



## VALUE OVERVIEW & SCRUTINY COMMITTEE SPECIAL MEETING AGENDA

**6.00 pm**

**Thursday  
17 January 2013**

**Town Hall, Main Road,  
Romford**

Members 6: Quorum 3

**COUNCILLORS:**

**Conservative Group  
( 4 )**

Robby Misir (Chairman)  
Ted Eden  
Billy Taylor  
Damian White

**Residents' Group  
( 2 )**

Ray Morgon (Vice-Chair)  
Ron Ower

**For information about the meeting please contact:**

**Taiwo Adeoye - 01708 433079  
taiwo.adeoye@haverling.gov.uk**

## AGENDA ITEMS

### 1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

### 2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

### 3 DISCLOSURE OF PECUNIARY INTERESTS

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

*Members may still disclose any pecuniary interest in an item at any time prior to the consideration of the matter.*

### 4 DISPOSAL OF THE FREEHOLD INTEREST IN THE OLD WINDMILL HALL AND CAR PARK, ST MARY'S LANE, UPMINSTER - REQUISITION OF EXECUTIVE DECISION (Pages 1 - 14)

Report attached

### 5 URGENT BUSINESS

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which shall be specific in the minutes that the item should be considered at the meeting as a matter of urgency.

**Ian Buckmaster**  
**Committee Administration &**  
**Member Support Manager**

# Value Overview & Scrutiny Committee

17 January 2013

## REPORT

**Subject Heading:**

Disposal of the Freehold interest in the Old Windmill Hall and Car Park, St Mary's Lane, Upminster

**CMT Lead:**

Andrew Blake-Herbert  
Group Director, Finance & Commerce  
Taiwo Adeoye  
Committee Officer  
taiwo.adeoye@havering.gov.uk

**Report Author and contact details:**

**Policy context:**

**Financial summary:**

The disposal of the land identified in this report would generate a capital receipt that would accrue interest until it was used to deliver the capital programme.

**The subject matter of this report deals with the following Council Objectives**

- |   |                                     |
|---|-------------------------------------|
| Ensuring a clean, safe and green borough  | <input type="checkbox"/>            |
| Championing education and learning for all                                      | <input type="checkbox"/>            |
| Providing economic, social and cultural activity in thriving towns and villages | <input type="checkbox"/>            |
| Valuing and enhancing the lives of our residents                                | <input type="checkbox"/>            |
| Delivering high customer satisfaction and a stable council tax                  | <input checked="" type="checkbox"/> |

## **SUMMARY**

In accordance with paragraph 17 of the Overview & Scrutiny Committee Rules, a requisition signed by two Members representing more than one Group (Councillors Clarence Barrett and Keith Darvill) has called in an executive decision signed on 22 November 2012.

## **RECOMMENDATION**

**That the Committee considers the requisition of the decision of Executive Decision and determines whether to uphold it.**

## **REPORT DETAIL**

An executive decision was taken on 22 November 2012, the decision taken was to:

- 1. To formally confirm that the Old Windmill Hall and adjacent car parking as detailed on the attached plan be declared surplus and to authorise the disposal of the freehold interest in the site.**
- 2. To authorise the commencement of the statutory process to appropriate from open space and then dispose of the land detailed on the attached plan sps 1294/1 Rev A.**
- 3. To authorise the appropriation of the land shown on plan sps 1294/1 Rev A from the cartilage of the Old Windmill Hall to open space use subject to the removal from the open space use of the land shown**
- 4. To authorise the Property Strategy Manager, in consultation with the assistant Chief Executive (Legal & Democratic Services) to deal with all matters arising from this decision and to complete the disposal. This is to include completion of the statutory process for the appropriation of open space land in the event of there being no representation on the proposal.**

## **Reasons for the requisition:**

The reasons for the 'call-in' are:

1. That the Cabinet decision of 26th October 2011 (item 33, part 9, and set out below) has not been carried out as no such report has been produced.

*'To receive a further report on the option of disposing of the Old Windmill Hall site and adjoining land, to secure further investment in the New Windmill Hall facility for the purposes of leasing the building to a community group and surrounding facilities, in the context of improving the local environment and taking account of the setting of nearby listed building'.*

2. That no consideration has been given to uses suggested by local ward councillors or the Friends of Upminster Park group, e.g. Sculpture Garden, Quiet Garden, Sensory Garden for those with visual impairment, etc.
3. That no consideration has been given of the potential impact of any new build upon the listed buildings in close proximity, for example the Rectory and the Convent.
4. That the sale will exclude the potential for any expansion of the New Windmill Hall and Car Park or use by another community group.
5. That no consultation has taken place with local ward councillors, the friends of Upminster Park or the wider community in respect of this decision.

