

MEETING

COMMUNITY LEADERSHIP AND LIBRARIES SUB-COMMITTEE

DATE AND TIME

WEDNESDAY 21ST SEPTEMBER, 2022

AT 11.00 AM

VENUE

COLINDALE, 2 BRISTOL AVENUE

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

Chair: Councillor Sara Conway
Vice Chair: Councillor Gill Sargeant

Councillor
Jennifer Grocock

Substitutes
From the Membership of the Community Leadership and Libraries Committee

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions must be submitted on 16 September 2022 by 10AM. Requests must be submitted to paul.frost@barnet.gov.uk

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

Andrew Charlwood – Head of Governance

Governance Service contact: Paul Frost - 020 8359 2205

Media Relations Contact: Gareth Greene 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 6
2.	Apologies (if any)	
3.	Declarations of Members' Disclosable Pecuniary Interests and Other Interests (if any)	
4.	Report of the Monitoring Officer	
5.	Public Questions and Comments	
6.	Members Items (if any)	
7.	Removal of New Bevan Community Church, Grove Road, Barnet EN4 9DF as an Asset of Community Value	7 - 18
8.	Lord Nelson Public House 14 West End Lane Barnet EN5 2SA	19 - 40
9.	Any other item(s) that the Chairman decides are urgent	

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Decisions of the Community Leadership and Libraries Sub-Committee

19 January 2022

Members Present:-

AGENDA ITEM 1

Councillor Reuben Thompstone (Chairman)
Councillor Lachhya Bahadur Gurung Vice-Chairman)
Councillor Sara Conway

1. APOLOGIES (IF ANY)

None.

2. MINUTES OF LAST MEETING

The minutes of the CLLC Sub Committee meeting held on 4 April 2019 were approved as an accurate record.

3. DECLARATION OF MEMBERS' DISCLOSABLE INTERESTS (IF ANY)

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTIONS AND COMMENTS

None received.

6. MEMBERS ITEMS (IF ANY)

None received.

7. COMMUNITY RIGHT TO BID: SEBRIGHT ARMS, 9 ALSTON ROAD, NEW BARNET, EN5 4ET

The governance officer presented the key elements from the report and highlighted the main points, based on the statutory criteria set out in the Localism Act 2011, and the evidence provided in the nomination.

The officer recommendation is to approve the asset to be re-registered as an asset of community value.

The Sub Committee considered the report and additional comments.

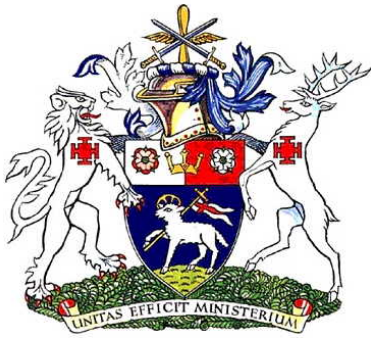
The Sub Committee **RESOLVED** unanimously:

That the Sebright Arms, 9 Alston Road, New Barnet, EN5 4ET should be relisted 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.

7. ANY OTHER ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 10.05am



Community Leadership & Libraries Sub – Committee

21st September 2022

Title	Removal of New Bevan Community Church, Grove Road, Barnet EN4 9DF as an Asset of Community Value
Report of	Chair of Community Leadership and Libraries Committee
Wards	East Barnet
Status	Public
Urgent	No
Key	No
Enclosures	Appendix 1 – Entry in Register of Assets of Community Value Appendix 2 - Notification to dispose of an asset of community value Appendix 3 – Site Plan & Photos of demolished church building and the new build.
Officer Contact Details	Faith Mwende, Senior Governance Officer, Governance Service (Faith.mwende@barnet.gov.uk 020 8359 4917)

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, which is not ancillary, which furthers the social wellbeing or social interests of the local community, 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

term of 25 years or more) they must notify the local authority. This triggers an interim moratorium period of six weeks, during which time a 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. 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).

