

	<h2 style="margin: 0;">Policy and Resources Committee</h2> <p style="margin: 0;"><b>1 September 2016</b></p>
<b>Title</b>	<b>Member's Item: Cllr Ross Houston – Former Park Keeper's Lodge, Victoria Park</b>
<b>Report of</b>	Head of Governance
<b>Wards</b>	All
<b>Status</b>	Public
<b>Enclosures</b>	None
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## Summary

The report informs the Policy and Resources Committee of a Member's item and requests instructions from the Committee.

## Recommendation

- 1. The Policy and Resources Committee's instructions in relation to this Member's item are requested.**

### WHY THIS REPORT IS NEEDED

- 1.1 Councillor Ross Houston has requested that a Member's item be considered on the following matter:

*'The sale of the former park keeper's lodge in Victoria Park, and the plan to demolish it and build a block of eight flats in its place - none of which will be 'affordable housing' - is now being investigated by the external auditors.*

*Labour councillors voted against the sale at the time, and have been liaising with local residents on this issue – over 500 of whom are opposed to this plan and made their feelings clear in the 'consultation' on the plan.*

*I have some questions relating to the sale and the plans, and am particularly concerned with whether or not the sale and future plans represent value for money for both the Victoria Park Charitable Trust and the council tax payer, and whether the future plans for the Park meet strategic Corporate Plan and Local Development Plan policies:*

- *The Lodge was sold for £623,000 - could P&R be provided with whatever valuations the council has for the Lodge?*
- *Of the £623,000 purchase price, how much is to be deducted for legal fees, the cost of a Project Manager for the park, and the creation of a car park?*
- *Why was the Lodge sold by 'informal tender' and to a cash buyer only?*
- *Please explain why it was decided to sell the freehold rather than granting a long lease, and why that represented better value for money for the Trust and the Park?*
- *There are covenants and restrictions on the land – please detail what they are and whether they permit it to be developed for housing? If not why was the site sold for that purpose?*  
*In particular please explain why it was decided to sell the freehold to a developer for housing when the 4 November Full Council report states that:*

*"1.4 The building needs an estimated £100,000 expenditure to bring it to decent homes standard which would be required to be able to use it as housing. However, housing accommodation, other than that of a park keeper, is not permitted within the requirements of the Trust and the lodge should not have been used as temporary accommodation in the past."*

- *The Lodge was being used as emergency accommodation for about 20 years - did the Park Charitable Trust benefit from income from the Council for this purpose?*
- *The 4 November Full Council report states that consideration was given by Barnet Homes to acquire the land to use for affordable or temporary accommodation, but it was found that paying market value for the land plus refurbishment costs would make this not viable. Did Barnet Homes or the Council give any consideration to acquiring the land and developing it for market sale or private rent? If that is a viable proposition for a small developer, why wouldn't it be for Barnet Homes or a Council Wholly Owned Company?*
- *At the 4th Nov 2014 Council meeting £100,000 was stated to be necessary to bring The Lodge to 'decent homes standard'. Please*

*provide the evidence on which this claim was based, and a copy of the report in which it was made.*

- *The planning application for the flats seems to be incomplete - pre-application advice for example has not been provided - was there any and what was it?*
- *Please confirm why the decision to sell was made by councillors at a Full Council meeting, rather than by a separate body of trustees? The 4 November Full Council report mentions that this could not be delegated to a council committee – please elaborate further.*
- *Why were the many objections raised by residents to the sale not appended to nor mentioned in the Full Council report recommending that the site was sold? Were the Trustees required to consider that information before agreeing to sell the site?*
- *How many residents were formally consulted on these plans and involved in discussions on the plans before the application was submitted?*
- *What is the precise role of the Etchingham Friends in the sale of the Lodge and planning application, when were they first involved and why?*
- *Please confirm whether the same officers who have given the pre-application advice, overseen the consultation and worked with the applicant on the application will also be making the recommendations on the application to the Planning Committee? Please advise if this is the normal process for planning applications and whether there is any oversight in the normal planning process by a supervisor/manager to ensure transparency and probity?*
- *What due diligence has been undertaken in relation to the application/applicants to ascertain if they are appropriate people to carry out this development?*
- *Why were all "supporting' comments in regard to the planning application anonymised, while all objections were published with full details of names and addresses, until complaints were made to the Chief Executive?*
- *Please confirm that the names and addresses of those leaving comments about the application online – whether in support or against – will be published?*
- *Please advise why local councillors for the ward have not been fully consulted on discussions relating to future plans for the park?*
- *For future consultation with local residents and users of the park can the council confirm what arrangements will be put in place and how will*

*a more representative range of local residents, and ward councillors, be involved?*

- *Public concerns have been expressed about plans for car parking at the park. Can P&R be provided with details of any plans for car parking within or on the boundary of the park?*
- *Please advise what corporate or planning policies are either met or contravened by cementing over part of the Park and erecting a car park?’*

## **2. REASONS FOR RECOMMENDATION**

- 2.1 The Committee are therefore requested to give consideration and provide instruction.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 Not applicable.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Post decision implementation will depend on the decision taken by the Committee.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 As and when issues raised through a Member's Item are progressed, they will need to be evaluated against the Corporate Plan and other relevant policies.

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

- 5.2.1 None in the context of this report.

### **5.3 Legal and Constitutional References**

- 5.3.1 The Council's Constitution ([Meeting Procedure Rules, Section 6](#)) states that a Member, including appointed substitute Members of a Committee may have one item only on an agenda that he/she serves. Members' items must be within the terms of reference of the decision making body which will consider the item.

- 5.3.2 The Committee is advised that the decision to dispose was taken by Full Council (see section 6.1 below) as advice obtained from the Council's solicitors was that the decision to dispose of Victoria Park Lodge could only be taken by the Full Council, acting collectively as a corporate trustee.

5.3.3 Consequently, decisions relating to Victoria Lodge Park remain the responsibility of Full Council. This report, however, seeks the committee's instruction on the member's item. The Constitution ([Annex A to the Responsibility for Functions](#)) states that the Policy and Resources Committee is responsible for those matters not specifically allocated to any other committee affecting the affairs of the Council.

#### **5.4 Risk Management**

5.4.1 None in the context of this report.

#### **5.5 Equalities and Diversity**

5.5.1 Members' Items allow Members of a Committee to bring a wide range of issues to the attention of a Committee in accordance with the Council's Constitution. All of these issues must be considered for their equalities and diversity implications.

#### **5.6 Consultation and Engagement**

5.6.1 None in the context of this report.

### **6. BACKGROUND PAPERS**

6.1 Council Report 4 November 2014

<https://barnet.moderngov.co.uk/documents/s18822/Victoria%20Park%20Lodge-%20Report.pdf>

Council Minutes 4 November 2014

<http://barnet.moderngov.co.uk/documents/g7815/Public%20minutes%2004th-Nov-2014%2019.00%20Council.pdf?T=11>