



**Executive
15 July 2013**

**Report from the Director of
Regeneration and Growth**

Wards affected:
Brondesbury Park

**Clement Close, Former Children's Respite
Centre and adjacent land NW6 7AL – proposed disposal**

1.0 Summary

- 1.1 The subject land comprises the former Children's Respite Care Centre and adjacent site at Clements Close, Willesden Green, NW6 7JL. Both are owned freehold by the Council with the adjacent land forming an under-utilised part of the Clement Close estate managed by Brent Housing Partnership (BHP). See Appendix 1 for site photos.
- 1.2 This report sets out proposals to offer a combined development site for disposal, recommending Executive approval to proposals.
- 1.3 The capital receipt generated from the sale of the former Children's Respite Care Centre of £410,000 is earmarked towards the Village School.
- 1.4 As the proposal comprises an area managed by BHP the paper asks the Executive to note the reduction in that area and the relocation of the porta-cabin used by the local residents association elsewhere within the Clement Close estate.
- 1.5 The Executive is requested to note the disposal of the area managed by BHP will fund the Ashley Gardens Pavilion refurbishment this is a variation to the capital programme amendment reported to the Executive on 11th February 2013.
- 1.6 This report recommended the forward funding of enabling works up to £300,000 that would be funded by the disposal of the Douglas Avenue Resource Centre with anticipated receipts in the order of £400,000.

- 1.7 Children and Families propose to use the Douglas Avenue Resource Centre for temporary classes from September 2013 and will be presenting a proposal recommending the same.

2.0 Recommendations

That the Executive approve:

- 2.1 That provided the site is deemed suitable for affordable housing development by BHP or another internal use (such as social care – on a spend to save basis), then subject to further review of the powers under which the land is held, that the District Valuer be appointed to ascertain a transfer value, to the HRA or another portfolio as appropriate.
- 2.2 That if an internal use cannot be identified, to agree that the site be prepared for disposal so marketing can start and therefore approve the disposal of the former Children's Respite Care Centre and adjacent site at Clements Close, Willesden Green, NW6 7JL shown shaded red and verged blue on the site plan at Appendix 2, with access via Clement Close. The capital receipt estimate is in excess of £750,000+ or such transfer value as determined by the District Valuer.
- 2.3 To provide delegated authority to the Operational Director Property and Projects, to agree the detailed terms of the transaction in conjunction with the Director of Finance and Corporate Services.
- 2.4 That the capital receipt be apportioned between the two construction projects, previously identified, namely the Village School New Build and Ashley Gardens Refurbishment with any surplus capital being taken as a contribution toward the Council's Capital Programme.
- 2.5 The porta-cabin located on the BHP managed part of the site will to be re-located elsewhere within the Clement Close estate following consultation with BHP and local residents.

3.0 Detail

Background

- 3.1 The former Children's Respite Care Centre is located to the rear of and serviced via the Clement Close estate situated to the south of the Borough in the relatively prosperous Brondesbury Park area and backs onto Queens Park Community School to the south.
- 3.2 The property was decommissioned in January 2013 following relocation of services from what was a small Respite Centre to the recently completed purpose built Short-break Centre at the Village School, Grove Park which will allow the Council to support modern high quality service delivery. The property is currently vacant and secured by guardians at no net cost to the council.

- 3.3 The Council owns the freehold interest in the two storey 1960's building of 300m² on a site of approximately 750m² (0.07 ha) providing offices, kitchen with dining room, laundry room, WC's and communal living room on the ground floor with bedrooms and communal area on the first floor. The site includes a well provisioned large garden to the rear, this is mainly laid to grass with a number of trees and children's play area.
- 3.4 The building is in a poor state of decorative repair and economic re-use is not feasible, the building has been declared surplus to the Council's use. Disposal for redevelopment will provide an opportunity for a much needed residential development of either flats or housing to take place.
- 3.5 On a stand alone basis the premises has a value of approximately £500,000.
- 3.6 Immediately adjacent is an under-utilised part of the Clement Close estate comprising 481m² (0.048 ha) which whilst surfaced and suitable for parking is rarely used as such. There is a porta-cabin on site which it is proposed to relocate elsewhere within the estate with the agreement of BHP and the resident association users. On a stand alone basis this area has a value of £200,000.
- 3.7 BHP and Legal Services have been asked to confirm that no rights of access or provisions to park in this area have been acquired by local residents, nor are there any other restrictions which could frustrate any redevelopment proposals.
- 3.8 It is anticipated that disposing of both properties as a single site for redevelopment will realise receipts in excess of £750,000+ maximising value from a surplus and under-utilised asset with redevelopment also contributing S106, CIL plus new homes bonus receipts.

