

MINUTES OF THE MEETING OF THE CABINET HELD ON WEDNESDAY 14 DECEMBER 2005

MEMBERS: Councillors **Michael Rye** (Leader), **Michael Lavender** (Deputy Leader), **Alan Barker** (Social Services), **Ertan Hurer** (Community Safety and Development), **John Jackson** (Regeneration and Business), *Matthew Laban* (Housing), **Andrew Nicholas** (Corporate Strategy and Communications), *Terence Neville* (Environment and Street Scene) and *Glynis Vince* (Education, Children's Services and Leisure).

Italics denotes absence

Officers:

Chief Executive, Director of Community, Housing and Adult Social Services, Director of Finance and Corporate Resources, Director of Education, Children's Services and Leisure, Assistant Director of Environment, Street Scene and Parks (Contracts), Assistant Head of Finance and Corporate Resources (Property), Head of Legal Services, Head of Strategic Services, Principal Lawyer, Asset Review Manager, Press Officer and Cabinet Secretary.

Also Attending:

Councillors Christopher Cole and Jayne Buckland.

Members of the deputation with regard to the Broomfield House Restoration Project – spokesperson Ms Georgina Georgiou (Minute Nos.4 and 7 below refer).

4. DEPUTATIONS AND PETITIONS

Councillor Michael Rye (Leader of the Council) welcomed members of the deputation with regard to the Broomfield House Restoration Project to the meeting and invited Ms Georgina Georgiou, spokesperson for the Group for the Protection of Broomfield Covenants, to present the deputation to Members.

Ms Georgiou outlined in detail the views of the residents, their concerns and wish to protect the existing Broomfield Park covenant. It was noted that the existing covenant provided legal rights to several hundred households in the vicinity of the Park. Issues were highlighted in relation to the need to protect the future environment of the park and surrounding area. The identity of the Borough had changed with an increase in the number of flats being built and a greater need for areas of open space for the benefit of local residents. There was a need to consider the effects of any development including traffic, litter and safety implications. A full feasibility study would be required. It was stated that the removal of the existing covenants would go against the objectives of the Mayor of London, Ken Livingstone's, "London Plan".

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Ms Georgiou emphasised the strength of feelings of local residents and stated that their objections had intensified with the Council's current proposals to modify the park covenant. It was stated that there had been a lack of appropriate consultation and many residents did not understand the implications of the proposals. The proposed revisions to the existing covenant did not reflect the needs or views of local residents.

The existing covenant did not impede reasonable use of the Park and its facilities. Residents felt that the proposed modifications would open up opportunities for unacceptable development within the Park. There needed to be a sensible balance to restore the House and maintain the Park.

The financial implications of the proposals and the estimated cost of restoring the House were highlighted. Residents felt that there would be very little net receipt from any disposal of the stable block and cottages. It was recognised that the House was now beyond viable repair and that re-building would be required. Residents questioned if the proposals represented the only way forward and whether the modification to the covenant was necessary. There were quality of life issues for local residents.

Councillor Michael Rye (Leader of the Council) thanked Ms Georgiou for her presentation to Members.

In response, Councillor Michael Lavender (Deputy Leader of the Council) reiterated the Council's proposals and questioned the residents' wishes for the long-term future of Broomfield House. It was noted that the proposals which had been put forward had been subject to criticisms, a number of which were valid, however, attempts were being made to seek acceptable solutions to move the matter forward.

Mr Will Rasmussen, local resident, acknowledged that the matter needed to be resolved but expressed concern at the loss of protection which the existing covenant currently provided to local residents and, the potential of further development of the Park in the future. Residents should be consulted fully and their views sought on the way forward.

