

	<h2 style="text-align: center;">Community Leadership Committee</h2> <h3 style="text-align: center;">22 November 2017</h3>
Title	Community Right to Bid nomination: Cricklewood Greenspace
Report of	Councillor Longstaff, Chair, Community Leadership Committee
Wards	Golders Green
Status	Public
Urgent	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.
Key	No
Enclosures	None
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Summary

The Localism Act 2011 introduced the Community Right to Bid (“CRTB”), 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) 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 to list Cricklewood Green Space, Broadway Retail Park Cricklewood Lane, London NW2 1ES, 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 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 NorthwestTwo Residents' Association, which nominated Cricklewood Greenspace, is an unincorporated body whose members include at least 21 individuals, whom appear on the electoral roll for either Barnet or a neighbouring borough (a qualifying status under the Act).

The nomination describes uses that further social interest, such as hosting regular community events and providing a space for the community to come together so it is reasonable to think that the **main use of the assets furthers the social wellbeing and social interests of the community.** There are no currently active and publicly available plans for the Council owned site and there is evidence of plans for upcoming community events which means it is realistic to think the main use of the asset will continue to further social wellbeing and social interest of the community.

Recommendations

That the Committee agree that Cricklewood Greenspace 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 on 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 Since the introduction of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 much greater weight is given in planning to public houses which are registered or nominated as an ACV. Any change of use or re-development of an ACV registered or nominated public house requires planning permission. Previously such changes could be made without requiring the consent of the local planning authority. 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 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.
- 1.13 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.

Nomination of Cricklewood Greenspace

- 1.14 The NorthwestTwo Residents' Association has nominated Cricklewood Green Space, Broadway Retail Park Cricklewood Lane, London NW2 1ES. The enclosed plan in Appendix 1 sets out the boundaries of the nominated asset.
- 1.15 Cricklewood Green Space is owned by Barnet Council and is under the jurisdiction of the Parks and Open Spaces Team. They are aware of and support the nomination.
- 1.16 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 green space is the only green space in Cricklewood Town Centre.
 - It is not only a place where the community gathers for festivals and special events such as the Crick Fest, Christmas light switch-on and summer festivals but it also serves as a focus for community unity.
 - Groups from local schools display Maypole dances, while community choirs and businesses meet on the green to engage in planting, litter picking and public music displays.

- The sole use of the green is a community space which furthers social wellbeing as well as cultural and recreational interests of the local community.
- It is realistic to think that the main use will continue and the use of the green will be intensified as the local regeneration scheme increases the local population. Furthermore, local volunteer groups have been growing and developing an array of events which take place year on year so it is anticipated that the number of times the green space is used for community events will increase over the next few years.
- The green space was enhanced by a large grant from the Mayor of London's Outer London Fund. This money allowed for a significant reduction in the slope of the hill and the widening of the pavement on Cricklewood Lane.

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

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

- 1.17 The legislation sets a broad and loose definition of 'social wellbeing and social interests'. The activities listed at paragraph 1.16 are sufficient to demonstrate that a number of uses of the asset fall within the definition of 'cultural, recreational, and sporting interests'. Evidence of these activities is provided in Appendix 2.
- 1.18 It may be assumed the activities listed at paragraph 1.16 are the main, rather than ancillary, activities carried out on the premises.
- 1.19 There are no currently active and publicly available plans for the Council owned site and evidence planned community activities and events, which means it is realistic to think the main use of the asset will continue to further social wellbeing and social interest of the community.
- 1.20 Previous nominations of the same site in 2012 and 2016 were deemed not to meet the statutory criteria, however, matters have since been addressed and evidence has been provided to show that community activity takes place on this site.
- 1.20.1 When Cricklewood Greenspace was originally nominated in 2012, it was deemed that the principal use of this area, at that time, did not further the social wellbeing or social interests (including cultural, sporting or recreational) of the community. The primary use of this land at the time was often the cause of anti-social behaviour in the area, a view that was supported by the police in 2012. On receipt of the re-nomination, it was recognised that there were historic issues with anti-social behaviour at the Cricklewood Green Space, however these issues appear to have abated and there have been no reports of persistent ongoing anti-social behaviour issues at the location in the last 12 months. Indeed the police team (Childs Hill) ran a check on their systems for the location and found that there has only been one ASB report there during that whole period. Based on the information available, it is

deemed that Cricklewood Green Space is **not** currently a hotspot for crime and anti-social behaviour.

