

London Borough of Barnet,  
2 Bristol Avenue, Colindale, NW9 4EW  
14 April 2023  
Our ref: 9480165

Thank you for your request received on 24 March 2023, for the following information:

**I am enquiring about the playing fields at Byng Road, EN5 which are leased to Barnet Elizabethans Rugby Club. According to the council land records this is owned by LBB.**

**The field is being redeveloped to upgrade the clubhouse and pitches. Some of the local community are concerned that the level of open access that the public currently enjoy will be reduced, e.g. erection of perimeter fencing.**

**The club have claimed that the site is not a public open space, even though the community have enjoyed open access for over 30 years. There is also signage at the site stating 'Byng Open Space'.**

**Therefore it's in the public interest to clarify what access rights the public have to the space.**

**The FOI request:**

- please confirm whether the land is still owned by Barnet Council (with leasehold to BERFC)**
- please derail any lease conditions that require public access to be maintained (e.g. covenants)**

**In order to respect the clubs privacy, it is not necessary to provide full details of the leasehold, just a clarification of public access.**

**In addition to the previous request, could you confirm that it's just the eastern half of the field and clubhouse which is leased by BERFC, and the other half is still owned by the council?**

We have processed this request under the Freedom of Information Act 2000.

## **Response**

The council holds the information requested and it is attached/ the answers to your questions are below

***I am enquiring about the playing fields at Byng Road, EN5 which are leased to Barnet Elizabethans Rugby Club. According to the council land records this is owned by LBB.***

***The field is being redeveloped to upgrade the clubhouse and pitches. Some of the local community are concerned that the level of open access that the public currently enjoy will be reduced, e.g. erection of perimeter fencing.***

***The club have claimed that the site is not a public open space, even though the community have enjoyed open access for over 30 years. There is also signage at the site stating 'Byng Open Space'.***

***Therefore it's in the public interest to clarify what access rights the public have to the space.***

***The FOI request:***

***please confirm whether the land is still owned by Barnet Council (with leasehold to BERFC)***

- The land is still owned by the Council and let to the Barnet Elizabethans Rugby Football Club

***please derail any lease conditions that require public access to be maintained (e.g. covenants)***

- The lease contains the following wording in the Third Schedule: There are excepted and reserved to the Council, its successors in title and all other entitled thereto ..... 5. the right for the public at large to enter upon the demised premises (but excluding the pavilion) for recreational purposes (but excluding organised games or activities) **provided always** that such use by the public does not damage any equipment on the Demised Premises belonging to the Trustees or interfere with the Trustees use of the Demised Premises as a sports ground and in this latter respect the Trustees will have the right to exclude the public from such areas of the Demised Premises as may be in the course of use by it for the purpose permitted by sub-clause 3.11.3

*(Clause 3.11.3 describes the uses to which the lessee may use the demised premises)*

***- In order to respect the clubs privacy, it is not necessary to provide full details of the leasehold, just a clarification of public access.***

***- In addition to the previous request, could you confirm that it's just the eastern half of the field and clubhouse which is leased by BERFC, and the other half is still owned by the council?***

- It is the Eastern half of the field and clubhouse that is leased by the Barnet Elizabethans Rugby Football Club

## **Further information**

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

## **Advice and Assistance : Direct Marketing**

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link [www.ico.org.uk](http://www.ico.org.uk)

**For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.**

## **Your rights**

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: [foi@barnet.gov.uk](mailto:foi@barnet.gov.uk). Or by post to Records & Information Management Service, Assurance Group, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website [www.ico.org.uk](http://www.ico.org.uk)). There is no charge for making an appeal.