

Decisions of the Housing and Growth Committee

13 September 2021

Members Present:-

Councillor Richard Cornelius (Chairman)

Councillor Sarah Wardle (Vice-Chairman)

Councillor Peter Zinkin

Councillor Thomas Smith

Councillor Alex Prager

Councillor Ross Houston

Councillor Paul Edwards

Councillor Sara Conway

Councillor Kath McGuirk

Councillor Laithe Jajeh (In place of
Councillor Daniel Thomas)

Apologies for Absence

Councillor Daniel Thomas

1. MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Housing and Growth Committee held on 14th June 2021 be approved as a correct record.

2. ABSENCE OF MEMBERS

Councillor Thomas sent apologies and was substituted by Councillor Jajeh.

3. DECLARATIONS OF MEMBERS DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

Councillor Wardle declared an interest in relation to item 16 by virtue of being a representative on the Barnet Group Board.

Councillor Edwards declared an interest in relation to item 16 by virtue of being a representative on the Barnet Group Board.

Councillor Houston declared an interest in item 15 by virtue of having a £1 non-recoverable share in Notting Hill Gensis.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

None.

6. MEMBERS' ITEMS (IF ANY)

None.

7. DETERMINATION AND FEES POLICY FOR CARAVAN SITE LICENSING FIT AND PROPER PERSON TEST

The Chairman introduced the Caravan Licensing fees policy report. The report sought approval for the criteria and proposed fees for the 'Fit and Proper' status of managers of mobile home sites introduced by Mobile Homes (England) Regulations 2020. The proposed criteria were set out in detail in Appendix 1 to the report.

Following consideration of the item, the Chairman moved to vote on the Officer's recommendations as outlined in the report.

The votes were recorded as follows:

For	10
Against	0
Abstain	0

RESOLVED that the Committee:

1) Agreed the determination criteria detailed in Appendix 1 for applications of relevant persons to be accepted onto the fit and proper personal register in respect of mobile home site licensing. This will apply to all applications received from 1 July 2021 and applies to both existing site license holders and any new site licence holders.

2) Noted and agreed the fee for applications by relevant persons to be accepted onto the fit and proper person register in respect of mobile home site licensing, which would be referred to Council for final approval. This will apply to all applications received from 1 July 2021 and applies to both existing site licence holders and any new site licence holders.

8. COVID-19: RECOVERY PLAN - THRIVING

The Chairman introduced the Covid-19 Recovery report which provided an update on the Thriving theme of the Barnet plan. The report updated on progress across a number of recovery workstreams including housing supply, skills and employment, business support, town centres, digital access and homelessness.

Members raised an issue concerning residents living in homes where remedial work needed to take place, not having adequate space to work during this time. Officers agreed to investigate solutions for this.

Following discussion, the Chairman moved to vote on the Officer's recommendations as outlined in the report.

The votes were recorded as follows:

For	10
Against	0
Abstain	0

RESOLVED that the Committee noted the report.

9. TOWN CENTRES CAPITAL PROGRAMME UPDATE

The Chairman introduced the report which set out proposals for taking forward major public realm investment in three of Barnet's main town centres, Finchley Central, Burnt Oak and Golders Green. The report also updated members on work that had been done by officers on developing a long-term pipeline of investment across other centres.

Members stressed the need for ward members to be consulted during the development of the proposal. Officers agreed that this would take place. A Member also asked that the community engagement strategy was used when developing the proposals, to ensure that residents and communities were also involved in the plans. Officers agreed to conduct a further walk around of any areas to identify ways to deal with community safety issues.

Members raised concerns around how the night-time economy aspects would be managed, and officers advised this was on their radar to look into.

Following discussion of the report, the Chairman moved to vote on the recommendations as outlined in the officer's report. Members also unanimously agreed for the reference to 'acting in the best interests of the Council' to be removed from the recommendations, as the Deputy Chief Executive's role was always to work in the best interests of the Council, so members felt this did not need to be made explicit.

The votes were recorded as follows:

For	10
Against	0
Abstain	0

RESOLVED that the Committee:

In relation to proposed public realm investment in Finchley Central.

1) Noted that engagement and consultation has commenced on the final phase of design for the new Finchley Square and would conclude on the 18th September 2021.