A request has been received from Russel Cooper LLP on behalf of the New Bevan (Holdings) Ltd (applicant) who is the registered freehold owner of the New Bevan Community Church, Grove Road, Barnet EN4 9DF (“Property”) at HM Land Registry under title number HD9883 to remove the New Bevan Baptist Church, Grove Road, Barnet EN4 9DF (East Barnet ward) as an Asset of Community Value. **This report recommends that the asset is removed as an Asset of Community Value.**

The asset no longer meets the criteria of furthering the social wellbeing or social interest of the community as the building has been demolished and is no longer used by the community.

Recommendations

That the Committee agree that New Bevan Community Church, Grove Road, Barnet EN4 9DF should be removed as an Asset of Community Value and removed from the Council’s Register, as it no longer meets the statutory criteria set out in the Localism Act 2011, and based on the evidence provided.

1. WHY THIS REPORT IS NEEDED

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 On the 4 April 2019, having met the statutory tests which the Council must apply, the Community Leadership & Libraries Sub – Committee unanimously resolved.

That the New Bevan Community Church, Grove Road, Barnet EN4 9DF 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.

- 1.3 Following the decision New Bevan Community Church was listed as an Asset of Community Value and added to the Council's Register (Appendix 1), and a restriction was placed on the title to the land at the Land Registry.
- 1.4 At the time, the property was on the open market and under offer. In accordance with the restriction under s95(1) of the Localism Act 2011 the Previous Owner (London Baptist Property Board Limited) served notice on Barnet Council of its intention to sell on 5 April 2019 and a public notification to dispose of an asset of community value was published (Appendix 2). The initial 6-week moratorium period ended on 17 May 2019. As 2 expressions of interests were received, and the moratorium was extended, and the full moratorium ended on 5 October 2019. The property was sold to New Bevan (Holdings) Ltd and completion of the sale occurred after the end of the moratorium on 19 December 2019.
- 1.5 On 1 September 2020 the Chipping Barnet Area Planning Committee – approved a planning application from the applicant - Reference [20/1469/FUL](#) to demolish the existing buildings and the construction of a new two storey community building (Use Class D1) and a three storey residential block comprising of 9 self-contained flats.
- 1.6 The building has now been demolished and a new building constructed as per the planning application. On 18 August 2022, a surveyor from the Council Estate & Facilities - Property Services undertook a site visit and confirmed that the original building had been demolished and a new building is now on the site as seen on the photos in Appendix 3.
- 1.7 Under section 95(1) of the Localism Act, the applicant has a restriction on their title at B2 and has now asked that the property be removed from the list of assets of community value. The applicant has made this request on the basis that the building that formed part of the property that was listed as an ACV has been demolished, and therefore the asset no longer fulfils the statutory criteria.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The New Bevan Community Church, Grove Road, Barnet EN4 9DF no longer 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 remove the New Bevan Community Church from the Council register as an Asset of Community Value.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Community Leadership & Libraries Sub Committee could decide not to remove New Bevan Community Church from the register, but on balance it is judged that the asset no longer fulfils the statutory criteria for inclusion as set

out in the Localism Act 2011. If the Committee agrees with this judgment, the Council must remove the asset from the register.

4. POST DECISION IMPLEMENTATION

4.1 The New Bevan Community Church will be removed from the Register of Assets of Community Value. Section 91 of the Localism Act 2010 requires notice of removal to be given to the owner of the land and to the occupier of the land if the occupier is not also the owner, and if the land was included in the list in response to a community nomination, the person who made the nomination. The Assets of Community Value (England) Regulations 2012 (ACV Regulations) require notice to be given to the owner of the freehold and to all tenants.

Notices of removal will also need to include the reason for the removal of the property from the list. Section 91 provides that where it appears to the authority that it is not reasonably practicable to give a notice under the section to a person to whom it is required to be given, the authority must instead take reasonable alternative steps for the purpose of bringing the notice to the person's attention.

