

	<p>Community Leadership Committee (23rd May 2018)</p>
<p style="text-align: right;">Title</p>	<p>Community Right to Bid: Northwest Centre, Avion Crescent, NW9 5QY</p>
<p style="text-align: right;">Report of</p>	<p>Katie Mayers, Interim Assistant Director Communications and Strategy</p>
<p style="text-align: right;">Wards</p>	<p>Colindale</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<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. The nomination for the Northwest Centre, Avion Crescent, NW9 5QY on 5th April 2018, making the deadline for a decision 31st May 2018.</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</p>	<p>Plan of nominated asset</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Danusia Brzezicka, Strategy Officer, Community Participation (danusia.brzezicka@barnet.gov.uk 020 8359 3211)</p>

Summary

The Localism Act 2011 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 is 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 the Northwest Centre, Avion Crescent, NW9 5QY (Colindale 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") 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 Trinity Church London, which nominated the Northwest Centre, Avion Crescent, NW9 5QY, is a registered charity and qualifies as a community group under regulation 5 (1) d of the ACV Regulations.

The nomination describes uses that further social interest, as it is used for numerous community projects and events including an exam centre for excluded students from a Barnet secondary school, a venue for a weekly autism group, food bank and homeless projects with Homeless Action in Barnet. It is reasonable to think that the **main use of this asset furthers the social wellbeing and social interests of the community.** There are currently no known plans to close this community centre, and the nomination states it helps the vulnerable within the local area, 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 services and this had been provided by the nominating group. The charity's website presence also provided evidence that community events were run and the services for vulnerable people – food bank and debt support. The additional email evidence is appended to the report herein. 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 Northwest Centre, 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 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.

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 the Northwest Centre

- 1.15 The Trinity Church London has nominated the Northwest Centre, Avion Crescent, NW9 5QY. The enclosed plan sets out the boundaries of the nominated asset.
- 1.16 The Northwest Centre is currently owned by Barnet Council and is leased to the nominator. The landlord has been notified that this 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 Northwest Centre is a multifunctional community space managed by Trinity Church that facilitates many groups and local service providers in the area.
 - The Northwest Centre has hosted: Barnet Refugee Service, Resources for Autism, Trinity Church, Colindale Foodbank & Christian Against Poverty (CAP).
 - The Northwest Centre also allows for the running of a CAP (Christians Against Poverty) debt centre which provides vital support to those struggling with debt large or small. The CAP team understands the stress of life when in debt and can provide the vital support and help to get debtor's life back on track.
 - A further activity from the Centre is a Foodbank overseen by the Trussell Trust, which is open on Tuesdays and Thursdays between 12.00 and 14.30, distributing food to local people in need.
 - The Northwest Centre runs a programme for children and young people's activities.
 - Any community projects that is run from the Northwest Centre in partnership with other community groups are entirely self-funded.
 - In summary, it is the social centre of the local community, Colindale and the surrounding area and is open to the public regardless of religion, ethnic group, social status, political belief, gender or age.
- 1.18 There are no known plans to close this centre.

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 asset fall within the definition of 'cultural, recreational, and sporting interests'.
- 1.20 Use of the asset to contribute to the social wellbeing and social interests of the community may be considered the main rather than ancillary use because a community centre by nature exists to provide for the cultural, recreational and sporting interests of the community and it may be assumed the activities listed at paragraph 1.17 are the main activities carried out on the premises.

- 1.21 There are no known plans to close the community centre and evidence of continued demand and 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.
- 1.22 Taken together, points 1.19-1.21 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

- 1.23 Trinity Church London has made its nomination as a registered charity (a status which qualifies to make nominations under the ACV Regulations and the Act).
- 1.24 The nomination provides a number of examples of how the local community are involved in numerous activities at Northwest Centre, evidencing a strong local connection.
- 1.25 Criterion (i) of the statutory tests set out in paragraph 1.23 above has been met.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The nomination of the Northwest Centre 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 Northwest Centre as an Asset of Community Value.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The Community Leadership Committee could decide not to list the Northwest Centre 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 The Northwest Centre 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 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.