1.20.2 In 2012, it was also said that the Cricklewood Improvement Programme, with which the original nominating group were involved, sought to encourage local residents to participate in the development of Cricklewood as a great place to live and work. It was said in 2012, that council officers from the Regeneration Service will work closely with the Cricklewood Improvement Programme to ensure that the development of the area meets the needs of the local community. The re-nomination of Cricklewood Green provides evidence outlined in Appendix 2 that there have been developments to the site since 2012, with lots of community activity taking place so it is plausible that the primary use of the land has changed and that it does further social wellbeing of the local community.

1.21 Taken together, points 1.17-1.20 establish that criterion (i) of the statutory tests set out in paragraph 1.7 above have been met. The main use of the land does 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

1.22 The NorthwestTwo Residents' Association has made its nomination as an unincorporated group of over 21 members who are on the electoral register for Barnet (a status which qualifies to make nominations under the Act).

1.23 The criteria also asks that an unincorporated group provides a copy of a Constitution which they have done as well as signatures from group members confirming that they are local residents.

1.24 Criterion (iii) of the statutory tests set out in paragraph 1.7 has therefore been met.

2. REASONS FOR RECOMMENDATIONS

2.1 The nomination of Cricklewood Greenspace 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 Cricklewood Greenspace as an Asset of Community Value.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The Community Leadership Committee could decide not to list Cricklewood Greenspace 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 Cricklewood 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

- 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)

- The site belongs to the Council and there are no financial implications to this decision.

5.3 Social Value

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

5.4 Legal and Constitutional References

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.

Under the Council's Constitution (Article 7 Section 7.5 Responsibility for Functions) the responsibilities of the Community Leadership Committee include: Responsibility for civic events, community safety, emergency planning, registration and nationality service, grants to voluntary sector.

- To receive nominations and determine applications for buildings/ land to be used as an Asset for Community Value (Community Right to Bid).
- To submit to the Policy and Resources Committee proposals on the Committee's budget for the following year in accordance with the budget timetable and make recommendations on issues relating to

underspends or overspends. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.

5.5 Risk Management

- There are no risks associated with the decision to list Cricklewood Greenspace as an ACV.

5.6 Equalities and Diversity

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

- 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.
- 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.