4.2 The Council will also remove the restriction on the title from the Land Registry and ask Local Land Charges to cancel the asset of community value registration.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Community Right to Bid process contributes to the Barnet Corporate priorities 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. Regulation 2 of the ACV Regulations require the Council to remove the property from its list of Assets of Community Value as soon as practicable after receiving information that enables it to do so where for any reason it no longer considers the property to be land of community value.

5.4.2

5.4.3 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).

5.5 Risk Management

5.5.1 None in the context of this report.

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.

5.9 Insight

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

5.10 Environmental Impact

5.10.1 None in the context of this report.

6. BACKGROUND PAPERS

- 6.1 Community Leadership & Libraries Sub - Committee - 4 April 2019. Item 6: Community Right to Bid: New Bevan Community Church Grove Road, Barnet EN4 9DF.
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=752&Mid=9843&Ver=4>
- 6.2 Chipping Barnet Area Planning Committee - 1 September 2020 – Item 9: New Bevan Baptist Church, Grove Road, Barnet, EN4 9DF (East Barnet).
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=720&MID=10140#A131347>
- 6.3 Community Leadership Committee - 25 June 2014. Community Right to Bid: Consultation and recent developments.
<http://barnet.moderngov.co.uk/documents/s15687/Community%20Right%20to%20Bid%20Report.pdf>.

Name of asset	New Bevan Community Church	
Address of asset	Grove Road, Barnet EN4 9DF	
Name of registered owner	London Baptist Property Board Limited	
Name of nominating group	Friends of the New Bevan Community Church	
Date of decision to list as an asset of community value	4/4/2019	
Reasons for decision	It was deemed that the nominating group were eligible and the statutory tests were met to list this property as an ACV.	
Details of appeal	-	-
Date notification received from owner of intention to sell	5/4/2019	-
Date interim moratorium period ends	17/5/2019	-
Has full moratorium period been triggered	Yes	-
Name of group(s) who triggered the full moratorium period	Community Action Matters CIC and The Bangladesh Welfare Society of Barnet	-
Date full moratorium ends	5/10/19	-
Date protected period ends	5/10/20	-
Date to be removed	4/4/2024	

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NOTIFICATION TO DISPOSE OF AN ASSET OF COMMUNITY VALUE

In line with the Localism Act 2011 and the Assets of community Value (England) Regulations 2012

Notice of receipt of a notification under section 95(2) of the Localism Act 2011

NEW BEVAN BAPTIST CHURCH
GROVE ROAD BARNET EN4 9DF

Asset of

Community Value:

Asset Nominated By:

Unincorporated Group: Friends of the
New Bevan Community Church

Receipt of Asset Disposal Notice:

5th April 2019

Interim Moratorium End Date:

17th May 2019

Potential Full Moratorium End Date:

5th October 2019

Potential Protected Period End Date:

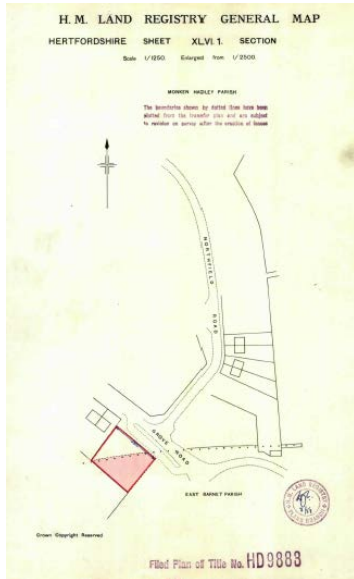
5th October 2020

Notice is hereby given that Barnet Council has received a notification from the owner of an intention to dispose of New Bevan Baptist Church, Grove Road, Barnet, EN4 9DF listed by the Council as an Asset of Community Value under the Localism Act 2011. The Council invites any eligible community interest group to express an interest to be treated as a potential bidder by **no later than 5pm on 17th May 2019**. An Expression of Interest (EOI) form is available upon request by e-mailing community.rights@barnet.gov.uk

It will be the responsibility of any bidder to arrange funding, seek to come to an arrangement with the owner and be responsible for all associated costs. The Council is unable to assist in negotiations or to provide any funding or other assistance.