Councillor Michael Rye (Leader of the Council) stated that the dialogue with residents this evening had been helpful. The report (No.233) being considered by Members was for noting only and reviewing the current position with regard to the Broomfield House Restoration Project. The background to the work of the Task Force and the Council's more recent involvement was noted. The Council had offered the opportunity of match-funding through the disposal of the park cottages and stable building and ring-fencing the receipt for the restoration of Broomfield House. However, the existing covenant needed to be amended in order to allow the necessary investment and move the matter forward. The Council had no intention to develop the Park any further than to achieve the restoration of Broomfield House. It was felt that the existing covenants should be tested by the Lands Tribunal and then the way forward considered. The Council would seek to address the concerns expressed and

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look at any potential legal solutions to protect the future of the Park for local residents.

Councillor Ertan Hurer (Cabinet Member for Community Safety and Development) also reiterated the need to put in place legal protection against future development of the Park where possible if the wording of the existing covenant was amended.

Councillor Michael Lavender (Deputy Leader of the Council) reiterated that the Council was not seeking to change the covenant more than was necessary. It was recognised that the public needed to be satisfied that any development would be limited. The wording of the covenant could be prescriptive, the Council's only intention was to restore Broomfield House. It was hoped that any amendment to the covenant could meet the Council's objectives whilst also satisfying the concerns of local residents.

Andrew Stapleton, Head of Legal Services, made reference to the wording of the existing covenant and the new wording which was being sought in regard to primary and ancillary uses. A number of uses were excluded and reassurance was given that the potential uses of the site would continue to be restrictive.

Ms Georgiou expressed concern over the proposed amended wording. Members invited Ms Georgiou to consider in more detail the proposed wording and to suggest alternative wording with a view to seeking agreement between the residents and the Council if possible. It was proposed that a further report on the outcome of discussions be presented to the February Cabinet meeting for Members' consideration (Minute No.7 below refers).

Councillor Michael Rye (Leader of the Council) thanked the deputation and members of the public for their attendance.

Members considered Report No.233 – Broomfield House Restoration Project – Current Position at this point in the meeting. The minutes reflect the order of the agenda (Minute No.7 below refers).

7. BROOMFIELD HOUSE RESTORATION PROJECT – CURRENT POSITION

(Minute No.4 above also refers)

Councillor Michael Rye (Leader of the Council) introduced the report of the Director of Finance and Corporate Resources (No.233) advising Cabinet of the current situation of the Broomfield House Restoration Project.

NOTED in relation to the discussion arising in the deputation to Members regarding the Broomfield House Restoration Project, as detailed in Minute No.4 above, Members hoped that an agreement could be sought between the residents concerned and the Council's lawyers on the proposed amended wording required to the existing covenants for consideration at the Lands

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Tribunal. Members stated their intention to seek minimal changes in order to meet the objectives of the restoration project. Members requested that a further report be presented to the February Cabinet meeting on the outcome of discussions (decision 3 below refers).

Alternative Options Considered: NOTED that previous alternative options had been considered at Cabinet level, following previous Cabinet reports, and by the Task Force.

DECISION: The Cabinet

1. re-affirmed the Council's support for the restoration project as designed by the Broomfield House Task Force for Broomfield House;
2. re-affirmed the Council funding commitment of up to £1m from any future property disposal of the park cottages and stable building into the house restoration budget;
3. noted the position regarding the proposed adoption of model park byelaws and the progress of the Lands Tribunal litigation process for modification of the park covenant. Further discussions to take place between residents and the Council's lawyers on the proposed amended wording to the covenants. A report on the outcome of discussions to be presented to the February Cabinet meeting;
4. reviewed the status of the Broomfield House Task Force (paragraph 3.11 of the report set out the current make up of the Task Force);
5. noted the brief for the stable building and cottages in the depot yard;
6. noted that a £200,000 allocation within the Council's Repair and Maintenance remains ring fenced to the stable block restoration scheme;
7. noted that the continuous progress of the scheme had reached a stage where by a Project Board may be required to facilitate delivery.

Reason: In the context of the current profile of the application to the Lands Tribunal for the modification of the covenant it was important that the Member position on this project was re-affirmed.

(Key decision – reference number 907)