

Public Questions (in Order Received) for Policy & Resources Committee on 1 September 2016

| Question Number | Item Number | Raised By | Question | Answer |
|-----------------|-------------|------------------|--|--|
| 1 | Item 6b | Theresa Musgrove | Was the cash payment in regard to the sale of the Lodge in Victoria Park made from a client account held by the solicitor named in the contract, or that of another one entirely? If the latter, please explain why. | <p>The matter proceeded by way of simultaneous exchange and completion and the funds were remitted directly to Barnet.</p> <p>There is no reason to assume that the funds would not have come from the purchaser or its solicitors.</p> |
| 2 | Item 6b | Theresa Musgrove | If two solicitors were used by the purchaser, was due diligence done by both solicitors in regard to the regulations which are meant to apply to such large cash transactions, and did the authority's own solicitors confirm this, and query any discrepancies? | It is a matter for any solicitor instructed to comply with any money laundering or other client identification issues. There were solicitors appointed for the purchaser and these matters would fall to them. |
| 3 | Item 6b | Theresa Musgrove | What scale of effort did the authority use to attempt to identify all archival material which relates to the founding of Victoria Park and the terms on which the benefactors and donors protected the future of the grounds? Please list the sources consulted. | The registration of the property at HM Land Registry was undertaken by reference to all relevant title documents in the usual way. The terms of the original 1898 Conveyance and the 1900 Conveyance pursuant to which the Council was gifted the land are recorded on the title. |
| 4 | Item 6b | Theresa Musgrove | Why did the authority allow the applicant to omit details of the advice given to them by the officer in charge of the Lodge case, and refuse to ask the applicant to supply the information when a complaint was made about this? | <p>Planning application is the responsibility of the applicant.</p> <p>The application form indicated that pre-app advice had been provided but the applicant chose not to indicate the advice that was given within the application form. This is not a mandatory requirement and an application is not invalid without it. The Authority can ask for it, but cannot demand that it be provided and it cannot be used as a means to refuse the application.</p> |

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| 5 | Item 6b | Theresa Musgrove | Why did the authority allow so called 'supporting' comments made in regard to the Lodge application to be anonymised, whilst publishing the names and addresses of those who objected? Who authorised the coding of the webform that enabled this masking of identity? | The general settings affect the display of documents in the electronic planning file were automatically altered as part of a system upgrade that was carried out in June. The upgrade resulted in some public representations being anonymised. This has now been rectified and all public representations are published in the same manner whether they refer to an objection, a comment or an expression of support. |
| 6 | Item 6b | Theresa Musgrove | Has the ownership of the Lodge changed since the sale in March? | The Council would not need to be a party to any subsequent transfer and therefore would not know. The Land Registry is open to public inspection and this information would be in the public domain. |
| 7 | Item 6b | Theresa Musgrove | Did the authority inform the applicants that there is a covenant restricting the use of the site to accommodation for a park keeper, a cricket pavilion, or a bandstand? If so when, and if not, why not? | Title was deduced by the Council to the buyers solicitors in the usual way and the terms of any covenants restrictions and encumbrances emanating from the title documents would and are recorded on the registers of title to this property. |
| 8 | Item 6b | Theresa Musgrove | How can it be in the best interests of transparency and accountability for Capita to fail to use 'ethical walls', or to implement clear separation of the functions of planning officers in regard to the same case? | The same officer has been involved in pre-application and the application stage (including the consultation phase and the consideration of comments received during this consultation phase). A manager/team leader authorised the release of the pre-application advice and will do the same for the recommendation in accordance with the constitution and the scheme of delegation. This is normal for the purposes of business continuity and development process certainty. |