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Site Plan



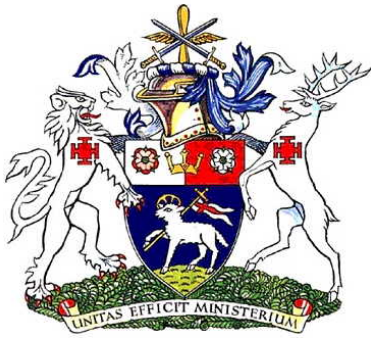
Original demolished church building



New building



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Community Leadership & Libraries Sub Committee

21 September 2022

Title	Community Right to Bid: Lord Nelson Public House 14 West End Lane Barnet EN5 2SA
Report of	Chair of Community Leadership and Libraries Committee
Wards	Underhill
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. The nomination for The Lord Nelson was received on 29 July 2022, making the deadline for a decision 23 September 2022.
Key	No
Enclosures	Appendix A – Application form Appendix B – Community Group description Appendix C – Land Registry Appendix D – Site Plan
Officer Contact Details	Paul Frost, Senior Governance Officer, (paul.frost@barnet.gov.uk 020 8359 2205)

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 assets of community value in its area and under section 93 of the Act the Council must maintain a list of land nominated by unsuccessful community nominations. A building or other land is of community value if having regard to the Act and the Assets of Community Value (England) (Regulations 2012 (the ACV Regulations) in the Council’s opinion there is an actual current use of the building or other land, which is not an ancillary use, which furthers the social wellbeing or social

interests of the local community, 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”), maintained 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 leasehold estate, which is one originally granted for a term of at least 25-years) they must notify the local authority. This triggers an interim moratorium period of six weeks, during which time a community interest group as defined in the ACV Regulations can register interest in putting together a bid for the asset. If a community interest 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. 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 (i) whether the nomination has come from a group eligible to make a nomination, as defined in the legislation; and (ii) whether the current or recent main use of the nominated asset contributes to the social wellbeing or social interests (defined as including ‘cultural, recreational or sporting interests’) of the local community; and (iii) 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 Mr Andrew Robinson on behalf of the Lord Nelson Community Group to list **Lord Nelson Public House 14 West End Lane Barnet EN5 2SA as a Asset of Community Value.**

The nomination is considered an eligible nomination. The Localism Act 2011 and the ACV Regulations provide 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 Lord Nelson Community Group have stated that they have a common interest in wanting to support and preserve the Lord Nelson public house. Mr Robinson made a submission to the Council with 33 named individuals that indicated their support for the listing. Consequently, they are considered to be an ‘unincorporated body’ comprising of at least 33 local members and are eligible to make a nomination under regulation 5 (1) C of the ACV Regulation.

Recommendations

That the Committee approve the listing of the Lord Nelson as an Asset of Community Value, 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 social 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 2012 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 social interests of the local community; and it is realistic to think that the main use will continue to further the social wellbeing or social 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 realistic 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 building, a restriction is placed on the title to the land at the Land Registry if the building is registered, and a local land charge is registered.
- 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 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.
- 1.12 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 under the Localism Act 2011 but may challenge under the general law (as with any decision).

Nomination of Lord Nelson

- 1.13 A report was submitted to the Community Leadership and Libraries Sub-Committee on 30 June 2016. The Sub-Committee resolved not to list the Lord Nelson as Members *has concerns as regards the applicant's eligibility would need to be taken into account in respect of to the Community Right to Bid nomination for the Lord Nelson*. The Agenda, report and minutes of this meeting can be found via 7.1 of this report.
- 1.14 Members are requested to note that this is a fresh application and upon reviewing the submission Office's consider that the application is compliant and suitable for consideration by the Sub-Committee.
- 1.15 Mr Andrew Robinson, on behalf of The Lord Nelson Community Group (comprising of 33 local people) has submitted an application for the **Lord Nelson Public House, 14 West End Lane Barnet EN5 2SA as a Asset of**

