



# Tonbridge and Malling Green Party

## Briefing 2: Community assets

July 2015

### Introduction

We all know spaces, buildings and other amenities that are a vital part of our communities and we may assume they'll always be there. But things change and these assets to the community can disappear, sometimes without anyone realising before it's too late.

A favourite green space can be developed for parking; a community meeting hall could be demolished; allotments destroyed to make way for housing; a village pub converted to flats.

The 2011 Localism Act gives communities the right to bid for assets which may need protecting. Of course the right to bid does not necessarily mean an asset can be saved for the community but it does create a breathing space and a chance for local people to get organised.



In 2008 the George & Dragon pub in the Yorkshire Dales village of Hudswell ceased trading and was put up for sale. It remained closed for two years until it was bought by the Hudswell Community Pub Ltd. The pub underwent extensive renovations before re-opening in June 2010. The George & Dragon is at the centre of the local community, offering a little local shop, library, community allotments and free internet access.

### Community Assets List

The starting point is to get assets listed as of value to the community and local people can ask the Council to do this. If an asset is listed and then comes up for sale, the new right gives communities 6 months to put together a bid to buy it.

Tonbridge & Malling Borough Council has a list, you can view it here:

<http://www.tmbc.gov.uk/services/community-and-living/community-advice/community-engagement/community-assets-list> and at the end of this briefing but there are just 21 assets on it currently, including Hadlow Library, the Bell Inn at Golden Green and the West Street Car Park in Wrotham.

There must be many more spaces and buildings in Tonbridge & Malling that should be identified and put on the list.



## Tonbridge and Malling Green Party

### How it works

The legislation gives “local groups” a right to nominate a building or other land for listing by the local authority as an asset of community value. It can be listed if a principal (“non-ancillary”) use of the asset furthers (or has recently furthered) the community’s social well-being or social interests (which include cultural, sporting or recreational interests) and is likely to do so in the future.

Some assets are specifically excluded from the provisions of the legislation, mostly residential property or that needed by highway agencies or railways for operational use.

Although “voluntary or community bodies” can nominate an asset for listing, in practice it makes sense to work through Parish Councils (in fact it doesn’t have to be the Parish Council where the asset is located, it can be a neighbouring one). Neighbourhood forums are also specifically mentioned as nominating bodies.

Nominations can also be accepted from any group with membership of at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring local authority. This enables nomination by a local group formed to try to save an asset, but which has not yet reached the stage of acquiring a formal charitable or corporate structure.

Once nominated, the Borough Council has 8 weeks to decide if an asset meets the criteria for listing or should be excluded.

The owner of a property can object to it being put on the list which triggers an internal review by the council.

Once an asset has been listed nothing further will happen unless and until the owner decides to dispose of it, either through a freehold sale, or the grant or assignment of a qualifying lease (at least 25 years).

If after **six weeks** no community group has made a written request to be treated as a potential bidder, the owner is free to sell. If a community interest group makes a request during this interim period, then the full **six months** moratorium starts (from the point the owner notified the council of their intention to sell).

During this period the owner may continue to market and negotiate sales, but may not exchange contracts. The owner may sell to a community interest group during the moratorium period. After the six weeks (if no community interest) or the full six months the owner is free to sell to whomever they choose and at whatever price.

The new provisions do **not** give community groups a “right of first refusal” although small rural communities in Scotland do have this right!



## Tonbridge and Malling Green Party

Rather worryingly, the moratoriums apply only to disposals, so for example if a building listed as an asset of community value is to be **demolished** without being sold, the moratorium rules do not apply.

### What can Green Party members do?

Tonbridge & Malling Green Party Members can help to identify community assets that should be on the list. Let us know and we can coordinate with Parish Councils – most of these have not nominated any assets for listing yet.

If you know of a community asset that is under imminent threat of being sold, get in touch and we may be able to help form a special group to nominate it for listing and trigger the six-month moratorium period.

Spread the word about community assets – with your friends and on social media.

### Tonbridge & Malling List of Assets of Community Value (as at 15/07/2015)

Name of Asset	Date of Nomination
Hadlow Library	03-Dec-13
Wouldham Common	19-Aug-14
Wouldham Allotments	19-Aug-14
Wouldham Village Hall	19-Aug-14
Rotary House West Malling	19-Aug-14
The Green Pippin Way Kings Hill	19-Aug-14
St Georges Hall, Wrotham	30-Sep-14
West Street Car Park, Wrotham	30-Sep-14
Kings Hill Sports Facility	28-Oct-14
Cricket Pitch, Tiffen Way, Kings Hill	28-Oct-14
Kings Hill Community Centre	28-Oct-14
Play Area, Tiffen Way, Kings Hill	28-Oct-14
Play Area, Emerald Walk, Kings Hill	28-Oct-14
Warren Wood Nature Park, Kings Hill	28-Oct-14
Play Area, Braeburn Way, Kings Hill	28-Oct-14



## Tonbridge and Malling Green Party

Name of Asset	Date of Nomination
Wouldham Recreation Ground	03-Dec-14
Land off Trafalgar Close, Wouldham	03-Dec-14
The Bell inn, Three Elm Lane, Golden Green	03-Dec-14
Watermans Arms, High Street, Wouldham	16-Jan-15
Stansted C of E Primary School, Stansted	26-May-15
Black Horse and Hoodens PH, Borough Green	26-May-15

### The legislation

*Part 5 Chapter 3 of the Localism Act and the Assets of Community Value (England) Regulations* together deliver the Community Right to Bid:

<http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3/enacted>

A non-statutory advice note was issued to local authorities in October 2012 – this provides useful information written in relatively plain English:

<https://www.gov.uk/government/publications/community-right-to-bid-non-statutory-advice-note-for-local-authorities>