

11th February 2015

Kicking Horse Ltd
Littlewood
Wood End
Marlow
Buckinghamshire
SL7 2HW



Corporate Strategy
London Borough of Camden
5th floor
5 Pancras Square
London N1C 4AG

Tel: 020 7974 4328
www.camden.gov.uk
email: communityrighttobid@camden.gov.uk

By post

Dear Sir/Madam

The Black Cap, 171 Camden High Street, London NW1 7JY

I am writing to inform you that the Black Cap has been nominated as an asset of community value under the Localism Act 2011. We understand that you are the owner of the building.

The legislation (also known as the "community right to bid") allows defined community groups to ask the council to list certain assets as being of "community value". This is designed to give communities more opportunities to take control of the assets and facilities important to them.

We are considering listing this as an asset of community value if they meet the criteria for nominating an asset - please see the attached guidelines for nominating and accepting a nomination. The legislation imposes certain restrictions on the sale of a property which has been listed as an asset of community value.

As you will be aware, the Black Cap was subject to a previous nomination in 2013. However this nomination was not valid as, after further investigation, the nominating organisation was found to be ineligible. Therefore the nomination was not "unsuccessful" under the legislation as we did not in the end make a decision on whether it was an asset of community value or not.

Please accept this letter as formal notification of nomination and acknowledge receipt of this letter within two weeks of the date of this letter (by e-mail or by post), letting us know whether you would like to submit any additional information that might be relevant to our decision. This information may be submitted up to 8 weeks from the date of this letter. We will subsequently inform you of the outcome of the nomination in writing.

Please do not hesitate to contact me if you wish to discuss this further or if I can be of any assistance with this process.

If you require further information on assets of community value in Camden please visit the website: www.camden.gov.uk/localism-act.

Yours sincerely



Michael Webb

cc: Kicking Horse Ltd, Equity Trust House, 28-30 The Parade, St Helier, Jersey, JE1 1EQ

Steve Cox, Faucet Inn Limited, Union, 88-90 George Street, London W1U 8PA (and via e-mail)

Simon Grainger, Grainger Planning Associates Ltd, 11 Ashcombe Road, Carshalton, Surrey, SM5 3ET

Guidance notes – Definitions

Eligibility

Only **voluntary and community organisations with a local connection**, in addition to parish councils in England (and community councils in Wales) will have the right to make community nominations of assets to be included on the list.

A 'local voluntary and community body' is defined as a body, other than a public or local authority, which may be incorporated or unincorporated, must not be run primarily for profit, and must have a primary purpose concerned with the local authority area, or the neighbourhood in which the asset is situated where this is in more than one authority's area. In practical terms, this means your organisation must be one of the following:

- (a) A body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990;
- (b) A parish council;
- (c) An unincorporated body –
 - (i) Whose members include at least 21 individuals, and
 - (ii) Which does not distribute any surplus it makes to its members;
- (d) A charity;
- (e) A company limited by guarantee which does not distribute any surplus it makes to its members;
- (f) An industrial and provident society which does not distribute any surplus it makes to its members (defined as a body registered or deemed to be registered under the Industrial and Provident societies Act 1965 which meets one of the conditions in section 1 of that Act) ; or
- (g) A community interest company

Local connection

Definition of local connection – Please provide evidence that your organisation has a connection to Camden. This means:

a body other than a parish council has a local connection with land in a local authority's area if –

- (a) The body's activities are wholly or partly concerned –
 - with the local authority's area or
 - with a neighbouring authority's area;

in the case of a body within regulations 5(1)(c), (e) or (f), any surplus it makes is wholly or partly applied –

- For the benefit of the local authority's area, or
- For the benefit of a neighbouring authority's area; and
- In the case of a body within regulations 5(1)(c) it has at least 21 local members.

For the purposes of these regulations and section 89 (2) of the Act-

- (a) A parish council has a local connection with land in another parish council's area if any part of the boundary of the first council's area is also part of the boundary of the other council's area.

(b) A parish council's area is within the local authority's area, but is not in any parish council's area if –

- the council's area is within the local authority's area or
- any part of the boundary of the council's area is also part of the boundary of the local authority's area.

In paragraph (1)(c). 'local member' means a member who is registered, at an address in the local authority's area or in a neighbouring authority's area, as a local government elector in the register of local government electors kept in accordance with the provisions of the Representation of the People Acts(3).

"Assets" refers to land, buildings and structures – it does not include services.

"Owners" are those who own the freehold of an asset or a lease which when granted had a term of at least 25 years. Where there are a chain of leases the Owner for the purpose of the Assets of Community Value regime, is the qualifying leasehold owner most distant from the freehold owner.

What is community value?

The assessment of whether a particular "building or other land" is of community value is a discretionary decision for the LA; it will have to take into account all relevant matters when making its decision. If in the opinion of the LA the land meets the following criteria it is intended that it should qualify for listing as an asset:

1. Its main actual current use furthers the social wellbeing or social interests of the local community, or a use in the recent past has done so; and
2. That use is not an ancillary; and
3. For land in current community use it is realistic to think that there will continue to be a main use which furthers social wellbeing or social interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past); and
4. It does not fall within one of the exemptions which may be contained in the regulations.

This means that for an asset which already furthers social well-being or social interest, it must be realistic that it will continue to do so; and for one which do so in the recent past, it must be realistic to think that there will be community use again within the next five years. Reference to potential use is to allow community groups to develop options for future use of such buildings.

Moratorium

Once an asset has been listed nothing further will happen unless and until the owner decides to dispose of it, either through a freehold sale, or the grant or assignment of a qualifying lease (i.e. originally granted for at least twenty-five years).

Unless an exemption applies, the owner will only be able to dispose of the asset after a specified window has expired.

The "interim moratorium" period is a six week interim period, which will apply in all cases, from the point the owner notifies the local authority of their intention to dispose of the land. This will allow community interest groups to make a written request to be treated as a potential bidder. If none do so in this period, the owner is free to sell their asset at the end of the six weeks.

The "full moratorium" period is a full six month moratorium (again from the point the owner notifies the local authority) which is triggered if a community interest group makes a request during the interim period for a full moratorium to apply.

During either an interim or full moratorium the owner may continue to market and negotiate sales, but may not exchange contracts (or enter into a binding contract to do so later). There is one exception. The owner may sell to a community interest group during the moratorium period.

London Borough of Camden
Corporate Strategy
5th Floor
5 Pancras Square
N1C 4AG

For the attention of: Michael Webb

24 February 2015

Our reference number: 13/683
BY EMAIL

Dear Sirs,

LOCALISM ACT 2011

**NOMINATION TO LIST 'THE BLACK CAP PUBLIC HOUSE' 171 CAMDEN HIGH STREET,
LONDON, NW1 7JY AS AN ASSET OF COMMUNITY VALUE (ACV)**

We write on behalf of our client ~~Faucet Inn Limited~~ in reference to the council's letter dated 11 February 2015 (received by Steve Cox of Faucet Inn Limited by email on 11 February 2015 and by post at its head office on 13 February 2015) in regard to the above site and the nomination to list the building as an ACV - under the Community Right to Bid provisions of Chapter 3 of the Localism Act 2011.

We are also instructed to act on behalf of Kicking Horse Limited on this matter.

a. Incorrect Legal Ownership Address

In regard to the ownership position, Kicking Horse Limited respectfully requests the council to resend its correspondence to the correct legal ownership entity, in accordance with Regulation 8 of the Assets of Community Value (England) Regulations 2012. For the avoidance of doubt, Faucet Inn Limited is the operator of the site and Kicking Horse Limited is the legal ownership entity of the freehold title, at:

**Kicking Horse Limited
c/o Aqua Group
23 Pier Road
St Helier
Jersey JE2 4XW
Channel Islands.**

All relevant correspondence could also be emailed to jo.luce@aquagroup.co (with all correspondence marked for the attention of Joanne Luce).

Kicking Horse Limited acknowledges the receipt of the council's letter (and paragraph 5 therein) within the two week timetable.

