

	<p style="text-align: center;">Assets Regeneration and Growth Committee</p> <p style="text-align: center;">17th September 2018</p>
<p style="text-align: right;">Title</p>	<p>Amendments to the London Borough of Barnet assets included in the Community Asset Strategy.</p>
<p style="text-align: right;">Report of</p>	<p>Councillor Daniel Thomas</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>Yes</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix 1 – Up to date list of properties in the Community Asset Strategy.</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Melanie Chiknagi – Surveyor for the Head of Estates Melanie.Chiknagi@barnet.gov.uk</p> <p>Chris Smith – Head of Estates Chris.smith@barnet.gov.uk</p>

Summary
<p>The Community Asset Strategy (CAS) Implementation Plan (agreed by Assets, Regeneration and Growth Committee in September 2015) set out that a new process would be developed for agreeing new leases and lease renewals, with an initial guaranteed five year rent subsidy, for eligible voluntary and community sector (VCS) organisations occupying the Council's community buildings.</p> <p>The aim of the CAS is to increase transparency, fairness and consistency in the way that subsidies are awarded to VCS organisations, and to recognise the important contribution to the borough that VCS organisations make equally. The programme also seeks to ensure that the Council's buildings are used in a way that benefits Barnet residents by making sure organisations leasing Council buildings are financially viable, sustainable and governed appropriately.</p> <p>There were originally 74 groups in the programme, there are now 48 left, with details of the groups occupying leased-out assets that have either opted out or are not eligible, shown in Appendix A.</p> <p>There are also two assets that were not originally included in the Community Asset Strategy</p>

but that now should be, in order to properly recognise the primary use of the building, namely:

- Burnt Oak Spiritualist Church at 143 Orange Hill Road
- Grahame Park Library

The object of this paper is to formally register these two buildings as community assets and to update the committee on other changes to the assets originally defined as such under the Community Asset Strategy.

Recommendations

- 1. That the Committee approve the addition of Burnt Oak Spiritualist Church and Grahame Park Library to the Community Asset Strategy.**
- 2. That the committee notes the other assets shown in Appendix A, that are no longer part of the Community Asset Strategy.**

1. WHY THIS REPORT IS NEEDED

- 1.1 This report is needed to enable the Assets, Regeneration and Growth committee to approve the addition of the Burnt Oak Spiritualist Church and Grahame Park Library in the Community Asset Strategy.
- 1.2 To ensure the Committee is aware of the properties that have either opted out of the CBAT programme or were found not to be eligible.

2. REASONS FOR RECOMMENDATION

- 2.1 The Community Asset Strategy (CAS) was agreed in July 2015, through Assets, Regeneration and Growth Committee, and the recommendation for the methodology to be used, was approved by Policy & Resources Committee in June 2016
- 2.2 The CAS originally identified all LB Barnet assets thought to be eligible and at the time justifiably omitted the Burnt Oak Spiritualist Church and the Grahame Park Library. However, both assets are now deemed eligible as a result of their primary use being better understood and / or recently changing.
- 2.3 It is clear that both of these buildings now provide specific community benefits to the residents of Barnet, as their primary function.
 - a) The Burnt Oak Spiritualist Church is used for a variety of purposes, including spiritual healing, one to one sessions and social events. The Church is not active during the day, so the space is available for other users to utilise between 10am and 4pm.
 - b) Since the Grahame Park Library closed and following the completion of some remedial works to the inside of the building, the building has been re-purposed

as a dedicated community asset and now provides a base for a number of community activities, such as:

- Management of a One Stop Shop and The Pulse Community
- Provision of services to residents to enhance community links
- Identification of community development needs within Colindale
- The Colindale Community Website
- Community researchers
- The Community Garden Project
- The Counselling project, which offers free one-to-one counselling to parents and carers with children under the age of ten for residents of Colindale
- The Colindale Community Facilities Our Place Project

- 2.4 Re-categorising these buildings as community assets properly recognises them as such and also allows them to be included in the community asset strategy. This potentially entitles tenants to subsidised rents, subject to assessment of their activities via the Community Benefit Assessment Tool (CBAT).

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Do nothing. This would leave the Burnt Oak Spiritualist Church and Grahame Park Library designated as operational buildings, which would not properly recognise the now primary purpose of those assets.

4. POST DECISION IMPLEMENTATION

- 4.1 The activities of all tenants will be assessed using the CBAT and appropriately subsidised leases will be agreed.

