



**DRAFT EXTRACT/
MINUTES OF THE CALL IN OVERVIEW AND SCRUTINY COMMITTEE
Wednesday, 2 February 2011 at 7.30 pm**

PRESENT: Councillor Castle (Chair) and Councillors Mrs Bacchus, Denselow, Gladbaum, Kabir, Lorber Mashari and H B Patel (alternate for Councillor B M Patel)

Also Present: Councillor Crane (Lead Member for Regeneration and Economic Development), Councillor Jones (Lead Member for Human Resources and Diversity, Local Democracy and Consultation), Councillor R Moher (Lead Member for Adults, Health and Social Care), J Moher (Lead Member for Highways and Transportation) and Powney (Lead Member for Environment, Planning and Culture).

An apology for absence was received from: Councillor B M Patel.

1. Declarations of personal and prejudicial interests

Councillor H B Patel declared an interest in relation to item 4 b), Arts and Festivals Strategy, as a member of an organisation receiving a grant from the council. However, he did not feel that the interest was prejudicial and remained present to discuss and vote on this item.

2. Minutes of the last meeting held on 5 January 2011

RESOLVED:-

that the minutes of the last meeting held on 5 January 2011 be approved as an accurate record of the meeting.

3. Matters Arising

None.

4. Call in of Executive decisions from the meeting of the Executive held on 17 January 2011

Decisions made by the Executive on 17 January 2011 in respect of the reports below were called in for consideration by the Call In Overview and Scrutiny Committee in accordance with Standing Orders 6 (b) and 18.

4.3 Former park keepers' houses at 776 and 778 Harrow Road - disposal in open market

The reason for the call in is:-

- Report contains no discussion of conditions of sale of land. Call in to discuss the implications of selling the land without such conditions.

Suggested action for the Call In Overview and Scrutiny Committee to take:-

- That the Executive introduce conditions on the sale of the land to limit any development and make it suitable for the area.

Councillor Lorber, one of the councillors who had called in this item, stated that the issue of disposing of the properties had been an issue for some time. Whilst he understood that the reason for disposing of the two houses was to raise funds to invest in Barham Park. However, the original proposals to sell the properties to a local housing association to provide housing from residents being decanted from Barham Park Estate had now been changed to sell the site to the by auction to the highest bidder. Councillor Lorber expressed concern that without conditions being attached to the sale of the site, it could lead to undesirable developments such as high storey blocks which would be opposed by local residents. He added that this issue was of particular concern as there were proposals for seven to nine storey block of flats in a site adjacent to this one.

In reply to the reasons for the call in, Councillor Crane (Lead Member for Regeneration and Economic Development) advised that the Executive had initially approved disposal of the site subject to Charity Commission approval. However, it had now been clarified that Charity Commission approval was not required and the decision to dispose of the properties by auction would provide the capital receipts, as well as matching funding, necessary to improve Barham Park.

Richard Barrett (Head of Property and Asset Management, Regeneration and Major Projects) added that as the site was held by the Barham Park Estate Trust, of which the council was trustee, approval of the Charity Commission to dispose of the land was not necessary. Richard Barrett advised that placing any condition on selling the site would require the Charity Commission's approval which it was not likely to grant as it would not be perceived as being in the interest of the Trust. The District Valuer had recommended that the council sell the properties as two separate dwellings in order to receive greater capital receipts.

During Members' discussion, Councillor H B Patel acknowledged the reasons given with regard to the sale of the site, however he commented that the council as trustee also had a requirement to look after the interests of local residents. He stated that the Planning Service had expressed the view that the site was appropriate for housing development, however it needed to be acknowledged that multi storey developments would not be popular with the local residents. Councillor H B Patel sought a response in how making financial gain was balanced with the interest of residents. Councillor Lorber stated that although the site was of significant financial value now, it may not be in years to come and he emphasised the need to undertake measures to protect the future of the site. He felt that it was desirable to provide proper protection to the site by adding conditions for the sale of the properties stating what type of housing would be permitted to be built.

In reply, Richard Barrett advised that arrangements with regard to disposing of the site had been carefully considered and he reiterated the District Valuer's advice that the council sell as two separate dwellings. Members noted that in addition to the likelihood that the Charity Commission would not provide consent to attach conditions to the sale of the site, any decision made by the Charity Commission on this matter may take some time which also would not be in the best interest of the council or the Trust.

The committee then agreed to the Chair's suggestion that the Executive be recommended to introduce conditions on the sale of the land to limit any development and make it suitable for the area.

RESOLVED:-

- (i) that upon considering the report from the Director of Regeneration and Major Projects, the decisions made by the Executive be noted; and
- (ii) that the Executive be requested to introduce conditions on the sale of the land to limit any development and make it suitable for the area.

The meeting closed at 8.45 pm

A CASTLE
Chair