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| 7 | <p><b>Subject: Victoria Park</b></p> <p><b>Submitted by: Mary O'Connor</b></p> <p><b>Why is Victoria Park not registered as a charity with Land Registry?</b></p> <p>The Charities Commission deals with eligibility requirements as a charity not the land registry. The title does not refer to the property being held by the Trustees of the Victoria Park Charitable Trust but the title documents recorded on the title do this. The park is held on a charitable trust that is administered by the Council.</p>  |
| 8 | <p><b>Subject: Trustees</b></p> <p><b>Submitted by: Mary O'Connor</b></p> <p><b>What proof is there that Barnet Council councillors are the trustees / the Council is sole corporate trustee?</b></p> <p>The Council holds the land as Corporate Trustee subject to the trusts created by the Trustees of the Finchley Victoria Diamond Jubilee Commemoration Fund and otherwise on the same trusts as those Trustees.</p> <p>Following legal advice and consultation with the Charity Commission the proposed sale of the property was considered by Full Council, on 4th November 2014, acting in its capacity as Trustee, in the best interests of the Trust.</p> <p>The Legal and constitutional basis for the Council acting as Trustees for Victoria park charitable trust is clearly</p> |

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|          | <p>set out in sections 5.3 of the full Council report dated 4<sup>th</sup> November 2014.</p>  |
| <p>9</p> | <p><b>Subject: The Lodge</b></p> <p><b>Submitted by: Mary O'Connor</b></p> <p><b>Has (b) of section 121 of the Charities Act 2011 occurred and if so when?</b></p> <p>All representations received before the 30<sup>th</sup> of March 2015 were considered by the Council. Public notice of the proposed disposal of land was undertaken for the required period of not less than one month.</p> <p><b>At the Jan 2016 Residents Forum there was well over 500 representations against the sale of The Lodge and none in favour. Was there a meeting of trustees to consider these and if so are there minutes available?</b></p> <p>A meeting was held on the 13<sup>th</sup> of Jan 2016. Please find attached the last FGG Residents Forum minutes in January which are available <a href="#">here</a> and the issues list with responses which is available <a href="#">here</a>.</p> <p><b>If there was not a meeting, how did the trustees consider the representations?</b></p> <p>Not applicable</p> <p><b><i>The land must not be conveyed, transferred, leased or otherwise disposed of unless the charity trustees have before the relevant time—</i></b></p> <p><b><i>(a) given public notice of the proposed disposition, inviting representations to be made to them within a time specified in the notice, which must be not less than one month from the date of the notice, and</i></b></p> <p><b><i>(b) taken into consideration any representations made to them within that time about the proposed</i></b></p> |

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|    | <p><b>disposition.</b></p> <p><b>Victoria Park Lodge must be advertised in accordance with section 121 of the Charities Act 2011. The Trustee also needs the authority of the Charity Commission to dispose of designated land.</b></p> <p>(a) The notice period must be for at least a month and all representations were considered. Notices were posted on the property and in the local newspaper. This requirement is separate to the requirement for advertising for the purposes of obtaining the best price, which is discussed below under para. 5.3.7 below.</p> <p>(b) In accordance with the Charities Act 2011, prior to the proposed sale of the property, representations were invited from members of the public.</p> <p>Public Notices were displayed in the local press for two consecutive weeks, and a further Public Notice was fixed to the front gate of the property on 26<sup>th</sup> February. The Public Notice stated that representations should be received by 30<sup>th</sup> March 2015 as required by s 121.</p>  |
| 10 | <p><b>Subject: housing accommodation</b></p> <p><b>Submitted by: Mary O'Connor</b></p> <p><b>In the Council meeting of 4th November 2014 document, why were councillors as trustees informed that "<i>housing accommodation, other than that of a park keeper, is not permitted within the requirements of the Trust</i>" when this was a restrictive covenant that could be removed?</b></p> <p>The covenant is enforceable by Henry Francis Brooks or the persons deriving title under him. Henry Brooks has certainly long since shuffled off his mortal coil by now, so if anyone can enforce it today it is the persons who now own the land retained by Henry Brooks in 1898 at the date of the conveyance to the trustees of the Queen Victoria Diamond Jubilee Fund. There could in theory be a large number of potential beneficiaries, if the land has since been developed and sold off in multiple plots. There are various ways of removing a restrictive covenant but they are subject to the successful outcome of the relevant process so there is no guarantee that it</p> |

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|    | <p>can be removed. The land was not sold free of the trusts or on a conditional basis.</p>   |
| 11 | <p><b>Subject: Victoria Park Recreation Ground</b></p> <p><b>Submitted by: Mary O'Connor</b></p> <p><b>How could Victoria Park Recreation Ground be gifted / transferred to the Council in February 1900 when Barnet Council was not formed until 1st April 1965?</b></p> <p>The recreation ground was original transferred to the Urban District Council of Finchley, which then became the Municipal Borough of Finchley in 1926 and the London Borough in 1965.</p> |
| 12 | <p><b>Subject: the Lodge</b></p> <p><b>Submitted by: Mary O'Connor</b></p> <p><b>If The Lodge has been sold, who signed the required certificates for the Land Registry?</b></p> <p>If this means the transfer document the buyer and seller would have executed. All necessary authorities would have been in place.</p>  |
| 13 | <p><b>Subject: the Lodge</b></p> <p><b>Submitted by: Mary O'Connor</b></p> <p><b>If The Lodge, part of Victoria Park which is a Premier Park, has been sold is this a precedent for the sale of parts of other parks in the borough? What other Premier Parks are planned to be reduced in</b></p>   |