4.0 Proposal

- 4.1 It is proposed that the whole site shaded red and edged in blue comprising 0.123ha (0.3acres) on Appendix 2 with access via the Clement Close estate would form a disposal for development purposes.
- 4.2 That Officers work with BHP and Adult Social Care to see if an internal use can be identified, either for the purposes of affordable housing or a care related use. Depending upon the powers under which the land is held. That the District Valuer be appointed to agree a transfer value.
- 4.3 Should an internal use be deemed unsuitable, that site would be brought to the open market through an informal tender process, it is likely a conditional exchange of contracts will be required subject to the developer:
- Submitting and obtaining planning consent for residential development.

- The developer agrees to undertake all necessary site works at their own expense.
 - An access corridor will be reserved through the Clement Close estate.
- 4.4 If a reasonable planning consent could be achieved for a relatively low density development likely to be about 7 terraced houses (5 x 3 Bed & 2 x 2 Bed) the site could reasonably expected to have a value in the order of £700,000.
- 4.5 If planning consent for a relatively low density development of 19 one/two bedroom flats were to be achieved the site could have a market value in the order of £1,000,000+, only exposure to the market will ascertain the actual market value.

Conclusion

- 4.6 This proposal involves working with BHP and the Residents Association which should negate any local concerns regarding this proposal and issues around the development itself will be dealt with through the statutory planning consultation process.
- 4.7 The Executive is therefore asked to give its approval to disposal proposals. Any delay could lead to further deterioration in the premises condition, which may lead to an actual reduction in the potential capital receipt and an early disposal of the combined site is therefore recommended.

5.0 Financial Implications

- 5.1 From the sale of the Clement Close respite centre, £410,000 of capital receipt is earmarked toward the Village School and up to £300,000 of capital receipt generated from the additional lands will fund the Ashley Gardens Pavilion refurbishment. Any remaining balance on the capital receipt will contribute positively towards the Council's Capital Programme.
- 5.2 The use of Capital Receipts in the funding of the Capital Programme restricts the level of unsupported borrowing required to fund capital schemes and accordingly the level of associated debt charges falling upon the revenue account. Movement against the forecast levels of capital receipts could require reduced/additional levels of unsupported borrowing or changes to the approved Capital Programme.
- 5.3. The capital receipt from the disposal is estimated to be £700,000 to £1m. Costs arising directly from the sale of the site will be met from the capital receipt generated in line with accounting guide-lines these are estimated at £25,000.
- 5.4 Expenditure to be incurred at Ashley Gardens and the receipt of income rising from the sale of Clements Close could fall into different financial

years (2013/14 and 2014/15). If this is the case, there will be a requirement to meet expenditure from existing capital resources as part of closing of the accounts for 2013/14 until the capital receipt is available. It is likely that slippage in the capital programme will compensate for any cash-flowing requirement on this schemes expenditure.

- 5.3 Approval for residential use on the site would provide the council with additional resources from the New Homes Bonus over a period of six years. The level of funding would be determined by the council tax band and whether it related to affordable housing. The New Homes Bonus provides councils with additional resources to meet the costs of services arising from increased development in an area.

6.0 Legal Implications

- 6.1 Under Section 123 of the Local Government Act 1972 the Council has a general power to dispose of properties including by way of the sale of the freehold or the grant of a lease. The essential condition is that the Council obtains the best consideration that is reasonably obtainable.
- 6.2 Disposal on the open market either via auctioneer, marketing agent (sealed bids tender) or to a special purchaser by way of private treaty will satisfy the best consideration requirement.

7.0 Diversity Implications

- 7.1 There are no diversity implications.

8.0 Staffing/Accommodation Implications (if appropriate)

- 8.1 There are no staffing implications.

9.0 Background Papers

- 9.1 The Village School office Files (excluding tenderer submissions) and April 2010 Executive Report.