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| 9 | Item 11 | Theresa Musgrove | <p>According to Point 1.7, this report states:</p> <p><i>The Council recognises that the retrospective checking process resulted in 230 Disabled Persons Freedom Passes being withdrawn from residents in Barnet without appropriate guidance being provided.</i></p> <p>In the previous point, 1.6, there is an admission that the eligibility of 4,768 'customers', that is to say, nearly five thousand disabled and vulnerable residents, was reviewed.</p> <p>Is it not the case that you have underestimated the number of those who no longer have passes, due to this shameful, degrading and utterly unnecessary process?</p> | <p>The council can confirm that all passes that were withdrawn from the cohort of 230 were reissued bar any person that had moved out of the borough or passed away.</p> <p>To date, there are 1330 pass holders that did not respond to any renewal letters. The Authority made a decision not to withdraw those passes pending the review.</p> <p>Once the review is concluded, a further controlled step by step approach will be made to invite pass holders to enter into the renewal process.</p> <p>It must be noted that renewal checks is an important part of ensuring that pass holders do have continuous eligibility for the scheme which is covered within the committee report.</p> |
| 10 | Item 11 | Theresa Musgrove | <p>Point 1.8 states that 51 of the customers wrongly deprived of their passes have submitted claims. What efforts has the authority made to make sure that those with learning disabilities, who may not have understood the circumstances, are assisted in making such claims?</p> <p>Of the £6,952 paid out, how much of that was in compensation?</p> | <p>The claims forms were specifically designed for Freedom Pass holders to make them as user friendly as possible. The claims forms also gave access to a dedicated phone line and email address should an individual need to contact the Authority to discuss their claim.</p> <p>In addition in cases where claim forms were received which were not sufficiently detailed; individuals were contacted and given advice on via telephone and a second form was sent to the resident highlighting the areas which needed to be completed.</p> <p>In certain cases, the Authority utilised the help and assistance of advocates representing charities/specific support groups for individuals with learning disabilities.</p> |

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| | | | | £6,952 has been paid for reimbursement of travel fares. Each applicant was also given the opportunity to add any other claims which the Authority would consider on a case by case basis. |
| 11 | Item 11 | Theresa Musgrove | <p>At a previous Policy and Resources meeting in May of this year, Leader Councillor Richard Cornelius informed me, with absolute certainty, that the pass 'renewal' process which caused do much distress to so many of our most vulnerable residents, was lawful.</p> <p>It now emerges, after legal challenge, that in fact the policy was not compliant with the statutory regulations. Does he know regret his misrepresentation of the facts, and his defence of this iniquitous policy, and will he apologise to me, and - more importantly - to the many vulnerable residents whose wrongful treatment was only exposed in the face of absolute denial by councillors and officers alike?</p> | <p>The Freedom passes applications and renewals criteria did adhere to the Department for Transport's guidelines. However, the Council accepts that its method of assessing criteria required improvement and to that end has produced a new set of assessment methods which are also more closely aligned to Department for Transport guidelines and Section 240 Greater London Authority Act.</p> <p>The Authority has apologised unreservedly to those residents that had their pass withdrawn without appropriate advice being given.</p> |
| 12 | Item 11 | Theresa Musgrove | <p>Capita asked for, and was given, the profit making opportunity of renewing passes which did not need renewing for an extra fee of £100,000, to be paid for on top of the core contractual payments Barnet's tax payers already deliver into their hands. As this process has now been proved to be unlawful, has this fee been reimbursed, and if not why not?</p> | <p>Passes in 2015 did require renewal as the lifespan for a Disabled Person's Freedom Pass is five years. As the renewal process was not included in the original contract, Senior Officers within the partnership agreed to pay a fee for the process to be completed.</p> <p>There is no reason for this fee to be reimbursed.</p> |

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| 13 | Item 8 | Mary O'Connor | <p>The new Barnet Copthall Leisure Centre site will be about 0.4 mile from the closest public transport. This is a similar distance from the nearest bus stop to Finchley Memorial Hospital. There is no definite re-routing of public transport in these plans. There would appear to be no document on your website which investigates various site possibilities at Copthall including a site closer to public transport. Additionally, your consultation demonstrated that there are concerns regarding the distance to public transport, yet these appear to have been ignored. For some people with disabilities, like Multiple Sclerosis, and older people with mobility problems, they can independently travel on public transport but would find the 0.4 mile too far to walk, yet water activities are often the most beneficial exercise for them. Another example. What about the aspiring 14 year old girl swimmer who has to walk a deserted path in the dark of winter to catch the bus after an evening pool session?</p> <p>How can the new proposed site well away from public transport satisfy the requirements of the Equality Act 2010?</p> | <p>The Planning Brief in paragraph 6.3 recognises that improving connectivity between the site and stations, whether by foot, cycling and bus services needs to be explored with the relevant bodies and providers.</p> <p>The leisure centre project aims to increase participation across all population groups and to ensure that improved sport and physical activity provision reflects the diverse needs of Barnet residents. The facility itself will meet the requirements of the Disability Discrimination Act and ensure the new leisure centre is accessible in terms of service delivery, circulation within the building, equipment available and general layout.</p> <p>With regards to the transport to / from the site the planning brief recognises the importance of reviewing accessibility of the Copthall estate which will necessitate the Local Authority working with key bodies and stakeholders to address a strategic approach to instigate and effect change. The Planning Brief goes onto recommend that a feasibility study is undertaken to consider options for improving public transport access, and delivering new walking and cycling routes and improved connections in paragraph 6.10.</p> <p>The committee report in section 5.6 sets out detail in relation to Equalities and Diversity and the regard public bodies are required to have to a number of equality considerations when exercising their functions. The</p> |

