	<p style="text-align: center;">Executive 18 October 2010</p> <p style="text-align: center;">Report from the Director of Finance and Corporate Services</p>
<p style="text-align: right;">Ward Affected: Queensbury</p>	
<p>The redevelopment and leasing of the Eton Grove Nursery and Youth and Community Centre</p>	

Appendix 1 is not for publication

1.0 SUMMARY

- 1.1 This report seeks to inform Members as to the results of the tender for the redevelopment of the Eton Grove Nursery, Youth, and Community Centre and to seek their approval for the proposed redevelopment of the existing site and the granting of a long lease.

2.0 RECOMMENDATIONS

- 2.1 That the Council agree to the redevelopment proposals of the existing site of the Eton Grove Nursery and Youth and Community Centre as set out below, subject to compliance with the procedures in respect of the disposal of public open space as set out in paragraph 2.2 and also to the grant of planning permission and other requisite consents.
- 2.2 That the Executive authorise the Director of Environment and Culture to commence and comply with the procedure, as set out in Section 123(2A) of the Local Government Act 1972 by publishing a public notice, in the local newspaper on two consecutive publication dates of the Council's intention to dispose of public open space comprising the Eton Grove Nursery and Youth and Community Centre and in particular to consider any objections made to the disposal, and unless there are objections received, which in his opinion are significant, to implement the proposed disposal. If such objections are received then a further report should be brought back to the Executive for consideration.
- 2.2 That the Head of Property and Asset Management be authorised to agree the necessary terms as shall be in the best financial interests of the Council for the leasing of the completed development.

3.0 DETAIL

- 3.1 The existing building is situated in the Eton Grove Open Space, which is located off Rugby Road and Eton Grove NW9. The Eton Grove

Open Space is located in the centre of the ward, being a potential hub for the community. The building was originally built during World War II to accommodate the Air Raid Wardens. The property has since been used as a community facility and a nursery.

- 3.2 The site to be developed is hatched black on the enclosed site plan (See Appendix 2).
- 3.3 The building was closed on the 31st July 2008 following the eviction of the previous nursery provider for non payment of rent. Since then officers have been looking at various options for the building, including leasing it to other nursery providers and community groups. Nursery providers were contacted over the following months to ascertain their interest in leasing the existing building, but none wanted to rent the property due to the prohibitive cost of bringing its condition up to current OFSTED standards.
- 3.4 In July 2009 the Technical Team of the Property and Asset Management Unit, (P&AM), produced a feasibility study into the cost of refurbishing the building. The study concluded that £211,000 would be needed to be spent by the Council to bring the building up to a lettable condition. As a result of this study, it was realised that the building could not be let to any local community group due to their inability to meet the financial cost of bringing it up to statutory compliance. Nor can the Council pay for the work due to financial constraints. The building is of single storey brick construction with a flat concrete roof and was cheaply built. Spending money on the building will be an extremely poor investment, perhaps prolonging the life by a further short period. It is now about 70 years old and is at the end of its economic life.
- 3.6 The condition of the empty building has now steadily deteriorated, being made worse due to constant vandalism. It has since been boarded up and had a security door installed to try to ensure that the vandals cannot enter the building. It has become an eyesore and blights this open space.
- 3.7 P&AM concluded that the only means of getting the building refurbished or the site redeveloped, would be by offering it to commercial nursery providers or community organisations on a long leasehold basis, with a substantial rent-free period. This to be achieved by way of an open market non-binding tender.
- 3.8 P&AM consulted the Parks Service, the Sports Service, the Children and Families Department, Ward Councillors and the Friends of Eton Grove to ascertain a consensus as to what facilities would be required from such a newly refurbished or redeveloped building. It was agreed it should provide a community space, a nursery and sports changing rooms.
- 3.9 The sports changing rooms forming part of the redevelopment will, on completion, be handed over to the Parks Service, who will manage them in their entirety.

