

<b><u>MEETING</u></b>
<b>COMMUNITY LEADERSHIP AND LIBRARIES SUB-COMMITTEE</b>
<b><u>DATE AND TIME</u></b>
<b>WEDNESDAY 19TH DECEMBER, 2018</b>
<b>AT 6.30 PM</b>
<b><u>VENUE</u></b>
<b>HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ</b>

**TO: MEMBERS OF COMMUNITY LEADERSHIP AND LIBRARIES SUB-COMMITTEE  
(Quorum 3)**

Chairman: Cllr Reuben Thompstone ,  
Vice Chairman: Cllr David Longstaff

**Councillors**

Cllr Sara Conway

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is **Friday 14 December at 10am**. Requests must be submitted to Tracy Scollin 020 8359 2315

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Charlwood – Head of Governance**

Governance Service contact: Tracy Scollin 020 8359 2315

Media Relations Contact: Gareth Greene 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Apologies (if any)	
2.	Minutes of last meeting	5 - 6
3.	Declaration of Members' Disclosable Pecuniary and Non Pecuniary Interests (if any)	
4.	Report of the Monitoring Officer (if any)	
5.	Public Questions and Comments (if any)	
6.	Members' Items (if any)	
7.	Community Right to Bid: Greensquare, the Land between Briarfield Avenue and Rosemary Avenue accessed From Tangle Tree Close, N3 2LG  Finchley Church End	7 - 18
8.	Community Right to Bid: The Midland Hotel Public House, 29 Station Road, London NW4 4PN  West Hendon	19 - 44
9.	Any other item(s) that the Chairman decides are urgent	

### **FACILITIES FOR PEOPLE WITH DISABILITIES**

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Tracy Scollin 020 8359 2315. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

### **FIRE/EMERGENCY EVACUATION PROCEDURE**

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# **Decisions of the Community Leadership and Libraries Sub-Committee**

23 May 2018

Members Present:-

**AGENDA ITEM 2**

Councillor David Longstaff (Chairman)

Councillor Sara Conway

Councillor Julian Teare

## **1. MINUTES**

The minutes of the last meeting of the Community Leadership Sub-Committee held on 13 October 2016 were agreed as a correct record

## **2. APOLOGIES FOR ABSENCE**

An apology for absence for absence was received by Councillor Reuben Thompstone.

## **3. DECLARATIONS OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS**

The Chairman Councillor David Longstaff declared a Pecuniary interest in relation to item 9. Councillor Longstaff therefore stated that he would leave the meeting and not take part in the discussion or voting process.

## **4. REPORT OF THE MONITORING OFFICER**

None

## **5. PUBLIC QUESTION AND COMMENTS**

None received.

## **6. MEMBERS ITEMS**

None.

## **7. COMMUNITY RIGHT TO BID: INCOGNITO THEATRE, HOLLY PARK ROAD, N11 3HB**

The Sub-Committee considered the report.

The Sub-Committee **RESOLVED** unanimously:

That the Sub-Committee agreed that the Incognito Theatre be listed as an Asset of Community Value and added to the Council's Register, based on the statutory criteria as set out in the Localism Act 2011, and the evidence provided in the nomination

**8. COMMUNITY RIGHT TO BID: NORTHWEST CENTRE, AVION CRESCENT, NW9 5QY**

The Sub-Committee considered the report.

The Sub-Committee unanimously **RESOLVED** that:

That the Sub-Committee agreed that the Northwest Centre be listed as an Asset of Community Value and added to the Council's Register, based on the statutory criteria as set out in the Localism Act 2011, and the evidence provided in the nomination.

**9. TO FOLLOW: GROUND FLOOR OF STAG HOUSE AND ADJOINING CAR PARK,  
94 BURNT OAK BROADWAY**

Before the consideration of the item Councillor David Longstaff reminded the sub-committee of his declaration. Before leaving the chair and the meeting room Councillor David Longstaff proposed that Councillor Julian Teare be appointed as Chairman for this item, this was seconded by Councillor Sara Conway.

The Sub-Committee considered the report.

The Sub-Committee **RESOLVED**:

That the Sub-Committee agreed that the Ground Floor of The Stag House and adjoining car Park not be listed as an Asset of Community Value and not added to the Council's Register, based on the statutory criteria set out in the Localism Act 2011, and the evidence provided in the nomination.

**The vote was recorded as:**

**For – 1**

**Against – 0**

**Abstain – 1**

The meeting finished at 19:07

	AGENDA ITEM 7
	<b>Community Leadership &amp; Libraries Sub - Committee</b> <b>19<sup>th</sup> December 2018</b>
<b>Title</b>	<b>Community Right to Bid: Greensquare, the Land between Briarfield Avenue and Rosemary Avenue accessed From Tangle Tree Close, N3 2LG</b>
<b>Report of</b>	Councillor Reuben Thompstone, Chairman
<b>Wards</b>	Finchley Church End
<b>Status</b>	Public
<b>Urgent</b>	<p>Yes - there is an 8-week statutory timescale to respond to Community Right to Bid nominations, starting from the date the Council receives the nomination.</p> <p>The nomination for Greensquare was received on 12<sup>th</sup> November 2018, making the deadline for a decision 4<sup>th</sup> January 2019.</p>
<b>Key</b>	No
<b>Enclosures</b>	Plan of nominated asset
<b>Officer Contact Details</b>	Danusia Brzezicka, Strategy Officer, Community Participation ( <a href="mailto:danusia.brzezicka@barnet.gov.uk">danusia.brzezicka@barnet.gov.uk</a> 020 8359 3211)

## Summary

The Localism Act 2011("the Act") introduced the Community Right to Bid ("CRTB"). Under section 87 of the Act the Council must maintain a list of land of community value in its area. A building or other land is of community value if in the Council's opinion there is an actual current use of the building or other land, and 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.

It is a right for local people to nominate buildings or pieces of land that they believe contribute to the social interests or wellbeing of their local communities to be listed on a register of Assets of Community Value (“ACVs”), managed by the local authority.

Where land is listed as an ACV, if the owner subsequently wishes to make a ‘relevant disposal’ (to sell the asset or grant a qualifying lease, which is one originally granted for a 25-year term) they must notify the local authority. This triggers an interim moratorium period of six weeks, during which time the nominating group, or any other community group can register interest in putting together a bid for the asset. If a community group registers interest, this triggers a full moratorium period of six months, during which time the owner may not make a relevant disposal of the asset, except to a community group. The moratorium is intended to allow community groups the time to develop a proposal and raise the required capital to bid for the asset when it comes onto the open market at the end of that period. The owner is under no obligation to accept a bid from a community group and can sell the property to whomever they wish once the six-month moratorium is over. However, if the asset is not disposed of within 18 months from the commencement of the interim moratorium period, then the moratorium period is re-triggered (12 months from the end date of the first moratorium period).

In order to decide whether to list an asset as an ACV, the Act provides that the Council must consider whether the nomination has come from a group eligible to make a nomination, as defined in the legislation; and whether the current or recent main use of the nominated asset contributes to the social wellbeing or social interests (defined as ‘cultural, recreational or sporting interests’) of the local community, and whether it is realistic to think it will continue to do so in the next 5 years (whether or not the use remains exactly the same).

A nomination has been received from Mrs Suzanne Fitzgerald on behalf of the Greensquare Residents Association to relist **Greensquare, the Land between Briarfield Avenue and Rosemary Avenue accessed From Tangle Tree Close, N3 2LG** (Finchley Church End ward) as an Asset of Community Value. This asset was originally listed on 13 December 2013 and the five-year listing will expire on 13 December 2018. **This report recommends that the asset is listed as an Asset of Community Value.**

**The nomination is an eligible nomination.** The Localism Act 2011 and the Assets of Community Value Regulations (“ACV Regulations”) provides that in order to be eligible, the nomination must be made by a community organisation or group which qualifies under the Act to make the nomination. The Greensquare Residents Association is an unincorporated organisation and has evidenced membership of 82 members and of which at least 21 are on the electoral register of the London Borough Barnet. Furthermore, they have provided some financial information which shows there does not appear to be any surplus profit distributed to its members. Consequently, they are eligible to make a nomination under regulation 5 (1)c of the ACV Regulations.

