

## Nomination of a Community Asset – Hadlow Library

### 1. Background

1.1 On 11 June 2024, Tonbridge and Malling Borough Council (“the Council”) received a nomination for a community asset from Hadlow Parish Council, in respect of Hadlow Library (“the Property”).

1.2 The nomination describes the Property as follows:

*“The library is a brick building it is connected by internal brick walls to the following: Hadlow Parish Council (Old School Hall & Parish Office), Hadlow Medical Centre (property owned by Hadlow Parish Council)”*

1.3 The nomination indicates that it is currently in use as a Library. Kent County Council own the property which is currently occupied by Kent County Council Library and Archive Service.

1.4 The Parish Council (the nominator) describes the property as follows:

*“It is the education hub of a rural parish. It is used by the community as a whole not just for books but as a meeting place for several groups including the Historical Society and Knitting Group. The Primary School is located within minutes of the library and it continues to be a great asset to the young children and their continued reading and learning experience. It is a strong part of the community social well-being...It is a gathering point for the community, a place to enhance education particularly in an area in which there is disadvantaged families who benefit from the service provided not only by having access to books but the other resources it provides, it compliments the Tonbridge Gateway advising local rural residents of opportunities and services within the Borough”*

The Parish Council also state:

*“The aim will be to continue with many of the services already provided ensuring that the community has a hub for education, advice etc. It is a space that could diversify.”*

### 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 library.

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

The property is currently in use as a library, 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.