- 3.10 There is a significant need for nursery provision in the area. It is the policy of the Children and Families Department to support the establishment of purpose built good quality nurseries across the Borough. The proposal to replace the nursery on this site and develop new community and sports facilities could assist Brent Council in meeting the strategic objectives SO2, SO5, SO8, SO9, and SO12, as set out in its Local Development Framework Core Strategy. The childcare, sports and community facilities that are to be provided in the proposed new development together with the recently refurbished children's play area, the Multi Games Area (MUGA) that is to be installed and the soon to be refurbished tennis courts, meets the council policy focus of developing Intergenerational Facilities. Under this policy, it is envisaged that people of various ages are able to congregate in the same location, even if they are undertaking different activities.
- 3.11 The Borough's Planning for Sport and Active Recreation Facilities Strategy identifies that a priority for future provision is to install pitches and changing facilities for football and cricket at Eton Grove to meet unmet demand in the area. At present, there are no changing facilities within the park to allow for the provision of these sports to take place. The installation of the MUGA and the new tennis courts together with the proposed changing rooms will enhance the status of this open space and will provide much needed local amenities for the local residents, including the youth in this part of the borough.
- 3.12 The Council sent out a Consultation Document on the 22nd December 2009 to 48 local and national OFSTED registered commercial nursery providers. The document asked them for expressions of interest for the redevelopment or refurbishment of the property for the provision of a nursery, self-contained changing rooms and an element of community use for evenings and weekends.

The Consultation Document was also sent to the Brent Association for Voluntary Action (BrAVA) and Community Matters, (a national umbrella organisation for community and voluntary organisations throughout the country), for distribution to their members and other community organisations. An advert asking other interested parties to contact the Council was also placed in the Wembley Observer on the 17th December 2009. The same advert was also placed on the Property and Asset Management Unit's web page and BRAINwaves community website. The deadline for the Expressions of Interest to be received was extended from the 1st February 2010 to the 15th February 2010.

- 3.13 Eleven expressions of interest were received. Three from community organisations and nine from nursery providers, private companies and individuals. The tender document was sent out on the 10th May 2010 with a closing deadline of the 25th June 2010.
- 3.14 One tender bid was received from an organisation Pivot Point Community Development Foundation (PPCDF). This organisation is a subsidiary of the Wembley Family Church (WFC), which is a registered charity. The WFC has been established for over 30 years

and is a founding member of SWAY (Sudbury, Wembley and Alperton Youth Project). PPCDF is the voluntary and community organisation arm of the WFC and is the community regeneration subsidiary of the WFC. PPCDF runs computer-training sessions, counselling sessions, youth activities and provides other social provisions for the community.

3.15 PPCDF's proposals, (See Appendix 3), include the provision of a day nursery for 85 children aged from 6 months to 5 years old. They are also proposing to provide a computer suite, training areas for the unemployed, meeting areas, café, youth engagement area and office space. They will also provide the changing room facilities for the Parks Service as specified in the tender document. Their proposals exceed the Council's expectations and criteria with regard to the provision of the facilities. However, the design and final provision of the facilities are subject to Planning Consent and Building Regulation Approval.

3.16 The proposed nursery development will be the only full service, (8.00am – 6.00pm), day-care provision in the ward of Queensbury that will provide baby places, (i.e. 0-2 years old), for parents. None of the other nurseries provides baby places of which there is a substantial deficit in Brent. Every nursery in Brent that has baby places is full and has a waiting list. The nearest nursery catering for babies is in the Fryent Ward at Budding Learners, Slough Lane NW9. They provide the only baby places available in the Kingsbury locality and this is some distance from Eton Grove.

In the Kingsbury Locality alone, according to the Brent Council Childcare Sufficiency Assessment that the Children and Families Department published in March 2009, a population of 2,156 children age 0-2 existed in the Kingsbury Locality representing 20% of the Brent population in that age category. This statistic on its own demonstrates a need for more baby places in the locality and specifically in the Queensbury Ward. From the same report the population of 1,396 children age 3-4 were estimated to exist in Kingsbury locality in 2009. Brent has a young and rising population. A key issue for the Children and Families Service Department in its forward planning for childcare places over the next few years is that a more than adequate number of good quality childcare places be made available in the borough to meet the needs of its rising population.