**The nomination does meet the criteria of furthering the social wellbeing or social interest of the community.**

The nomination describes uses that further social interest, that the local residents have used over the past 112 years for community engagement. The land offers a hidden green space bound by residential roads. It has been noted that a wide range of social activities take place on this land for sports, commemorating special occasions, scout and beaver field trips and it

was used for community allotments as part of the Dig for Britain campaign. It continues to provide the local residents with blackberries, apples and other fruit. Open green spaces such as Greensquare allows for a wide range of recreational interests for the local community and residents, so it is reasonable to think that **the main use of the asset furthers the social wellbeing and social interests of the community**. There are currently no known plans to sell this land, and the nomination states it is popular locally and has regular local residents using this space, suggesting continued viability and demand. **It is realistic to think that use of the asset will continue to contribute to the social wellbeing and social interests of the community.**

Evidence was requested to verify the above-mentioned activities and this was provided by the nominating group. The nominator provided evidence that the local community had used the space from 4 May 2015 up to 22 November 2018 as evidenced in Appendix 1B showing community sports, picnic, berry picking and dog walking. Taken together, it was deemed that there is sufficient evidence to meet the statutory requirements as the main use of the asset contributes to the social interests or wellbeing of the local community that it is realistic to think that there can continue to be use of the building and land which will further (whether or not in the same way) the social wellbeing or social interests of the local community

## Recommendations

**That the Committee agree that Greensquare, the Land between Briarfield Avenue and Rosemary Avenue accessed From Tangle Tree Close, N3 2LG should be listed as an Asset of Community Value and added to the Council's Register, based on the statutory criteria set out in the Localism Act 2011, and the evidence provided in the nomination.**

### 1. WHY THIS REPORT IS NEEDED

#### The Community Right to Bid

- 1.1 The Localism Act 2011 (“the Act”) introduced a new right for groups of local people to nominate buildings or pieces of land which contribute to the ‘social wellbeing or social interests’ of their local communities to be listed on a register of Assets of Community Value (“ACVs”), which the local authority is required to maintain.
- 1.2 Nominations can apply to public or private assets, although certain kinds of asset (such as private homes) are exempt.
- 1.3 The Act provides that in order to decide whether to list a nominated asset as an ACV, the Council must consider whether the main use of the asset contributes to the social interests or wellbeing of the local community, and whether it is realistic to think it will continue to do this (whether or not the use remains exactly the same).
- 1.4 The Act defines social interests as ‘including cultural, recreational, and sporting interests’. There is no further definition.

- 1.5 The Act provides that land in a local authority's area which is of community value may be included by a local authority in its register of ACVs only:
  - (a) in response to a community nomination, or
  - (b) where permitted by regulations made by the appropriate authority.
- 1.6 In England a community nomination can be made by a parish council or by a voluntary or community body with a local connection as defined in the Assets of Community Value Regulations 2012 ("the Regulations").
- 1.7 The statutory tests which the Council must apply when assessing a nomination are:
  - (i) Its main use furthers the social wellbeing or cultural, recreational or sporting interests of the local community; and it is realistic to think that the main use will continue to further the social wellbeing or cultural, recreational or sporting interests of the local community; or,
  - (ii) Where the main use does not currently have such a community benefit, in the "recent past" it did have and the Council considers it likely that it would be able to have such a use in the next 5 years.
  - (iii) That the nomination is a community nomination made by a community or voluntary organisation or group which qualifies under the Act to make the nomination.
- 1.8 Where either criterion i) or ii), and criterion iii) of the above is met, the Council must list the land or building on its register of Assets of Community Value.
- 1.9 If the Council lists the nominated land, a restriction is placed on the land if the land is registered. If the owner wishes to sell the asset or to lease it for more than 25 years, then the owner is legally obliged to notify the Council (if the asset is not owned by the Council). The Council will then inform the nominating group which signals an interim moratorium period of six weeks where the nominating group or any other eligible community group may register an interest in bidding for the asset. If during the six weeks a local community group expresses an interest in taking on the asset and continuing its community use, then a full moratorium is triggered and the sale is delayed for a six-month period. This is designed to give the community group the opportunity to raise funds to try to purchase the asset at market value.
- 1.10 The owner is under no obligation to accept the community group's bid over any other bid. There is no 'right of first refusal' for the community group, only the right to request the moratorium. The owner is free to work with other potential buyers and stimulate the wider market during the moratorium and at the end of the moratorium period can sell to any party. However, if the asset is not disposed of within 18 months from the commencement of the interim moratorium period, then the moratorium period is re-triggered (12 months from the end date of the first moratorium period).

- 1.11 If an asset is relisted as an ACV, the asset owner has the right to appeal against this, initially through the Council's internal review process and subsequently through an appeal to the First Tier Tribunal.
- 1.12 If an asset is not relisted, the Council must communicate its reasoning to the nominating group but the nominating group has no right to appeal against the decision.

### **Recent policy developments**

- 1.13 The Government is currently reviewing the Right. The review is on-going and there is no closing date as it is not a formal consultation. The Council has contributed to the review as an interested party.
- 1.14 A Communities and Local Government Select Committee report published on 3 February 2015 recommended that the review of the Right should increase the moratorium on sale or lease of an ACV to nine months, as well as creating statutory obligations for ACV status to be considered as a material consideration in planning matters. These recommendations have not yet been accepted by the Government but will feed into the review.

### **Nomination of Greensquare, the Land between Briarfield Avenue and Rosemary Avenue accessed From Tangle Tree Close, N3 2LG**

- 1.15 The Greensquare Resident Association, an established group has nominated Greenspace, the Land between Briarfield Avenue and Rosemary Avenue accessed From Tangle Tree Close, N3 2LG. The enclosed plan sets out the boundaries of the nominated asset. The area incorporates a bowling club house, a bowling green and open green space.
- 1.16 Greensquare, the Land between Briarfield Avenue and Rosemary Avenue accessed From Tangle Tree Close, N3 2LG is currently owned by Higgins Homes. The freeholder has been notified that this re-nomination is currently under consideration.
- 1.17 The nominating group considers that the main current use of the land furthers social wellbeing and interests of the community on the grounds that:
  - The land is currently made up of a bowling club house, bowling green and open green field with trees, shrubs, blackberry bushes and various fruit trees. It is accessible by gates from the adjoining gardens and by pathways from Tangle Tree Close and Dudley Road.
  - The land is an oasis of calm and tranquillity in an area deficient of open spaces. It is situated in an area deficient in open space at local park level and is therefore irreplaceable.
  - The land has been enjoyed by the local and wider community for all types of recreational use over the past 112 years.
  - The land in title number AGL88313 was subject to a recreational lease which was created in 1910 for a period of 99 years. That lease entitled all local residents of the area, the right to use the land for all types of recreational use.

- The land has been used to enable the local residents to undertake: Sporting activities including football, tai chi, cricket and tennis. Social activities including: Barbeques, firework displays. Community gatherings including the Queen's Silver, Gold and Diamond Jubilee events and scout and beaver field trips. General outdoor pursuits including: Tree climbing, dog walking, children's parties & games, bat and bird watching, nature observation, snowman building and snowball fights.
- Since 1922, the West Finchley Bowling Club occupied the northern part of the land as a bowling green and club house. On 2nd September 2017, the landowner, Higgins Homes terminated the lease against the wishes of the club members and is now advertising this building for community use.
- The land comprised in title number AGL90336 has throughout the same period been used for recreational and amenity use. During and after the WWII the land was used for community allotments as part of the Dig for Britain Campaign. It continues to provide access for blackberries, apples, crab apples, pears and damsons.
- The land is used by children for den-making; tree climbing; bird and bat watching; nature observation; walking; dog walking; tree swings and general recreation. Successive generations have discovered and used the area. The land has been a treasured focal point for the local community, actively used and maintained.
- The culturally diverse neighbourhood has always been well represented at social events, as families meet to spend their leisure and social time together in the field.
- The nominated land is of community value; it furthers the health, wellbeing and social cohesion of the local community and has done so for the past 112 years.
- Two planning inspectors have recently recognised the amenity value of the land to local residents. The land provides: 1. Exercise opportunities, particularly for local children, older people, people with disabilities and carers 2. Play opportunities outdoors for children; 3. Social interaction opportunities helping to reduce isolation and improve social cohesion, particularly for children, older people, people with disabilities and carers; 4. Visual amenity - successive planning inspectors have acknowledged the visual amenity value of the land.

Evidence provided to support the application can be found in Appendix C.

#### 1.18 There are no known plans to sell the land.

#### **Application of statutory tests as set out in the Localism Act 2011**

##### Main use of asset furthers social wellbeing or social interests of community

- 1.19 The legislation sets a broad and loose definition of 'social wellbeing and social interests'. The activities listed at paragraph 1.17 are sufficient to demonstrate that a number of uses of the land fall within the definition of 'cultural, recreational, and sporting interests'.
- 1.20 Use of the nominated asset consisting of the land between Briarfield Avenue and Rosemary Avenue comprises of a bowling club and green space. Both have contributed to the social wellbeing and social interests of the community.

Even though the bowling club is now vacant, the building is currently being marketed for the use as a bowling club or other D2 community use. These may be considered the main rather than ancillary use because both the bowling club and the open green space by nature exist to provide cultural, recreational and sporting interests to the community and it may be assumed the activities listed at paragraph 1.17 are the main activities carried out on the land.

