

MEETING

URGENCY COMMITTEE

DATE AND TIME

THURSDAY 28TH JULY, 2016

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF URGENCY COMMITTEE (Quorum 2)

Chairman: Councillor Richard Cornelius

Vice Chairman: Councillor Daniel Thomas

Councillor

Barry Rawlings

Substitute Members

Anthony Finn

Joan Scannell

Ross Houston

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

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ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	1 - 4
2.	Absence of Members	
3.	Report of the Monitoring Officer (if any)	
4.	Declaration of Members' Disclosable Pecuniary Interests and Non-pecuniary interests (if any)	
5.	Public Questions and Comments (if any)	
6.	Members Items (if any)	
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Decisions of the Urgency Committee

26 February 2015

Members Present:-

AGENDA ITEM 1

Councillor Richard Cornelius (Chairman)
Councillor Daniel Thomas (Vice-Chairman)

Councillor Alison Moore

1. MINUTES

RESOLVED – That the minutes of the meeting of 29 January be agreed as a correct record.

2. ABSENCE OF MEMBERS

None.

3. DECLARATION OF MEMBER INTERESTS

None.

4. REPORT OF THE MONITORING OFFICER

None.

5. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS (IF ANY)

None.

6. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

Mr John Cox made public comments on agenda item 8.

Details of the questions asked and the published answers were provided with the agenda papers for the meeting. Verbal responses were given to the supplementary questions at the meeting.

Following a question from Mr Cox, officers clarified that the reference to an exempt report in paragraph 2.3 related to a January 2014 exempt report, and a reference to an exempt report in 2.5 related to the exempt report being considered as part of 26 February 2015 agenda.

7. MEMBERS' ITEMS (IF ANY)

None.

8. BRENT CROSS CRICKLEWOOD REGENERATION

Prior to consideration of this item, the Chairman confirmed that he had consulted with the Chairman of the Assets Regeneration and Growth Committee (who was also present in the Urgency Committee meeting) and was himself the Chairman of the Policy and Resources Committee, in line with constitutional requirements.

The officer presenting the report was requested to outline the reasons for the item being urgent. It was noted that negotiations had taken the Council beyond the terms authorised by Cabinet Resources Committee in January 2014, and that a further committee decision was therefore required to approve the final terms of the Commercial Agreements. It was noted that the finalisation of the terms of the Commercial Agreements was required prior to the authorisation of Compulsory Purchase Orders in March 2015. Officers noted that a special meeting of Assets Regeneration and Growth Committee had been called on 3 March to allow for consideration of the Compulsory Purchase Orders by that committee and a recommendation being made to Full Council for final decision, also on 3 March.

The majority of decisions in this report would ordinarily be approved by the Assets Regeneration and Growth Committee, with the exception of the additional land acquisition costs which would require approval by Policy and Resources Committee. Officers noted that there was not sufficient time to call two Committee meetings (Policy and Resources Committee and Assets, Regeneration and Growth Committee) with 5 clear working days' notice in accordance with the rules in the Constitution. The Chairmen of both Committees would have needed to seek and gain the agreement of a majority of Members of each of the Committees late on Thursday 19 February in order to publish notice that evening, for meetings which would have had to be held on Friday 27 February (the last date for authorising the Commercial Agreements ahead of decisions on the CPOs). Establishing the required member and officer availability at such late notice was not feasible.

The Committee considered the report and the accompanying exempt information.

Having been put to the vote the Committee voted:

In favour	2
Against	0
Abstain	1

RESOLVED – That the Committee

- a) Approve the changes to the terms of the Co-operation Agreement and CRL Share Purchase Agreement (as considered and approved by CRC in January 2014) as set out in Section 2 of this report and associated increased acquisition costs and capital budget to be approved for these agreements;
- b) Authorise the Chief Executive in consultation with the Leader of the Council to agree the detail of the Co-operation Agreement and CRL Share Purchase Agreement;

9. ANY OTHER ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

None.

10. MOTION TO EXCLUDE THE PRESS AND PUBLIC

RESOLVED - That under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 and 5 of Part 1 of Schedule 12A of the Act (as amended).

11. BRENT CROSS CRICKLEWOOD REGENERATION (EXEMPT)

RESOLVED - that the information contained in the exempt report be noted.

12. ANY OTHER EXEMPT ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 6.05 pm

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Urgency Committee

28th July 2016

Title	Relocation of Services from Mill Hill Depot to North London Business Park
Report of	Chief Operating Officer
Wards	Mill Hill, Brunswick Park
Status	Public
Urgent	Yes
Key	Yes
Enclosures	None
Officer Contact Details	Gordon Edwards, Property Services. Gordon.Edwards@Barnet.gov.uk 020 8359 7356

Summary

This report seeks Committee approval for the relocation of the Passenger Transport Service and Barnet Community Transport to North London Business Park.

