

# Nomination of a Community Asset – East Malling Centre, Chapman Way, East Malling

## 1. Background

1.1 On 6 April 2021, Tonbridge and Malling Borough Council (“the Council”) received a nomination for a community asset from Mrs Elizabeth Simpson, in respect of The East Malling Centre, Chapman Way, East Malling (“the Property”). The nomination is made on behalf of the East Malling Centre Trustees, The East Malling Centre – Charity 1164115.

1.2 The nomination describes the Property as follows: *“Buildings and land as shown on the attached plan, west of Chapman Way and bounded to the north by St James the Great Academy, to the south/southeast by Blacklands Drive, and to the west/southwest by the Malling School playing fields.”*



ACVEastMallingCentrePlan.pdf

1.3 The nomination makes clear that the Property is in ongoing use, the owner of the property being Kent County Council.

1.4 The nomination describes the uses of the building as follows:

*“Established 10+ yrs ago as a community café/hub close to village facilities, EMC delivers vital support in T&Ms most deprived Ward. KCCs Children’s Centre & St James the Great Academy Primary School & Nursery are located in the building. EMC is a key partner in the East Malling Partnership with TMBC/KCC Children Centre/Grow 19/East Malling & Larkfield PC/Clarion HA/Job Centre/Malling School & St James the Great Academy who work to effect positive change. EMC supports those on low incomes/struggling to find work/lack family support/have poor mental health/are isolated/ill/disabled etc, focusing on improving health/wellbeing/reducing social isolation/strengthening community cohesion/providing inclusive opportunities to improve life/work-related skills which help to find routes into employment.*

*Activities include 1) The Community Larder. Since 03/2020 this has increased dramatically, reaching 90+ families weekly with 3500+ food parcels/essential items. At Christmas toys/food/gifts were distributed to those in need/isolated 2) School holiday breakfast/lunch packs for 50+ local children to address hunger 3) Permanent space for groups incl. Grow 19 (18 – 25 y/os with learning disabilities/autism) & a workplace nursery 4) Regular activities/support groups to improve wellbeing: Community Café/‘silver’ lunch club/free afterschool clubs/toddler groups/training courses/info+advice sessions/work experience/digital café/Community Cinema/healthy eating/smoking cessation/exercise*

*classes/Healthy Walk Scheme 5) Family fun days/opportunities to meet/socialise in the café 6) Hire of space for community run activities/family parties etc.*

*Volunteers are the backbone of EMC. A Volunteer Hub is planned to expand volunteering. Opportunities/support offered help to reduce loneliness/improve physical/mental health/wellbeing/raise confidence/self-esteem & aspiration. Many volunteers at EMC go on to find regular employment, renewing purpose and self-worth”.*

## **2. Legal Framework**

2.1 Section 90 of the Localism Act 2011 (“the Act”) states:

*“90 Procedure on community nominations*

- (1) This section applies if a local authority receives a community nomination.*
- (2) The authority must consider the nomination.*
- (3) The authority must accept the nomination if the land nominated—
  - (a) is in the authority's area, and*
  - (b) is of community value.**
- (4) If the authority is required by subsection (3) to accept the nomination, the authority must cause the land to be included in the authority's list of assets of community value.*
- (5) The nomination is unsuccessful if subsection (3) does not require the authority to accept the nomination.*
- (6) If the nomination is unsuccessful, the authority must give, to the person who made the nomination, the authority's written reasons for its decision that the land could not be included in its list of assets of community value.”*

2.2 By s.88 of the Act, land is of “community value” if:

*“in the opinion of the [Council]—*

- (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and*
- (b) 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 wellbeing or social interests of the local community.

...  
[or]

in the opinion of the [Council]—

- (a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
- (b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.”

2.3 Land may only be listed in response to a community nomination (or in other prescribed circumstances which are not applicable here). A “community nomination” includes a nomination by a voluntary or community body with a local connection.

### **3. Assessment of Nomination**

#### Is it a “community nomination”?

The nomination has been made by a community body with a clear local connection- it operates from, and its activities are carried out within, the Property. The body is a cooperative or community benefit society within the meaning of Regulation 5(3) of the Assets of Community Value Regulations 2012. The society does not distribute a surplus to its members. Therefore, this is a valid community nomination.

#### Is there an “actual current use” or “time in the recent past” where the land was in community use

The uses to which the Property is put include activities which include social groups, community support groups, a community café, volunteering support and food provision for those in need.

Such uses appear to be a major function of the Property and are activities which promote social interests and/or social wellbeing of the local community.

#### Is there a realistic prospect in the next 5 years of a community use?

It seems apparent that the current uses are intended to continue.

### **4. Conclusion and Decision**

4.1 The Council has received a valid community nomination for the Property.

4.2 The Property is at present in a use or uses which further the social wellbeing of the local community.

- 4.3 It is realistic to think that the Property will continue to be put to such uses within the next 5 years.
- 4.4 The Property is in the Council's area and is of community value. The Property should therefore be included in the Council's list of assets of community value.