10.0 Appendix

Appendix 1: Photos

Appendix 2: Disposal Plan

Appendix 3: Porta-cabin Relocation

Appendix 4: Equality Analysis

Contact Officers

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Appendix 1 – Photos




Meeting
Date

Version no.
Date




Appendix 2 – Clements Close and adjoining land


1 Clement Close, London, NW6 7AL



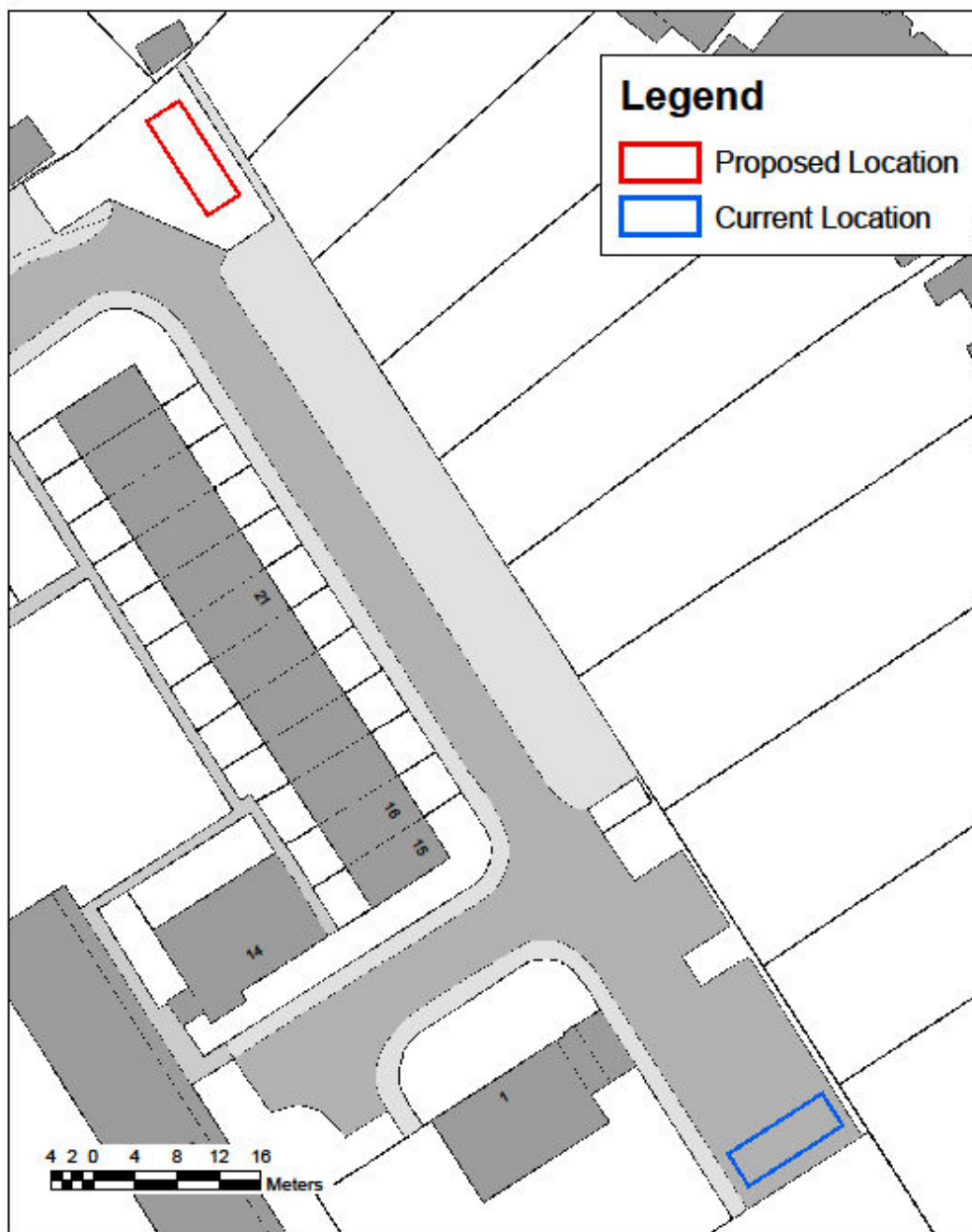
 **Brent** **1:500**
Plan to stated scale if printed at A4.

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 Area to be disposed of  Additional Land  Maintained boundaries

NORTH


Appendix 3 – Portacabin Relocation



Portacabin Relocation, Clement Close, London, NW6 7AL



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Plan to stated scale if printed at A4.

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Brent Council Equality Analysis Form

Please contact the Corporate Diversity team before completing this form. The form is to be used for both predictive Equality Analysis and any reviews of existing policies and practices that may be carried out.

Once you have completed this form, please forward to the Corporate Diversity Team for auditing. Make sure you allow sufficient time for this.

1. Roles and Responsibilities: please refer to stage 1 of the guidance	
Directorate: Regeneration & Major Projects Service Area: Property & Asset Management	Person Responsible: Name: Fred Eastman Title: Estate surveyor Contact No: 0208 937 4220 Signed: Fred Eastman
Name of policy: This is a transaction for the sale of a surplus Day Care Centre following its replacement by the new John Billam Centre	Date analysis started: 08/05/2013 Completion date: 14/05/13 Review date:
Is the policy: New <input type="checkbox"/> Old <input checked="" type="checkbox"/>	Auditing Details: Name: Fred Eastman Title: Estate Surveyor Date: 08/04/2013 Contact No: 0208 937 4220 Signed:
Signing Off Manager: responsible for review and monitoring Name: Richard Barratt Title: Assistant Director Regeneration and Major Projects (Property and Asset Management) Date: Contact No: 0208 937 1330 Signed:	Decision Maker: Name individual /group/meeting/ committee: Executive Committee Date: 20 th May 2013

2. Brief description of the policy. Describe the aim and purpose of the policy, what needs or duties is it designed to meet? How does it differ from any existing policy or practice in this area?