2) Delegated authority to the Deputy Chief Executive in consultation with the Chairman to:

- a) Approve the Full Business Case following any further required consultation and completion of the final design.**
- b) Authorise the expenditure of approved Town Centre Capital monies to fund delivery.**
- c) Commence procurement and approve contract award for delivery of the square following a procurement exercise and to authorise any change requests during the lifetime of the contract(s) as required.**
- d) Negotiate, finalise and complete such other documents as may be required to effectively implement, fund, deliver and/or manage the project.**
- e) Make any alterations to the extent of the Site with the above recommendations to apply to the site as altered.**

In relation to proposed public realm investment in Burnt Oak and Golders Green.

1) Delegated approval to the Deputy Chief Executive and in the consultation with the Chairman to:

- a) Approve outline and Full Business Case required to progress the projects;**
- b) Procure a suitably qualified consultant team(s) to undertake survey, feasibility and design work to further develop proposals in consultation with the community, businesses and key stakeholders;**
- c) Authorise expenditure of approved Town Centre Capital monies to fund project delivery, in line with the forecast budgets referenced in paragraphs 1.27 and 1.35 and noting that these will be subject to further refinement;**
- d) Commence procurement and approve the contract award for a suitably qualified contractor, or contractors to deliver the public realm interventions, following a procurement exercise and to authorise any change requests during the lifetime of the contract(s), as required;**
- e) Negotiate, finalise and complete such other documents as may be required to effectively implement fund, deliver and/or manager the projects;**
- f) Make any alterations to the extent of the Sites with the above recommendations to apply to the Sites as altered.**

Noted the work being undertaken by officers (referred to in paragraph 1.10) to develop the future pipeline of Town Centre public realm works, in accordance with the funding approved at Policy and Resources Committee of July 2021

10. NORTH FINCHLEY SITE ASSEMBLY AGREEMENT AND LAND AGREEMENT

The Chairman introduced the report which provided an update on the collaborative work between the council and the developers Regal London and Joseph Partners to revitalise the North Finchley Town Centre. The report outlined the proposal to enter into both the North Finchley Land Agreement and North Finchley Site Assembly Agreement with Regal JP North Finchley Limited and Regal Holdco Ltd.

Officers advised members that full participation with the board would be taking place and for those not sitting on the board, consultations would take place.

An error in the report was noted, in that it stated under one section that the planning application for the development scheme would be September 2021, when in fact the date was 31st December 2022.

Some members raised concerns relating to the fact that the agreement allowed for phase 1 of the development to go ahead and for the developer to then subsequently pull out of the agreement. Some members felt that this might lead to the easy parts of the scheme being completed and the difficult parts being abandoned. Officers advised that plans had been put in place to mitigate the risk by requiring the developer to bring forward a planning application for the entire site, which would make it very unfavourable for them to subsequently walk away as this would come at a considerable cost. Consequently, officers explained that the partnering developer needed to have some security provisions in place to make it feasible for them to take forward.

The Chairman invited Mr Joseph from Joseph Partners to briefly address the concerns of the members. Mr Joseph explained that Joseph Partners had a successful history within the Borough for development schemes and that their new partners Regal, had done

several successful developments within surrounding boroughs, including Brent, Hackney, Tower Hamlets and Westminster. He also said that significant consultation with the community and ward councillors would continue to take place.

Before the vote on the item was taken, four members of the committee referred the decision to Council. The reason for referral was that those Members who voted to refer deemed the decision to be a substantial one about a land disposal in North Finchley, which would benefit from Full Council input. In addition, they felt referring it would allow residents a further say in the decision.

RESOLVED that the item be deferred to Full Council on the 19th October 2021 for decision.

11. CORPORATE ASSET MANAGEMENT PLAN (CAMP)

The Chairman introduced the report which outlined the council's strategic framework for corporate asset management.

Following discussion of the item the Chairman moved to the vote on the officer's recommendations.

The votes were recorded as follows:

For	6
Against	4
Abstain	0

RESOLVED that the Committee noted the CAMP outlined in appendix 1 to the report and approved the next steps as outlined in the report.

12. BRENT CROSS UPDATE REPORT

The Chairman introduced the report which provided an update on the progress across the Brent Cross Programme since the last Housing and Growth Committee meeting on the 14th June 2021.

Members were updated that a shareholder's meeting was taking place in October and the next steps from these meetings would be reported back to the committee. Members enquired as to how Argent-related consult with the public on specific elements. The Chairman stated that Argent-related had been very good at consulting and talking to the community, as well as engaging from the early stages.

Members raised concerns about the potentially for large crowds of people getting off at the railway stations at the same time, which could result in capacity issues and pressure points. Officers advised that part of the conditions on the applications would explicitly include requirements for the developer to liaise with Network Rail and ensure this was managed properly.

Following discussion of the item the Chairman moved to the vote on the officer's recommendations.

