

Neil Rowley
Savills
33 Margaret Street
London
W1G 0JD

1st July 2015

Dear Mr Rowley

Re: The Clifton Hotel, 96 Clifton Hill, London NW8 0JT

Your letter of 8th April requested a review of the Council's decision on 11 February 2015 to list the Clifton Hotel as an Asset of Community Value, on behalf of your client, the owner of the above property. I was appointed by the Council in accordance with the Localism Act 2011 (the Act), as an officer (of the Council) of appropriate seniority, who did not take any part in making the original decision. A review of the listing included an informal public hearing which took place on 15 June and additional written representations. The Act provides that the Reviewer's decision must be made within 8 weeks. It was agreed by the Applicant, representatives of the owner and the Council, at the time of the hearing, that this period should be extended to 1st July to allow for further written submissions to be reviewed.

In reaching my decision I have given consideration to each of the reasons identified in your statement of 4th June. Having reviewed all the representations submitted I believe the key issues for consideration are timing of the decision and the criteria provided under Section 88 of the Act. Your statement also identified that hotels are exempt from listing. This matter will also be addressed.

1) Decision not made within 8 weeks of nomination

It is my opinion that my role as Reviewer, as required by S92 of the Act, is to determine whether the property meets the criteria under S88, not to consider the validity in law of the decision to list the Clifton Hotel as an Asset of Community Value. Only the Courts can decide the latter.

I am also drawn to the fact that, at no time during the delay that occurred prior to the decision, neither the Owner nor the Applicant made any intervention to expedite a decision. I have been advised that, had the Owner felt sufficiently prejudiced by the delay, recourse was available through the Courts to enforce the taking of a decision.

Therefore I do not accept this ground for review.

2) Criteria for listing an Asset of Community Value

In order to qualify as an Asset of Community Value the property must satisfy either the conditions of S88(1) in that:

- a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing of social interests of the local community and,

- b) 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

or S88(2) in that:

- 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 further 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.

It is fair to assume given the present state of the building that the condition under S88(1)(a) is not met, but I believe that S88(1)(b) can be met. The threshold to be achieved is merely whether it is realistic to think that there can continue to be non-ancillary use of the building and I believe it is. It is not necessary for me to decide whether or not that use is likely.

I accept that the conditions of S88(2)(a) & (b) are met. It has not been disputed that the premises were previously used as a public house and I regard the 18 month periods of vacancy as still within the 'recent past'. I do not believe that the whole community need benefit from the use of the building but the large number of representations in support of ACV status (including those at the hearing) clearly indicate that the social wellbeing and social interests of the broader local community have been furthered by the use of this asset in the recent past. Sufficient evidence has been submitted to suggest that the asset is viable for use as a public house and accordingly I believe also that the 5 year test under S88(2)(b) is met.

3) Hotels are exempt from listing

The Clifton Hotel is/was not a hotel in practice but a pub. Indeed your firm's marketing particulars identify the asset as an "attractive corner public house" and further identify the planning consent as A4 "drinking establishment use". Therefore I do not accept this ground for review.

Having considered the evidence supplied, considered all representations, both written and verbal, I conclude that the Council's decision to list the Clifton Hotel as an Asset of Community Value was correct.

Yours sincerely

Guy Slocombe
Director of Property, Investment & Estates