- 1.21 There are no known plans to sell the land. However, there have been unsuccessful planning applications due to the evidence of continued community demand and viability. This is noted in the planning application submitted 1 March 2017 to demolish the bowling club and erect 8 dwellings which was rejected on 7 August 2017. This means it is realistic to think the main use of the asset will continue to further social wellbeing and social interest of the community.
- 1.22 There is acknowledgment that the land is owned by Higgins Homes and that the local residents have made use private land for community activities. The landowner, Higgins Homes is aware of such community activity on their land. In Appendix 1A (First Tier Tribunal) and 1D (Banner Homes Ltd vs St Albans District) the matter of trespassing has been taken into account. It states that any actual use that the residents have been using the land, even if the use has been unlawful, does not prevent the land from qualifying as actual use.
- 1.23 Taken together, points 1.19 - 1.22 establish that criterion (i) of the statutory tests set out in paragraph 1.7 above have been met. The main use of the building and land further the social wellbeing or social interests of the community and it is realistic to expect that it will continue to do so.

*The nomination is eligible*

- 1.24 The Greensquare Resident Association has made its nomination as an established unincorporated body with 82 local residents and has at least 21 members who are on the electoral register (a status which qualifies to make nominations) under s 5 (1) c of the ACV Regulations

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The nomination of Greenspace, the Land between Briarfield Avenue and Rosemary Avenue accessed From Tangle Tree Close, N3 2LG meets the statutory tests established by the Localism Act 2011 to be considered an Asset of Community Value. The recommendation is, therefore, that the Committee lists the Greenspace as an Asset of Community Value.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The Community Leadership & Libraries Committee could decide not to relist Greenspace, the Land between Briarfield Avenue and Rosemary Avenue accessed From Tangle Tree Close, N3 2LG as an ACV, but on balance it is judged that the nomination provides sufficient evidence that the statutory

criteria set out in the Localism Act 2011 have been met. If the Committee is in agreement with this judgment, the Council must relist the nominated asset as an ACV.

- 3.2 An owner has the right to appeal if they feel that their asset has been wrongly relisted.

#### **4. POST DECISION IMPLEMENTATION**

- 4.1 Greenspace will be recorded on the Register of Assets of Community Value as an ACV. Both the nominating group and the owner of the property will be informed, in writing, of the outcome.

#### **5. IMPLICATIONS OF DECISION**

##### **5.1 Corporate Priorities and Performance**

- 5.1.1 The Community Right to Bid process contributes to the 2015-2020 Corporate Plan's objective to develop a new relationship with residents that enables them to be independent and resilient and to take on greater responsibility for their local areas by fulfilling one of the rights granted to local communities under the Localism Act 2011.

##### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 The asset does not belong to the Council and therefore there are no financial implications to this decision.

##### **5.3 Social Value**

- 5.3.1 There are no social value considerations as this decision does not relate to a service contract.

##### **5.4 Legal and Constitutional References**

- 5.4.1 The Localism Act 2011 obligates the Council to list assets nominated by local community groups as Assets of Community Value if these are deemed to pass the statutory tests set out in the Act. The ACV regulations set out the procedure to be followed in assessing a nomination.

- 5.4.2 Under the Council's Constitution (Article 7 Committees, Forums Working Groups and Partnerships, section 7.5) the responsibilities of the Community Leadership Committee include: To receive nominations and determine applications for buildings/land to be listed as an Asset of Community Value (Community Right to Bid).

- 5.4.3 When there is no scheduled meeting of the full Committee which falls within the eight-week statutory deadline for determining applications the Community Leadership Sub-Committee receives the nominations and determines the applications.

## **5.5 Risk Management**

5.5.1 There are no risks associated with the decision to relist the Greenspace as an ACV.

## **5.6 Equalities and Diversity**

5.6.1 No negative differential impact on people with any characteristic protected under the Equality Act 2010 has been identified with regard to this nomination.

5.6.2 Under section 149 of the Equality Act 2010, the council and all other organisations exercising public functions must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race, religion or belief; and sex and sexual orientation. The broad purpose of this duty is to integrate considerations of equality into daily business and keep them under review in decision making; the design of policies; and the delivery of services.

## **5.7 Corporate Parenting**

5.7.1 As a Local Authority, we have responsibility for the children in care and care leavers within our borough. Corporate Parenting is about offering at least the same standards of care as would a 'reasonable parent' and ensuring that the decisions we make as a Council do not affect this cohort negatively. This report does not provide any implications for Barnet's children in care.

## **5.8 Consultation and Engagement**

5.8.1 A draft amendment to the Council's Community Right to Bid policy was carried out between 11 February and 24 March 2014. The results of that consultation were set out in a report taken to the Community Leadership Committee on 25 June 2014 and the Council's guidance on the Community Right to Bid amended following agreement of that report.

5.8.2 More specifically, the nominating group has been engaged in dialogue as part of the process of administering the nomination, and given opportunities to submit evidence to support their claim.

## **5.9 Insight**

5.9.1 No specific insight data has been used to inform the decision required.

## **6. BACKGROUND PAPERS**

6.1 Community Right to Bid: Consultation and recent developments (Community Leadership Committee, 25 June 2014)

<http://barnet.moderngov.co.uk/documents/s15687/Community%20Right%20to%20Bid%20Report.pdf>.

- 6.2 Refused planning application to develop new housing on site occupied by the West Finchley Bowling Club, 17/1290/FUL, Decision: 7 August 2017:  
<https://publicaccess.barnet.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OM5AVYJIFOA00>

## Appendix 1 – Supporting evidence

### A - Previous relisting of site and the decision taken at First Tier Tribunal to support nomination as an ACV, ref: CR/2014/0006:

<https://www.casemine.com/judgement/uk/5b2897ee2c94e06b9e19de56>

### B - Photographic evidence of community use from 4 May 2015 – 22 November 2018:

<https://photos.google.com/share/AF1QipNUajehXKvRWB7k7WpoJSV6NAIBHJxQL3HpXgiCJMnIFK3Kx9PmaDayX8r1ZRNJw?key=NHhWS2dZY2hOV1FtY3R5TDN6NjVfLUNCay1ReUpn>

Examples:





**C - Banner Homes Ltd vs St Albans District decision on 23<sup>rd</sup> May 2018 regarding community use of land which could be deemed unlawful, although known of by landowner:**

<https://www.casemine.com/judgement/uk/5b2897ee2c94e06b9e19de12>

**D - Ariel view of Greenspace and the surrounding roads.**



**E - Registry plan of the site**

**F- Current advertisement of Bowling Club let**



**WEST FINCHLEY BOWLING CLUB TO LET**  
**DUDLEY ROAD, FINCHLEY, LONDON N3 2QR**  
**£30,000 PER ANNUM**

Suitable for similar D2 uses e.g. leisure, assembly - D1 community hall, gym, music hall, etc. subject to necessary consents.



	AGENDA ITEM 8
<b>Community Leadership &amp; Libraries Sub - Committee</b> <b>19<sup>th</sup> December 2018</b>	
<b>Title</b>	<b>Community Right to Bid: The Midland Hotel Public House, 29 Station Road, London NW4 4PN</b>
<b>Report of</b>	Councillor Reuben Thompstone, Chairman
<b>Wards</b>	West Hendon
<b>Status</b>	Public
<b>Urgent</b>	<p>Yes - there is an 8-week statutory timescale to respond to Community Right to Bid nominations, starting from the date the Council receives the nomination.</p> <p>The nomination for The Midland Hotel Public House was received on 19<sup>th</sup> November 2018, making the deadline for a decision 11<sup>th</sup> January 2019.</p>
<b>Key</b>	No
<b>Enclosures</b>	Plan of nominated asset
<b>Officer Contact Details</b>	Danusia Brzezicka, Strategy Officer, Community Participation ( <a href="mailto:danusia.brzezicka@barnet.gov.uk">danusia.brzezicka@barnet.gov.uk</a> 020 8359 3211)

## Summary

The Localism Act 2011("the Act") introduced the Community Right to Bid ("CRTB"). Under section 87 of the Act the Council must maintain a list of land of community value in its area. A building or other land is of community value if in the Council's opinion there is an actual current use of the building or other land, and 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.

This was, when introduced, a new right for local people to nominate buildings or pieces of

land that they believe contribute to the social interests or wellbeing of their local communities to be listed on a register of Assets of Community Value (“ACVs”), managed by the local authority.

Where land is listed as an ACV, if the owner subsequently wishes to make a ‘relevant disposal’ (to sell the asset or grant a qualifying lease, which is one originally granted for a 25-year term, with certain exceptions) they must notify the local authority. This triggers an interim moratorium period of six weeks, during which time the nominating group, or any other community group can register interest in putting together a bid for the asset. If a community group registers interest, this triggers a full moratorium period of six months, during which time the owner may not make a relevant disposal of the asset, except to a community group. The moratorium is intended to allow community groups the time to develop a proposal and raise the required capital to bid for the asset when it comes onto the open market at the end of that period. The owner is under no obligation to accept a bid from a community group and can sell the property to whomever they wish once the six-month moratorium is over. However, if the asset is not disposed of within 18 months from the commencement of the interim moratorium period, then the owner cannot make a relevant disposal without notifying the local authority again and repeating the process.

