

## Nomination of a Community Asset – Black Horse PH, Borough Green

### 1. Background

- 1.1 On 18 July 2023, Tonbridge and Malling Borough Council (“the Council”) received a nomination for a community asset from Borough Green Parish Council, in respect of the Black Horse PH, 76 Maidstone Road, Borough Green, TN15 8HF (“the Property”).
- 1.2 The nomination describes the Property as follows: *“Two storey brick building, part 1592, part 1901, large car park and garden.”*
- 1.3 The nomination demonstrates that the Property is currently in use as a public house. The owner is LP Pubs and Bars Ltd, 74 College Road, Maidstone, ME15 6SL. The Property is occupied by Premises Supervisor Beverley Samwell.
- 1.4 The nomination describes the uses of the Property as follows:

*“Sole remaining public house in Borough Green and important social and community venue.”*

In addition, the nominator states:

*“The Black Horse has always supported local events such as summer fetes and Christmas Lights” and “The current use is unchallenged by any other pub in the locality, so its current use is likely to continue indefinitely”.*

### 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. 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 supportive of “*local events such as summer fetes and Christmas lights*”. Whilst there is no defined meaning for “social wellbeing” for the purposes of the ACV regime it could be considered to include activities such as social gatherings which 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 is intended to continue. Furthermore the Parish Council state that “*the current use is likely to continue indefinitely*” therefore, there is a realistic prospect of a community use in the next 5 years.

#### **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.