Community Value. Appendix D provide Members with the site plan of the location

- 1.16 The **Lord Nelson** unincorporated body are a group of local people who have a common interest in wanting to support and preserve the Lord Nelson public house. They are customers of the Lord Nelson and the group collects no subscriptions, has no money of its own, and therefore has no accounts or money to distribute. The Sub-Committee should note that the Community Group have not provided a constitution, articles of association or accounts (as detailed in the legislation), but instead have a description of the group. Officers consider that the information provided is sufficient evidence that they are an unincorporated body. Appendix B is the description of the group provided.
- 1.16 The Lord Nelson remains in the ownership of Punch Pub Co and is currently tenanted to the current landlord. Both have been notified of this nomination.

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

- 1.17 Main use of asset further social wellbeing or social interests of community. The submission outlines that the public house is used for and supports community groups such as St John's (Barnet Parish Church) Bellringers Association which meet in the pub on Monday nights, Barnet Water Polo Club and Children's Sunshine Charity. Furthermore it is understood that on Tuesday Night's nights the venue is used for Community Bingo.
- 1.18 The activities listed in paragraphs 1.17 are sufficient to demonstrate that a number of uses of the asset fall within the definition of 'Cultural, recreational and sporting interests.'
- 1.19 These uses may be considered as much a main use as that of the notional use as a pub itself because a pub by nature exists as much to provide for the cultural, recreational, and sporting interests of the community.
- 1.20 There are no known plans to close the pub and evidence of continued demand on viability, 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.
- 1.21 The Lord Nelson Community Group (comprising 33 local people) has made the nomination, the Localism Act 2011 states that 'nominations can be accepted from any unincorporated group with membership of at least 21 residents who appear on Barnet's electoral roll or that of a neighbouring authority' therefore Criterion (iii) of the statutory tests as set out in paragraph 1.7 of the report have been met.

2 REASONS FOR RECOMMENDATIONS

- 2.1 The nomination of the Lord Nelson meets the statutory tests established by the Localism Act 2011 and the ACV Regulations to be considered an Asset of Community Value. The recommendation is, therefore, that the Sub Committee re-lists the Lord Nelson as an Asset of Community Value.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The Community Leadership and Libraries Sub Committee Sub Committee could decide not to list the Lord Nelson as an ACV, but on balance it is considered that the nomination provides sufficient evidence that the statutory criteria set out in the Localism Act 2011/ACV Regulations have been met. If the Sub-Committee is in agreement with this recommendation, 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 to the First Tier Tribunal.

4. POST DECISION IMPLEMENTATION

- 4.1 The Lord Nelson 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. A restriction will be registered on the title to the property at the Land Registry, and a local land charge will be registered.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Community Right to Bid process contributes to the Barnet 2024 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.

Barnet's Draft Local Plan

5.1.2 Barnet's Draft Local Plan was submitted to the Planning Inspectorate in November 2021 and it is now subject to an ~~for~~ Examination in Public. This is a significant step in the progress of the Local Plan and the weight that can be given to it as a material consideration in planning decisions.

- 5.1.3 The Council, when determining planning applications involving loss of community facilities, may treat the designation of an Asset of Community Value as an indicator of local support and evidence that it furthers the social wellbeing and interests of residents. Policy CHW04 Public Houses relates to the safeguarding of pubs.

5.1.4 Around 70 pubs have closed in Barnet since 2000. The COVID19 pandemic lockdown and social distancing measures have had a significant impact on the hospitality sector with many pub businesses not surviving. However, COVID-19 has highlighted the contribution of pubs to well-being and as a valued community destination away from home. Whether alone, or as part of a cultural mix of activities or venues, pubs are often an integral part of an area's day, evening and night-time culture and economy. Public houses can be at the heart of a community's social life often providing a local meeting place, a venue for entertainment or a focus for social gatherings. Barnet's evidence on Public Houses highlights that once pubs are lost to other uses it is unlikely that they will be returned to their original use. This is likely to be exacerbated by the impact of COVID19 on the survival of pub businesses.