In order to decide whether to list an asset as an ACV, the Act provides that the Council must consider whether the nomination has come from a group eligible to make a nomination, as defined in the legislation; and whether the current or recent main use of the nominated asset furthers the social wellbeing or social interests (defined as ‘cultural, recreational or sporting interests’) of the local community, and whether it is realistic to think it can continue to do so in the next 5 years (whether or not the use remains exactly the same).

A nomination has been received from Revd. Dr. Julia Candy on behalf of The Midland Hotel Community Group, for **The Midland Hotel Public House, 29 Station Road, London NW4 4PN** (West Hendon ward) as an Asset of Community Value. **This report recommends that the asset is listed as an Asset of Community Value.**

**The nomination is an eligible nomination.** The Localism Act 2011 and the Assets of Community Value Regulations (“ACV Regulations”) provides that in order to be eligible, the nomination must be made by a community organisation or group which qualifies under the Act to make the nomination. The Midland Hotel Community Group is an unincorporated body, with over 21 individuals registered Barnet voters under regulation 5 (1) c of the ACV Regulations.

**The nomination does meet the criteria of furthering the social wellbeing or social interest of the community.**

The nomination describes uses that further social interest. The public house provides a wide range of community and social activities for the local residents in a residential area with direct connection to Hendon Railway Station. The garden is included in the ACV application as this is used for the socials and events held by the various groups mentioned in the application. It is an integral part of the pub comprising of a covered and seated decking area, a BBQ pit, pool table and ping pong table. The premises also include residential rooms of the original hotel built in 1889 and this is an integral part of the building. Public houses such as this are a focal meeting point for the local community and exist to serve the social and recreational interests of the community. It is therefore reasonable to think that **the main use of the asset furthers the social wellbeing and social interests of the community.**

There is currently a planning application in process to demolish Midland Hotel and build residential dwellings and car park provision. This nomination states the Midland Hotel is popular locally and has regular local customers, suggesting continued demand. At the time of writing it is not known if planning approval will be given or that if it is, whether the works will be carried out. The Council has undertaken a Review of Public Houses and although there is no explicit protection for Public Houses, Barnet's Local Plan supports the protection of community meeting places. **It is realistic to think that use of the asset can continue to contribute to the social wellbeing and social interests of the community.**

With this taken together, it was deemed that there is sufficient evidence to meet the statutory requirements as the main use of the asset contributes to the social interests or wellbeing of the local community.

## Recommendations

**That the Committee agree that The Midland Hotel Public House, 29 Station Road, London NW4 4PN should be listed as an Asset of Community Value and added to the Council's Register, based on the statutory criteria set out in the Localism Act 2011, and the evidence provided in the nomination.**

### 1. WHY THIS REPORT IS NEEDED

#### The Community Right to Bid

- 1.1 The Localism Act 2011 ("the Act") introduced a new right for groups of local people to nominate buildings or pieces of land which contribute to the 'social wellbeing or social interests' of their local communities to be listed on a register of Assets of Community Value ("ACVs"), which the local authority is required to maintain.
- 1.2 Nominations can apply to public or private assets, although certain kinds of asset (such as private homes) are exempt.
- 1.3 The Act provides that in order to decide whether to list a nominated asset as an ACV, the Council must consider whether the main use of the asset furthers the social interests or wellbeing of the local community, and whether it is realistic to think it can continue to do this (whether or not the use remains exactly the same).
- 1.4 The Act defines social interests as 'including cultural, recreational, and sporting interests'. There is no further definition.
- 1.5 The Act provides that land in a local authority's area which is of community value may be included by a local authority in its register of ACVs only:
  - (a) in response to a community nomination, or
  - (b) where permitted by regulations made by the appropriate authority.

- 1.6 In England a community nomination can be made by a parish council or by a voluntary or community body with a local connection as defined in the Assets of Community Value Regulations 2012 (“the Regulations”).
- 1.7 The statutory tests which the Council must apply when assessing a nomination are:
  - (i) Its main use furthers the social wellbeing or cultural, recreational or sporting interests of the local community; and it is realistic to think that the main use can continue to further the social wellbeing or cultural, recreational or sporting interests of the local community; or,
  - (ii) Where the main use does not currently have such a community benefit, in the “recent past” it did have and the Council considers it likely that it would be able to have such a use in the next 5 years.
  - (iii) That the nomination is a community nomination made by a community or voluntary organisation or group which qualifies under the Act to make the nomination.
- 1.8 Where either criterion i) or ii), and criterion iii) of the above is met, the Council must list the land or building on its register of Assets of Community Value.
- 1.9 If the Council lists the nominated land, a restriction is placed on the land if the land is registered at the Land Registry (as the Midland Hotel is). If the owner wishes to sell the asset or to lease it for more than 25 years, then the owner is legally obliged to notify the Council (if the asset is not owned by the Council). The Council will then inform the nominating group which signals an interim moratorium period of six weeks where the nominating group or any other eligible community group may register an interest in bidding for the asset. If during the six weeks a local community group expresses an interest in taking on the asset, then a full moratorium is triggered and the sale is delayed for a six-month period. This is designed to give the community group the opportunity to raise funds to try to purchase the asset at market value.
- 1.10 The owner is under no obligation to accept the community group’s bid over any other bid. There is no ‘right of first refusal’ for the community group, only the right to request the moratorium. The owner is free to work with other potential buyers and stimulate the wider market during the moratorium and at the end of the moratorium period can sell to any party. However, if the asset is not disposed of within 18 months from the commencement of the interim moratorium period, then the owner cannot make a relevant disposal without notifying the local authority again and repeating the process.
- 1.11 While not offering explicit protection for pubs, the Barnet Local Plan Policies CS10 and DM13 support the protection of community meeting places. The ACV listing will provide greater protection for retention as a public house.
- 1.12 If the pub is listed as an ACV it may become a material consideration in any future planning decisions – this and the weight given to such considerations is

at the discretion of the Council. Under Para 70 of the National Planning Policy Framework, planners should already consider pubs as community facilities. Para 92 states: ‘To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments’.

- 1.13 If an asset is listed as an ACV, the asset owner has the right to appeal against this, initially through the Council’s internal review process and subsequently through an appeal to the First Tier Tribunal.
- 1.14 If an asset is not listed, the Council must communicate its reasoning to the nominating group but the nominating group has no right to appeal against the decision.

### **Recent policy developments**

- 1.15 The Government is currently reviewing the Right. The review is on-going and there is no closing date as it is not a formal consultation. The Council has contributed to the review as an interested party.
- 1.16 A Communities and Local Government Select Committee report published on 3 February 2015 recommended that the review of the Right should increase the moratorium on sale or lease of an ACV to nine months, as well as creating statutory obligations for ACV status to be considered as a material consideration in planning matters. These recommendations have not yet been accepted by the Government but will feed into the review.

### **Nomination of The Midland Hotel Public House, 29 Station Road, London NW4 4PN**

- 1.17 The Midland Hotel Community Group, an unincorporated body comprising of over 21 Barnet individuals listed on the electoral register has nominated The Midland Hotel Public House. The enclosed plan sets out the boundaries of the nominated asset.
- 1.18 The Midland Hotel Public House is currently owned by EEH Estates Limited. The freeholder has been notified that this nomination is currently under consideration.
- 1.19 The nominating group considers that the main current use of the asset furthers social wellbeing and social interests of the community on the grounds that:
  - All members regularly use The Midland Hotel for social and recreational activities, with most living in surrounding roads, within walking distance to The Midland Hotel.

- One member runs the Montagu Road Residents Association that uses the pub for its social gatherings (meals and live bands events). There are 12 members in this local group.
- One member is the priest in charge of the local parish and several members are also parishioners of St John's Vicarage. She states that the Midland Hotel offers a much-needed place for those to celebrate a baptism or a place for mourners to gather and comfort one another after attending a funeral. The Midland Hotel is the only nearby place to be able to host such events at very important times in people's lives.
- The Midland Hotel Public House is the social hub of the local area and attracts visitors passing through Hendon from the national rail network or motorists as Station Road is a major connecting route to the north, south, east and west out and into London.
- The Midland Hotel Public House serving the community is well documented historically as a place for workers to gather to have breaks and refreshments.
- Its current use over the last few years include a regular meeting place for residents to socialise with friends and families e.g. for birthdays, christenings, anniversaries, engagements as well as more sombre funeral gatherings.
- It is also used as a venue for local businesses to drop in to socialise after work or to hold informal office parties, leaving dos and promotion celebrations. Regular customers: Angels Fancy Dress, The Bread Factory and The Garden Hospital.
- A venue for Pub Quizzes run to raise funds for local charities. £300 was raised for Teth Youth and Adult Services at quizzes that ran from May-July 2018.
- The Midland organises work experience for Middlesex University students, so there is a clear local benefit.
- The pub holds such events to make live music available to the local community and provides a platform for local music artists and contributes to the local area's culture. The free use of the pub piano encourages musical interest in the younger members of the community.
- The Midland Hotel provides a conduit to let the community become aware of issues that may affect them.
- It hosts The West Hendon Walking Group social meetings. This group regularly pop in here after their walk, share stories and plan their next walking route. This 28-year-old group has about 20 members at any given time and offers walks of varying difficulty for members.
- It hosts the Classic Cars Collection (Triple C) 10-member group who meet weekly to share motoring snippets about their interests.
- The beer garden, pool tables, ping pong tables, BBQ pit, piano, refurbished kitchen and function room provide the community with excellent facilities to initiate conversations and bond over food, drink and music. The pub is safe, relaxed and welcoming; allowing young children to share meals and leisure activities with adult family members without having to travel far or by vehicular transport.
- It hosts all major sports viewing events such as The World Cup 2018 and celebratory events to encourage more residents to come out to socialize rather than sit alone at home.
- "Football Fellowship" is held with St John's where people would gather and pray about what was important and perhaps difficult in their lives and then all would go and watch a football match on the big screen at The Midland Hotel. This was

done as a response to the high levels of loneliness and anxiety in people particularly men, in their twenties and thirties; to provide support and also friendship.