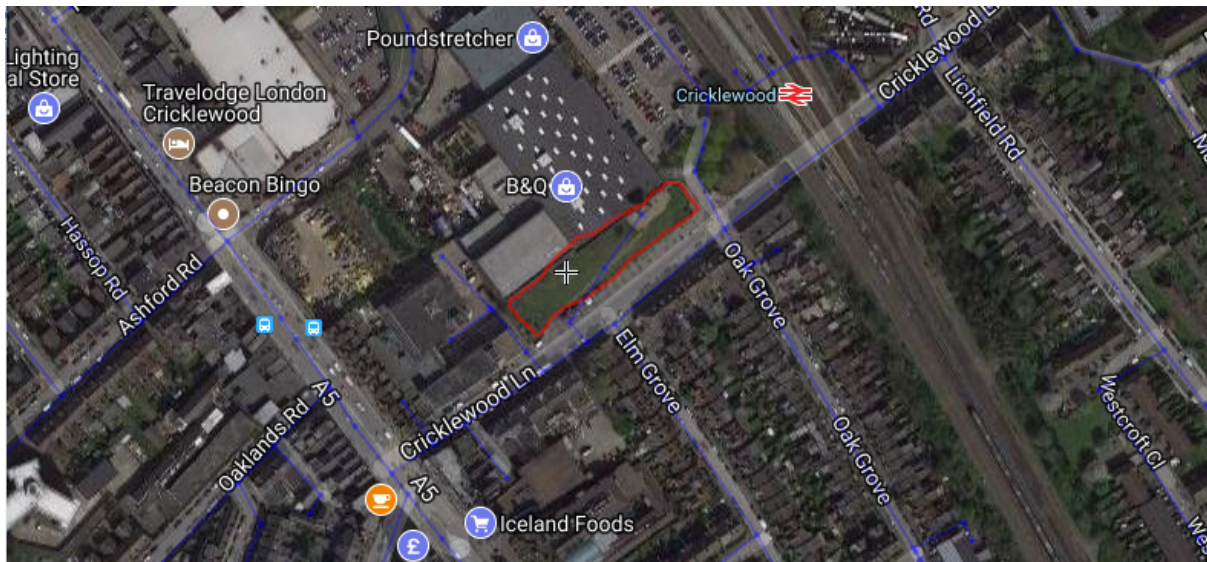
5.8 Insight

- 5.8.1 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>.

Appendix 1 – Plan of nominated site



Appendix 2 – Supporting evidence

CRICKLEWOOD

CHRISTMAS LIGHTS SWITCH ON

6PM-18TH NOVEMBER 2016
TOWN SQ. CRICKLEWOOD LANE

SAVE THE DATE!

TOWNTEAM@CRICKLEWOOD.NFT - WWW.CRICKLEWOOD.NFT

CRICK FEST 2015

1.00: Festival starts
1.05: Mora Primary School Choir
1.15: The Divas
2.00: Professor Moriarty & His Shamrock Band
2.30: Mary Calton & Milly Soo Band
3.15: Irish Dancers
3.30: Zing Zong Allstars
4.00: Alistair & Roisin
4.30: Hampstead School Dance Display
5.00: The Kings Parade
6.00: Festival ends

All performance times are best guesstimates

www.cricklewood.net
info@cricklewood.net

CRICKLEWOOD
It's back!

FESTIVAL

Save the date:
Saturday July 1st

CRICKLEWOOD
CHRISTMAS LIGHTS SWITCH ON

6PM-20TH NOVEMBER 2015
CRICKLEWOOD LANE

SAVE THE DATE

FREE EVENT

www.cricklewood.net
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Cricklewood Green Space, just some of our events.



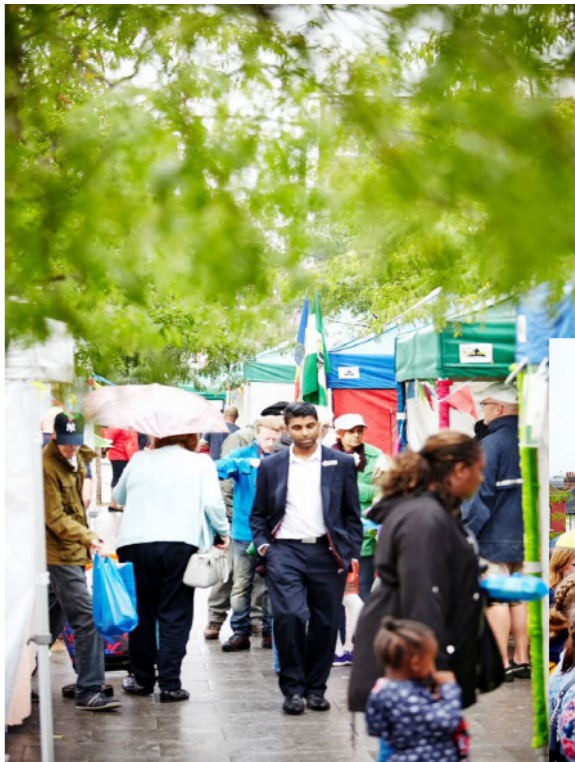
Cricklewood Green Space, the heart of our community.



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Cricklewood Green Space.
In an area of increasing
population and
development, it's the green
space we share that brings
our community together.