5.1.5 The Government has made a number of changes to the Planning Use Classes Order to help protect pubs. In May 2017, the Town and Country Planning Act (General Permitted Development Order) (England) (2015) removed permitted development rights that previously allowed the conversion of pubs and bars to other uses such as shops, restaurants and cafés without planning permission. This change in legislation offered greater protection for pubs and also incorporated a permitted development right allowing pub owners to introduce a new mixed use (A3/A4) providing flexibility to enhance a food offer beyond what was previously allowed as ancillary to the main pub use. A further change to the Use Classes Order in 2020 has deleted the 'A Use Class' including A3 and A4 and reclassified public houses, wine bars, or drinking establishments as Sui Generis (in a class of its own). This provides further protection for existing pubs.

5.1.6 While pubs have been closing, evidence highlights that micro-breweries in Barnet have been emerging as successful SMEs. Local breweries can help bring life back into pubs as well as create jobs for the local community, save on costs for logistics and create a community focus.

5.17 Designating a pub as an Asset of Community Value (ACV) gives voluntary groups and organisations the opportunity to bid for it if it is put up for sale. An ACV listing does give communities an increased chance to save a valued pub or other local facility.

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 Legal and Constitutional References

5.3.1 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.

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

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

5.4 Insight

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

5.5 Social Value

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

5.6 Risk Management

5.6.1 There are no risks associated with the decision to not list the Lord Nelson as an ACV.

5.7 Equalities and Diversity

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

5.7.2 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

5.7.3 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.

5.8 Corporate Parenting

5.8.1 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.

5.9 Consultation and Engagement

5.9.2 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 application.

6. Environmental Impact

6.1 There are no direct environmental implications from noting the recommendations. Implementing the recommendations in the report will lead to a positive impact on the Council's carbon and ecology impact, or at least it is neutral.

7. BACKGROUND PAPERS

7.1 [Agenda for Community Leadership and Libraries Sub-Committee on Thursday 30th June, 2016, 6.00 pm | Barnet Council \(moderngov.co.uk\)](#)

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Barnet Council Community Right to Bid Form

Data protection			
1	<p>Barnet Council will collect and use the information you give us to undertake our functions as a local authority and deliver services to you. It is our responsibility to ensure that your information is kept safe. Where necessary and legally allowed, we will share your information with trusted external organisations, commissioned partners and contracted service providers in order to deliver services and support to you.</p> <p>The information we collect may be used to better understand your use of our services and assist us in improving our services. This is to ensure we are using public funds in the best possible way. Under our duty to protect public money we may use the information you have provided for the prevention and detection of crime.</p> <p>For further details of how we use your information and to understand your rights please visit www.barnet.gov.uk/privacy or email data.protection@barnet.gov.uk to request a full copy of our privacy notice.</p> <p>I have read and understood the statement above.</p>	YES	
Applicant's details			
2	Are you eligible to nominate?	YES	
3	Are you an unincorporated group? (Optional)	YES	
4	If you are an unincorporated group please provide a list of the names and addresses of at least 21 members who are registered to vote in Barnet or a neighbouring local authority. (Optional)	YES	Attachment 1
5	Please select the type of eligible organisation you belong to from the drop-down menu	<ul style="list-style-type: none"> Unincorporated Group 	
6	Please upload any supporting evidence about your group or organisation	e.g., Articles of Memorandum	Attachment 2
7	Does your group distribute any surplus to its members?	NO	

