



**Community Nomination in respect of
Deangate Ridge Golf Club and Sports Complex**

NOTICE UNDER SECTION 91 OF THE LOCALISM ACT 2011

1. The Nomination

1.1. On 29th April 2018 Medway Council acknowledged receipt of a complete nomination under section 89 of the Localism Act 2011 ("the Act") to list the Deangate Ridge Golf Club and Sports Complex as an asset of community value. The nomination was made by Deangate Ridge Community Partnership an unincorporated body consisting of in excess of 21 members. A copy of the application and a plan showing the boundaries of the nominated land is attached to this notice.

1.2. In summary the grounds for the nomination are set out below:

- 1.2.1. The Club has provided fitness activities for better physical and mental wellbeing of its members
- 1.2.2. The course and areas included in the application enabled access to good quality natural landscape
- 1.2.3. The site provides physical benefits such as improved air quality and noise reduction
- 1.2.4. There would be opportunities in the future to increase the range of activities offered at the Club

2. Legislation

2.1. Under section 87 of the Act the Council must maintain a list of Assets of Community value in its area.

2.2. Section 88(1) of the Act provides that a building or other land in the Local Authority's area is land of community value if in the opinion of the authority:

- 2.2.1. An actual current use of the building or other land that is not ancillary use furthers the social well being or social interest of the local community; and
- 2.2.2. 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 well being or social interest of the local community.

or

- 2.2.3 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
- 2.2.4 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. Under section 87 of the Act the Council can only include land in its list of assets of community value in response to a community nomination or where permitted by regulations. A community nomination in England can only be made by:
- 2.3.1. A parish council in respect of land within its area,
 - 2.3.2. A voluntary or community body with a local connection;
 - 2.3.3. An unincorporated body, whose members include at least 21 locally registered individuals;
 - 2.3.4. A community council; or
 - 2.3.5. A neighbourhood forum.
- 2.4. Where a valid community nomination is received, the Council must consider the nomination and must accept it if the land is within its area and is of community value.

3. Decision

- 3.1. On 30th May 2018 the Director of Regeneration, Culture Environment and Transformation and Deputy Chief Executive accepted the nomination to list Deangate Ridge Golf Club and Sports Complex, shown edged red on the plan attached to this notice, as an asset of community value.
- 3.2. Accordingly Deangate Ridge Golf Club and Sports Complex will be entered into the Council's Register of Assets of Community value.

4. Reasons

- 4.1. The reasons for this decision are as follows:
- 4.1.1. The land comprising Deangate Ridge Golf Club and Sports Complex lies within the administrative area of Medway Council
 - 4.1.2. The group is eligible to make the nomination in respect of the club. Deangate Ridge Community Partnership evidenced that the group comprises of more than 21 individuals who are locally registered electors as required by Regulation 5 of the Assets of Community Value (England) Regulations 2012 ("the Regulations").
 - 4.1.3. The nomination sets out a description of the nominated land, the reasons for why the asset should be listed and is supported by evidence of their eligibility to make the nomination¹.
 - 4.1.4. The land and building does not fall within a description of land, which may not be listed as specified in Schedule 1 of the Regulations.
 - 4.1.5. The Council considered that the application and supporting evidence demonstrates that the use of Deangate Ridge Golf Club and Sports Complex until recently furthered the social wellbeing and social interest of the local community and it is realistic to think that it could do so again within the next five years
 - 4.1.6. As a valid nomination was received and the land is within the Council's area and its use is of community value a decision was made on 30th May 2018 to accept the nomination and list it on the Council's List of Assets of Community Value.

¹ Regulation 6 of the Regulations

5. Next Steps

- 5.1. Deangate Ridge Golf Club and Sports Complex will be included in the List of Assets of Community Value maintained by the Council.
- 5.2. In accordance with section 91 of the Act the Council will send this notice to:
 - 5.2.1. The owner of the land;
 - 5.2.2. The occupier of the land if the occupier is not the owner;
 - 5.2.3. Deangate Ridge Community Partnership as the nominator.

6. Consequences of the Listing Decision

- 6.1. The land will remain listed on the Council's List of Assets of Community Value for a period of 5 years from the date of this notice unless removed from an earlier date in accordance with the provisions of the Regulations.
- 6.2. Inclusion of the Land in the Council's List of Assets of Community Value is entered as a local land charge under the Local Land Charges Act 1975.
- 6.3. The Council is required under Schedule 4 of the Regulations to apply to the Land Registry for a restriction to be entered against the registered title of the land that "No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011".
- 6.4. The owner must notify the Council by writing to the Jan Guyler, Head of Legal Services, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR of their intention to enter into any relevant disposal of the land². Relevant disposal (subject to exceptions) is defined as a freehold disposal or the grant or assignment of a qualifying leasehold interest with vacant possession³.
- 6.5. Where such a notice is received from an owner, a moratorium period is triggered under section 95 of the Act to allow any community interest group to submit a written request to be treated as a potential bidder for the land. Owners are advised to refer to Part 5 Chapter 3 of the Act and the Regulations in full and should seek legal advice on the disposal of the land. **A disposal of listed land, which contravenes the requirements of the Act and the Regulations, will be void.**

7. Right of Appeal – Listing Review

- 7.1. Under section 92 of the Act the owner of the land is entitled to request a review of this decision. The review will be carried out by the Assistant Director of Legal and Corporate Services. A request for a review must be made in writing to the Council within 8 weeks from the date of this notice (56 days) or such longer period as the Council may agree with the owner in writing. The request must explain and set out the grounds on which the decision should be reviewed.
- 7.2. Where a request is received the Council will complete the review within 56 days from the date the review request is received or such longer period as is agreed with the owner in writing. The request must be addressed to Perry Holmes, Chief Legal Officer, Business Support Department, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR.

² Section 95 of the Act

³ Section 96 of the Act

8. Right to Compensation

- 8.1. An owner or former owner of the land is entitled to claim compensation⁴ from the Council for any loss or expense incurred as a result of the land being listed. The amount of compensation will be determined by the Council.
- 8.2. A claim for compensation must be:
 - 8.2.1. In writing;
 - 8.2.2. Made within 13 weeks (91 days) after the loss or expense occurred;
 - 8.2.3. State the amount of compensation sought for each part of the claim; and
 - 8.2.4. Provide evidence for each part of the claim.
- 8.3. A request for compensation must be addressed to Noel Filmer, Senior Manager, Property Services, Business Support Department, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR.

9. Further Information

- 9.1. Further information about assets of community value is available from the My Community Rights website: <http://mycommunityrights.org.uk/community-right-to-bid/>.
- 9.2. Owners are advised to seek independent legal advice where additional guidance and support is required in relation to the disposal of a land that has been entered in the Council's List of Assets of Community Value, the right to review or the right to compensation.

Vicky Nutley

Assistant Head of Legal Services (Place)

Dated: 01.06.2018

⁴ Regulation 14 of the Regulations