The Mill Hill Depot (“the Depot”) is currently the base for the Street Scene and other London Borough of Barnet operations. Included within this is the Passenger Transport Service and Barnet Community Transport.

In 2011 the Council entered into a landowners’ joint venture agreement with private partners to facilitate the comprehensive re-development of the Mill Hill East area in line with the Mill Hill East Area Action Plan (MHEAAP). This agreement delivers a £40m benefit to Barnet tax payers.

The Council is required under the terms of the contract to give up vacant possession of the Mill Hill Depot to the joint venture consortium by 31 December 2016. A programme is in place to enable the council’s operations to be relocated away from Mill Hill in order to provide vacant possession.

The Depot will be released to the IC in phases and the second of these phases will require

the fleet of vehicles used by the Passenger Transport Service (PTS) and Barnet Community Transport (BCT) to be relocated. To achieve this, a search has been undertaken to find a suitable alternative location for the 85 vehicles that form the combined fleet for these Services.

A thorough assessment of the available options has identified the North London Business Park ("NLBP") as the most suitable site available within the requirements of the programme. As well as the car parking spaces to be leased at NLBP, there will also be workshop space that will be leased.

A potential alternative location for the relocation of just BCT's fleet at Finchley Memorial Hospital has also been identified, which offers a longer term solution coupled with potential benefits for both BCT and Finchley Memorial. This option is being pursued in parallel, which, if successful, will result in a reduction in the requirement at NLBP. At this stage, it has yet to be determined if this solution can be delivered in time to meet the overall exit strategy programme for Mill Hill and so provision for BCT is being allowed for within the proposed lease arrangements at NLBP.

The basis for the Heads of Terms are as follows :

Car Park Spaces

- 180 car parking spaces required
- 2 year term, with a break after 1 year (contracted out lease)
- Rent: £217,500 per annum paid quarterly in advance. Rent is inclusive of business rates.

Workshop

- 78sq.m of workshop space
- 2 year term, with a break after 1 year (contracted out lease)
- Rent: £12,590 per annum paid quarterly in advance. Rent is inclusive of business rates

Recommendations

- 1. That the Urgency Committee approve the relocation of Passenger Transport Service and Barnet Community Transport from Mill Hill Depot to North London Business Park as detailed above.**
- 2. That the Urgency Committee delegate authority to the Chief Operating Officer to conclude the Heads of Terms negotiations on behalf of the London Borough of Barnet in accordance with the Council's constitution.**
- 3. That the Urgency Committee delegate authority to the Chief Operating Officer to approve the signing of the Leases on behalf of the London Borough of Barnet in accordance with the Council's constitution.**

4. That the Committee notes the on-going negotiations between Barnet Community Transport (BCT) and the Clinical Commissioning Group (CCG) to potentially relocate the BCT service to Finchley Memorial Hospital

1. WHY THIS REPORT IS NEEDED

- 1.1 The London Borough of Barnet are contractually committed to vacating the area of the Mill Hill Depot (“the Depot”) currently used to accommodate the Passenger Transport Service (PTS) and Barnet Community Transport Service (BCT) by the end of 2016.
- 1.2 The Passenger Transport Service is a statutory function that provides a transport Service for vulnerable adults and children with Special Educational Needs (SEN), ensuring their safety and wellbeing whilst being transported both to and from school.
- 1.3 To safeguard the delivery of the services PTS and BCT provide to vulnerable members of Barnet’s community, the relocation needs to be undertaken during the forthcoming school holiday.
- 1.4 This report is required in order that LB Barnet may enter into Leases with Comer (New Southgate) No 1 Ltd & Comer (New Southgate No 2 Ltd) (‘Comer Group’) to provide the parking and workshop facilities required to enable PTS & BCT to vacate the Depot.
- 1.5 Due to the need for a thorough site search and assessment process, along with a robust negotiation process with the eventual preferred option, information was not available in time for reporting to the 11 July 2016 Assets, Regeneration and Growth Committee. Therefore an urgent decision is required to enable the move to take place with the minimal amount of disruption to PTS and BCT and to ensure that the council meets its contractual obligations with the Inglis Consortium.
- 1.6 The move of the PTS and BCT to NLBP is currently anticipated to be for one year only while a longer term, sustainable accommodation solution is identified.
- 1.7 In addition, BCT and the Clinical Commissioning Group (CCG) are in negotiations over potentially re-locating the BCT service to Finchley Memorial Hospital. Should these negotiations be positively concluded, BCT would no longer require space at NLBP. However, in order to ensure that the risk to the delivery of the BCT service is minimised, provision for BCT is being allowed for within the proposed lease arrangements at NLBP.