The cc reference ~~Kicking Horse at Equity Trust House~~ should not be included in future correspondence.

If the asset is listed, a review shall be sought under section 92 of the Act as set out paragraph 1 of Schedule 2 of the Regulations.

b. Site Subject to Sale

There is an existing confidential sale agreement pertaining to the site to which Kicking Horse Limited is a party, dated 3 December 2014.

The Agreement will be forwarded in due course and once the correct entity has been written to . however it shows that the contract was exchanged on 3 December 2014 with a completion date 20 February 2015 (if conditions are satisfied), otherwise 5 working days after satisfaction of condition. The Agreement has a longstop date 2 Jun 2015.

The intention to dispose (and legal obligation to dispose) of the Black Cap is subject to the terms of the Agreement and this was clearly formed prior to the council's letter dated 11 February 2015.

Kicking Horse Limited seeks confirmation that any sale of the Black Cap in accordance with the Agreement would be exempt under Schedule 3 of the Assets of Community Value (England) Regulations 2012 from the moratorium requirements contained in Section 95 of the Localism Act 2011.

c. ACV Assessment

Kicking Horse Limited requests full details to be provided in regard to the evidence submitted to the council as part of the ACV application.

d. Nominating Entity

Kicking Horse Limited seeks confirmation from the council why the nominating entity qualifies. In considering and determining the nomination, the council is required under Section 89 of the Act to consider whether the nomination has been made by a body listed under Section 89(2)(b), i.e. a local parish council or a voluntary or community body with a local connection, which is expanded upon in Regulation 5 of the Assets of Community Value (England) Regulations 2012.

e. Extent of Ownership

Kicking Horse Limited would be grateful if the council could confirm by return of annotated plans which areas are nominated for listing.

We look forward to the council's response to this letter. Please contact Kieron Hodgson or Stuart Walburn of this office in the first instance.

Yours faithfully



Icen Projects

cc.	Matthew Mees	Faucet Inn Limited
	Steve Cox	Faucet Inn Limited
	David O'Dwyer	Memery Crystal
	Jo Luce	Aqua Group

8 April 2015

Joanne Luce
Kicking Horse Limited
c/o Aqua Group
23 Pier Road
St Helier
Jersey JE2 4XW

Corporate Strategy
London Borough of Camden
5th floor
5 Pancras Square
London N1C 4AG

Tel: 020 7974 4328
www.camden.gov.uk
email: communityrighttobid@camden.gov.uk

By post and e-mail

Dear Ms Luce

**PRIVATE AND CONFIDENTIAL - The Black Cap, 171 Camden High Street,
London NW1 7JY**

I'm writing to inform you that the nomination of the Black Cap as an asset of community value under the Localism Act 2011 has been successful.

Reasons for the decision

In order for a property to be listed as an asset of community value, it must be nominated by an eligible body and the Council must be satisfied that it is an asset of community value as defined in the legislation.

The Black Cap was nominated by the Camden LGBT Forum, registered charity number 1107855 and a company limited by guarantee. It is therefore eligible to nominate the Black Cap.

On the second point, we are satisfied that the Black Cap meets the criteria in the legislation for an asset of community value i.e. "an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community".

The local authority believes that the Black Cap furthers social, cultural and recreational interests which cannot be met elsewhere.

The Black Cap has had iconic status for Camden's gay community since the 1960s as a place to meet and socialise. However it is no ordinary gay pub as it also plays an important cultural role as a renowned venue for drag and cabaret performances. The pub's heritage contributes to its continued central role in Camden and London's gay scene and means that the community value would not be easily replicable elsewhere.

The community value of the pub is not solely recreational and cultural. The Black Cap plays the role of a community centre for the local LGBT community in the absence of such a dedicated facility. The council has received evidence of its important social role as a meeting point for various support groups (particularly for

older LGBT people and those from ethnic minorities), for hate crime outreach work and as a venue for events, consultations and forums. While it could be argued that the recreational and cultural value of the pub is London-wide, even national and international, these groups very much serve Camden's large LGBT community specifically.

My legal advisor and I have considered the confidential agreement you sent to us and have concluded that it does not prevent the listing of Black Cap as an asset of community value, it is only relevant to the disposal of the pub – see below.

Extent of the listing

The extent of the listing is shown in the attached plans. In summary, all parts of the building are included in the listing – the basement, ground, first, second and third floors.

Implications of the listing

The Black Cap will be added to the list of assets of community value on the Council's website at www.camden.gov.uk/localism and will stay on the list for five years. In addition we will also place this asset on the local land charges register and we will apply for a restriction on the Land Register.

If you intend to sell the Black Cap, you must first consider whether the sale meets the definition of a "relevant disposal" in the Localism Act and the Assets of Community Value Regulations. If this is the case, you must inform the Council in writing of your intent to dispose of the Black Cap and the moratorium provisions of the Act and the Regulations will come into play.

However as you are aware, there are a number of situations in which the disposal of the Black Cap would be exempt from the s95 moratorium provisions. You have provided evidence of a legally enforceable option to buy which would exempt the disposal from the moratorium requirements. **However we would need to see a signed, certified copy of this agreement to be certain that the exemption would apply.** If you are able to send me such a copy, I will confirm in writing that the exemption would apply.

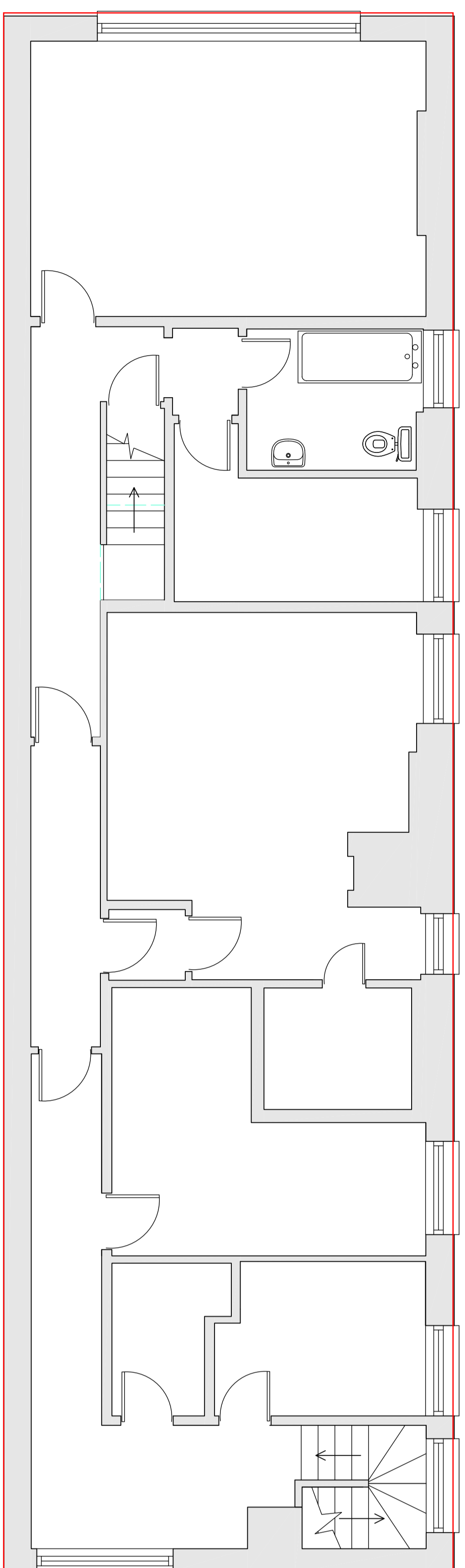
You have the right to request a review of this decision within eight weeks of the date of this letter, namely Wednesday 3rd June.

