

	<p>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER</p> <p>8 December 2016</p>
<p style="text-align: right;">Title</p>	<p>Use of Winter Gritting Facilities at Forward Drive, Harrow</p>
<p style="text-align: right;">Report of</p>	<p>Interim Chief Operating Officer</p>
<p style="text-align: right;">Wards</p>	<p>All Wards</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>None</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Gareth Griffiths, Programme Lead for the Depot Relocation Programme. gareth.griffiths@capita.co.uk 07920 594 367</p>

Summary
<p>This report seeks the approval to enter into a Licence to occupy and use the winter gritting facilities at Forward Drive, Harrow.</p>

Decision
<p>Enter into a Licence with The Mayor and Burgesses of The London Borough of Harrow (LB Harrow) to occupy and use the winter gritting facilities at Forward Drive, Harrow on the terms of the Lease set out at clause 1.6 below.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 This report is required in order that The London Borough of Barnet may enter into a Licence with The Mayor and Burgesses of The London Borough of Harrow (LB Harrow) to occupy and use the winter gritting facilities at Forward Drive, Harrow.

- 1.2 The Mill Hill Depot (“the Depot”) is currently the base for the Highways (including the DLO and Winter Gritting) and other London Borough of Barnet operations.
- 1.3 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.
- 1.4 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.
- 1.5 The Depot will be released to the Inglis Consortium (IC) in phases and the second of these phases will require a significant reduction in the size of the fleet using the Depot. To achieve this, the establishment of a Satellite Depot at Harrow has been brought forward (from summer 2017).
- 1.6 Utilising the winter gritting facilities at Harrow has the following benefits:
 - It enables the proposed depot at Oakleigh Road to be reconfigured to provide a primary hub for Street Scene
 - It will mitigate the need to construct an additional facility in order to house the remaining aspects of Barnet’s current operations at Mill Hill
 - It will mitigate the need to construct a purpose-built Salt Barn
- 1.7 The basis of the Licence is as follows:
 - Access to the winter gritting yard, including the salt barn
 - Parking of 3no winter gritting vehicles plus 1no loader in the yard area
 - Use of salt/grit (rechargeable)
 - Use of gasoil (rechargeable)
 - 5 year term (excluded from the Landlord & Tenant Act 1954) with a rolling tenant-only break clause after year 1
 - Licence fee of £41,025 per annum (exclusive of VAT and Services) paid annually in advance.

2. REASONS FOR DECISIONS

- 2.1 By entering into the Licence with LB Harrow, LB Barnet will be able to relocate all of the Winter Gritting service (for the 2017/18 season onwards) to enable the area forming the second part of the phased handover of the Mill Hill Depot to be released to the Inglis Consortium. During this season (2016/17) 3no gritting vehicles will remain and operate from Mill Hill.
- 2.2 By entering into the Licence with LB Harrow, LB Barnet will be able to implement the revised scheme for the new Oakleigh Road depot, which

mitigates the need to construct an additional facility in order to house the remaining aspects of Barnet's current operations at Mill Hill.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 3.1 The new depot being built at Oakleigh Road was scheduled to accommodate all of the Waste & Recycling and Highways operations. The Green Spaces base at Copthall is being redeveloped, which, along with the existing Green Spaces base at Oak Hill, will provide accommodation for approximately half of the Green Spaces operations. This meant a further site(s) was required to accommodate the remaining half of Green Spaces operations and all of the Street Cleansing.
- 3.2 A comprehensive review identified a potential site at Legions Way. However, this site was rejected due to its size and limited means of access/egress.
- 3.3 As a result of a review to address the deficit of space, a revised model was developed that enabled the remainder of Green Spaces and part of Street Cleansing to be accommodated at the new Oakleigh Road depot. This was achieved by establishing a Satellite Depot in Harrow to accommodate all the Highways operations plus part of the Waste & Recycling and Street Cleansing operations.

4. POST DECISION IMPLEMENTATION

- 4.1 A Licence will be entered into with the LB Harrow to enable LB Barnet to occupy and use the Salt Barn at Harrow.

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 annual fee of £41,205 (exclusive of VAT) will be charged to the CSG Estates Managed Budgets. A service charge is also payable, which covers the usual property related costs and those associated specifically with the Service. This has been estimated at £6,000 per year and is pending confirmation of the actual charge.

5.2.2 The Service costs specific to the Highways operations (salt/grit and fuel) will be charged to the Highways Service and funded from existing budgets. It should be noted that the existing salt/grit at Mill Hill depot will also be utilised during the 2016/17 season. Any remaining stock at the end of the 2016/17 season will be transferred over to Harrow and credited to Barnet's account.

5.2.3 The Licence is for a term of up to 5 years.

5.3 Legal and Constitutional References

5.3.1 Section 14 of the Assets, Land and Property Rules detail the authorisation thresholds in relation to land transactions. For matters with an annual cost of between £25,001 and £100,000 a director, in consultation with the Chairman of the appropriate Committee, is authorised to approve the matter.

5.3.2 Section 1.5 of Responsibility for Functions, Annex B (scheme of Delegated Authority to Officers) which states: "Before any delegated powers report is signed by a Chief Officer he or she must consider whether the issues involved are likely to raise significant levels of public concern or comment or give rise to policy considerations. Where this is the case, the views of the Chairman of the relevant Committee should be sought as to whether or not it is appropriate to use the delegation. All delegated powers reports must indicate that this process has been undertaken." As set out in Section 5.6.2 consultation has taken place with the Chairman of the Assets, Regeneration & Growth Committee.

5.4 Risk Management

5.4.1 If the decision is 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.

5.4.2 If there is a delay in authorising this decision, Barnet will not meet the handover date for phase 2, which presents a significant risk to the relationship with the other members of the Inglis Consortium.

5.5 Equalities and Diversity

5.5.1 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.

5.5.2 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.

5.6 Consultation and Engagement

5.6.1 The management and staff of the Services included in this relocation have been fully engaged throughout the scoping and planning stages and the revised location and provision of accommodation fully agreed in conjunction with them

5.6.2 This decision has been taken in consultation with the Chairman of the Asset, Regeneration and Growth Committee (ARG)

6. BACKGROUND PAPERS

6.1 Cabinet Resources Committee, 19 January 2009, Depot Relocation Master Plan

6.2 Cabinet Resources Committee, 19 January 2009, Mill Hill Depot and Adjacent Lands/Mill Hill East Area Action Plan – Landowner Agreement Proposals

6.3 Cabinet Resources Committee, 2 November 2009, Mill Hill East – Landowners Agreement and Depot Site

6.4 Assets, Regeneration & Growth Committee, 16 March 2015, Depot Relocation Programme

6.5 Urgency Committee, 28 July 2016, Relocation of Services from Mill Hill Depot to North London Business Park

7. DECISION TAKER'S STATEMENT

7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*

8. OFFICER'S DECISION

I authorise the following action

Enter into a Licence with The Mayor and Burgesses of The London Borough of Harrow to occupy and use the winter gritting facilities at Forward Drive, Harrow.

Signed

Stephen Evans

Interim Chief Operating Officer

Date

8 December 2016
