

| | |
|---|--|
|  | <p>Council as Trustee</p> <p>29 January 2019</p> |
| <p>Title</p> | <p>Trustees of the Victoria Park Trust - Implementation of the Master Plan</p> |
| <p>Report of</p> | <p>Leader of the Council</p> |
| <p>Wards</p> | <p>West Finchley</p> |
| <p>Status</p> | <p>Public</p> |
| <p>Urgent</p> | <p>No</p> |
| <p>Key</p> | <p>No</p> |
| <p>Enclosures</p> | <p>Appendix A – Victoria Park - Master Plan</p> |
| <p>Officer Contact Details</p> | <p>Nicola Cross – Strategic Lead, Clean and Green Nicola.cross@barnet.gov.uk 020 8359 7404</p> <p>Matthew Gunyon – Partnership and Development Manager, Greenspaces matthew.gunyon@barnet.gov.uk 020 8359 7403</p> |

Summary

Following the agreement of the Master Plan for Victoria Park at the meeting of the Environment Committee on 28 November 2018, this report seeks agreement from the Trustees of the Victoria Park Trust for the proceeds from the sale of The Lodge to be spent on the implementation of the Master Plan.

Officers Recommendations

That Council as Trustee of the Victoria Park Trust:-

- 1. Agrees that the proceeds from the sale of The Lodge be spent on the implementation of the Master Plan attached as Appendix A.**

2. Notes that the Master Plan, the priority order for the works and delegation to the Strategic Director for Environment to procure the works was agreed at the meeting of the Environment Committee on 28 November 2018.

1. WHY THIS REPORT IS NEEDED

- 1.1 Victoria Park Recreation Ground, including the Lodge, was gifted to one of the Council's antecedent boroughs creating a trust as mentioned in para 5.4.1 below. At the meeting of the Council on 4 November 2014, the Council as Trustee of the Victoria Park Trust, agreed that the Lodge could be sold and noted that the proceeds of the sale of The Lodge must be held in a ring-fenced fund to defray future running costs relating to Victoria Park and carry out improvements.
- 1.2 Delegating the Trustee's powers to a committee is not permissible for Victoria Park Trust. The power to delegate has to be expressly set out in the instrument creating the trust. A Charity Commission Scheme was not used and therefore there is no document which allows the Trust to delegate its powers to a committee of the Council.
- 1.3 As this is a Charitable Trust administered by the Council, a decision by the Council as Trustee is required to spend the money on the implementation of the Master Plan, as set out at Appendix A.
- 1.4 The Master Plan for Victoria Park was agreed at the meeting of the Environment Committee on 28 November 2018. The Master Plan has been developed by Groundwork London (GWL) following engagement with users and stakeholders and an eight week public consultation undertaken by the council.
- 1.5 The following table shows the activities undertaken in the public consultation and the responses received:

| <i>Activity</i> | <i>Responses</i> |
|-------------------------|------------------------------|
| Online questionnaire | 1,077 responses |
| Easy Read questionnaire | 11 responses |
| Pop Up events | 400 attendees 57 comments |
| Youth Engagement | 61 individuals |
| Emails and phone calls | 19 individuals |

- 1.6 The outcomes of the public consultation were provided to GWL who developed the Master Plan, which is attached at Appendix A. The estimated costs of the individual improvement items are set out at Appendix A, page 5.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Recommendation 1 - It is recommended that the Full Council who are the Trustees agree that the proceeds from the sale of The Lodge be spent on the implementation of the Master Plan attached as Appendix A, as the proceeds of the sale of The Lodge must be held in a ring fenced fund to be used to defray future running costs relating to Victoria Park and carry out improvements.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 It is not recommended that the money from the sale of The Lodge is not spent. The decision to sell The Lodge was made in 2014 and The Lodge was sold in 2016. The money is ring fenced to Victoria Park and it should be used to benefit the park users.
- 3.2 It is not recommended that the money from the sale of The Lodge is spent on other activities that are not listed in the Master Plan. The Master Plan was developed in consultation with residents which included an eight week public consultation on the draft master plan.

4. POST DECISION IMPLEMENTATION

- 4.1 If the Trustees are minded to agree the above recommendations, the Master Plan will be progressed in the priority order as set out in the Master Plan at Appendix A. It is anticipated that the works will be completed by March 2020, depending on the weather.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Corporate Plan 2015-2020 is based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:
- of opportunity, where people can further their quality of life
 - where people are helped to help themselves, recognising that prevention is better than cure
 - where responsibility is shared, fairly
 - where services are delivered efficiently to get value for money for the tax payer.
- 5.1.2 The Corporate Plan 2015-2020 and the 2018/19 Addendum includes the following:
- Barnet's parks and green spaces will be amongst the best in London
 - Resident feedback consistently shows that Barnet's Park and Greenspaces are amongst its biggest assets and a strong influence for people deciding to

live here

- The Council recognises this and will continue to ensure that the Borough's Parks and Greenspaces are looked after
- The Council will develop more innovative ways of maintaining its Parks and Greenspaces; including through greater partnerships with community groups and focus on using parks to achieve wider public health priorities for the Borough
- Investing in parks and open spaces for a greener borough.