5.5 Risk Management

5.5.1 There are no risks associated with the decision to list the Northwest Centre 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.

5.8 Insight

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

6. BACKGROUND PAPERS

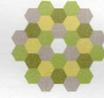
- 6.1 Community Right to Bid: Consultation and recent developments (Community Leadership Committee, 25 June 2014)
<http://barnet.moderngov.co.uk/documents/s15687/Community%20Right%20to%20Bid%20Report.pdf>.

Appendix 1 – Supporting evidence

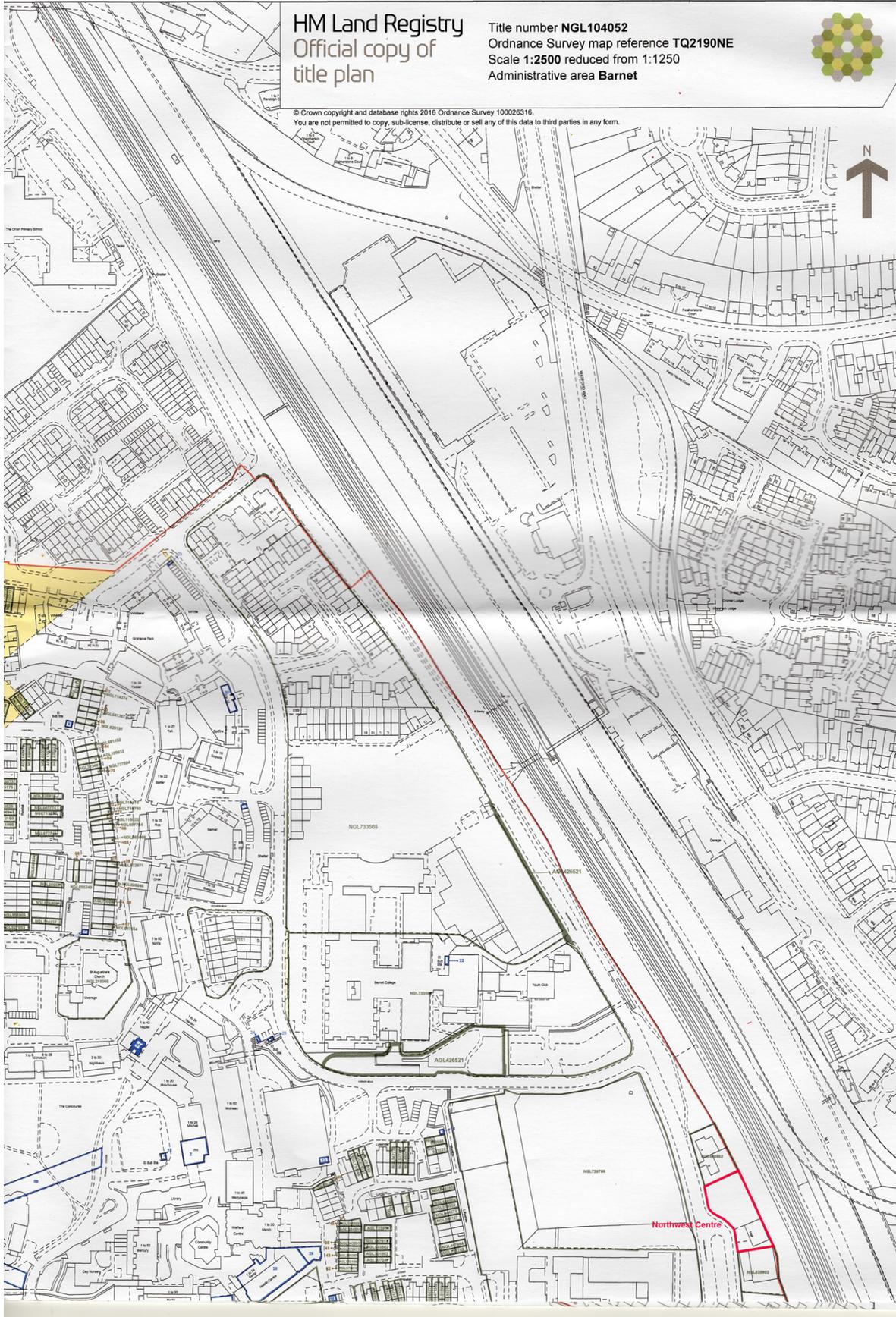
- . Evidence of the Northwest Centre being used as a community by the church for church activities can be found on <https://trinitylondon.org>. This is current and ongoing usage.
- . The Trussell Trust Colindale Foodbank operates from the Northwest Centre and is open every Tuesday and Thursday. See their website <https://colindale.foodbank.org.uk/> This is current and ongoing usage.
- . The CAP Debt Centre also operates from the Northwest Centre. This is current and ongoing usage.
- . A CAP Release Group – dealing with issues of addiction also meets at the Northwest Centre. Evidence of both of these CAP projects can be found on the central CAP website <https://capuk.org> and searching for services in the Colindale area (or using NW9 5QY as a search). This is current and ongoing usage.
- . Barnet Refugee Service use the Northwest Centre for a number of different projects – one example can be found here <http://www.b-r-s.org.uk/our-services/youth-activities/> The BRS projects are often short term so not posted online. BRS use of the Centre is not continuous, but ad hoc as they need to run different courses. A driving theory course for refugees is just about to start.
- . Resources for Autism have run a weekly youth group at the Centre for a number of years. The RfA website is <https://resourcesforautism.org.uk/> although this does not mention the Northwest Centre as one of their venues.
- . There are also ad hoc groups, not connected to the church such as a Chinese Cultural Group that use the building every week – but unsure how to provide evidence for this – could you advise please?
- . Other events such as our Community Bonfire and Firework party were all run with online advertising and ticket booking – but these are date specific and no longer viewable online. Would other evidence, such as photographs of the event / or screenshots of number of tickets booked be acceptable evidence?
- . Evidence of Community engagement can be seen here. <http://www.trinitylondon.org/about/community-work>
- . Evidence of the broad range of church community calendar be seen here. <http://www.trinitylondon.org/events>