**Background Papers List**

Appendix A – Notice of Requisition

Appendix B – Executive Decision 22 November 2012

## Requisition of Executive Decision 151/12 (21st December 2012)

### Disposal of the Freehold interest in the Old Windmill and Car Park, St Mary's Lane, Upminster

Cabinet Member: Councillor Roger Ramsey

CMT Lead: Andrew Blake-Herbert

We the undersigned members of the Council hereby requisition the following Executive Decision (ED 151/12) on the following grounds:

1. That the Cabinet decision of 26th October 2011 (item 33, part 9, and set out below) has not been carried out as no such report has been produced.

*'To receive a further report on the option of disposing of the Old Windmill Hall site and adjoining land, to secure further investment in the New Windmill Hall facility for the purposes of leasing the building to a community group and surrounding facilities, in the context of improving the local environment and taking account of the setting of nearby listed building'.*

2. That no consideration has been given to uses suggested by local ward councillors or the Friends of Upminster Park group, eg Sculpture Garden, Quiet Garden, Sensory Garden for those with visual impairment, etc.

3. That no consideration has been given of the potential impact of any new build upon the listed buildings in close proximity, for example the Rectory and the Convent.

4. That the sale will exclude the potential for any expansion of the New Windmill Hall and Car Park or use by another community group.

5. That no consultation has taken place with local ward councillors, the friends of Upminster Park or the wider community in respect of this decision.

Cllr Clarence Barrett  
Leader of the Opposition

Cllr Keith Darvill  
Leader of the Labour Group

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151/12 + APP



## Notice of NON KEY Executive Decision by individual Cabinet Member

<b>Subject Heading:</b>	Disposal of the Freehold Interest in the Old Windmill Hall and Car Park, St Marys Lane, Upminster
<b>Cabinet Members:</b>	Councillor Roger Ramsey - Cabinet Member for Value
<b>CMT Lead:</b>	Andrew Blake-Herbert, Group Director - Finance & Commerce
<b>Report Author and contact details:</b>	Garry Green Property Strategy manager Tel: 01708 432566 E-mail: garry.green@havering.gov.uk
<b>Policy context:</b>	Cabinet Decision of 26 October 2011 on Community Halls Managed by Culture and Leisure Services
<b>Financial summary:</b>	The sale of the land would result in a capital receipt that will attract interest until it is used to fund capital projects identified through the capital prioritisation process.
<b>Relevant OSC:</b>	Value Overview & Scrutiny Committee
<b>Is this a Strategic Decision?</b>	No
<b>If it is a Strategic Decision, when should this matter be reviewed?</b>	Not Applicable
<b>Is it an urgent decision? If so, please refer to the note at the end</b>	No

### The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	[ ]
Championing education and learning for all	[ ]
Providing economic, social and cultural activity in thriving towns and villages	[√]
Value and enhance the lives of our residents	[√]
Delivering high customer satisfaction and a stable council tax	[√]

## Part A

### DETAIL OF THE DECISION AND RECOMMENDED ACTION

1. To formally confirm that the Old Windmill Hall and adjacent car parking (as shown edged red on the attached plan) be declared surplus and to authorise the disposal of the freehold interest in the site.
2. To authorise the commencement of the statutory process to appropriate from open space and then dispose of the land coloured blue on plan sps1294/1 Rev A.
3. To authorise the appropriation of the land shown coloured green on plan sps1294/1 Rev A from the curtilage of the Old Windmill Hall to open space use subject to the removal from open space use of the land shown coloured blue.
4. To authorise the Property Strategy Manager, in consultation with the Assistant Chief Executive (Legal & Democratic Services) to deal with all matters arising from this decision and to complete the disposal. This is to include completion of the statutory process for the appropriation of open space land in the event of there being no representations on the proposal.

### AUTHORITY UNDER WHICH DECISION IS MADE

Under Part 3 Paragraph 2.5 (t) the Lead member has delegated authority:

“To approve the ‘in principle’ decision of the Council disposing of or acquiring an interest in property or land where the disposal or acquisition receipt is not considered likely to exceed £1,000,000.”

