

	<p>Council 20 October 2015</p>
<p style="text-align: center;">Title</p>	<p>Referral from Assets, Regeneration and Growth Committee – Land to the rear of 71 Holden Road</p>
<p style="text-align: center;">Report of</p>	<p>Head of Governance</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Urgent</p>	<p>No</p>
<p style="text-align: center;">Key</p>	<p>Yes</p>
<p style="text-align: center;">Enclosures</p>	<p>Annex 1: Report to Assets, Regeneration and Growth Committee, 7 September 2015 (agenda item 7)</p> <p>Annex 2 – Appendix A to Report to Assets, Regeneration and Growth Committee, 7 September 2015</p> <p>Annex 3 – Appendix B to Report to Assets, Regeneration and Growth Committee, 7 September 2015</p> <p>Annex 4: Appendix C to Report to Assets, Regeneration and Growth Committee, 7 September 2015</p> <p>Annex 5: Appendix D to Report to Assets, Regeneration and Growth Committee, 7 September 2015</p> <p>Annex 6: Appendix E to Report to Assets, Regeneration and Growth Committee, 7 September 2015</p>
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Summary

Assets Regeneration and Growth, Agenda item 7 'Land to the rear of 71 Holden Road, North Finchley, N12 7DR' was referred up to Full Council by four members in accordance with the Constitution. The decisions taken by the Committee are set out below. Council is

requested to consider the recommendations and take a decision on them.

Recommendations

That Council:

- 1. Consider the objections received.**
- 2. Declare the land as surplus to the Council's requirements.**
- 3. Approve the granting of a two year call option to HGS Properties (Brookdene Holden Road Ltd) to purchase the public open space land at the rear of 71 Holden Road on a 150 year lease subject to planning, and a tree maintenance plan. A condition of the lease will be that the public are afforded access to the amenity land**
- 4. Delegate authority to the Chief Operating Officer in consultation with the Chairman of the Assets Regeneration and Growth Committee to negotiate and finalise the terms of the Lease including the 2 year call option**
- 5. That a Local Wildlife Group be consulted in the drawing up of the Woodland Management Plan**

1. WHY THIS REPORT IS NEEDED

- 1.1 The Constitution allows a certain number of members to refer a matter on which a Committee has taken a decision to its parent body. At the meeting on 7th September 2015, the required number of members of the Assets, Regeneration and Growth Committee referred agenda item 7 up to the next meeting of Full Council.
- 1.2 The Assets, Regeneration and Growth Committee on 7th September 2015 considered agenda item 7 and the appendices to the report, pertaining to Land to the rear of 71 Holden Road, North Finchley, N12 7DR which included the representations of the public consultation.
- 1.3 The Chairman moved a motion to include a new recommendation 5 - that a Local Wildlife Group be consulted in the drawing up of the Woodland Management Plan. The motion was seconded. Having been put to the vote, the motion was declared carried.
- 1.4 Following discussion of the item, the Chairman moved to a vote on the recommendations. Votes were declared as follows:

For: 5
Against: 0
Abstain: 4
- 1.5 Immediately following the vote Councillor Geof Cooke moved to refer the item to the next practicable meeting of Full Council. The reason given for the request to refer the item was that there had been a lot of opposition to the proposals and there was a need to ensure continuous public access. The referral was supported by: Councillor Nagus Narenthira, Councillor Pauline Coakley Webb and Councillor Philip Cohen.

- 1.6 As the Assets, Regeneration and Growth Committee immediately indicated after the decisions had been taken that they required the decision to be referred up, the procedures to be followed will be those set out in Paragraph 20 of Full Council Procedure Rules (Rules of Debate). For reports of Committees (including Overview and Scrutiny Committees), the Chairman of the relevant committee, or the Vice-Chairman in their absence, will move reception of the report and adoption of the recommendations. This report need not be seconded. The leader of each of the other groups, or another member of their group, will then have an opportunity to comment on the recommendation, and at the end of the time allowed the Mayor will bring this part of the debate to an end, whether or not all those entitled have spoken or completed their speeches.
- 1.7 The Community Leadership Sub-Committee on 15th October 2015 will be requested to make a decision on a received nomination to list the land to the rear of 71 Holden Road as an Asset of Community Value (ACV). The report to the Community Leadership Sub-Committee considers whether the nomination received meets the requirements of the statutory test for listing as an Asset of Community Value, by virtue of the Localism Act 2011. If the asset is listed as an ACV, a full Council decision to dispose of the land will trigger a six week moratorium period in which no sale can happen and the nominating group or another community group can register an interest in bidding for the land. If no person or group registers an interest during that period, the Council's decision will stand and the two year call option to HGS Properties to purchase the public open space land will be granted. If however, a person or group does register an interest within the six week period, the full six month moratorium period is triggered, during which time the land can't be sold to anyone whilst bids are submitted. At the end of the six month moratorium the Council must consider all bids and make a decision to sell based on a best value assessment.

2. REASONS FOR RECOMMENDATIONS

- 2.1 As set out in the substantive report.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 As set out in the substantive report.

4. POST DECISION IMPLEMENTATION

- 4.1 As set out in the substantive report.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 As set out in the substantive report.

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

5.2.1 As set out in the substantive report.

5.3 **Social Value**

5.3.1 As set out in the substantive report.

5.4 **Legal and Constitutional References**

5.4.1 Constitution, Responsibility for Functions, Paragraph 6, Members Rights to Refer Matters to Parent Body – states that “A specified number of Members of a Committee or Sub-Committee may require that any decision of the Committee or Sub-Committee is referred up to the next practicable meeting of Full Council or the relevant Committee to which the Committee or Sub-Committee reports, by indicating immediately after the decision is taken that they require the decision to be referred up. The report to Full Council or the relevant Committee to which the Committee or Sub-Committee reports on the referral shall set out the reasons given for the referral.” Paragraph 6.3 of Responsibility for Functions specifies that the number of members required to support a referral from Assets Regeneration and Growth Committee is four.

5.4.2 Constitution, Full Council Procedure Rules, Paragraphs 20 and 21- Rules of Debate and Time for Debate.

5.5 **Risk Management**

5.5.1 As set out in the substantive report.

5.6 **Equalities and Diversity**

5.5.1 As set out in the substantive report.

5.7 **Consultation and Engagement**

5.7.1 None

6. **BACKGROUND PAPERS**

6.1 Assets, Regeneration and Growth Committee, 7th September 2015, Agenda Item 1 – ‘Minutes of the last meeting’
<http://barnet.moderngov.co.uk/documents/g8310/Printed%20minutes%2007th-Sep-2015%2019.00%20Assets%20Regeneration%20and%20Growth%20Committee.pdf?T=1>

6.2 Community Leadership Sub-Committee, 15th October 2015, Agenda Item 7 ‘Nomination of land to the rear of Holden Road as an Asset of Community Value’
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=752&MId=8516&Ver=4>