

	<p>Council as Trustee</p> <p>5 March 2019</p>
<p style="text-align: right;">Title</p>	<p>Victoria Park 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>Annex 1 – Report to meeting of Environment Committee on 28 November 2018 – Victoria Park, Finchley – Master Plan</p> <p>Appendix A – Victoria Park Master Plan Final Consultation Report</p> <p>Appendix B – Victoria Park – Master Plan</p> <p>Appendix C – Equalities Impact Assessment for Victoria Park Master Plan</p>
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<p>Summary</p>	
<p>This report seeks the agreement of the Trustees of the Victoria Park Trust to the proposed Master Plan for the Park and for the proceeds from the sale of The Lodge to be spent on the implementation of the Master Plan.</p> <p>Notes:</p> <ul style="list-style-type: none"> Members of the Environment Committee who voted on the Master Plan as councillors at the meeting held on 28 November 2018 have been advised not also to vote as trustees in the of avoiding a perception of predetermination on this matter. 	

- This is a revised version of the report that was due to be considered at the Council as Trustee meeting on 29th January 2019

Officers Recommendations

That Council as Trustee of the Victoria Park Trust:-

- 1. Agrees to the Master Plan and notes the priority order for the works attached as Appendix B.**
- 2. Agrees that the proceeds from the sale of The Lodge be spent on the implementation of the Master Plan attached as Appendix B.**
- 3. Note and take into account the results of the consultation that was completed to inform the development of the Master Plan – please see report to the Environment Committee on 28 November 2018, attached as Annex 1 and the Consultation Report, attached as Appendix A.**
- 4. Delegates authority to procure and commission services and contracts as required to implement the Master Plan attached as Appendix B to the Executive Director for Environment.**

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 As this is a Charitable Trust administered by the Council, a decision by the Council as Trustee is required to agree the Master Plan for the Park and to spend the money on the implementation of the Master Plan, as set out at Appendix B.
- 1.3 For the Trustees information the Master Plan for Victoria Park was approved 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.
- 1.4 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

1.5 In summary, the consultation was administered as follows:

- The Consultation was open for eight weeks, from 18 June 2018 to the 13 August 2018 inclusive.
- The consultation was published on Engage Barnet <http://engage.barnet.gov.uk> together with the Masterplan Base Plan, Masterplan Options 1 & 2 for play, multi use games area and tennis. There was also a Victoria Park public consultation Frequently Asked Questions document published on the webpage which provided detailed information.
- Respondents' views were gathered via an online survey. Paper copies and an Easy Read version of the questionnaire were also made available on request.
- Relevant Members of the Council were contacted and made aware of the consultation.
- The consultation was widely promoted via the council's website; local press; Twitter; Facebook; the July issue of the Barnet First magazine, the Communities Together Network Bulletin, the Facebook page of the Friends of Victoria Park, an email to local schools and 22 posters in and around the park.
- The council ran eight pop up events in the park, for residents to look at the overall draft Master Plan and the two options proposed for play, tennis and a multi-use games area. Council staff were on hand to answer questions. These events were at different locations across the park and at different times and days to capture as broad a selection of visitors as possible. People were encouraged to complete the online questionnaire and comments were also captured on post it notes. Paper copies of the questionnaire were also available to those who could not complete the questionnaire electronically.

Date	Time	Location
Wednesday 27 June	1:30 pm - 4:30 pm	Near the Long Lane entrance
Saturday 30 June	12:30 pm - 3:30 pm	Between the café and the under 5s playground
Tuesday 10 July	11:30 am - 2:30 pm	Between the café and the under 5s playground
Sunday 15 July	11:30 am - 2:30 pm	Near the Long Lane entrance
Thursday 19 July	8:30 am - 11:30 am	By the Oak Tree
Wednesday 25 July	1:30 pm - 4:30 pm	Between the café and the under 5s playground
Sunday 29 July	12 midday - 2:00 pm	By the market
Thursday 2 August	1:30 pm - 4:30 pm	By the Oak Tree

- The council appointed Groundwork London (GWL) to carry out targeted youth engagement, as it had been identified from the engagement carried out earlier in the year that “youth” had not been very well represented.
- The Easy Read questionnaire was taken to a local MENCAP group and discussed. The attendees completed the questionnaire.
- Comments were also sent via email and by telephone calls.

1.6 The outcomes of the public consultation were provided to GWL who developed the Master Plan, which is attached at Appendix B. The estimated costs of the individual improvement items are set out at Appendix B, page 5. In summary the outcomes of the consultation provided a direction of travel on the preferred design options in relation to Tennis, Play and a Multi Use Games Area and the prioritisation of the various workstreams, as described in the Master Plan.

2. REASONS FOR RECOMMENDATIONS

2.1 Recommendations 1 and 2 - It is recommended that the 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 B, 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 B. 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 (for information only as the main duty of Members as Trustees is to make decisions in the best interests**

of the Trust and without regard to the policies of the Council where these may differ from the interests of the Trust).

- 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. This has been funded from a separate source, therefore the ring fenced capital receipt of £623,000 is to be spent on the park improvements including the procurement of each package and associated fees. The council as trustee 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 B, 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 as Corporate Trustee 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.

5.4.2 Section 11 of the Trustee Act 2000 provides that:

In the case of a charitable trust,

(3), the trustees of a trust may authorise any person to exercise

(a) any function consisting of carrying out a decision that the trustees have taken;

In this case officers are being asked to implement a decision that the Trustees have made and 11(3) a above applies. The 2014 report considered the absence of a charity commission scheme not the availability of general powers under the Trustee Act 2000.

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 is set out in Appendix C. 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.