All lease documents shall be drafted by HB Public Law and cleared using delegated powers, as for all land transactions.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Council's Corporate Plan 2015-20 states that the Council, working with local, regional and national partners, will strive to ensure that Barnet is a place:

- of opportunity, where people can further their quality of life.
- where people are helped to help themselves, recognising that prevention is better than cure.
- where responsibility is shared, fairly.
- where services are delivered efficiently to get value for money for the taxpayer

- 5.1.2 The fore-designation of the Burnt Oak Spiritualist Church and Grahame Park Library as community assets supports the corporate plan of delivering a service that gets value for money for the taxpayer. The CBAT tool provides a fully

transparent subsidy calculation, as the subsidy is calculated as a direct product of the social value that the VCS group brings to the borough.

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

5.2.1 Following the acceptance of these recommendations, the CBAT mentor will engage with the tenants of Burnt Oak Spiritual Church to renew their lease, and with the in-going tenants of Grahame Park Library (CCT) to surrender their lease and regrant a subsidised lease.

5.2.2 Whilst the Council will receive little to no rent from the groups for at least the first five years of the lease, the tenants will pay all utilities, rates, and charges associated with the building.

5.2.3 The tenant of Burnt Oak Spiritualist Church currently pay a peppercorn rent, therefore subsidy of the group will have no financial impact on LB Barnet. The tenant had a 20 year lease that was protected by the Landlord and Tenant Act 1954. The lease has expired and is currently holding over until we are able to document a new CBAT lease for them. The new lease offered will be for a short term of five years.

5.2.4 The tenants of Grahame Park Library have not yet moved in, however they will be occupying the premises on a license, paying pro rata £14,000 a year until the CBAT lease can be documented. There will therefore be a financial implication to LB Barnet in this transaction, however this is mitigated by the fact it is a short-term, five lease due to the impending redevelopment of Grahame Park, the tenant will be carrying out work in the property, saving LB Barnet the cost of doing so, and the services the tenant provides brings substantial social value to the residents of the Grahame Park area.

5.3 Social Value

5.3.1 The aims and objectives of the tenants in the Burnt Oak Spiritualist Church and Grahame Park Library are deeply rooted in bringing social value to Barnet. Both are well established in the borough and provide invaluable services to residents, encouraging community cohesion and practical assistance to their members.

5.4 Legal and Constitutional References

5.4.1 Local authorities are given powers under Section 123(1) of the Local Government Act 1972 (as amended) to dispose of land or assets held by them in any manner they wish. Except with the consent of the Secretary of State for Communities and Local Government, a council cannot dispose of land, other than for the grant of a term not exceeding seven years, for a consideration less than the best that can reasonably be obtained. A general consent dated 2003 has been issued by the DCLG, this can be used where the value foregone is less than £2 Million and the proposed lease would be for the social, environmental or economic well-being of the residents of the Borough. Neither the rent for the lease term of Burnt Oak Spiritualist Church, nor the Grahame Park Library, surpass the £2 million threshold.

5.4.2 Should the matter be considered to fall under these provisions, the matter will be dealt with under these Local Government Act 1972 rules and the appropriate action taken. This is to ensure that the Council does not breach statutory rules.

5.4.3 Under Article 7.5 of the Council's Constitution Responsibility for Functions, the functions of the Assets, Regeneration, and Growth Committee includes responsibility for asset management.

5.5 Risk Management

5.5.1 RISK: Other community groups that lease space in operational buildings may consider that they should qualify for inclusion in the Community Asset Strategy.

MITIGATION: Clearly communicate to any potential tenant in a council building what the primary purpose of that asset is, and therefore what its designation is so that tenants fully understand.

5.5.2 RISK: Over time, the primary use of the asset may need to be changed, as a result of development of the surrounding area as employment land, for instance. Under these circumstances the designation of the asset may have to revert back to commercial or operational use to ensure it is in-keeping with its surroundings.

MITIGATION: Clear communication with tenants and the surrounding residents & businesses as the context changes, in order to ensure that any potential changes of designation are as transparent as possible.

5.6 Equalities and Diversity

5.6.1 Under the 2010 Equality Act, the Council must have due regard to the need to: a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; b) advance equality of opportunity between those with a protected characteristic and those without; c) promote good relations between those with a protected characteristic and those without. The 'protected characteristics' referred to are: age; disability; gender reassignment; pregnancy and maternity; race; religion and belief; sex; sexual orientation. It also covers marriage and civil partnership with regards to eliminating discrimination.

5.6.2 The proposal does not raise any issues under the Council's Equalities Policy and does not have a bearing on the Council's ability to demonstrate that it has paid due regard to equalities as required by the legislation. No immediate equality impacts are anticipated as a result of this proposal.

5.7 Consultation and Engagement

5.7.1 There has been no formal or public consultation. The CBAT mentor is engaging directly with both tenants.

6. BACKGROUND PAPERS

6.1.1 Policy and Resources Committee in June 2016

6.1.2 The Community Asset Strategy (CAS) Implementation Plan (agreed by Assets, Regeneration and Growth Committee in September 2015)