- Free Wi-Fi is available for customers which allows people to access the internet who otherwise would not be able to. The pub therefore provides a vital facility for people wanting to use the pub for more than just a social event.
- The Midland House provides the base for community services for disadvantaged local people such as providing Christmas dinners for homeless in the area between 12 - 3pm on Christmas Day. The pub licensee is contacted by the local community network of pub patrons to provide this discreet and informal help.
- A new Seniors group of residents from Station Road have formed who visit for brunch to make new social contact. Some are widowed or do not drive any more so this venue is perfect for making and keeping new friends.
- The new housing at West Hendon regeneration scheme also is a base for new customers. New residents need places to visit and socialise too and The Midland as a very inclusive pub offers them the choice of an amenity that is not as far as the Hendon Central town centre or further up along the A5 to other pubs.
- The Midland Hotel is next to the Hendon Thameslink Station and thus is a convenient place for commuters to visit when waiting for their trains especially in inclement weather conditions or during disrupted rail services. The train station also has no washroom facilities and The Midland Hotel has provided, free of charge, use of its toilets whether the visitors bought drinks or not.
- The Midland Hotel has been included in tourist and local pub guides, which attracts more people to the pub from surrounding areas and communities which helps boost the local economy.
- The Midland Hotel has a varied and inclusive clientele. The regulars come from all walks of life. Residents from the local multicultural community feel at ease sharing their space with each other regardless of what race, religion, gender or culture they are.

- 1.20 Supporting evidence can be found in Appendix 1; these are said to include views expressed by a number of people. The comments should be considered only in so far as relevant to whether the Midland Hotel meets the requirements of section 88 of the Localism Act 2011 as described in this report; the merits of the planning application are outside the remit of the Committee. There are no known plans to sell the land, but to redevelop it.

### **Application of statutory tests as set out in the Localism Act 2011**

#### Main use of asset furthers social wellbeing or social interests of community

- 1.21 The legislation sets a broad and loose definition of 'social wellbeing and social interests'. The activities listed at paragraph 1.19 are sufficient to demonstrate that a number of uses of the land fall within the definition of 'cultural, recreational, and sporting interests'.
- 1.22 There are no known plans to sell the land and evidence has been provided of continued demand, which means it is realistic to think the main use of the asset

can continue to further social wellbeing and social interest of the community. However, under Section 88(2)(b) ‘future condition’ that relates to the future use of the nominated building and whether “it is realistic to think” the building can serve the social interests and social wellbeing of the local community over the next five years. First Tier Tribunal ACV decisions emphasise that what is “realistic” may admit a number of possibilities, none of which needs to be the most likely outcome. However, to quote Judge Lane, “it should not be assumed that the requirement of section 88(2)(b) will necessarily be met, merely by a Micawber-like hope that something will turn up” (CR/2014/0015).

- 1.23 The building is currently subject to a planning application, which was made in August 2018, as noted in 6.4. No planning decision had been made at the time of writing this report, although a decision is expected on 10 December 2018. Depending on the planning outcome, the following scenarios must be taken into account; it should be noted that it is for the Committee to reach a conclusion as to whether the property meets the criteria for listing:
- **If no planning decision has been made:** The nomination passes the future use test if no planning decision has been made, as it is possible that the planning application will be refused and to think that the main use of the asset will continue to further social wellbeing and social interest of the community
  - **If planning permission accepted:** The test of continued community interest would be in doubt, however it does not automatically rule out future use for the community as planning consents do not always get implemented. The Midland Pub enjoys strong community support through both this nomination and the comments on the planning portal. The grant of planning consent does not automatically mean the future condition fails, as more than one future scenario may be realistic.
  - **If planning permission is declined:** The test would be met, as it is realistic to think that the main use of the asset will continue to further social wellbeing and social interest of the community.

#### The nomination is eligible

- 1.24 The Midland Hotel Community Group has made its nomination as an unincorporated body with over 21 registered residents (a status which qualifies to make nominations under the ACV Regulations).
- 1.25 Criterion (i) of the statutory tests has been met.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 There is a good case to say that nomination of The Midland Hotel Public House meets the statutory tests established by the Localism Act 2011 to be considered an Asset of Community Value. The recommendation is, therefore, that the Committee lists The Midland Hotel Public House as an Asset of Community Value.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The Community Leadership & Libraries Committee could decide not to list The Midland Hotel Public House as an ACV, but on balance it is judged that the nomination provides sufficient evidence that the statutory criteria set out in the Localism Act 2011 have been met. If the Committee is in agreement with this judgment, the Council must list the nominated asset as an ACV.
- 3.2 An owner has the right to appeal if they feel that their asset has been wrongly listed.

### **4. POST DECISION IMPLEMENTATION**

- 4.1 If it is listed as an ACV, the Midland Hotel Public House will be recorded on the Register of Assets of Community Value as an ACV, and registrations will be made at both the Land Registry and the Land Charges Registry. Both the nominating group and the owner of the property will be informed, in writing, of the outcome. If it is not listed as an ACV it will be added to the Council's list of unsuccessful nominations.

### **5. IMPLICATIONS OF DECISION**

#### **5.1 Corporate Priorities and Performance**

- 5.1.1 The Community Right to Bid process contributes to the 2015-2020 Corporate Plan's objective to develop a new relationship with residents that enables them to be independent and resilient and to take on greater responsibility for their local areas by fulfilling one of the rights granted to local communities under the Localism Act 2011.

#### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 The asset does not belong to the Council and there are no financial implications to this decision.

#### **5.3 Social Value**

- 5.3.1 There are no social value considerations as this decision does not relate to a service contract.

#### **5.4 Legal and Constitutional References**

- 5.4.1 The Localism Act 2011 obligates the Council to list assets nominated by local community groups as Assets of Community Value if these are deemed to pass the statutory tests set out in the Act. The ACV regulations sets out the procedure to be followed in assessing a nomination.
- 5.4.2 Under the Council's Constitution (Article 7 Committees, Forums Working Groups and Partnerships, section 7.5) the responsibilities of the Community Leadership Committee include: To receive nominations and determine applications for buildings/land to be listed as an Asset of Community Value

(Community Right to Bid).

- 5.4.3 When there is no scheduled meeting of the full Committee which falls within the eight-week statutory deadline for determining applications the Community Leadership Sub-Committee receives the nominations and determines the applications.
- 5.4.4 Part of the property is in use as living accommodation. Accommodation as a residence generally cannot be listed, but may be listed as an asset of community value where (as here) (a) the residence is a building that is only partly used as a residence; and (b) but for that residential use of the building, the land would be eligible for listing

## 5.5 **Risk Management**

- 5.5.1 There are no risks associated with the decision to list The Midland Hotel Public House as an ACV other than the owner's ability to challenge the decision.

## 5.6 **Equalities and Diversity**

- 5.6.1 No negative differential impact on people with any characteristic protected under the Equality Act 2010 has been identified with regard to this nomination.
- 5.6.2 Under section 149 of the Equality Act 2010, the council and all other organisations exercising public functions must have due regard to the need to:
  - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by or under the Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race, religion or belief; and sex and sexual orientation. The broad purpose of this duty is to integrate considerations of equality into daily business and keep them under review in decision making; the design of policies; and the delivery of services.

## 5.7 **Corporate Parenting**

- 5.7.1 As a Local Authority, we have responsibility for the children in care and care leavers within our borough. Corporate Parenting is about offering at least the same standards of care as would a 'reasonable parent' and ensuring that the decisions we make as a Council do not affect this cohort negatively. This report does not provide any implications for Barnet's children in care.

## 5.8 **Consultation and Engagement**

- 5.8.1 A draft amendment to the Council's Community Right to Bid policy was carried out between 11 February and 24 March 2014. The results of that consultation were set out in a report taken to the Community Leadership Committee on 25 June 2014 and the Council's guidance on the Community Right to Bid amended following agreement of that report.

