

Agenda Item 11.2 – (Referral from Assets Regeneration and Growth Committee - Land to the rear of 71 Holden Road, North Finchley, N12 7DR) – to inform Council of the following information.

Supplementary information:

On Thursday 15th October 2015, a decision was taken by a sub-Committee of the Community Leadership Committee to list part of land to the rear of 71 Holden Road as an Asset of Community Value (ACV). The Council received a Community Right to Bid nomination for part of land to the rear of 71 Holden Road (as marked in the enclosed map) to be listed as an ACV. The Council has a statutory obligation to consider all such nominations received in accordance with the terms of the Localism Act 2011. Recommendation 3 in the officer's report relating to agenda item 11.2 has been amended to reflect the decision of the Community Leadership Committee sub-Committee.

The Council can still take a decision to approve the grant of an option to dispose of the land on a 150 year lease, as set out in the original recommendation. However, as well as being subject to planning and a tree maintenance plan, the option will also need to be subject to compliance with the requirements so far as applicable of the Localism Act 2011; The Assets of Community Value (England) Regulations 2012; and the requirements of s 123 of the Local Government Act 1972 to obtain the best price that can be reasonably obtained.

Once an asset is listed as an ACV, if the owner states an intention to dispose of the asset by sale or granting a lease of more than 25 years, a six week period (the interim moratorium period) is triggered during which the owner cannot dispose of the asset (other than to a community group) and community groups can register an interest in putting together a bid for the asset. If a community group makes a written request to be treated as a potential bidder during these six weeks, a full six month moratorium period (calculated from the start of the interim moratorium period) comes into force, during which time the owner cannot dispose of the listed asset to any party other than a community group. The moratorium period is intended to give community groups time to put together a bid for the asset, but the owner is not obliged to accept a bid received from a community group and it needs to represent best value. The owner can dispose of the asset freely on the open market at the end of the six weeks unless a bid has been received.

If Council takes a decision to approve the grant of an option to dispose of land to the rear of 71 Holden Road on a 150 year lease, once this is notified it will trigger the start of the six weeks interim moratorium period during which time community groups can register their interest in bidding for the asset, having regard to the full moratorium period set out above.

Reference to Community Leadership Sub-Committee, 15 October 2015:

<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=752&MId=8516>

Report recommendations as amended:

1. Consider the objections received.
2. Declare the land as surplus to the Council's requirements.
3. Approve the granting of a two year call option to HGS Properties (Brookdene Holden Road Ltd) to purchase the public open space land at the rear of 71 Holden Road on a 150 year lease **subject to (i) planning, (ii) a tree maintenance plan (iii) compliance with the requirements so far as applicable of the Localism Act 2011 and The Assets of Community Value (England) regulations 2012 and (iv) the requirements of s 123 of the Local Government Act 1972 to obtain the best price that can be reasonably obtained.** A condition of the lease will be that the public are afforded access to the amenity land.
4. Delegate authority to the Chief Operating Officer in consultation with the Chairman of the Assets Regeneration and Growth Committee to negotiate and finalise the terms of the Lease including the 2 year call option.
5. That a Local Wildlife Group be consulted in the drawing up of the Woodland Management Plan.