8	Please upload evidence to support your not-for-profit status. Evidence can be in the form of a constitution stating that the group will not distribute surplus to members, or if you do not have such a constitution then please upload a copy of your accounts.	Not applicable to a group that has no funds	
9	Please describe your local connection.	We are patrons and customers of the Lord Nelson, living locally with the majority of the 35 members living within 5 minutes walking distance	
10	Please upload any supporting evidence that you feel will demonstrate this.		
11	Title	Mr	
12	Last name	Robinson	
13	First Name	Andrew	
14	Phone Number (Optional)		
15	Email address	hadleytowers2@gmail.com	
16	Address details for the nominating group	89, Meadway Barnet, EN5 5JZ	
17	Address details of the property or land	Lord Nelson Public House 14 West End Lane Barnet EN5 2SA	
18	Organisation name	Lord Nelson Community Group	
19	Website address	No website	
Your proposal			
20	What is the name of the asset you wish to nominate?	Lord Nelson	
21	Name and address of current owner	Punch Pub Co Jubilee House, Second Avenue, Centrum One Hundred, Burton-On-Trent DE14 2WF	
22	Please describe the nominated land	Public house & garden	
23	Please upload a map or diagram of the asset, showing the proposed boundaries.	Title Register & Title Plan	Attachment 3 & 4
Outcomes			
24	Does the current principal use of the asset further the social well-being or social interests of the community?	YES	
25	If you answered "Yes" above: If the asset is not currently in use, was there a time in the recent past where the principal use of the asset was to further the social well-being or social interests of the community?	Yes, continuously in use as a trading public house	

26	Please give an example of how the principal use of the asset was/is to further the social well-being or social interests of the community. If the asset is not currently being used to further the social well-being or interests of the local community, during what period did it contribute to this?	The public house is used for community groups such as St John's (Barnet Parish Church), Bellringers, Barnet Water Polo Club and Children's Sunshine Charity, Tuesday Bingo.	
27	If the current principal use furthers the social wellbeing or interests of the community, is it realistic to think that this will continue to further the social wellbeing or interests of the community. If there was a time in the recent past when the current principal use of the asset furthered the social wellbeing or interests of the community, is it realistic to think that in the next five years there could be a principal use that would further social wellbeing or interests, whether in the same way as before or not?	YES	
28	Please explain why you believe this is realistic.	The current tenant is continuously looking for new custom in the community. They have improved and covered the outside trade garden and encourage local groups to use the pub for social purposes.	
29	Please describe any risks that should be taken into account when considering whether this asset can continue to further the social wellbeing and interests of the community.	No risks. The tenant has been trading the pub for 10 years which is situated in a densely populated and affluent residential area and depends on the local community to support her business.	
30	Please add any other information you would like us to consider.	The reason for this application is the strong and passionate support of the local community and pub customers to utilise this facility and wellbeing of the area, along with social events benefitting both causes and the community.	
Declaration			
31	By ticking this box, I declare that all the information provided is accurate	YES <input checked="" type="checkbox"/>	

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DESCRIPTION OF THE LORD NELSON COMMUNITY GROUP

We are a group of local people who have a common interest in wanting to support and preserve the Lord Nelson public house. We have combined together as the Lord Nelson Community Group to make this application for the Lord Nelson to be listed as an asset of community value. We are customers of the Lord Nelson and we greatly value its presence as a focal point for our community. Our group collects no subscriptions, has no money of its own, and therefore has no accounts or money to distribute.

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Title register for:

14 West End Lane, Barnet, EN5 2SA (Freehold)

Title number: NGL509727

Accessed on 29 July 2022 at 14:41:52

This information can change if we receive an application. This service can not tell you if HM Land Registry are dealing with an application.



This is not an official copy. It does not take into account if there's a pending application with HM Land Registry. If you need to prove property ownership, for example, for a court case, you'll need to order an official copy of the register.

Register summary

Title number	NGL509727
Registered owners	Punch Partnerships (Pml) Limited Jubilee House, Second Avenue, Centrum One Hundred, Burton-On-Trent DE14 2WF
Last sold for	£600,000 on 09 August 2021

A: Property Register

This register describes the land and estates comprised in this title.