- 5.8.2 More specifically, the nominating group has been engaged in dialogue as part of the process of administering the nomination, and given opportunities to submit evidence to support their claim.

### 5.9 **Insight**

- 5.9.1 No specific insight data has been used to inform the decision required.

## 6. BACKGROUND PAPERS

- 6.1 Community Right to Bid: Consultation and recent developments (Community Leadership Committee, 25 June 2014)  
<http://barnet.moderngov.co.uk/documents/s15687/Community%20Right%20to%20Bid%20Report.pdf>.
- 6.2 **GLA Annual Pubs Data Note 2018** (highlighted that the largest year-on-year fall of pubs closing and not reopening was in Barnet, where there were 20 fewer pubs in 2017 than 2016, a fall of 20%).  
[https://www.london.gov.uk/sites/default/files/pubs\\_data\\_note\\_london\\_2018\\_v3.pdf](https://www.london.gov.uk/sites/default/files/pubs_data_note_london_2018_v3.pdf)
- 6.3 **Review of Public Houses in Barnet 2018** (highlights public houses bring economic, social and heritage value to a community. 70 public houses have closed since 2000. Four wards accounted for 40% of closures included Hendon) - study being prepared for the local plan review and is not yet in the public domain.
- 6.4 Current planning application being processed for the site for Demolition of the Midland Hotel and the construction of three buildings of five to eight storeys in height to accommodate 59 residential dwellings and 22 car parking spaces. Validated on 21<sup>st</sup> August (18/4961/FUL).  
<https://publicaccess.barnet.gov.uk/online-applications/applicationDetails.do?keyVal=PD8SXAJILBN00&activeTab=summary>
- 6.5 Use of “future condition” for a resolution to grant planning consent for a pub to become flats on the upper floors, with a planning condition that it would remain a pub on ground floor and basement. The tribunal considered what “realistic” means and said that more than one future scenario may be realistic. The tribunal also mentioned they had not been given evidence that pub use would be uneconomic and they decided that s88(1)(b) was satisfied.  
<https://www.casemine.com/judgement/uk/5b2898012c94e06b9e19edac>
- 6.6 By the time the case was heard the pub had closed and the owner gave evidence that it wasn’t profitable. The tribunal still decided that the future condition was met. The tribunal said that it also took into account what appeared to be genuine interest from a keen local community organisation.  
[https://www.stalbans.gov.uk/Images/Appendix%201\(6\)%2018.5.16%20Ham](https://www.stalbans.gov.uk/Images/Appendix%201(6)%2018.5.16%20Ham)

[a%20Wakaf%20Limited%20v%20Lambeth%20LBC%20CR-2015-0026\\_tcm15-61356.pdf](#)

## Appendix 1 – Supporting evidence

I am the priest in charge of the local parish of St John's in West Hendon and the spokesperson of this informal group of 39 people.

The Midland Hotel Community Group was formed as a local voluntary action group to support and preserve The Midland Hotel Public House.

All the group use The Midland Hotel in some way or other. All are involved with the social, cultural and heritage aspects of The Midland. We greatly value its presence as a focal point for our community.

We note recent plans submitted to Barnet Council (application 18/4961/FUL) to demolish the pub and develop the pub site.

[https://publicaccess.barnet.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PD8SXAJILBN00](#)

We view this as seriously detrimental to the local community as The Midland Hotel is not only a landmark building, it has been key to the social cohesion of this area for generations.

We (as a body of stalwart members of the local community) are nominating The Midland Hotel for an asset of community value listing in Barnet.

We believe that there is no other pub or other warm, safe and welcoming venue in the whole local area where people routinely wish to use for their personal/family/business events on the scale/size/range offered by The Midland Hotel.

Our group collects no subscriptions, has no money of its own, and therefore has no accounts or money to distribute.

The Rev'd Dr Julia Candy

St John's Vicarage, Vicarage Road, London, NW4 3PX

Phone: 020 82022324

Email: [revd.dr.juliacandy@gmail.com](mailto:revd.dr.juliacandy@gmail.com)

Dear Sir/Madam

As both a local resident and a local historian I strongly believe that Midland Hotel should be recognized as an Asset of Community Value. It is an attractive and well-run pub, and a music venue (a rarity in Barnet Borough). It is equally popular with regular drinkers and with occasional customers, and also much appreciated by its neighbours, as the 600 comments from local people protesting about the Midland's proposed demolition clearly demonstrates.

The Midland is an pleasant 1890s building and serves as a physical reminder of the importance of the railway in Hendon's development in the 19th Century. So many pubs which informed us of other aspects of the history of Hendon- the White Bear (site of the medieval Courts Leet), the Load of Hay (Hendon feeding the horses of London), the Welsh Harp (Hendon as pleasure-grounds for Victorian and Edwardian Londoners), and many more- have closed and been demolished. With the closure of each one we have lost a tangible link with the past, only for them to be replaced with yet more faceless blocks of over-priced flats. The pub goes, a small but significant piece of history is forgotten, and so something within the community withers.

I appeal to you to give the Midland at least the minimal protection that is an ACV.

## DISMORE JOINS CAMPAIGN TO SAVE MIDLAND HOTEL

November 29, 2018 | office

**Labour London Assembly Member for Barnet and Camden Andrew Dismore has backed plans to list the Midland Hotel pub in Hendon as an Asset of Community Value. An application was submitted to demolish the building and replace it with 59 residential dwellings, none of which are affordable.**

Reverend Dr Julia Candy, the priest in charge of the local parish of St John's in West Hendon however is leading an effort to designate the pub an Asset of Community Value. ACVs' must further the social wellbeing or social interests of the local community.

The designation provides several protections for the building, namely the removal of permitted development rights for change of use and demolition of pubs; it is a material consideration in a planning application; permits Community right to bid; and an ACV-registered building can be compulsorily purchased by the local authority or council "if the asset is under threat of long-term loss to the community".

### Mr Dismore said:

'The wilful and wholesale destruction of valued community assets is a disgrace. This comes hard on the heels of the loss of The Chequers pub in Church End, Hendon, of which I also opposed the planning application. In recent years there has been the loss of 20 pubs within a 1.5-mile radius of Hendon Town Hall. It is time for Barnet Council to treat our pubs as the community assets they really are, rather than another development opportunity to make a shed load of money.'

'The Midland Hotel is a welcoming presence to those who arrive in Hendon from Hendon Station, and has long and deep historic roots in the area. Its loss would be a travesty, which is why I am pleased to be able to support the excellent local campaign by resident.'

ENDS

### Notes:

- Andrew Dismore is the Labour London Assembly Member for Barnet and Camden
- A copy of Mr Dismore's letter of support for ACV status for the Midland Hotel [can be found here](#).

I am writing in support on the Midland Hotel's ACV application.

I am Labour's Prospective Parliamentary candidate for Hendon. I was selected six weeks ago and have already held a meeting with local community activists and Labour members at the Midland.

Over the coming months, I and other members of the local Labour Party intend to use the Midland to hold further meetings with members of the community. For us, it is one of the hubs of our activity in West Hendon and plays a critical role in community life. From our work with the community, we have found the Midland to be an important part of community life and our work to meet with and support local residents.

From my many conversations with local residents, I am also very aware of the concern in the local community about the Midland being shut and the strong support among local residents for maintaining it.

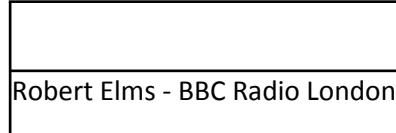
That is why I am fully supportive of its nomination as an ACV. I hope you will be able to consider my support and that of local Labour members for designating the Midland an ACV in your deliberations.

I would be delighted to discuss with you further if that would be of help

With all best wishes

David Pinto-Dushinsky

Please would you add my support to the case supporting the application for Community Value for the Midland Hotel in Hendon.



It is absolutely essential that this facility is retained for use by the public. There are many community users of the pub, of which I am just one. I am involved in a Campaign called "Save London Music". This is a London wide campaign working to save grassroots music venues. The Midland Hotel was the site of our launch party in Feb 2015, and has been regularly used to hold music events since. The Campaign will be having its fourth Birthday party at the venue in February 2019. The Campaign has been recognised by BBC Radio London (especially award-winning presenter Robert Elms) as a vital element of preserving Londons music scene and Robert recently read out a statement of support for the campaign on his show. In association with Robert, we have documented all of Londons grassroots venues and organised gigs at the majority of them (<https://barneteye.blogspot.com/2015/11/the-big-london-venue-project-in.html> )

There is no other similar venue in West Hendon. Over the past two years, there have been regular gigs organised by a whole host of Barnet musicians – some of these are documented in this Facebook thread on the Barnet Music page, used by Barnet Musicians -  
<https://www.facebook.com/groups/1045197652201290/permalink/2035103413210704/>

I have also used the venue on several occasions to host The Barnet Eye community awards, which recognises local charities and community campaigners. Organisations such as Colindale Foodbank and Barnet Housing Action have been recognised. (<https://barneteye.blogspot.com/2016/12/the-saturday-list-109-barnet-eye-annual.html> )

As a venue for wedding parties, funerals and other family events the venue is a vital and sadly unique venue. A good friend of mine recently had the wake for both her brother in law and mother at the venue. As a relatively low cost and community pub, it is an option for many who can't afford more expensive venues.