For	6
Against	0

RESOLVED that the Committee:

- 1) **Noted progress across the Brent Cross programme as detailed in the report;**
- 2) **Delegated authority to the Deputy Chief Executive acting in the best interests of the Council to approve, finalise and conclude the contract with Station Operator (GTR) to procure the provision of station assets for the Brent Cross West station having obtained written approval with DfT that these assets will be station assets and will be transferred to the Station Operator as set out in paragraph 1.12 of the report and to procure their services to support the Station Handback and Entry into Service workstream (paragraph 1.13) subject to compliance with all statutory requirements;**
- 3) **Delegated authority to the Executive Director Environment in consultation with the Chairman of the Committee and Assistant Director – Estates, Acquisitions and Development all such persons acting in the best interests of the Council to a) review and agree the Estate Management arrangements and finalise the Service Charge Lease, Infrastructure Lease and Overall Headlease for Brent Cross Town (BXT) Estate for approval by the Committee in December.**
- 4) **Delegated authority to The Director of Resources acting in the best interests of the Council to agree and enter into the required lease relating to the Temporary Visitor Centre;**
- 5) **Noted that BXT are actively discussing with the council a proposal to speculatively develop Plot 19 to be the centrepiece of the business ‘eco system’ delivering an exemplar for the future of workspace as part of the first phase. It is anticipated that this will be reported to the Committee in November, seeking its inclusion within the First Phase Proposal alongside the required consequential changes to the Business Plan and legal documentation to effect the change. An update will be provided to the BX Member Working Group in October;**
- 6) **Confirm that council officers no longer promote the re-naming of Brent Cross tube station to Brent Cross East for reasons set out in paragraph 1.19 of the report.**

13. AUTHORISATION TO DECLARE LAND AND PREMISES KNOWN AS 241 AND 233 WEST HENDON BROADWAY, AND LAND ADJOINING 239 WEST HENDON BROADWAY AS A SURPLUS ASSET

The Chairman introduced the report which requested the authority to declare the Council’s freehold in the property known as 241 and 233 West Hendon Broadway and Land adjoining 239 West Hendon Broadway NW9 as a surplus asset and for the Council to commence consideration and exploration of the various options available regarding the site including but not limited to its sale or future development.

Members asked if discussions with governors of the school would take place, if the decision is to make a sale, to ensure that one of the considerations would be to make it available for the school to purchase. Officers agreed that these discussions would be considered.

Following discussion of the item the Chairman moved to the vote on the officer's recommendations.

The votes were recorded as follows:

For	6
Against	0
Abstain	4

RESOLVED that the Committee declared that the freehold interest in the property known as 241 and 233 West Hendon Broadway, and Land adjoining 239 West Hendon Broadway NW9 ("the site") is a surplus Council asset and following the expiration of the occupational lease no longer required for its current use, and to authorise that the Council commences the consideration and exploration of options for the future use of the site including but not limited to a potential sale or development of the same.

14. BUNNS LANE CAR PARK PROPOSED APPROACH TO SITE DISPOSAL

The Chairman introduced the report which set out the proposal for the council to enter into a commercial arrangement in respect of the Bunns Lane Car Park, with a developer/annuity funder that delivers social and environmental improvements to Mill Hill and supports the economic prosperity of Mill Hill and the wider borough.

Some members raised concerns around developers adhering to planning conditions and wanted to flag this up to officers. The Chairman noted the concerns and officers advised that full engagement and consultation with local residents would be held, this would allow the opportunity for any concerns to be raised and mitigations incorporated at the relevant stage.

Following consideration of the item, the Chairman, seconded by Councillor Wardle, moved the motion to amend recommendation 6 to state that '***That subject to planning permission being received for the development, that the approval of the final red book valuation for the site be brought back to a future meeting of the Housing and Growth Committee.***'

Votes on the amendment were recorded as follows

For	6
Against	0
Abstain	4

RESOLVED that recommendation 6 be amended to the wording outlined above.

The Chairman then moved to vote on the recommendations as outlined in the officers report, including the amendment to recommendation 6.