Yours sincerely

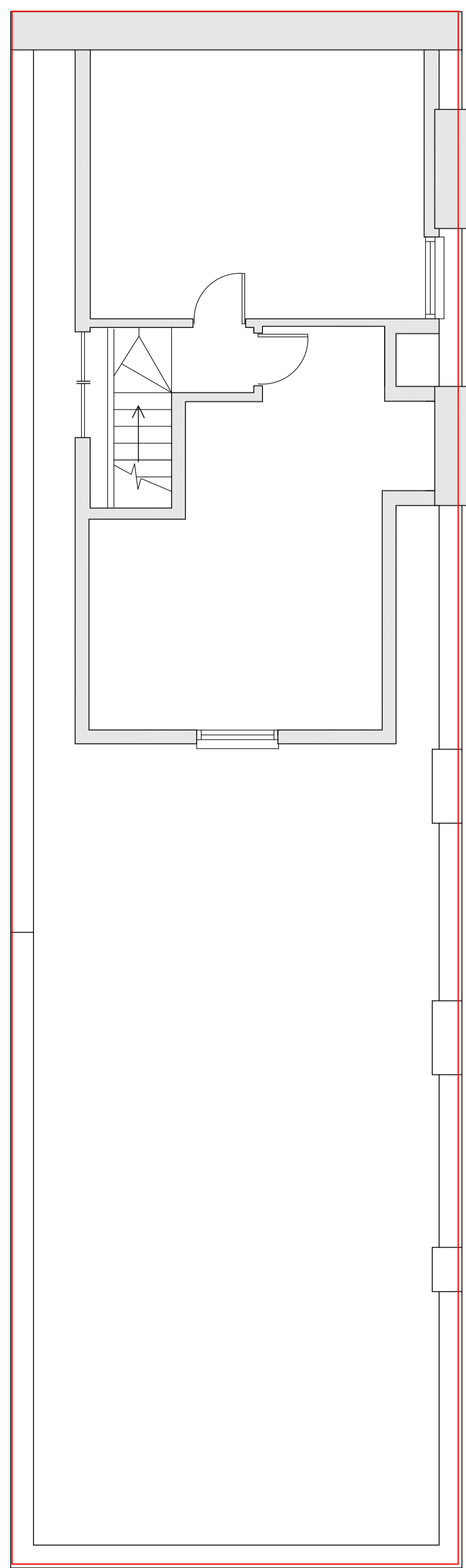
Michael Webb

cc via e-mail: Stuart Walburn and Kieron Hodgson (Iceni Projects), Matthew Mees and Steve Cox (Faucet Inns), David O'Dwyer (Memery Crystal)

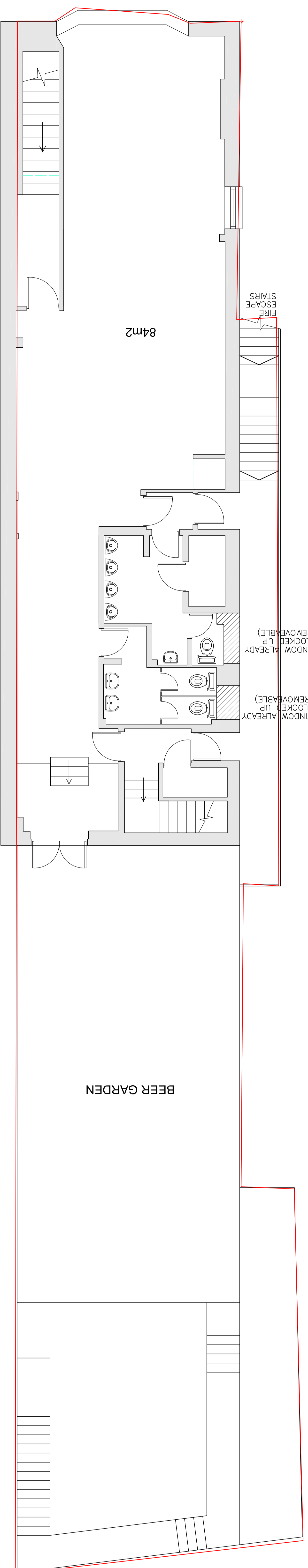
Attachment: plans showing the extent of the listing of the Black Cap as an asset of community value