Entry number	Entry date	
1	1984-10-23	BARNET

The Freehold land shown edged with red on the

plan of the above Title filed at the Registry and being The Lord Nelson Public House, 14 West End Lane, Barnet (EN5 2SA).

2

The land has the benefit of the following rights granted by but is subject to the following rights reserved by the Transfer dated 17 September 1984 referred to in the Charges Register:-

Together with the rights set out in the First Schedule hereto but subject to the exceptions and reservations contained in the Second Schedule hereto.

THE FIRST SCHEDULE

The right at any time to erect or suffer to be erected any buildings or other erections and to alter any building or other erection now standing or hereafter to be erected on any part of the land of the Transferees in such manner as to obstruct or interfere with the passage of light or air to any building which is or may hereafter be erected upon the retained land or any part thereof and all privileges in respect of light or air now enjoyed over the land hereby transferred in respect of the retained land shall be deemed to be so enjoyed by the licence or consent of the Transferees and not as of right.

THE SECOND SCHEDULE

(i) The right at any time to erect or suffer to be erected any buildings or other erections and to alter any building or other erection now standing or hereafter to be erected on any part of the retained land in such manner as to obstruct or interfere with the passage of light or air to any building which is or may hereafter to erected upon the land hereby transferred or any part thereof and all privileges in respect of light or air now enjoyed over the land

hereby transferred in respect of the retained land shall be deemed to be so enjoyed by the licence or consent of the Transferor and Allied and not as of rights.

(ii) The right to pass and re-pass on foot only over and along the strip of land one metre wide shaded brown on the plan annexed hereto.

(iii) The right to enter upon the said strip of land coloured brown for the purpose of building re-building cleansing maintaining altering or repairing the retained land or any part thereof or any buildings or other erections fences pipes wires channels conduits gutters or down spouts now or hereafter upon the retained land or any part thereof.

NOTE: The land shaded brown on the Transfer plan is numbered 1 on the filed plan.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Class of Title: Title absolute

Entry number	Entry date	
1	2021-09-07	PROPRIETOR: PUNCH PARTNERSHIPS (PML) LIMITED (Co. Regn. No. 03321199) of Jubilee House, Second Avenue, Centrum One Hundred, Burton-On-Trent DE14 2WF.
2	2021-09-07	The price stated to have been paid on 9 August 2021 was £600,000.
3	2021-09-07	A Transfer of the land in this title and other land dated 9 August 2021 made between (1) Young &

Co's Brewery Plc and (2) Punch Partnerships (PML) Limited contains purchaser's personal covenants.

NOTE: Copy filed under 211091.

C: Charges Register

This register contains any charges and other matters that affect the land.

Class of Title: Title absolute

Entry number	Entry date
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1	<p>A Transfer of the land in this title dated 17 September 1984 made between (1) B.W.B. Limited (the Transferor) and Allied Breweries Limited (Allied) and (2) William Thomas Groves and Adrienne Groves (the Transferees) contains the following covenants:-</p> <p>For the benefit and protection of the land retained by the Transferor and Allied and known as 12 West End Lane, Barnet ("the retained land") and each and every part thereof the Transferees for themselves and their successors in title and so as to bind the land hereby conveyed into whosoever hands the same may come hereby jointly and severally covenant with the Transferor and Allied that they the Transferees and the persons deriving title under them will not after the date hereof do or permit or suffer to be done upon the land hereby conveyed any act or thing which shall be or tend to become a nuisance or annoyance to the Transferor or the owners or occupiers of the retained land or any part thereof or lessen or depreciate the value of the retained land.</p>
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H. M. LAND REGISTRY

© NATIONAL GRID PLAN - TQ 2396 SECTION O
GREATER LONDON

Scale 1/1250

BOROUGH OF BARNET



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TITLE No. NGL 509727



This is a copy of the title plan on 29 JUL 2022 at 14:42:58. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

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This title is dealt with by HM Land Registry, Wales Office.

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