To dispose of surplus Council owned property to obtain a capital receipt to meet the resources forecasts for the Council Capital Programme through a competitive tendering process

3. Describe how the policy will impact on all of the protected groups:

The property will be disposed of, subject to Executive Committee's approval, on a subject to planning basis following a high profile marketing campaign by external agents and receipt of informal tenders.

This is an open and transparent method for the sale of property assets and permits all sections of society to purchase the property in an open and transparent way. It ensures that there is no discrimination to any potential bidder and y any bidder.

There has been no adverse effect on previous users of the former Day Care Centre, with services provided at the recently constructed Short-break Centre.

Please give details of the evidence you have used:

The evidence used to justify this assertion is the results achieved from the marketing of the subject property and previous property transactions.

4. Describe how the policy will impact on the Council's duty to have due regard to the need to:

(a) Eliminate discrimination (including indirect discrimination), harassment and victimisation;

There are no unmet needs or requirements that can be identified that affect specific groups.

No one from a protected characteristic was prevented from entering a bid for this property.

(b) Advance equality of opportunity;

This is an open and transparent method for the sale of property assets and permits all sections of society to purchase the property in an open and transparent way.

No one from a protected characteristic was prevented from entering a bid for this property.

(c) Foster good relations

This is an open and transparent method for the sale of property assets and permits all sections of society to purchase the property in an open and transparent way.

No one from a protected characteristic was prevented from entering a bid for this property.

5. What engagement activity did you carry out as part of your assessment? Please refer to stage 3 of the guidance.

Who was consulted on the plan, which protected characteristics were included in consultation?

- i. **Who did you engage with?**
- ii. **What methods did you use?**
- iii. **What did you find out?**
- iv. **How have you used the information gathered?**
- v. **How has it affected your policy?**

No consultation has taken place.

6. Have you have identified a negative impact on any protected group, or identified any unmet needs/requirements that affect specific protected groups? If so, explain what actions you have undertaken, including consideration of any alternative proposals, to lessen or mitigate against this impact.

This is an open and transparent method for the sale of property assets and permits all sections of society to purchase the property in an open and transparent way.

No negative impacts have been identified

Please give details of the evidence you have used:

7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral

Age			X
Disability			X
Gender re-assignment			X
Marriage and civil partnership			X
Pregnancy and maternity			X
Race			X
Religion or belief			X
Sex			X
Sexual orientation			X

8. The Findings of your Analysis

Please complete whichever of the following sections is appropriate (one only). Please refer to stage 4 of the guidance.

No major change

Your analysis demonstrates that:

- *The policy is lawful*
- *The evidence shows no potential for direct or indirect discrimination*
- *You have taken all appropriate opportunities to advance equality and foster good relations between groups.*

Please document below the reasons for your conclusion and the information that you used to make this decision.

The property was advertised by the marketing agents in the specialised property and local press and on the marketing agents and the Council's web-site, which ensured that any interested party was aware of the disposal.

As this is retrospective we probably make no change but ensure monitoring and review is in place.

As this method of disposal is open and transparent and anybody is able to bid, there will not be any public concern as to this method of disposal being discriminatory.

Adjust the policy

This may involve making changes to the policy to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential adverse effect on a particular protected group(s).

Remember that it is lawful under the Equality Act to treat people differently in some circumstances, where there is a need for it. It is both lawful and a requirement of the public sector equality duty to consider if there is a need to treat disabled people differently, including more favourable treatment where necessary.

If you have identified mitigating measures that would remove a negative impact, please detail those measures below.

Please document below the reasons for your conclusion, the information that you used to make this decision and how you plan to adjust the policy.

Not Applicable

Continue the policy

This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not amount to unlawfully discrimination, either direct or indirect discrimination.

In cases where you believe discrimination is not unlawful because it is objectively justified, it is particularly important that you record what the objective justification is for continuing the policy, and how you reached this decision.

Explain the countervailing factors that outweigh any adverse effects on equality as set out above:

Please document below the reasons for your conclusion and the information that you used to make this decision:

It will not have an adverse impact. It will promote equality of opportunity as it will allow everybody the opportunity to purchase the property in an open and transparent way.

Stop and remove the policy

If there are adverse effects that are not justified and cannot be mitigated, and if the policy is not justified by countervailing factors, you should consider stopping the policy altogether. If a policy shows unlawful discrimination it must be removed or changed.

Please document below the reasons for your conclusion and the information that you used to make this decision.

Not Applicable

9. Monitoring and review

Please provide details of how you intend to monitor the policy in the future.
Please refer to stage 7 of the guidance.

I am responsible for monitoring the results of the marketing exercise and with the marketing agent the number of enquiries received regarding the property and types of bids received.