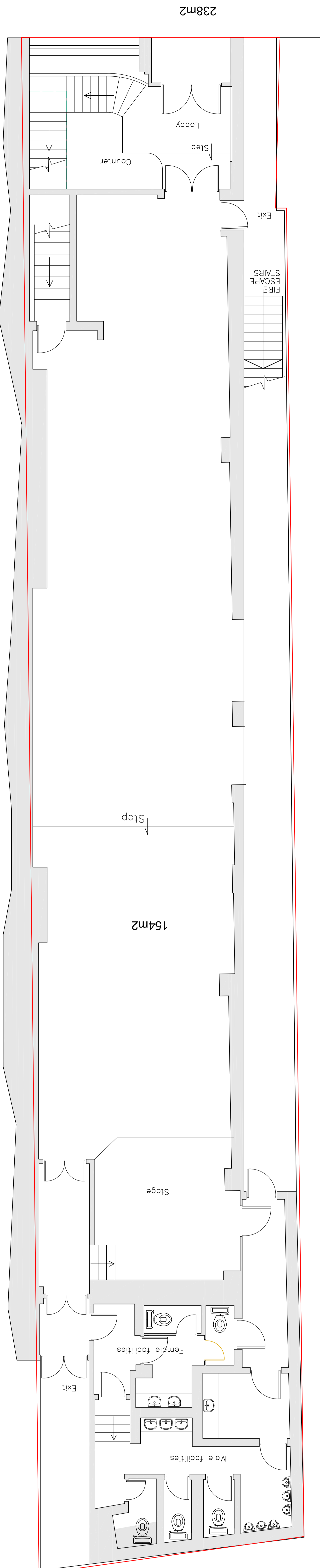
SECOND FLOOR



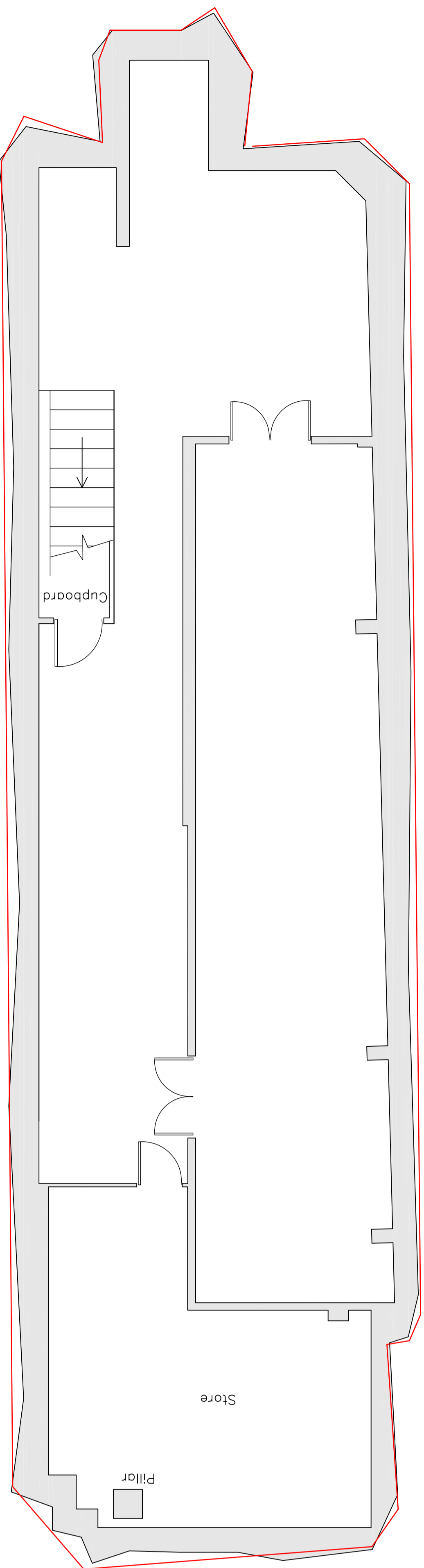
THIRD FLOOR



FIRST FLOOR

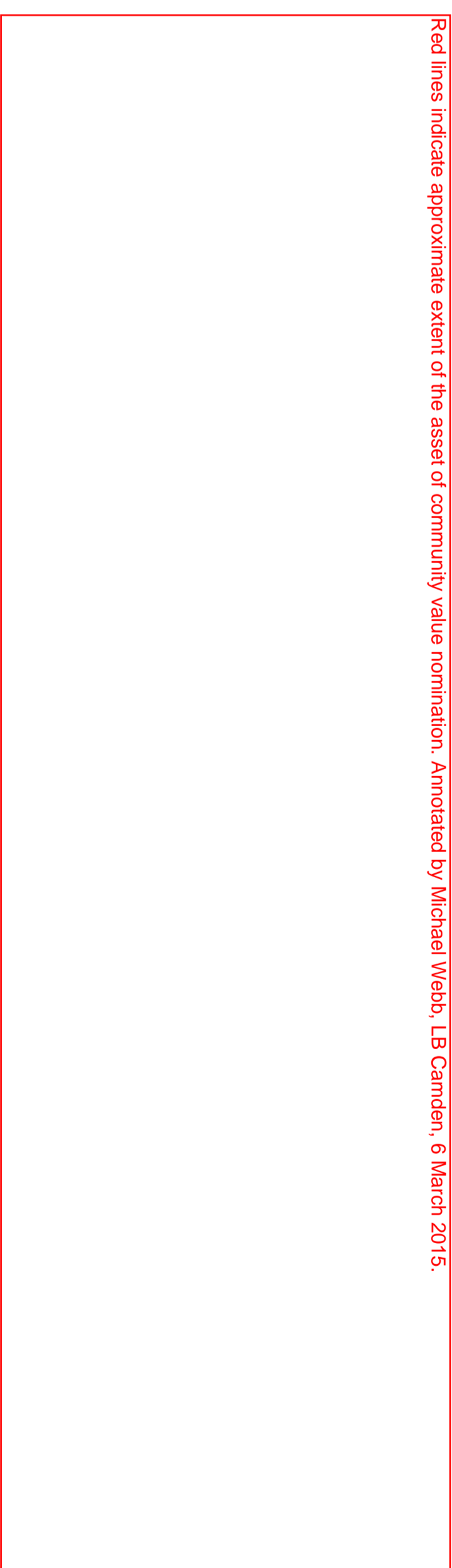


GROUND FLOOR



BASEMENT

Red lines indicate approximate extent of the asset of community value nomination. Approved by Michael Webb, LB Camden, 6 March 2015.



0cm 2cm 4cm 8cm 8cm 10cm
 scale verification bar
 This drawing prints at A0.

REVISIONS	DATE
Hillman design ltd Architectural Practice	APR 13
24 Crichton Road Carshington Becheses Surrey, SM5 3LS t:(020) 8715 5584 f:(020) 8715 8134 mail@hillmandesign.co.uk	REVISION
PROJECT THE BLACK CAP 171 CAMDEN HIGH STREET, CAMDEN, LONDON, NW1 7JY	
DRAWING EXISTING FLOOR PLANS	
SCALE 1:50 @ A0	
DRAWING NO BLK/P4/100	

Asset of Community Value: Review of Listing

On behalf of Kicking Horse Limited and Faucet Inn Limited

In regard to the Black Cap Public House, 171 Camden High Street, London, NW1 7JY

1. Introduction

Kicking Horse Limited and Faucet Inn Limited seek a review of the decision of the London Borough of Camden Council ('the Council') dated 8 April 2015 ('the Decision') to list the Black Cap Public House, 171 Camden High Street, London, NW1 7JY ('the Premises') as an Asset of Community Value ('ACV') under Part 5 Chapter 3 of the Localism Act 2011 ('the 2011 Act'). Icen Projects acts on behalf of Kicking Horse Limited and Faucet Inn Limited.

The Decision to list the Premises followed a nomination under the 2011 Act by the Camden LGBT Forum ('the Nominator') which is a registered charity (1107855). It is referenced in the Nomination that the Camden LGBT Forum is 'mainly funded by Camden Council', a point which is returned to below.

Kicking Horse Limited is the freehold owner of the Premises. Faucet Inn is the public house operator of the Premises.

All floors and areas of the Premises have been listed as ACV. For the avoidance of doubt this includes all accommodation (including ancillary uses) located at basement, ground, first, second and third floors of the Premises.

2. Background

The Nomination includes the following main points, which are returned to in Section 5 of this report;

1. The asset consists of the upstairs bar (Shufflewick bar) with staff and admin amenities, the downstairs bar, ancillary accommodation, terrace garden and all relevant venue essentials (cloakroom, dressing rooms, reception, barrel rooms, storage space, corridors).
2. I append a picture of the Black Cap, a location map and link to planning application with site evaluations.

3. There are approximately 25,000 lesbian, gay, bisexual and transgender residents living in Camden. Incorporating boroughs directly bordering Camden this number can easily be quadrupled.
4. Due to the temptation to sell buildings to property developers there are no longer any public LGBT venues in Camden (there is a small private members club and a bookshop in Bloomsbury, but these are conceptually very different).
5. The history of the Black Cap is well documented. It was London's first hub for LGBT rights campaigners meeting to support brave people to abolish the criminalisation of homosexuality. It led the way in encouraging the expression of different gender identities. It created a space that was both commercially viable and beneficial to the wider community. Groups used the space to create support networks and lead on campaigns. Its relevance to the UK's drag scene has been the subject of numerous films and documentaries. It hosted funeral commemorations where no others would (during the height of the AIDS crisis). It created many of our superstars we take for granted (Lilly Savage, Regina Fong).
6. The Black Cap is the UK's oldest LGBT venue. Important considering that London is the only major city in the world that has no LGBT community centre.
7. But the past is not why we are submitting this application. It is very much about today.
8. Camden LGBT Forum is regarded as one of the UK's leading local LGBT groups. Our locally funded project 'The Moving Community Centre' saw us turn many community and private spaces 'queer' for short periods of time. It allowed over 15 new campaigns and groups to form as we do not as a charity have a public space. Now that this project has come to a close we are back to the status quo of having no queer space to use for our charitable aims except the Black Cap.
9. The social isolation and stigma many of our members face (particularly older and those from ethnic and religious minorities) is extreme. Thousands are unable to be themselves in their home, on their estate or in their community without the fear of hate or isolation. Holding events and support groups in an LGBT venue is a must for these members of our community. Our weekly older men and women's groups with Opening Doors meets there as do our volunteers and outreach workers who set up shop to offer our valuable services to locals in need. It gives us the chance to fundraise.
10. To reiterate, Camden has done so much to protect and energise its LGBT communities. The Black Cap is fundamental to this. It hosts our hate crime outreach, social groups and allows us to put on events, consultations and forums throughout the year. We launched our CLASP

(safe havens initiative) there. It has been a main recruitment ground for our volunteers. It has given us the chance to expand as a local charity. There is only so much we can do in a non-LGBT space.

11. Our members over the age of 65 still remember the days of landing themselves in jail for being gay. This venue was, and still is, the place where so many of our locals go to be themselves. Without the Black Cap there is no safe haven or space for many of our residents.

3. Legal Framework

Part 5 Chapter 3 of the Localism Act 2011 establishes the scheme for the identification of ACVs.

The relevant legislation in the situation of a premises no longer being open is at s.88(2):

“For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority’s area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority—

(a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and

(b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community”.

Nominations for ACVs can be made by parish councils or by “a voluntary or community body with a local connection” (s.89(1)).

By section 90(3) the Council must accept the nomination if the land is in their area and the land is “*of community value*”.

Under s.92 there is a right for the owner of the land to request a review of the inclusion of the ACV on the list (Schedule 2 of The Assets of Community Value (England) Regulations 2012 (SI 2012/2421) made under the 2011 Act (‘the 2012 Regulations’)), with a right of appeal to the First Tier Tribunal (Regulation 11 of the 2012 Regulations).