The votes were recorded as follows:

For	6
Against	0
Abstain	4

RESOLVED that the Committee:

- 1) Noted progress to date in respect of the proposals for the development of the Bunns Lane Car Park (“the Site”) delineated at Figure 1 paragraph 1. below.**
- 2) Approved the proposed Sale and Leaseback approach to the development of the Site.**
- 3) Approved Muse Developments Limited as the preferred developer for the delivery and sale and leaseback approach on this Bunns Lane Car Park Site.**
- 4) Delegated authority to the Deputy Chief Executive acting in the best interests of the Council and in consultation with the Chairman of the Housing and Growth Committee to: -**
 - a. agree the final terms for the proposed transaction.**
 - b. negotiate finalise and complete the terms of the required documentation to be entered into with Muse Developments Limited and the annuity funder to give effect to the agreed terms as referred to in this report.**
 - c. to negotiate, approve, finalise, and complete such other documents as may be required to effect implement fund deliver and/or manage the scheme.**
 - d. approve and conclude the exchange of an Agreement for Lease and Leaseback to be entered into with Muse Developments Limited subject to such agreement being compliant with the Council’s statutory obligation to obtain the best price reasonably obtainable as evidenced by an independent valuation.**
- 5) Agreed to the creation of a management company (ManCo) by the Council for the ongoing management of the completed units at the Site and to enter into the proposed sub-underlease with the Council as outlined at paragraph 8.b).xi). Both of these are subject to approval from the Policy and Resources Committee.**
- 6) That subject to planning permission being received for the development, that the approval of the final red book valuation for the site be brought back to a future meeting of the Housing ad Growth Committee.**
- 7) (i) Approved the advertising as required to appropriate to the required use or to appropriate to planning purposes any part of the Site deemed or designated as Public Open Space in accordance with S122(2A) of the Local Government Act 1972 and (ii) Delegated to the Deputy Chief Executive the consideration of any objections received following the conclusion of the above advertising process.**
- 8) Delegated to the Deputy Chief Executive if appropriate following the conclusion of the consideration of any objections to advertise pursuant to S123(2A) of the LGA 1972 or S233 of the Town and Country Planning Act 1990 the disposal of any land referred to at 7 above which is to be comprised as part of the Site.**
- 9) That subject to paragraph 7, the Committee delegated authority to the Deputy Chief Executive to authorise that the whole or any part of the Site as may be required be appropriated for planning purposes pursuant to S122 of the LGA 1972 and to commence negotiations and settle any lawful claims asserted by third parties pursuant to SS 203 and SS 204 of the Housing and Planning Act 2016.**

10) Authorised that the Deputy Chief Executive may instruct as required the appropriate Council officers to make any applications to the Secretary of State for consent to enable the lawful disposal of the Site.

11) Delegated authority to the Deputy Chief Executive in consultation with the Chairman of this Committee to make any alterations to the extent of the Site as appropriate acting in the best interests of the Council provided with the above recommendations to apply to the Site as altered.

12) Delegated authority to the Deputy Chief executive to take all and any such actions as may be required to give effect to the recommendations to secure the sale of the Site including the termination of any extant parking arrangements.

15. GRAHAME PARK PLOTS 10, 11 AND 12 COMPULSORY PURCHASE ORDER (CPO)

The Chairman introduced the report which updated the committee on the confirmation and implementation of three separate CPO's for the acquisition of third party proprietary interests with Stage B (plots 10, 11 and 12) of the Grahame Park development.

Members asked that more information be provided on how unsecured tenants would be addressed.

Following discussion of the item the Chairman moved to the vote on the officer's recommendations.

The votes were recorded as follows:

For	6
Against	0
Abstain	4

RESOLVED that the Committee:

- 1) Agreed to adopt the amended red line boundary attached at Appendix 1.**
- 2) Noted the progress made to date, the previous decisions and the CPO programme going forward.**

16. HOUSING REVENUE ACCOUNT (HRA) BUSINESS PLAN

The Chairman introduced the report which updated the committee on the 30-year HRA business plan since it was last reported to the Housing and Growth Committee in June 2021.

Members enquired as to whether employees affected by the decision to close Apthorp would be offered redeployment opportunities. The Chairman acknowledged that it was difficult to staff care homes, so that opportunity should be noted as a possibility for officers to investigate,

Following discussion on the item, the Chairman moved to vote on the recommendations outlined in the report:

The votes were recorded as follows:

For	6
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Against	0
Abstain	4

RESOLVED that the Committee approved the updated Housing Revenue Account Business Plan as attached in Appendix 1.

17. COMMITTEE FORWARD WORK PROGRAMME

RESOLVED that the Committee noted the work programme.

18. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT

None.

19. EXEMPT BRENT CROSS UPDATE REPORT

The Committee **RESOLVED** that the information contained in the exempt report be noted.

20. EXEMPT BUNNS LANE CAR PARK PROPOSED APPROACH TO SITE DISPOSAL

The Committee **RESOLVED** that the information contained in the exempt report be noted.

21. ANY OTHER EXEMPT ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 20.17