



## Community Leadership & Libraries Sub – Committee

**21<sup>st</sup> September 2022**

<b>Title</b>	<b>Removal of New Bevan Community Church, Grove Road, Barnet EN4 9DF as an Asset of Community Value</b>
<b>Report of</b>	Chair of Community Leadership and Libraries Committee
<b>Wards</b>	East Barnet
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	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.
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### 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>.