2. REASONS FOR RECOMMENDATIONS

- 2.1 By entering into the Leases with the Comer Group, LB Barnet will be able to relocate PTS and BCT and enable the area forming the second part of the phased handover of the Mill Hill Depot to be released to the Inglis Consortium.
- 2.2 By delegating the powers to sign the Leases to the Chief Operating Officer, the Passenger Transport Service and Barnet Community Transport will be able to relocate during the school summer holiday period.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Other locations have been considered but these each had significant challenges, either in their implementation or to the Services' delivery. The following were shortlisted for a detailed review from a long-list of 16 sites:
 - Watling Car Park
 - The London Borough of Harrow's depot at Forward Drive
 - The Oakleigh Road South depot site
- 3.2 From a spatial perspective, there are limited options within the Borough to accommodate the vehicles that are utilised by each of the services since they typically require a parking space equal to approximately twice the length of a normal car park bay.
- 3.3 From the Services' perspective, the location of their operation needs to reflect the requirements of their users such that the current standards and efficiency of service can be maintained. Consideration also needs to be given to the operational staff, which are predominately made up of low-paid staff driving the vehicles and escorting the passengers, and how the new location might impact on staff retention.

4. POST DECISION IMPLEMENTATION

- 4.1 Leases will be entered into for the parking and workshop spaces. The recommendation will enable these leases to be signed by the London Borough of Barnet.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 This programme supports the Council's priorities to:
 - Promote responsible growth, development and success across the borough.
 - Improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study.

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

- 5.2.1 The Heads of Terms for the parking and workshop space equates to a rent of £230,090 per annum.
- 5.2.2 Each Lease contains a 2 year term, with a break after 1 year to allow the council to pursue alternative, longer term solutions for the location of the PTS after the first year, while maintaining the contingency of an option for a second year.
- 5.2.3 The annual rental will be booked to the CSG Estates Managed Budgets.
- 5.2.4 The Leases provides space for both the Passenger Transport Service and Barnet Community Transport. The provision of this space will not result in a reduction to the current parking provision for Barnet staff.
- 5.2.5 Negotiations are currently ongoing between Barnet Community Transport and the Clinical Commissioning Group (CCG) which could provide opportunity for Barnet Community Transport to operate from an alternative location. If an alternative arrangement can be agreed prior to final completion of Leases for the NLBP site, the Barnet Community Transport element of the Leases at the NLBP site will be removed from the agreement.

5.3 Social Value

- 5.3.1 The Passenger Transport Service is a statutory function that provides a transport Service for vulnerable adults and children with Special Educational Needs (SEN), ensuring their safety and wellbeing whilst being transported both to and from school. The recommendation covers only the Lease arrangements associated with a change of location for the service's operating base and provides a solution that enables the continued successful operation of the service.

5.4 Legal and Constitutional References

- 5.4.1 Council Constitution, Responsibility for Functions, Annex A – details the terms of reference for the Assets Regeneration and Growth Committee which includes “Asset Management – all matters relating to land and buildings owned, rented or proposed to be acquired or disposed by the Council.
- 5.4.2 Council Constitution, Responsibility for Functions, Section 7, Urgency Provisions – Section 7.1 states “If a decision on an issue is required as a matter of urgency and if time allows under the provisions of the Access to Information Rules then a Committee comprising of the Leader, the Deputy Leader, and the Leader of the Opposition will be called. The decision may be within the terms of reference of another committee, but this will not invalidate the decision as the arrangements to discharge the function in cases of urgency is through a committee comprising the three specified members. The Committee must consult with the Chairman of the relevant Committee.” The reason for urgency is set out in paragraph 1.5 above.

5.5 Risk Management

5.5.1 If the decisions are not approved, Barnet will not be able to achieve the phased handover commitment, which presents a significant risk to the relationship (both commercial and political) with the other members of the Inglis Consortium.

5.5.2 If there is a delay in authorising these decisions, Barnet will not meet the handover date for phase 2, which presents a significant risk (both commercial and political) to the relationship with the other members of the Inglis Consortium.

5.6 Equalities and Diversity

5.6.1 Pursuant to the Equality Act 2010, the Council and all other organisations exercising public functions on its behalf must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advance equality of opportunity between those with a protected characteristics and those without; promote good relations between those with a protected characteristic and those without. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. It also covers marriage and civil partnership with regard to eliminating discrimination.

5.6.2 At this stage the proposal does not raise any issues under the Council's Equalities Policy and does not have a bearing on the Council's ability to demonstrate that it has paid due regard to equalities as required by the legislation. No immediate equality impacts are anticipated as a result of this proposal. It is not considered that the proposals in this report

5.7 Consultation and Engagement

5.7.1 Not applicable

5.8 Insight

5.8.1 Data on existing council assets and those in neighbouring boroughs was used in the consideration of the proposed option.

6. BACKGROUND PAPERS

6.1 None.