If the nomination is accepted, the applicant will be given 6 months (s.95(6)) to assemble a bid for the asset when it is sold (defined by s.95 as the 'moratorium period'). During that time the ACV cannot be disposed of¹. However even if a bid is made within that time there is no compulsion upon an owner to accept such a bid. Further, the statutory scheme does not operate on the basis of 'first refusal' (s.98). Owners of property placed on the register may appeal against its listing and can claim compensation if they can demonstrate its value has been reduced (s.99).

4. Review

The Council must determine the nomination on the basis of the information before it. The test is "in the opinion of the local authority", which must be reasonable.

We note the Nominator is funded by Camden Council. Local authorities cannot list land on their own initiative as confirmed in the CLG guidance note 'Community Right to Bid' at paragraph 4.1.

The situation at the Black Cap could be perceived as nomination by-proxy so the authority could be acting outside of its scope or it is at the least inequitable. It is considered that the Council should obtain the view of Counsel on this point ahead of the Review.

No mention has been made in the Council's decision to list why the entire premises has been listed as ACV. The upper floors of the site, especially those in ancillary use, do not further the social wellbeing of the community.

Further, and this point is returned to below, it has already been stated in public (by the Planning Inspectorate and in a Council planning committee report) that the site could further the social wellbeing of the community if public house activity was focused at basement and ground floor levels only.

The points raised in the Nomination, and set out in Section 2 of this report, are commented upon in turn:

1. The extent of nomination is strongly disputed. This point is returned to at Section 5.
2. This information contained in the paragraph is not disputed, these are factual points and have no bearing on the tests at s.88(2) (a) and (b). It should be noted that the March 2015 planning decision (refusal) was taken by the Development Control committee and the application was recommended for approval by Officers. Officers considered the scheme

¹ The moratorium under s.95 only applies to a "relevant disposal" which is defined under s.96.

conformed to adopted planning policies, and reflected points contained in a previous appeal decision.

- 3 This statement is not disputed. It should have no bearing on the tests at s.88(2) (a) and (b).
- 4 The statement is not substantiated and should have no bearing on the tests at s.88(2) (a) and (b).
- 5 The statements at (5) and (6) relate to the historic use of the site, as noted at (7).
- 6 As above.
- 7 As above.
- 8 The statement at 8 is indicative of how the Nominator has successfully used other spaces in Camden. It is noted that Camden Council funds the Nominator. Camden Council is a large urban public authority which has suitable alternative sites in the Borough which could also be used for Camden LGBT's purposes.
- 9 As above.
- 10 As above.
- 11 As above.

5. Extent of Listing Review

As commented above, Kicking Horse Limited and Faucet Inn Limited strongly dispute the extent of ACV listing at the Premises.

The Council's planning decision of 3 March 2015 (2014/2176/P) is referenced in the 'Review of decision to include the Black Cap public house in the list of assets of community value under Section 92 of the Localism Act 2011' Report of the Deputy Chief Executive.

A review of the Council planning decision has been undertaken in light of the above. The following paragraphs are taken from the Committee report of 2014/2176/P.

The report sets out the Council's consideration of the scheme noting in particular how the change of use of the upper floors would not impede community use of the Premises at lower level:

(Para 1.2) There is an existing cabaret/nightclub at ground floor level with a bar and restaurant at first floor, ancillary accommodation and office space is located at second and third floor levels. There is also a beer garden at first floor level.

(Para 6.3) Planning permission was refused 16/05/2012 for the change of use of first, second and third floors from bar/restaurant use and ancillary accommodation to residential (Class C3) to provide 2x 2 bedroom units and 1x 1 bedroom unit with rear roof terraces at first and third floor levels and a rear balcony at second floor level, alterations to windows and doors on the side and rear and creation of refuse and cycle stores for flats at ground floor level (planning ref: 2012/1444/P). The reasons of refusal related to: loss of a community use; poor living conditions; and the use of sustainable transport modes (noted in planning history above). The applicant appealed the Council's decision and **the Planning Inspectorate dismissed the appeal on the grounds that the proposed development would be harmful to the amenities of occupiers in terms of noise and disturbance and through failure to ensure sustainable means of travel. The reason for refusal relating to the loss of a community use was not upheld by the Inspectorate.**

(Para 6.4) The application was resubmitted (prior to the determination of the planning appeal) with a revised layout which retained the front half of the first floor pub/restaurant (planning ref: 2013/0262/P). By the time the application was determined, the appeal had been dismissed for the reasons set out above. The Council duly refused planning permission on 20/03/2013 for the following reasons: failure to demonstrate that the residential flats would experience an acceptable level of internal noise; and failure to ensure sustainable means of travel. The officer's report stated the noise assessment was insufficient to determine noise impact upon future occupiers.

(Para 6.8) The applicant has proposed the **change of use of the first floor pub and restaurant and upper floors (providing ancillary living accommodation / office and not available for public use) into a 2-bed flat at first floor, a 2 bed maisonette at 2nd and 3rd floor levels and a 1-bed flat at 2nd floor level.**

(Para 6.10) **Whilst the appeal related to previous planning application (ref: 2012/1444/P) was dismissed, the reason for refusal relating to the loss of a community use was not upheld by the Inspectorate. The Inspector noted that whilst the bar floorspace would be lost at first floor level, the improvements proposed at ground floor level would increase the proportion of daylighting to the front of the ground floor area; there would be improved facilities for disabled patrons; and that there would be improvements to emergency access. The Inspector did not agree that the pub would be lost to the Lesbian,**

Gay, Bisexual and Transgender (LGBT) community as the informal meeting space could take place in the altered downstairs bar. Furthermore, “in any event, changes to the premises target market, which could result in the loss of a meeting place for the LGBT community, could be made at any time without the need for planning permission”.

(Para 6.11) **The inspector’s appeal decision establishes the acceptability of the loss of the upstairs bar and terrace.** It is noted that The Black Cap is not included on Camden's ‘assets of community value’ list (whilst a nomination was received, this did not meet the specific criteria required to be a valid nomination).

(Para 6.12) There would also be alterations to the downstairs cabaret and bar area. **The ability to serve food would continue with the kitchen being moved from the second floor to the basement.** Eighty-four square metres of bar floorspace would be lost at the first floor level, and due to the internal staircase the ground floor area would be decreased by 8sqm. The total loss of floorspace for public house use would therefore be approximately 92sqm. The remaining 314sqm of floorspace at ground and basement level would still be of sufficient size to remain viable as a cabaret dance bar and the loss of 92sqm of floorspace would not undermine the ability of the business to continue.

(Para 6.13) Camden Core Strategy (2010) (CS) policy CS3 promotes appropriate development in Camden town centres, including homes, food, drink, entertainment and community facilities, policy CS7 seeks to promote successful centres and policy CS10 seeks to protect community uses. Camden Development Policy (DP) DP12 supports strong centres through the management of town centre uses and protecting community and leisure uses. In addition, both the National Planning Policy Framework (the Framework) and policy DP2 seek to boost housing and make best use of the Borough’s capacity for housing.

(Para 6.14) **Whilst policy DP15 resists the loss of local pubs that serve a community role, in this case the pub is not being lost and the informal meeting space could take place in the altered downstairs bar. Function rooms and the roof terrace are advertised as available for parties and private functions; however, this is not unusual and is not necessarily indicative of the venue’s community role. It is noted that a significant number of the objections are concerned with the loss of a bar serving the LGBT community. However, this application does not involve the loss of the ‘cabaret dance bar’ but rather a reduction in the venue’s size.** It is also evident from the consultation responses that the venue has played an important role in LGBT history. **The loss of the first floor bar and consequent reduction in floor area would still allow the venue to perform an important function for the LGBT community. Overall, the proposed development would strike a balance between**

maintaining sufficient space within a venue important to the LGBT community and meeting the need for new housing.