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|    | <p><b>size? What other parkland is planned to be sold?</b></p> <p>It is not considered that the proposed sale of the Lodge will set any precedent for future sales and each case is dealt with on its own merits. However the matter has been forwarded to Greenspaces who in turn have forwarded to Jamie Blake the Commissioning Director for confirmation.</p>   |
| 14 | <p><b>Subject: The Lodge</b></p> <p><b>Submitted by: Mary O'Connor</b></p> <p><b>If The Lodge has been sold, what was the purchase price? What are details of the expenses that will reduce the amount to be placed in the trust from the sale? Given that the sale by informal tender closed on the 26th February 2015 and that property prices in Finchley rose in price over the next year, was the final purchase price adjusted to account for this? If not, how could this be considered the 'best price' as required by the Charities Act 2011? Did the trustees decide that they were satisfied that the terms for the disposal were the best that could reasonably be obtained?</b></p> <p>£623,000</p> <p>There were both a number of staff changes within the London Borough of Barnet Customer Support Group, Harrow and Barnet Legal department and more-over a change of the purchaser's solicitors. In addition the conveyancing process proved to be more complex than originally anticipated and in any event Maunder Taylor sent over the memorandum of sale in September 2015 having undertaken the original valuation, for the same price and raised no concerns, and the buyer was a cash buyer.</p> |
| 15 | <p><b>Subject: the Lodge</b></p> <p><b>Submitted by: Mary O'Connor</b></p> <p><b>It is rumoured that the new purchaser plans to build a block of apartments on the site but will rent The Lodge for about a year until all the planning permissions are obtained. Obviously they are not going to</b></p>   |

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|    | <p><b>spend £100,000 to bring it to decent homes standard. Why was this figure used to encourage The Lodge's disposal when it was obviously incorrect? Was there no requirement to retain The Lodge?</b></p> <p>Significant expenditure was required to refurbish the property to allow the Lodge to be used as residential accommodation and the Trust did not have sufficient funds to carry out the necessary works. However, use for residential accommodation other than that of a park keeper is not consistent with the requirements of the Trust or in its best interests, but in any event there was no need for a park keeper's lodge.</p>  |
| 16 | <p><b>Subject: the Lodge</b></p> <p><b>Submitted by: Mary O'Connor</b></p> <p><b>If The Lodge has been sold, how did the trustees in deciding to sell "act in the best interest of the trust"?</b></p> <p>Following legal advice and consultation with the Charity Commission the proposed sale of the property was considered by Full Council, on 4th November 2014, acting in its capacity as Trustee, in the best interests of the Trust.</p> <p>Full Council approved the disposal of the Lodge and delegated authority to the Council's Chief Operating Officer to secure the sale of the property pursuant to a delegated authority dated the 14<sup>th</sup> August 2015 which recites our compliance with the relevant charity and statutory processes and includes reference to the consultation undertaken.</p> <p>The decision taken by Full Council, acting as Trustee, to dispose of the Lodge was based on the following report being fully aware of its fiduciary duties.</p> <p><a href="https://barnet.moderngov.co.uk/documents/s18822/Victoria%20Park%20Lodge-%20Report.pdf">https://barnet.moderngov.co.uk/documents/s18822/Victoria%20Park%20Lodge-%20Report.pdf</a>).</p> |

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| 17 | <p><b>Subject: the Lodge</b></p> <p><b>Submitted by: Mary O'Connor</b></p> <p><b>In the 26 Dec 1899 indenture, page 5,</b></p> <p><b><i>(4) The Council shall forthwith at their own expense lay out the land hereby conveyed as a Public Park or Recreation Ground and plant trees and shrubs and construct roads and footpaths and so maintain the same. (5) The Council shall forthwith fence the property from the adjoining land with a six feet unclimbable iron rail with gates at the points marked A, B, C, D, E and F on the plan drawn in the margin hereof or thereabouts</i></b></p> <p><b>If The Lodge is sold, what will the monies be used for given that the above maintenance is the responsibility of the Council?</b></p> <p>Any capital receipt generated from the sale of the Lodge would be strictly ring-fenced and used exclusively for the benefit of Victoria Park. Proposed works include, additional play equipment and improvements to the children's play area and refurbishment of the tennis courts.</p> |
| 18 | <p><b>Subject: Selling land</b></p> <p><b>Submitted by: Mary O'Connor</b></p> <p><b>The indenture of 13th February 1900, page 2 has:</b></p> <p><b><i>....under the provision of the Open Spaces Acts 187? to 1890 the Trustees of the said land and hereditaments have agreed to transfer to the Council by way of gift in fee simple the said land</i></b></p>  |

***and hereditaments and the Council have agreed to accept such transfer and to hold the said land and hereditaments on the trusts and subject to the conditions under which the Trustees now hold the same and so that land and hereditaments may be used for the purpose of forming the same together with other hereditaments into a Recreation Ground for the inhabitants and residents of Finchley .....***

**So how does this permit Barnet Council to sell some of the land when a condition of Finchley Urban Council receiving the gift of the land was that *"the Council have agreed to accept the said transfer and to hold the said land"*?**

The Council does indeed hold the land on trust for the Charitable Trust but this does not mean that the Trust cannot dispose of parts or all of it where it is in the best interests of the trust do so. The Trust has exercised its power of sale- this is after all how the land was transferred to Finchley in the first place.