

Nomination of a Community Asset –Papermakers Arms PH

1. Background

- 1.1 On 10th August 2021, Tonbridge and Malling Borough Council (“the Council”) received a nomination for a community asset from Plaxtol Parish Council, in respect of the Papermakers Arms PH, The Street, Plaxtol, Sevenoaks, TN15 0QJ (“the Property”).
- 1.2 The nomination describes the Property as follows: *“Pub in the centre of Plaxtol Parish serving food and refreshments and providing occasional village events in their garden.”*
- 1.3 The nomination demonstrates that the public house is currently in use as a restaurant and public house. The landowner is Mr Graham Perrin.
- 1.4 The nomination describes the uses of the Property as follows:

“The building has traditionally been and continues to be a highly useful point for meetings, local events, publicity for parish events as well as for residents to meet socially over a drink or meal.”

In addition, the nominator states:

“The parish would like the opportunity to examine running the pub as a community business should the current owner not wish to continue. Before the current owner bought the pub, he was a licensee of the same Pub. The parish got together to raise funds to buy the Pub from the then owner, Enterprise Inns, had Mr Perrin been unable to raise the funds to buy the business from them”.

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 Parish Council for land within its area.

3. Assessment of Nomination

Is it a "community nomination"?

The nomination has been made by a Parish Council in respect of land within its area, which meets the requirements of s.89(2) of the Act for a community nomination.

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

The Property is currently in use as a public house and restaurant. The nomination suggests that the public house is used by the community for meeting and socialising, engendering a collective sense of wellbeing. It also speaks of it being "*a highly useful point for meetings, local events, publicity for parish events as well as for residents to meet socially over a drink or meal*". Whilst there is no defined meaning for "social wellbeing" for the purposes of the ACV regime it could be considered to include such "*aspects of life as society collectively agrees are important for a person's happiness, quality of life and welfare*"¹ or "*those economic, social or*

¹ Runnymede BC ACV procedure guide

environmental things that people value in their life and contributes to them reaching their potential”²

Activities such as social gatherings and meetings are clearly valuable to a person’s quality of life and therefore amount to a use which furthers 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 use as a public house and restaurant are intended to continue. Furthermore the Parish Council have indicated that they would in interested in running the Property as a “community business”, demonstrating that were the Property to be marketed, there is a realistic prospect that one potential outcome of the sale would be the Property remaining within a community use.

4. Conclusion and Decision

- 4.1 The Council has received a valid community nomination for the Property.
- 4.2 The Property is in a use or uses which further the social wellbeing of the local community.
- 4.3 It is realistic to think that the Property could 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.

² Shropshire CC ACV procedure guide