

Nomination of a Community Asset –Borough Green Village Hall and car park

1. Background

1.1 On 25 October 2023, Tonbridge and Malling Borough Council (“the Council”) received a nomination for a community asset from Borough Green Parish Council, in respect of Borough Green Village Hall and car park (“the Property”).

1.2 The nomination describes the Property as follows:

“Two story brick Atcost frame building built 1964, set in its own carpark. The carpark also contains KCC's Borough Green Library, and Borough Green Parish Council's Public Conveniences.” The nomination indicates that it is currently in use as a Village Hall. The nomination states it is currently owned by *“The people of Borough Green managed by a Charitable Trust on their behalf.”*

1.3 The Parish Council (the nominator) describes the use of the property as follows:

“Two Badminton Clubs, one multiple age and class Dance School, Parish Council Office and meeting place, twice weekly elderly lunch club, Active retired association, University of the 3rd Age, 3x Slimming World, Storage and Sales by Heart of Kent Hospice, fitness and Pilates Group, Zumba dance classes. Amateur Dramatics, Parties for all ages, and Asian Cultural Events.”

The Parish Council also state:

“The hall provides a subsidies venue for all the above events, some also partially funded by the Parish Council. It is also registered as an emergency evacuation centre for TMBC and the local Primary School” and *“The use of the Hall will continue for the foreseeable future, but there have been instances in the past where a Committee can be tempted by developers, and the 6 month pause that an ACV gives provides an opportunity for the Community to be consulted and alternative action planned”*

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.

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 village hall with car park.

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

The property is currently in use as a village hall with car park, this is *capable* of use in a manner which furthers social interests and/or social wellbeing and there is a realistic prospect in the next 5 years of a community use.

4. Conclusion and Decision

- 4.1 The Council has received a valid community nomination for the Property.
- 4.2 The Property was, in the recent past, in a use or uses which furthered 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.