(6.15) Therefore the proposed development would not result in the loss of a community space and would be in accordance with CS policies CS3, CS7 and CS10 and DP policies DP12 and DP15.

With the above points in mind, Kicking Horse Limited and Faucet Inn Limited would support the reduction in extent of ACV listing at the site to include basement and ground floors only.

6. Summary

In summary the two key points are:

1. The legitimacy of the nomination due to Camden Council funding the Nominator (Camden LGBT Forum) and the fact that a local authority cannot list land on its own initiative; and
2. If 1 fails to have the Black Cap removed from the ACV list, the listing should be revised to include only the basement and the ground floor. ACV listing should be accurate and specific to those element of a buildings which are noted to further social wellbeing, as per the tests at s.88(2) (a) and (b). In this regard, it has been noted above that Camden Council and the Planning Inspectorate (on behalf of the Secretary of State) consider that they do not.

**Iceni Projects
For Kicking Horse Limited and Faucet Inn Limited
25 June 2015**

LONDON BOROUGH OF CAMDEN	WARD: Camden Town with Primrose Hill
REPORT TITLE: Review of decision to include the Black Cap public house in the list of assets of community value under Section 92 of the Localism Act 2011	
REPORT OF: Deputy Chief Executive	
FOR SUBMISSION TO: Borough Solicitor ('the Reviewing Officer')	HEARING DATE: 7 July 2015
SUMMARY OF REPORT Kicking Horse Ltd, the owner of the Black Cap public house has requested a review of the decision to list it as an asset of community value. The review will be carried out by the Borough Solicitor as an oral hearing. This report explains how the decision came to be made and how the review will be carried out.	
LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION 1) The Localism Act 2011 2) The Assets of Community Value (England) Regulations 2012 3) Community Right to Bid: Non-statutory advice note for local authorities , Department for Communities and Local Government, October 2012	
CONTACT OFFICER: Michael Webb Tel : 020 7974 4328 Email: michael.webb@camden.gov.uk	

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Appendix 1: Land Registry title no. NGL67384

Appendix 2: Decision notice for planning application 2014/2176/P

Appendix 3: ACV nomination for Black Cap and supporting testimonials (personal information redacted)

Appendix 4: Letter to nominator giving Council's decision on nomination of the Black Cap as an ACV, 8 April 2015

Appendix 5: Extent of Black Cap ACV listing

Appendix 6: E-mail from Iceni Projects on behalf of Kicking Horse Ltd requesting review

Appendix 7: London Borough of Camden ACV Review Procedure June 2015

1 Introduction

- 1.1 Kicking Horse Ltd, the Owner of the Black Cap public house, has requested a review of the decision made on 8 April 2015 to list it as an asset of community value under Section 92 of the Localism Act 2011.
- 1.2 The purpose of the review is to determine whether the original decision to list the pub as an asset of community value should be upheld.
- 1.3 This report sets out the background to the decision, the reasons for the decision, the request for the review, legal considerations and details of how the review will be carried out.

2 Background to the decision

- 2.1 The Black Cap public house consists of the upstairs bar (Shufflewick bar) with staff and admin amenities, the downstairs bar, ancillary accommodation, terrace garden and all relevant venue essentials (cloakroom, dressing rooms, reception, barrel rooms, storage space, corridors) (see Figure 1). It is located at 171 Camden High Street, London NW1 7JY (see Figure 2).



Figure 1: The Black Cap public house, 171 Camden High Street

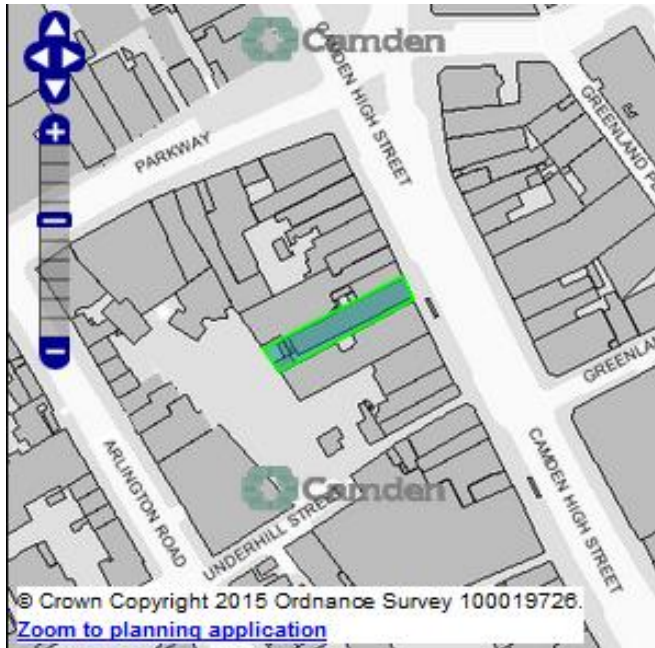


Figure 2: Location of the Black Cap

- 2.2 The pub is operated by Faucet Inn Ltd and owned by Kicking Horse Ltd. A contract of sale was made on 4 December 2014 between Kicking Horse Ltd and Camden Securities LLP. However as of 12 June 2015 Kicking Horse Ltd remain the owner of the property. This information is taken from the Land Registry title register attached at Appendix 1.
- 2.3 A planning application (2014/2176/P) for change of use of first, second and third floors from bar/restaurant use and ancillary accommodation to residential was refused by the Council's Development Control Committee on 3 March 2015. The decision notice is attached at Appendix 2.
- 2.4 The pub closed on 12 April 2015. This does not affect its status as an asset of community value.

3 The decision

- 3.1 The nomination to list the Black Cap as an asset of community value was made on 10 February 2015 by the Camden LGBT Forum. The nomination form and supporting evidence are attached at Appendix 3.
- 3.2 In order for a property to be listed as an asset of community value, it must be nominated by an eligible body (under s88 of the Localism Act 2011 and regulations 4 and 5 of the Assets of Community Value (England) Regulations 2012) and the Council must be satisfied that it is an asset of community value as defined in the legislation (in s89 of the Localism Act 2011).
- 3.3 In considering the nomination the Council concluded that the Black Cap met both of these conditions for the following reasons.

- 3.4 The body which nominated the Black Cap, the Camden LGBT Forum, is a registered charity (no 1107855) whose activities are concerned with Camden. This makes it eligible to nominate assets of community value under Regulations 4 and 5 of The Assets of Community Value (England) Regulations 2012.
- 3.5 The following extract from the council decision letter (included at Appendix 4) gives the council's reasons why the pub meets the definition of an asset of community value.

The local authority believes that the Black Cap furthers social, cultural and recreational interests which cannot be met elsewhere.

The Black Cap has had iconic status for Camden's gay community since the 1960s as a place to meet and socialise. However it is no ordinary gay pub as it also plays an important cultural role as a renowned venue for drag and cabaret performances. The pub's heritage contributes to its continued central role in Camden and London's gay scene and means that the community value would not be easily replicable elsewhere.

The community value of the pub is not solely recreational and cultural. The Black Cap plays the role of a community centre for the local LGBT community in the absence of such a dedicated facility. The council has received evidence of its important social role as a meeting point for various support groups (particularly for older LGBT people and those from ethnic minorities), for hate crime outreach work and as a venue for events, consultations and forums. While it could be argued that the recreational and cultural value of the pub is London-wide, even national and international, these groups very much serve Camden's large LGBT community specifically.

- 3.6 The extent of the listing is the entire property as shown in Appendix 5.
- 3.7 In order for an asset of community value listing to be valid, the council must also have followed the correct procedure. The Act at s90 to s91 and the Regulations 7 to 9 set out the procedure to be followed when a community nomination is received.
- 3.8 The Council wrote to Kicking Horse Ltd at its registered address to notify them that it was considering listing the pub on 11 February 2015. Iceni Projects, who act on behalf of Kicking Horse Ltd, informed the Council that this was not its business address. The Council then wrote to Kicking Horse Ltd at its business address in Jersey on 5 March 2015. The Council then wrote to Kicking Horse notifying them of its decision to list the property on 8 April 2015.
- 3.9 The Council is therefore satisfied that it followed the correct procedure.