5.1.3 The Joint Health and Wellbeing Strategy 2015-2020 states: -

- Barnet is now the largest Borough in London by population (367,265 at the end of 2015) and is continuing to grow
- A breadth of evidence demonstrates that a more active lifestyle is essential for physical and mental wellbeing. Regular physical activity helps reduce the risk of stroke, type II diabetes, development of dementia, incidences of heart disease, cancers and high blood pressure. Physical activity supports the prevention and management of long term conditions as well as being a component of achieving and maintaining a healthy weight
- Physical inactivity currently costs the UK economy £7.2 billion. Additional costs are incurred via the wider economy through increased sickness absence, premature death of productive individuals and increased costs for individuals and their carers
- Within Barnet the health costs of physical inactivity currently cost £6.7 million. This is approximately £1.9 million per 100,000 of the Borough's population. As measured by the Active Lives Survey (May 2017 to May 2018) 58.4% of those surveyed in Barnet had been active for at least 150 minutes a week, which is the Chief Medical Office's recommended amount of active time.
- The number of people with mental health conditions is predicted to increase as the population grows. In November 2014, the Health and Wellbeing Board identified prevention of and early intervention in mental health problems as a priority
- We plan to:
 - Develop and improve the accessibility and quality of open spaces across the borough to support healthy outcomes, underpinned by the Barnet Open Spaces Strategy
 - Utilise open space to co-ordinate and support recreational and competitive activity, inclusive of Outdoor Gyms.

5.1.4 The Fit and Active Barnet Framework 2016-2021 sets out a framework for the development of sport and physical activity in Barnet underpinned by a vision to "create a more active and healthy borough". The four outcomes which form the basis of the framework are:

- Improve and enhance Barnet leisure facilities, ensuring that opportunities are accessible for all residents.
- Advocate investment and innovative policies to support the delivery of high quality, accessible facilities and delivery of services.
- Facilitate partnerships and develop opportunities that demonstrate a

commitment to embed an 'active habit'.

- Target those who do not traditionally engage, increasing participation amongst under-represented groups.

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

5.2.1 Finance and Value for Money – The ring fenced capital receipt from the sale of The Lodge is £623,000. This money can only be spent on running costs of and improvements to the park. GWL were appointed to develop the master plan and to carry out specific youth engagement work, at a total cost of £35,858. The remaining £587,142 is to be spent on the park improvements including the procurement of each package and associated fees. The council will seek the best value for this project. However, it is very unlikely that there will be sufficient funds to do all the works identified in the Master Plan and set out at Appendix A, page 5. For any further works to be undertaken the council would need to source additional funds where possible.

5.2.2 Procurement – Approved existing contracts and new procurements will be used to deliver the Master Plan.

5.2.3 Staffing – At this time there are no implications. The implementation of the Master Plan will be led and managed by the council's Greenspaces Team.

5.2.4 IT – At this time there are no implications.

5.2.5 Property – A planning application will be made for a new café and toilets in the park as per the Master Plan.

5.2.6 Sustainability – The Master Plan seeks to maintain a high quality park for everyone, whilst considering the maintenance costs in the short and long term in the position of declining resources.

5.3 Social Value

5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process for the works identified in the Master Plan commissioners will think about whether the services they are going to buy or the way they are going to buy them, could secure these benefits and will make changes to the procurement accordingly, within the Contract Procedure Rules.

5.4 Legal and Constitutional References

5.4.1 Victoria Park is owned by the council under the terms of a "Charitable Trust". The land was transferred to the Urban District Council of Finchley in 1899 and 1900 to hold as to part as a public park and recreation ground for the parish of Finchley and as to part for the purpose of the Recreation Grounds Act 1859. The London Borough of Barnet now owns the park as a result of it being the successor in title to the Urban District Council of Finchley. The council is the

trustee of “designated land” (i.e. land held for specific purposes under the trusts mentioned above); Victoria Park Lodge was part of the property held by the Council within this trust until it was sold in 2016. The council is a corporate body and is therefore deemed to be a “Corporate Trustee” of the land in the trusts. On 4 November 2014 Full Council as trustee decided to sell Victoria Park Lodge, and noted that the proceeds of sale of the Lodge must be held in a ring-fenced fund to defray future running costs relating to Victoria Park and carry out improvements.

5.5 Risk Management

5.5.1 All risks are managed using the risk management procedure, as set out in the Corporate Risk Management Framework. High level risks are reported as part of the Council’s quarterly performance regime.

5.6 Equalities and Diversity

5.6.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different groups.

5.6.2 The broad purpose of this duty is to integrate considerations of equality into day business and keep them under review in decision making, the design of policies and the delivery of services. The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

5.6.3 The Corporate Plan 2015 – 2020 sets the Strategic Equalities Objective, which is: that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer. Changes to policies and services are analysed in order to assess the potential equalities impacts and risks and identify any mitigating action possible, through an equalities impact assessment, before final decisions are made. Consideration will also be made to the equalities and data cohesion summary.

5.6.4 An equalities impact assessment was carried out on the Victoria Park Master Plan. This shows that the proposed Master Plan is expected to make a positive change.

5.7 Corporate Parenting

5.7.1 Not applicable.

5.8 **Consultation and Engagement**

5.8.1 The public consultation on the draft master plan for Victoria Park took place between 18 June 2018 and 13 August 2018.

5.9 **Insight**

5.9.1 No insight information has been used to produce this report.

6. **BACKGROUND PAPERS**

6.1 [Environment Committee 28 November 2018 Papers](#) – including Item 10 Victoria Park, Finchley – Master Plan, and the agreement of the master plan, the priority order for the work and delegation to the Strategic Director for Environment to procure the works.

6.2 [Environment Committee 13 July 2017 Papers](#) – including Item 12 Implementation of the Council's Parks and Open Spaces Strategy, and the agreement that a master plan be developed for Victoria Park subject to a full consultation.

6.3 [Policy and Resources Committee 27 June 2017 Papers](#) – including Item 15 Business Planning 2017-20, Appendix B which shows the capital allocation for Victoria Park.

6.4 [Council 4 November 2014 Papers](#) – including Item 14 Proposed disposal of former Park Keepers Lodge, Victoria Park, Long Lane, Finchley, N3.