Finally, the pub has an important role as a meeting place for local people. I am aware that the argument that developers and owners often make is that pubs are under utilised and part of a dying culture. The Midland has seen a decent turnaround over the last few years especially as a result of the live music offering. There is a huge untapped market for such a venue. This has been demonstrated by the transformation in Colindale of The Chandos Arms from a failing pub on its last legs three years ago to a vibrant, profitable business that won the UK Brewing Awards National Community Pub. The Landlord of the Midland is keen to emulate the success of the Chandos but cannot sensibly make the investment necessary to move the pub forward until such time as the future of the pub is secured. He has made small changes, such as bringing in a well used table tennis table and working with me to provide live music, but cannot sensibly invest in his own sound system and changes necessary without a guarantee of the future.

The fact that the planning application to knock down the Midland attracted over 500 objections demonstrated just how strong the local feeling is to preserve the Midland Hotel. Now please give John and the Team the security they need to take the pub forward and ensure that future generations of residents of West Hendon have a great pub, a grassroots music venue for budding musicians, somewhere to celebrate weddings and mourn the passing of those we love and somewhere to organise community events.

Regards

Roger Tichborne

I am the Pubs Protection Officer for the local branch of Campaign for Real Ale (CAMRA).

I am writing in support of the Asset of Community Value (ACV) application that has recently been submitted by The Midland Hotel Community Group.

Hendon has lost many public houses to development schemes in the last few years so I am heartened that the local community in Hendon has garnered huge numbers to protect The Midland Hotel Public House with an ACV nomination.

Over the last few years The Midland has gone from strength to strength, becoming the hub for the local community. There is a long list of residents who have used the pub for generations and who treat the pub as an extension of their homes and families; many know each other by their first names and it is a fine example of a social cohesion working well.

The pub licensee has renovated the interior and exterior, introduced Real Ale, revamped the food menu while continuing to offer sports TV, leisure pursuits like pool and ping-pong and occasional music. This is all being enjoyed by the regulars and by the new customer base attracted by the simple but full menu. Many live within minutes from the pub and do not use any transport to get to it.

There is no other amenity in the area that can offer the same service as The Midland.

The Barnet Multicultural Centre in Algernon Road nearby is for a different group of the community - for example, it is being used for music lessons for children or the halls are hired for bigger groups of people. St John's Church has also parish based group activities but there is still need for a more relaxed type of environment which The Midland provides.

Where will the local residents of Hendon go if this pub closes? The loss of this very accessible social amenity will cause many problems.

I hope that you are aware of the 600 or so objections to plans to demolish the pub. It is evident that the local community and the wider community have much to lose or they will not have come out in their numbers to voice their support for the pub.

CAMRA were pleased to include The Midland Hotel in CAMRA's GOOD BEER GUIDE 2018; the 45th edition of UK's best-selling beer and pub guide. Many of our members were keen to include it in next year's edition, but with the new owners planning to demolish the pub for residential development, we were unable to do this; we hope to be in a position to promote in the 2020 edition!

So, in our opinion, The Midland Hotel should be listed as an ACV as it has and will continue to serve the local community well.

Thank you

David Fenton, Pubs Protection Officer for Enfield & Barnet branch of CAMRA

MATTHEW OFFORD MP



HOUSE OF COMMONS  
LONDON SW1A 0AA

Ms Danusia Brzezicka  
Register of Assets of Community Value  
London Borough of Barnet  
North London Business Park  
Oakleigh Road south  
London N11 1NP

10<sup>th</sup> December 2018

Dear Ms Brzezicka,

**The Midland Hotel Public House, 29 Station Road, Hendon, NW4 4PN**

I write to support the application for the Midland Hotel Public House to be listed as an asset of community value under the Localism Act 2011.

This landmark Victorian building is an integral part of the Hendon and West Hendon community. It is a focal point for local people and groups. Not only does it provide traditional pub facilities - bar, restaurant, quizzes, pool table, music nights and sport occasions - it is also the location for parties, receptions, business meetings and a variety of community group meetings.

The immediate community is culturally and ethnically diverse but all feel welcome and able to use the Midland Hotel for events or somewhere simply to meet friends and neighbours.

It has strong links to St John's CofE Church, their congregation and groups with which they work.

When many pubs are being forced to close the Midland Hotel is thriving. With the regeneration and redevelopment currently taking place in West Hendon, the hotel/pub's clientele and demand for its facilities will inevitable increase.

The Midland Hotel is more than simply a hotel pub. It is an historic building, inextricably linked to the local community and offers facilities and services that are not available elsewhere in the immediate community. The Midland Hotel Public House is an undeniable asset of community value and I trust will be listed as such.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "M. Offord".

MATTHEW OFFORD MP

Member of Parliament for Hendon  
Tel: 020 7219 7083 Fax: 020 7219 2372  
Email: matthew.offord.mp@parliament.uk

From Cllr Helene Pines Richman, West Hendon Ward

Dear Sirs:-

I am writing on behalf of the residents of West Hendon who are overwhelmingly in favour of taking all necessary measures to preserve the historic, iconic and beautiful Midland Hotel and Pub ("the Midland Pub"), including listing it as an ACV.

The Midland Pub is the very best of our past in West Hendon, and the hope for our future. It was established in the 1870s as a much needed stopover for those travelling into the heartland of the country on our new trains, and as a place for those living locally to congregate in the spirit of friendship and good cheer. It served those purposes well.

The Midland Pub has stood strong through the enormous gales of the late 19 C industrial revolution, the uncertainty of the turn of that century, and the frightening travails of two world wars. Through it all, it has been a calm port for those who live in Barnet, and as the decades have worn on, become the iconic and irreplaceable presence it is today.

I have spoken to countless residents in West Hendon who have told me heartfelt and inspiring stories of the pub in earlier days, and the people who worked there, some of whom are the direct ancestors of residents and patrons of the pub today.

The warmth of feeling is palpable when tales of the old times are told. There are residents who are absolutely bereft at the thought of losing this well-loved local institution.

This feeling carries on to the endeavours of the modern day pub of 2018 where proprietor of the business John Teahan provides a lovely and amicable hub space for locals to get together informally whenever they want, and also to book space for communal and private gatherings.

The pub itself looks beautiful on the outside. The remembrance of the best of Victorian England is immediately evoked even before one walks through the door. Inside, the Victorian charm continues and the large back room with its unusual and very pretty ceiling sky light is a sight fit for a period drama. Anyone and everyone feels the comfort and relaxed ambiance of these rooms.

People can sit anywhere they like. The back room is particularly suitable for private gatherings - children's birthdays, adult celebrations- weddings and anniversaries, and events of religious significance, funerals and wakes.

It is also a place for community activities - it can be a meeting place for the village of West Hendon.

It is also a well-regarded pub for its pub offerings of food and beer.

Sadly, most of the other pubs in the area have closed. The traditional pubs are largely completely gone. There is no other space in the area which serves the multipurpose function that the Midland Pub does.

I have observed first hand the strength of the support for and behind the Midland Pub. I attended a party specially planned in honour and support of the Midland Pub and to voice public objection to any thought of endangering it now or in the future. The party was a great success and the Pub was filled to the rafters with patrons pleased to stand tall and firm, in solidarity with the Midland Pub.

Looking to the future, the Midland Pub can and should be a centre piece for the regeneration of West Hendon Broadway. The main transport into the area is the mainland train and this is likely to continue. The Midland Pub is adjacent to the Hendon Station. It is important that when people get off the train to visit they are immediately attracted to the space. The Midland Pub can do this with its outward beauty and warmth. This, in turn, will assist in generating a buzz and desire to frequent the whole area. The Pub can be a link to the success of the entire regeneration project.

It follows that not only does the Midland Pub provide a vitally important space and service to the entire community and locality, for which there is no near substitute, it will hopefully be the link and key to the successful long term viability of the whole area.

In the premises, I most strenuously urge the Committee to list the Midland Pub as an ACV.

Yours very truly,

Helene Pines Richman  
Cllr  
West Hendon





## St John the Evangelist Church, West Hendon

Priest in Charge: Rev'd Dr Julia Candy  
Telephone: 020 8202 2324  
Email: [revd.dr.juliacandy@gmail.com](mailto:revd.dr.juliacandy@gmail.com)

Sunday 8<sup>th</sup> April 2018- Second Sunday of Easter

### Notices

**Football Fellowship** is next meeting at St John's Church at 7pm, Tuesday 10<sup>th</sup> April. Football Fellowship first begins with a time of prayer together in the church and then moves on to the Midland Hotel to watch a Champions League game together. Everyone is welcome to attend this friendly and fun prayer group. For more information please talk to ~~Rev'd~~ Julia.