4 Request for a review

- 4.1 Iceni Projects acting on behalf of Kicking Horse Ltd requested a review of the decision to list the Black Cap as an asset of community value in an e-mail dated 2 June 2015 (attached as Appendix 6). This was within the eight week period which the legislation allows the owner to request a review from the date of the decision. An oral hearing was requested and the date has been set as 7 July 2015.

5 Timeline

- 5.1 The following table summarises the events and correspondence mentioned in this report:

4 December 2014	A contract of sale for the Black Cap made between Kicking Horse Ltd and Camden Securities LLP
10 February 2015	Nomination of Black Cap as ACV received
11 February 2015	Council writes to Kicking Horse at registered address notifying them that they are considering listing the pub
3 March 2015	Planning application 2014/2176/P rejected
5 March 2015	Council writes to Kicking Horse at Jersey address notifying them that they are considering listing the pub
8 April 2015	Decision to list Black Cap as ACV made
12 April 2015	Black Cap closes
2 June 2015	Iceni Projects requests a review of the decision on behalf of Kicking Horse
7 July 2015	Hearing date

6 Review procedure

- 6.1 The Review shall be carried out in accordance with Camden Council's Assets of Community Value Listing Review Hearing Procedure which is attached as Appendix 7.

7 Legal considerations

- 7.1 This section sets out sections of the Localism Act 2011 and other legislation which is relevant to the review.

7.2 **s92 Review of decision to include land in list**

(1) The owner of land included in a local authority's list of assets of community value may ask the authority to review the authority's decision to include the land in the list.

(2) If a request is made—

(a) under subsection (1), and

(b) in accordance with the time limits (if any) provided for in regulations under subsection (5),

the authority concerned must review its decision.

(3) Where under subsection (2) an authority reviews a decision, the authority must notify the person who asked for the review—

(a) of the decision on the review, and

(b) of the reasons for the decision.

(4) If the decision on a review under subsection (2) is that the land concerned should not have been included in the authority's list of assets of community value—

(a) the authority must remove the entry for the land from the list, and

(b) where the land was included in the list in response to a community nomination—

(i) the nomination becomes unsuccessful, and

(ii) the authority must give a written copy of the reasons mentioned in subsection (3)(b) to the person who made the nomination.

(5) The appropriate authority may by regulations make provision as to the procedure to be followed in connection with a review under this section.

(6) Regulations under subsection (5) may (in particular) include—

(a) provision as to time limits;

(b) provision requiring the decision on the review to be made by a person of appropriate seniority who was not involved in the original decision;

(c) provision as to the circumstances in which the person asking for the review is entitled to an oral hearing, and whether and by whom that person may be represented at the hearing;

(d) provision for appeals against the decision on the review.

7.3 The Assets of Community Value (England) Regulations 2012 Schedule 2 - Procedure for listing review and compensation review

Time for requesting a listing review

1.—(1) Except as specified in sub-paragraph (2), a request for a listing review must be made in writing before the end of a period of eight weeks beginning with the day on which written notice of inclusion of the land in the list was given by the responsible authority under section 91(2) of the Act, or such longer period as the authority may in writing allow.

(2) Where the authority takes reasonable alternative steps to bring the notice to the attention of the owner in accordance with section 91(2), a request for a listing review must be made before the end of a period of eight weeks beginning with the day on which the authority completes the taking of those steps.

Time for requesting a compensation review

2. A request for a compensation review must be made in writing before the end of a period of eight weeks beginning with the date on which the responsible authority provides the owner with written notification of its reasons in accordance with regulation 14(6), or such longer period as the authority may in writing allow.

Procedure for reviews

3. *In the following provisions of this Schedule, “the review” means a listing review or a compensation review.*

4. *An officer of the authority of appropriate seniority who did not take any part in making the decision to be reviewed (“the reviewer”) shall carry out the review and make the review decision.*

5.—(1) *The owner may appoint any representative (whether legally qualified or not) to act on his or her behalf in connection with the review.*

(2) *The local authority must provide to the representative any document which is required to be sent to the owner, and need not provide that document separately to the owner.*

6. *As soon as is practicable following the written request for the review, the authority shall notify the owner of the procedure to be followed in connection with the review.*

7.—(1) *An oral hearing must be held at the owner’s written request.*

(2) *Where no written request for an oral hearing is made by the owner, the authority may decide whether or not to include an oral hearing in the review process.*

8. *Both the owner and the owner’s representative may make representations to the reviewer orally or in writing or both orally and in writing.*

9. *The authority must complete the review by the end of the period of eight weeks beginning with the date the authority receives the written request for the review, or such longer period as is agreed with the owner in writing.*

7.4 The Assets of Community Value (England) Regulations 2012 Regulation 11 - Appeal against listing review decision

11.—(1) *An owner of listed land may appeal to the First-Tier Tribunal against the local authority’s decision on a listing review in respect of the land.*

(2) *The owner referred to in paragraph (1) may be either the owner who requested the review, or a subsequent owner of part or the whole of the land.*

7.5 Human Rights Act 1998

One of the cornerstones of the HRA 1998 is section 6(1), which makes it unlawful for a public authority to act in a way which is incompatible with the ECHR. It is also unlawful for a public authority to breach the ECHR by omission (section 6(6), HRA 1998).

Article 6: Right to a fair trial

In the determination of his civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time and by an independent and impartial tribunal established by law

Article 1 of the First protocol: Protection of property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions including a licence. No one shall be deprived of his possession except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

Review of the listing as an asset of community value (“ACV”) of the Black Cap public house, 171 Camden High Street London, NW1 7JY

Hearing Date 7th July 2015

Present:

Reviewing Officer and Chair: Andrew Maughan (Borough Solicitor)

For the council:

- Michael Webb (Principal Officer)
- Sandra Ballentine (Legal Officer)

For the owners:

- Steve Cox, Faucet Inn Limited
- Kieron Hodgson, Icen Projects – for Kicking Horse Limited and Faucet Inn Limited
- David O’Dwyer, Memery Crystal – for Kicking Horse Limited and Faucet Inn Limited

For the Camden Lesbian, Gay, Bisexual and Transgender (LGBT) Forum, the nominating community group:

- Nigel Harris, Director
- Ben Giddins
- Joe Parslow

The review

I am delegated by the London Borough of Camden to determine reviews of the listing by the Council of ACVs.

On the 7th July 2015 following a request made by the owners of the Black Cap, 171 Camden High Street, London NW1 7JY for an oral hearing, I considered the review against the listing of these premises as an ACV. The review took place in the presence of the parties above and at the start of the meeting an informal procedure was agreed which would allow all the parties the opportunity to address the meeting.

The issues

At the start of the meeting the Owners confirmed that they were not taking any issue with the council’s decision to list the Black Cap as regards compliance with the statutory requirement of “furthering the social well-being or social interests of the local community”. Further they did not seek to challenge any technical aspects of the application process.

The main objections as set out in the representations for the review dated 25 June 2015 were:

1. Whether the nominating group who receive funding from the Council had truly requested the listing under their own initiative or whether in effect this was actually by

proxy on behalf of the Council. Reference was made to the fact that the Council is not entitled to nominate properties themselves.

2. The extent of the listing, there was no dispute to the listing of the basement and ground floor only in respect of the first, second and third floors.