3.17 The redevelopment proposals of the site will bring benefit to the area in encouraging grandparents to attend the nursery with their grandchildren and at the same time participate in any community events being undertaken at the community hall, or at the open space. It is clear that this development is much needed in the area, the nursery provider, as an anchor community business in Eton Grove will lead to a proper and sensitive regeneration of the open space. It will provide some economic benefit to the area through local employment in the nursery, the provision of a community service that allows parents to look for employment that they otherwise may not have the resources to do.

This proposed development meets the objectives of 4.93 of the Local Development Framework Core Strategy (LDF), which says the “council will look to secure contributions to improve its existing open spaces” i.e. this proposal is seeking substantial investment from the community partner selected to develop this proposal. Under 5.16 of the LDF, “Development which is ancillary to the main use of the site as open space, or is an essential facility for outdoor sport and recreation, cemeteries, or other uses, which preserves the open space is generally considered appropriate”. This proposed development meets these criteria.

- 3.18 An Agreement for Lease will be drawn up for the development period and upon satisfactory completion of the works the Council would grant a 111 year lease at a peppercorn rent.

4.0 CONSULTATION

- 4.1 A meeting organised on the 27th July 2010 by the Neighbourhood Working Team at the Eton Grove Open Space was attended by local residents, the Friends of Eton Grove, Ward Councillors and the Police from the local Safer Neighbourhoods Team. All parties expressed support for the proposals. A further meeting was arranged with the local residents on the 5th August 2010 under the auspices of the Friends of Eton Grove. It was attended by local residents, the local Police, Brent Council’s Park Service, Sports Service and a Council Sustainability Officer. At this meeting, further widespread support was expressed for the proposals.

5.0 FINANCIAL IMPLICATIONS

- 5.1 The Council is requesting that Pivot Point Community Development Foundation provide an insurance policy that would cover the completion of the building work should the Foundation go out of business whilst the construction work is being undertaken.

6.0 LEGAL IMPLICATIONS

- 6.1 The land shown in the plan at Appendix 1 is currently controlled and managed by the Parks Service and currently forms part of the public open space.
- 6.2 Accordingly, in order to grant a long lease of that part of the Eton Grove Nursery and Youth and Community Centre redevelopment site, to comprise a children’s nursery and community space, it is necessary to publish a notice of the proposed disposal in a local newspaper. The changing rooms forming part of the redevelopment will, on completion, be retained and managed as part of the Eton Grove Open Space.
- 6.3 The procedure to follow in order to bring this about is set out in Section 123 of the Local Government Act 1972 (the LGA 1972). Under Section 123(2A) of the LGA 1972, the Council cannot dispose of any land consisting of or forming part of public open space unless before disposing of the land, they cause notice of their intention to do

so. The Council has to specify the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated and consider any objections to the proposed disposal, which may be made.

- 6.4 The Council has the power under Section 123 of the Local Government Act 1972 to dispose of land in its ownership. However, save when this is for a lease of less than 7 years it must obtain the best consideration reasonably obtainable unless it obtains the consent of the Secretary of State to disposal at a lesser value. However, the Secretary of State has issued a general consent under which the Council can dispose of land at an undervalue of up to £2million provided it considers that the disposal will promote the social, environmental or economic wellbeing of its area or part of its area. The value of the land to be incorporated in the PPCDF lease is clearly substantially less than £2m, and officers consider that the disposal will clearly promote the social, environmental and economic wellbeing of the Council's area by allowing the provision of a nursery and community and sports changing rooms.
- 6.5 Subject to the grant of Planning Consent and the grant of all other requisite approvals by OFSTED in respect of use as a children's nursery changing rooms and community space, it is proposed that an Agreement for Lease will be drawn up to include terms for wider community use and the future monitoring of the activities within the completed development.
- 6.6 The property will not allowed to be used as a church or hold religious services, as this is a prohibited by Planning Regulations.
- 6.7 The opening of a nursery in the Eton Grove Community Centre will assist the Council in discharging the statutory duty set out in section 6 of the Childcare Act 2006 to secure sufficient childcare places in their area to meet the needs of working parents and parents who want to take up training that will help them get work.
- 6.8 In some cases, local authorities entering into development agreements with organisations developing land has led to challenges that the local authority concerned is in breach of the European public procurement regime. This is because although any works contract is let by the developer, the degree of specification by the local authority in the development agreement means that it is treated as a works contract let on behalf of a contracting authority under the procurement regulations. However in this case the works contract at £800,000 is well below the threshold for the application of the regulations in any event.