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| | | | | <p>Planning Brief notes the various proposals that a range of parties are developing. The Planning briefs role is to highlight key planning considerations that should be addressed in relation to those proposals when they come forward, and it will be for those planning applications to appropriately consider accessibility issues. The Equalities section highlights that these proposals are not sufficiently detailed to enable further work on EqlA at this stage.</p> <p>Therefore further consideration of EqlA will be updated as the project develops, principally at submission of planning applications for development.</p> |
| 14 | Item 8 | Mary O'Connor | <p>The population of the area inside the rough triangle shape formed by the M4, M25 and M11 is about 4.1 million. Yet if you remove diving from Cophall Leisure Centre there will be only two other public diving facilities within this area, according to the Great Britain Diving Federation. These are in Waltham Forest and Hornsey in total consisting of 1x3 metre platform, 2 x 3 metre springboards and 4 x 1 metre springboards. There will be no 5 metre or 10 metre platforms. Dive pools being deep water, can also be used for water polo, synchronised swimming, aqua-jogging, deep water aquacise, life-saving training.</p> <p>Why is the diving facility being removed when it has multiple uses and has Barnet Council considered the possibility of creating a regional diving facility at Cophall Leisure Centre?</p> | <p>The Council initiated work to redevelop Barnet's Leisure Centres in order to improve local leisure services for Barnet residents and to replace leisure facilities where these required significant maintenance and work. The Council has run two public consultations on the new leisure centres. In 2015 the Council commissioned Opinion Research Services (ORS) to undertake a Sport and Physical Activity (SPA) review survey with all residents throughout the Borough. This was conducted from June - September 2015 and consisted of information captured through; online surveys, hard paper copy questionnaires, telephone interviews, and public drop in sessions hosted at Barnet Cophall Leisure Centre. Throughout this consultation process the Sport & Physical Activity Project encouraged all Barnet residents, inclusive of all leisure centre users to participate in the consultation.</p> <p>The consultation was widely promoted via the Local Authority website, available on the Engage Barnet portal (13 weeks), hard copy posters where displayed within the</p> |

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| | | | | <p>leisure centres, community venues and libraries across the Borough. In addition to promotion via social media, survey detail was displayed on screens within the leisure facilities and an email newsletter sent to 5,215 Barnet Better Leisure Centre members by Greenwich Leisure Limited (GLL).</p> <p>The conclusions of the residents survey endorsed the proposed facility mix for the centres identified within the feasibility study, further consideration included a health & equalities impact assessment, the SPA needs assessment and Sport England Scenario Testing. Stakeholder engagement took place with Barnet Copthall Swimming Club of which the diving squad section forms part of the Club, which includes other disciplines (synchro, masters and swimming).</p> <p>The current pool configuration is two 25m pools and a learner pool, which is used for diving, synchronised swimming, aqua aerobics and water tots. The latter two can be accommodated within the new proposal for Barnet Copthall. The proposals have been developed to promote mass participation, which will enable as many residents as possible benefit from the proposed investment. In developing the facilities mix, the Council has liaised with the national governing bodies for swimming, diving and gymnastics. The report to Policy and Resources Committee (December 2015) which set out the rationale for the facilities mix at Copthall. This report included specific consideration of diving, and includes a specific paragraph on the limitations of Copthall in respect of diving.</p> |

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| 15 | Item 6b | Mary O'Connor | <p>In selling off part of Victoria Park, why were residents' objections not considered by the claimed trustees as required by the Charities Act 2011? With over 500 people objecting to the sale and none in favour in March 2015, did the trustees consider that the sale would not be in the best interests of the trust (Victoria Park)? What was their justification for deciding to proceed with the sale?</p> | <p>The disposal was advertised in accordance with section 121(2) of the Charities Act 2011 and all representations acknowledged and assessed by the Chief Operating Officer in line with the decision taken by the Trustees at full Council as set out at recommendation 4 of the Council decision dated 4th November. The nature of the objections are summarised and the summary Delegated Powers Report dated the 14th August 2015 confirms that notwithstanding the sale of the park was a good thing and the sale should proceed in line with the Council decision of 4th November which set out the rationale for the decision.</p> |