The relevant legislation in the situation of a premises no longer being open (the Black Cap was still operating at the time of the nomination and when listed, it closed on 12th April 2015) is s 88.2:

For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority—

(a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and

(b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community

There was no dispute over the bulk of the evidence put forward demonstrating how the Black Cap had furthered the social well-being of the local community but it is worth – as it is material to the two key questions in particular – repeating some of this evidence as submitted in the application to nominate the Black Cap and as was put to me during the review hearing:

- The premises (which appear from internet research at least) to have been a public house for hundreds of years has for many decades been at the center of the LGBT community in London.
- The premises has been a venue for drag and other related performances which attract and include members of the LGBT community albeit not exclusively.
- It is the meeting place of a number of LGBT related organisations including the nominators.
- Less specifically but importantly I heard from the nominators how significant the premises were in terms of being a safe place for the community to congregate and indeed how it was the first venue one of the nominators had gone when he had “come out”.
- It was explained to me how the venue appeals to all age ranges with the bar on the first floor being a quieter area and used when the ground floor was being used for rehearsals. It does appear to me that the venue with its terrace and two main floors did offer flexible and diverse areas which would potentially appeal to the whole LGBT community. The nominators contrasted the appeal of this venue to others that attract a LGBT following in London which tended to be age specific or targeted at a specific segment of the LGBT community.
- There has been considerable public outcry at the closure of the premises primarily from the LGBT community but also from others including local politicians and celebrities.

The test to be applied under s 88 of the Act is “in the opinion of the local authority”. That is a wide test. As with all public law matters the opinion must be reasonable i.e. based on the sort of evidence that a reasonable person would say is sufficient to found a view. The

conclusion of the authority must be rational. The test is contextual and will depend on all the circumstances and the evidence.

In determining this review I have considered the following;

1. Has there been a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community?

On the first test as to furthering the social well-being etc. the legislation assists by telling us:

social interests” includes (in particular) each of the following—

(a) cultural interests;

(b) recreational interests;

(c) sporting interests

I consider that there is considerable evidence of this for the Council to have formed a reasonable opinion, the nomination application in some detail lists these and these were helpfully expanded upon during the hearing.

I have no hesitation in confirming that this building has “in the recent past” – prior to its closing contributed to the social wellbeing or social interests of the local community. The public outcry when the premises closed confirms this contribution.

2. Is it realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

On the second limb the test is whether in council’s opinion it is realistic to think that in the next five years these activities will recommence. There will be circumstances where such as finding would be unrealistic for example if the premises had been demolished with no prospect of them being rebuilt for clear financial reasons.

These are premises that have been in use as a public house for hundreds of years. I was also told of the planning restrictions in using the premises as anything other than a public house. In fact no evidence was put forward by the Owners that would have thrown in doubt on the original decision. While there have been planning applications to change the use of the upper floors there is currently no permission to change the use it must therefore be realistic to have concluded as the Council have that future community use is realistic in the next five years for the whole building.

3. Which part of the building contributed and therefore should be registered?

Currently the Council has registered the whole building. This has been disputed in terms of the first, second and third floors, it is submitted by the Owners that those parts of the building have not contributed to the social well-being nor were they used by the LGBT community. I

deliberately took evidence about the use of the floors and have gathered the following from both parties:

- Basement – used for storage of the usual beer barrels and stock as well as the performance related equipment, amps etc.
- Ground floor – this is where the stage is located and there is the main bar. This area therefore has been used for drinking and socialising and for meetings of various groups but also is where live performances take place.
- First floor – there is a bar area here and the garden/terrace. I heard and find that this area is a quieter area used for conversation and as such complements the noisier ground floor. It is also used for meetings and social events. I accept that this diverse accommodation offer is part of the role the premises have played in advancing the social well-being of the area.
- Second floor – this includes the kitchen area, office and some accommodation. I will comment later about the accommodation but it strikes me that the provision of food makes a contribution to the social value of the pub and was also said to me to be a “safe haven”. In addition I also don’t see how a venue which runs shows and the like can do so without an office.
- Third floor – accommodation. While I accept as the owners said that the model for public houses now often does not include accommodation and there may be some advantage in “not living over the shop” I also (having had the advantage of hearing from someone who worked in the premises) see how a venue like this would benefit from the perhaps more old fashioned live in manager. The picture that was painted of these premises as a hub for the LGBT community includes the flexibility that was clearly provided by having managers live in. I can see how a manager who arrives opens up and then closes may work for say a city centre venue but can equally see how a live in presence contributed to the particular ambience and value that these premises added. This building was far more than a “gay pub” but played an important part in the lives of the LGBT community in Camden and in their social well-being. It is worth noting that residential land (if that is what parts of the second and third floor are) is not excluded from the ACV regime if the residence is a building that is only partly used as a residence and, but for the residence, the land would be eligible: see para. 1(5) of Schedule 1 to the 2012 Regs.

4. The legitimacy of the nomination

It was suggested that because of the fact that the nominators received funding from the Council that this meant in effect that the application was a proxy application upon behalf of the Council.

The Nominators in evidence said that they had put the application in to the Council on their own initiative and not as a result of any influence or suggestion from the Council. On being asked the Owners confirmed they had no contrary evidence. Given the lack of any evidence (other than perhaps the public support for the premises offered by numerous Councillors) I am left with whether the fact that the LGBT receives funding from the Council in any way negates the legitimacy of the application. I do not think it does. I say this because the legislation does not in fact allow such investigation and secondly if funding somehow did prevent an organisation from making an application then the legislation and/or regulations would have clearly said so in respect of local community groups they do not. Parliament would have needed to have deliberately included such a provision, which would significantly reduce the number of qualifying organisations and hence utility of the Act.

5. Status of the Planning decisions

I have read the relevant planning decisions. In particular the owners referred me to the appeal decision of the 4th February 2013. I have to say such decisions are of limited assistance for while planning decisions do touch upon issues similar to those before me there are significant differences. Further when the Inspector decided the application would, by improving one floor make up for the loss of another, this emphasized the different questions that need to be asked. I am not judging what might become of the building in terms of changes prompted by a planning application

Conclusion

I therefore uphold the original decision to list the whole of the Black Cap as an ACV.

In summary and dealing with the two points of appeal;

1. I have received no evidence that would suggest that the nomination for the Black Cap was done as a proxy for the Council. In addition for the reasons given I do not see that the Council's funding which is given to a variety of organisations including this one in any way impacts upon their ability to make a request for listing.
2. I have no doubt that in addition to the basement and ground floor that the first floor was used for the benefit of the LGBT community. As noted above, the legislation allows for the listing of residential land if it is only partly used as a residence and the rest of the land is of community value. The authorities, which are not binding in any event, provide limited guidance, save for indicating that each case will turn on its own facts. The second floor however includes a kitchen which in providing food does as explained in my view contribute to the overall services and facilities offered to the LGBT community. As I said the Black Cap is more than simply a pub for this community.

What of the office space and accommodation? In my view this live in accommodation for a landlord or employees was important as part of the offer provided to the community as it helped define the sort of premises it was. The office space used I heard for bookkeeping and marketing activities would also have contributed to the performance aspect of the premises in its contribution to this community.

It would be artificial to separate out different parts of the building as it is all part of its business of being a pub/venue and meeting space for this community. Of course, in considering the above, I had in mind to apply the test in section 88(2)(b) of the Localism Act 2011, which is what it is realistic to think might happen to the space within the next 5 years. While there are planning applications to convert the upper floors I do not think that fact alone would render it unrealistic to consider that there will be a time in the next five years when this use will recommence.

Signed:



Date: 10th July 2015

Right of appeal

If the owner is not satisfied with the outcome of the internal review they have the right to appeal to the First-Tier Tribunal against the local authority's review decision.

An owner's appeal against a local authority listing review must be made to the General Regulatory Chamber of the First-Tier Tribunal. The deadline for appealing is specified in the procedural rules of that Chamber as 28 days from the date on which notice of the decision appealed against was sent to the owner. Appeals may be both on points of law and on findings of fact. The property will remain listed during the appeal process.

Owners should send the appeal in writing to the First-Tier Tribunal at:

Tribunal Clerk,
Community Right to Bid Appeals
HM Courts & Tribunals
First-tier Tribunal (General Regulatory Chamber)
P.O. Box 9300
Leicester, LE1 8DJ
Tel: 0300 123 4504

Or by e-mail to GRC.CommunityRights@hmcts.gsi.gov.uk