7.0 DIVERSITY IMPLICATIONS

- 7.1 The Head of Diversity Jennifer Crook has approved the Equalities and Diversity criteria as set out in the tender document of which the Pivot Point Community Development Foundation have shown their commitment to fulfill such criteria in all its aspects. These criteria will be enshrined in the lease and subject to monitoring.

- 7.2 The lease will contain covenants that will ensure that the nursery and community provision will be open for use by all members of the community and community groups. This will be in accordance with Brent Council's equalities and diversity policies and criteria.

8.0 STAFFING/ACCOMMODATION IMPLICATIONS

- 8.1 Accommodation for community and nursery use, together with the provision of sports changing rooms will be provided within the borough.
- 8.2 There are no staffing implications.

9.0 BACKGROUND PAPERS

Feasibility Report for the proposed Refurbishment of the Kingsbury Youth and Community Centre, produced by P&AM Technical Team July 2009.

Brent Council Childcare Sufficiency Assessment that the Children and Families Department published in March 2009.

Tender documents

Contact Officers:

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CLIVE HEAPHY
Director of Finance and Corporate Services

EXECUTIVE COMMITTEE

**Youth & Community Centre, Eton Grove,
Kingsbury NW9 9LD.**



**Premises shown edged
and cross hatched black.**

Plan for information purposes only.

NORTH



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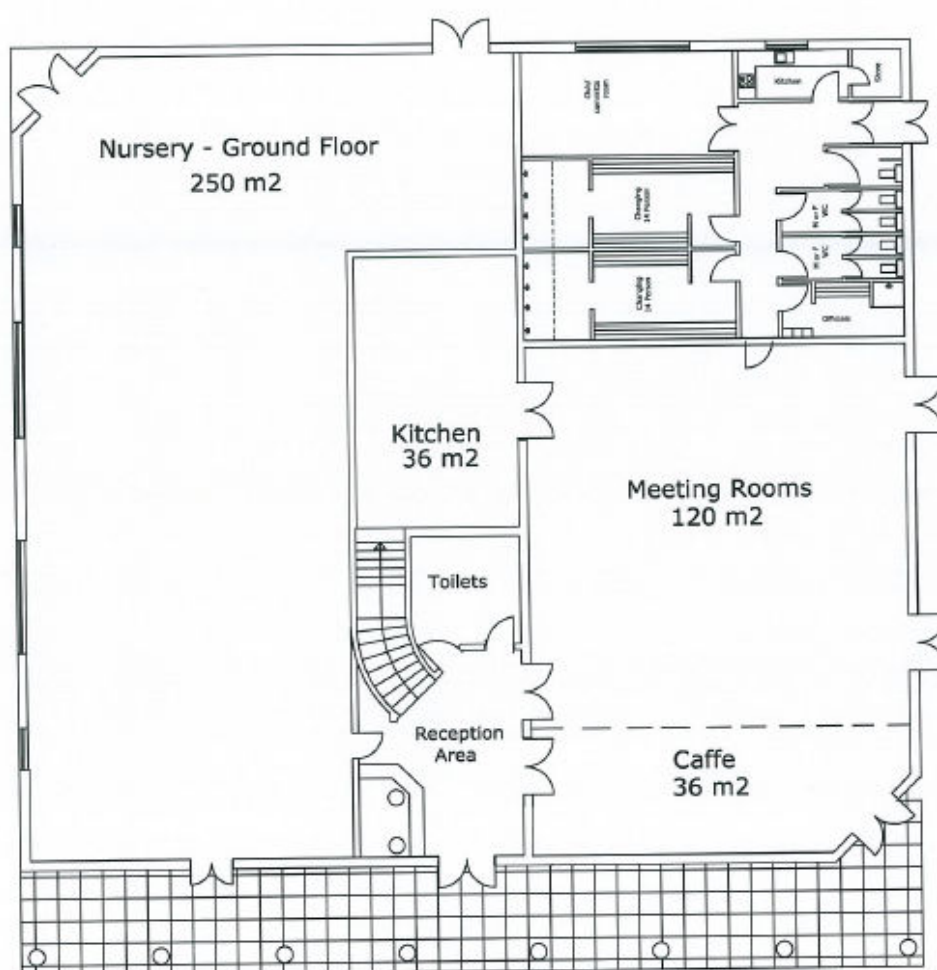
Eton Grove Nursery London NW9 9LD

