listing the asset as an ACV.

In addition the ponds are located within, and are part of the same planning unit as, a piece of land which has a planning designation of agricultural land (the grazing land). Agricultural land is not a use which can be said to be of community value (as defined in s88 Localism Act 2011) and further the social wellbeing or social interests of the community. Any use by the club of the ponds for angling is clearly ancillary to their designated use.

Denton West End AFC

I do not have a leasehold interest in this property and as such have no comment at this time on this application.

Denton West End Cricket Club

I do not have a leasehold interest in this property and as such have no comment at this time on this application.

Summary and Conclusions

For the reasons set out in this letter I respectfully suggest that the grazing field and the ponds do not meet the criteria in order to be listed as ACV and as such these two applications should all be refused.

Yours Faithfully

A handwritten signature in black ink that reads "Karen Carmichael". The signature is written in a cursive style with a large, looping initial 'K'.

Ms K Carmichael

By email: I
Matthew Limbert
Co-chairperson
Dane Bank Green Space Committee

Aileen Johnson
Head of Legal Services

Council Offices, Dukinfield Town Hall,
King Street, Dukinfield, Tameside
SK16 4LA

Call Centre 0161-342-8355
Fax 0161-342-2747

www.tameside.gov.uk
email:

Your ref
Our ref: GL/DH/LS – 001603/4/5/6
Ask for: Daniel Howard
Direct Line: 0161 342 3194
Date 9 February 2017

Dear Mr Limbert,

Re: Nomination of Various Assets of Community Value at Windsor Park Denton

Further to my letter dated 23 December 2016, I regret to inform you that there has been a slight delay in processing your nominations and that the Council is unable to determine the applications within the 8 week period stated within the Assets of Community Value (England) Regulations 2012. Please accept my apologies for this.

Unfortunately, due to an internal error which resulted in the incorrect contact details for the registered leasehold owners of the cricket and football clubs being provided, the registered owners have not been formally consulted. Given the Council is required under Regulation 8 of the Regulations to take all practicable steps to give information that it is considering whether land nominated by a community nomination should be included in the list this process must be undertaken as otherwise the owner would be able to successfully review any listing.

Whilst Regulation 7 of the Regulations states that the responsible authority must decide whether land nominated by a community nomination should be included in the list within eight weeks of receiving the nomination, the Regulations and Localism Act 2011 are silent upon what would occur should this not happen. In the absence of any provision which renders the process invalid, your nominations remain valid.

I can confirm that correspondence has today been issued to the registered owners of the leasehold interest of the two properties and a request that they provide any comments or observations they may have as soon as possible. It is the Council's intention to fully consider your nominations within the next 4 weeks and the outcome will be confirmed to you in writing.

Once again, please accept my apologies for the delays in determining your nominations.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Howard', enclosed within a rectangular box.

Daniel Howard
Corporate Lawyer – Legal Services
For Borough Solicitor