**Soul Café:** The next Soul Café will be taking place at 7pm this Thursday (10<sup>th</sup> April) at the Community Hub, Gadwall House, Perryfield Way. For more information about Soul Café, please contact ~~Rev'd~~ Julia.



Its local connection and importance have been further acknowledged by politicians and councillors of the main political parties and 611 objections sent by members of the community to the local planning authority (citing the loss of The Midland as unacceptable).

<https://www.matthewwofford.co.uk/news/matthew-opposes-demolition-plans-popular-midland-hotel>

<https://www.times-series.co.uk/news/16886354.plans-to-demolish-historic-barnet-pub/>

<https://publicaccess.barnet.gov.uk/online-applications/applicationDetails.do?activeTab=neighbourComments&keyVal=PD8SXAJILBN00>

The Midland Hotel is unique in the area and would not only be sorely missed, but its removal from operation and existence in the area would present residents and others with a real and ongoing dilemma which would not be easily solved. It would represent a tremendous loss to West Hendon and the borough.

Some resident's views:

The Midland Hotel Pub is like a second home to me. I come here every day and have a great rapport with John the landlord, the cheerful staff and the other regulars who drop by at various times. I find the pub warm and welcoming and if it is not here, I would not know to go to pass the time of day. There is nowhere where I am happy and comfortable in a setting that is relaxed and safe. There is no pressure to drink more than I want and I am not hurried away because I occupy a seat all day. I chat to who I want to and sometimes am alone with my iPad and yet, not isolated. That is the magic of The Midland. I would lose my sanity if this beautiful haven is turned into a block of flats. This pub is drug free and there is no hassle from anyone as the landlord oversees responsible drinking and good behaviour. I know that I am not the only one who feels the way I do as pubs serve a vital function and they provide support in ways that other agencies or establishments do not. Here, we feel included in the normal society and not segregated or set apart. Please do not demolish the pub.

I believe that it is extremely important that this pub is retained for public/community use; it plays a very important role as a meeting place and venue for many local people, it is absolutely an asset of community value. It is a great music venue and a vital element in the preserving of London's 'live' music scene, there are no other similar venues in West Hendon. Over the past two years, there have been regular gigs organised by a whole host of Barnet musicians, it is not only a vital source of community culture, it is a vital source of income for the musicians and the pub. As a musician myself, and having played many gigs during 7 years in a band during my 20s, I can confirm the importance of smaller venues in building confidence and in building a following.

The pub is a very useful meeting place for groups/community events, for example it has been the venue for The Barnet Eye community awards, which recognises local charities and community campaigners. Organisations such as Colindale Foodbank and Barnet Housing Action have been recognised. (<https://barneteye.blogspot.com/2016/12/the-saturday-list-109-barnet-eye-annual.html> )

As a venue for wedding parties, funerals and other family events (birthdays, anniversaries, christenings etc) it is a vital, affordable venue, an option for many who can't afford more expensive venues.

The planning application to demolish the Midland Hotel received 500+ objections. This demonstrated the strength of local feeling. Please allow this venue to thrive once again. Allow the pub to move forward to ensure that future generations of residents of West Hendon and the surrounding area have a great pub, a grassroots music venue for budding musicians, a venue for community/group/family events and meetings.

Yours sincerely,

I would like to register my support for The Midland Hotel (Hendon) to be considered as an asset of community value.

This is an important part of the area's built heritage and is much loved by all those who use it. To lose it would be a disaster.

Kind Regards

## Live Music Events & Campaigns At The Midland Hotel

- 20/12/2014 North London Musicians Collective Christmas Party  
23/5/2015 North London Musicians Collective Spring Jam Night  
18/9/2015 Official Launch of The Save London Music Campaign  
29/4/2016 Hillsborough Remembered Memorial Night/Fundraiser for Hillsborough fans  
23/9/2016 Painted Smile Gig  
1/10/2016 Tell the Others  
21/10/2016 Painted Smile Gig  
16/12/2016 SaveLondonMusic Xmas Party. Barnet Community Awards hosted by Barnet Eye  
Every second Saturday of the month 2017 : Jammy Dodgers Live Band  
7/1/2017 Firebird Seven Live at The Mids  
3/2/2017 Live Music; Kylie Mac  
25/2/2017 Rock with Austerity NHS Campaign  
15/4/2017 Rock the Cazzbar Easter Celebrations  
29/4/2017 Hokum Rhythm 'n' Blues  
24/6/2017 Rocking the Cazzbar  
15/7/2017 The Hook live band  
22/7/2017 Paparazzi Live at The Midland  
19/8/2017 Rocking the Cazzbar  
25/11/2017 Rocking the Cazzbar  
27/1/2018 Rocking the Cazzbar  
24/2/2018 SaveLondonMusic Campaign 3rd birthday party  
13/7/2018 Official Launch of The Barnet Wall Campaign  
13/10/2018 The Barnet Eye Tenth Birthday Party

### Contact details and Links for Music groups and their performances

Mill Hill Music Complex, Unit 1, Bunns Lane Works, London, NW7 2AJ  
[enquiries@millhillmusic.co.uk](mailto:enquiries@millhillmusic.co.uk)

<https://www.facebook.com/groups/FalseDots/>

<https://www.facebook.com/TheMidlandHotelHendon/>

<https://www.facebook.com/Rocking-the-Cazzbar-100349324019838/>

[https://www.facebook.com/pg/paintedsmilers/events/?ref=page\\_internal](https://www.facebook.com/pg/paintedsmilers/events/?ref=page_internal)

### **Angel's Fancy Dress**

Contact: Wendy Service  
Email: [wservice.uk@gmail.com](mailto:wservice.uk@gmail.com)

### **2017 Events**

17 February- Mel B leaving  
31 March- Tara/Miles leaving  
18 August- Chris H leaving  
25 August- Wendy S birthday  
1 September- James C leaving  
8 September- Sally M leaving  
11 September- ~~Auriella~~ C birthday  
20 October- Sylvia W leaving  
31 October- department get together  
10 November- Sarah M leaving

We also get together as regularly as 4 - 6 weekly to relax and build up a working bond.

### **2018 Events**

12 January- Magda W leaving  
18 May- Shelley leaving  
22 June - Sylvia B leaving  
31 July- Lydia G leaving  
24 August- Wendy S birthday  
11 September- ~~Auriella~~ C birthday  
2 November- Cathy M/ ~~Auriella~~ C/ Julie D - leaving

### **Montagu Road Residents Association**

Contact: Judy Shepherd, Chair of Group  
Email: [slamdoor@ntlworld.com](mailto:slamdoor@ntlworld.com)

#### **2017**

9th January - 5 residents for parking meeting  
22nd February - Jan's birthday  
1st March - resident meeting re school problems  
19 April - funeral  
5th May - resident meeting  
18th July - resident meeting  
22nd August - birthday drink  
19th September -resident meeting  
29th October – Judy Birthday - had drinks  
13th November - resident meeting  
31st December - New Year's Eve

#### **2018:**

16th January - residents meeting  
17th February - drinks  
22nd March - residents meeting  
11th May - residents meeting  
29th June - residents meeting  
14th July - wedding drinks  
7th September - funeral  
24th September - residents meeting  
29th October - Judy birthday drinks  
6th November - residents meeting  
19th November - drinks John's birthday

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#### **Past Events**

27 January 2018 Birthday Party Wendy  
30 May 2018 Birthday Party Elizabeth  
7 July 2018 73<sup>rd</sup> Birthday Party Eamon  
1 October 2018 11<sup>th</sup> Birthday party Reece  
11 October 2018 Birthday party Tim  
27 October 2018 Halloween Party  
1 September 2018 40 Birthday Party  
22 September 2018 Birthday Party  
7 November 2018 Senior Citizens Afternoon Tea 3.30pm  
8 November 2018 Funeral Wake 3pm 40 guests  
10 November 2018 Reunion Lunch Rob & Family  
15 November 2018 West Hendon Walking Group Afternoon Tea Social

### **Upcoming Bookings**

- 30 November 2018 Funeral Gathering 12.30pm
- 30 November 2018 Garden Hospital Christmas Party 6pm
- 1 December 2018 Mummies Xmas Meet-up 7 guests
- 1 December 2018 Labour Party Meeting Ernest Ambe
- 2 December 2018 – 22 December Christmas Is Coming Event Xmas Tree sales and Chestnuts Roasting to create a Christmas atmosphere for the local community.
- 5 December 2018 Senior Citizens Lunch 1pm
- 8 December 2018 Labour Party Xmas Party
- 15 December 2018 Birthday Party
- 22 December 2018 Community Christmas Party
- 25 December 2018 Christmas Dinner for Homeless People 12-2pm
- 31 December 2018 New Year's Eve Party