HM Land Registry
Official copy of
title plan

Title number **NGL104052**
Ordnance Survey map reference **TQ2190NE**
Scale **1:2500** reduced from 1:1250
Administrative area **Barnet**



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COLINDALE FOODBANK

HELPING LOCAL PEOPLE IN CRISIS

Where we are



Foodbank (Trussell Trust):

Thirteen million people live below the poverty line in the UK, with individuals going hungry every day for a range of reasons, from benefit delays to receiving an unexpected bill on a low income. The Trussell Trust's 400-strong network of foodbanks provides a minimum of three days' emergency food and support to people experiencing crisis in the UK. In 2015/16, we gave 1,109,309 three day emergency food supplies to people in crisis.

The [Foodbank](#) is open between 12-2:30pm every Tuesday and Thursday at The Centre.



The Centre

The Centre is a multifunctional community space managed by Trinity Church that facilitates many groups and local service providers in the area. The Centre is ideal for up to 70 guests for conferences, workshops, classes and parties. The Centre facilities comprise of one main hall, a kitchen and toilets. The Centre is available to rent and to make a book enquiry please [contact us](#).

We have hosted: Barnet Refugee Service, Resources for Autism, Trinity Church, Colindale Foodbank & Christian Against Poverty (CAP).

CAP (Christians Against Poverty)

Our CAP debt centre provides vital support to those struggling with debt large or small. The CAP team know and understand the stress of life when you are stuck in debt and they are available to provide the vital support and help you need to get your life back on track.

To book an appointment please contact us on 0800 328 0006.



Community events for Barnet Children.

The Northwest Centre also has been a base from which many Community projects in Grahame Park, have been organised including;



Community Days...