Ground Floor

596 m² Ground Floor Area
74 m² Covered space
670 m² Total

09 June 2010

Option 2

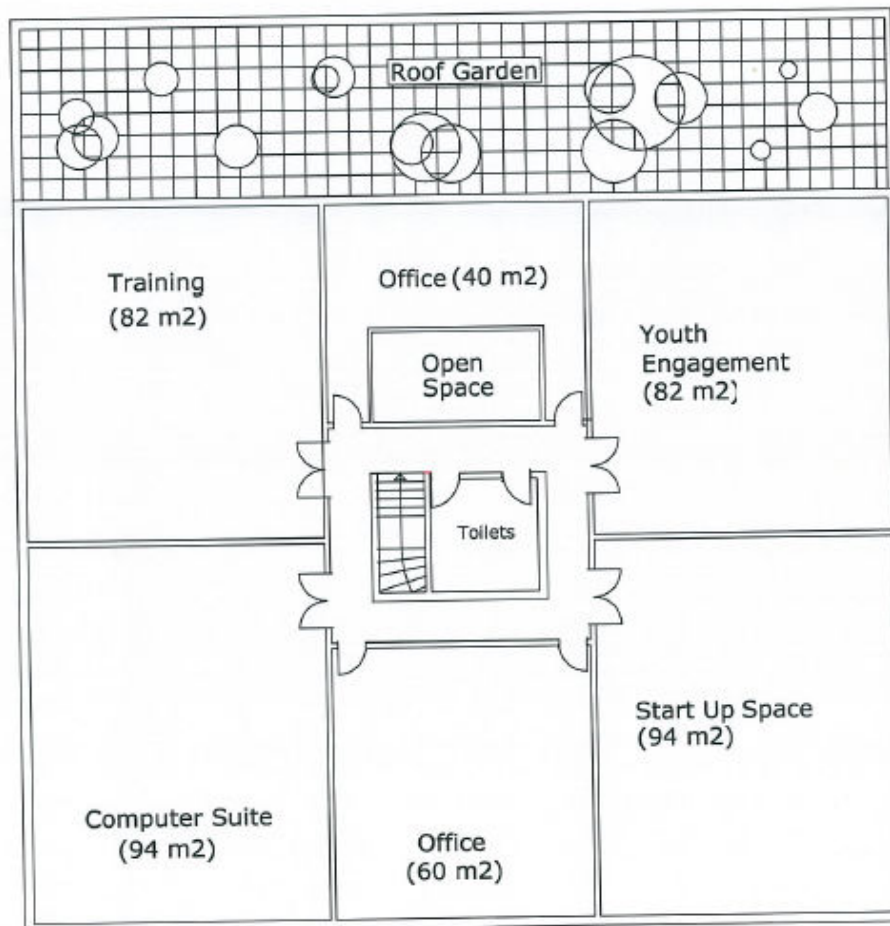


Ground Floor (560m²+110m²=670m²)

Eton Grove Nursery London NW9 9LD

First Floor

10 April 2010



First Floor (500m2)