### STATEMENT OF THE REASONS FOR THE DECISION

The Council hold the freehold interest in a large area of land that has a frontage to St Marys Lane, Upminster and extends through to Corbets Tey Road, Upminster. This area of land contains a number of Council buildings fulfilling a number of functions including Upminster Library, New Windmill Hall (with associated car parking areas) and Upminster Park (with associated depot facilities and public conveniences). To the north east of the site is an area that was previously used as a site for an older community hall known as Old Windmill Hall. The site includes a car parking area that was primarily for users of the hall.

On 26<sup>th</sup> October 2011 Cabinet considered and approved a report on the future provision of community halls within the borough. As far as this location is concerned the approved strategy was to retain and improve New Windmill Hall and lease it to a

Community Association and to demolish the Old Windmill Hall as it was in poor condition and functionally obsolete. This strategy has now been carried out. The adjacent car park that served Old Windmill Hall remains open and, in line with the general policy on car parks operated by Leisure Services is due to commence charging for parking in the near future. The car park that supports the use of the New Windmill Hall is operational and is unaffected by these proposals.

No alternative Council use has been identified for the Old Windmill Hall site and it is recommended that it be declared surplus and identified for disposal. With the Old Windmill Hall demolished the need for the adjacent car park to support its use is removed. It provides approximately 15 spaces and, therefore, it potentially only provides a marginal contribution to car parking for users of New Windmill Hall, Upminster Park or Upminster Town Centre. Parking needs are met through the car park immediately adjacent to the New Windmill Hall (see above) and other car parks in the Town Centre.

The site of the Old Windmill Hall and the adjacent car park are shown on the attached plan and extend to 1941 square metres. As far as disposal is concerned it is beneficial to create a more regularly shaped site and it is proposed that the existing boundaries are adjusted in order to achieve this. In making these adjustments the overall area of Upminster Park will be protected to ensure that there is no net loss of open space.

Furthermore, there is an access to the park along the eastern boundary of the site that is part of the Ingrebourne Way and is part of a Sustrans sponsored Connect 2 route that is currently in the final stages of delivery. The path running along the eastern edge of the car park will be widened to 3m for a distance equivalent to the depth of the car park. From that point on the route will use the existing path through the park. These works have been approved and are likely to be put in hand in before the end of 2012. The adjustments to the site boundary need to accommodate these enhancements to the Connect 2 route and the land reserved for that route needs to be incorporated within Upminster Park.

In the circumstances, it is proposed that the area of land that is identified for disposal remains at 1941 square metres as shown on the attached plan. The areas that are to be included in the disposal site and the areas to be incorporated back into Upminster Park are also shown. The areas of land that are to be incorporated into the site and that are to be brought into park use are exactly the same at 191 square metres. This ensures that there is a completely neutral effect on the amount of land within the park.

This adjustment of the boundary and the subsequent disposal of land that has previously formed part of a park are subject to specific statutory processes and approvals and these will be sought as part of the disposal process.

The sale of the site will produce a capital receipt that can be used on capital projects. There will be a potential revenue loss from the fact that the car park could be used as a "Pay and Display" facility.

The site is considered to have potential to be redeveloped for residential purposes subject to planning and other consents. If it is declared surplus and identified for disposal it will be competitively marketed.

**OTHER OPTIONS CONSIDERED AND REJECTED**


No other beneficial use has been identified for the Old Windmill Hall. The only other option would be to retain the site for use as a car park but this has not been pursued for the reasons set out in this report.

This option has been considered and rejected.

**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKERS**

Name: Garry Green

Designation: Property Strategy Manager, Asset Management

Signature:  Date: 19<sup>th</sup> Nov 2012

## Part B

### LEGAL IMPLICATIONS AND RISKS

There are no specific legal implications and risks associated with declaring the site surplus to requirements and approving the disposal of the freehold interest. Any legal issues arising from the sale itself will be dealt with as part of the usual conveyancing processes.

The adjustment of the boundaries, the sale of land previously within the park and the incorporation of new areas within the park are subject to statutory processes that will need to be followed before any disposal can be completed.

**Ian Burns, Acting Assistant Chief Executive - Legal & Democratic Services**

### FINANCIAL IMPLICATIONS AND RISKS

The sale of the land would result in a capital receipt that will attract interest until it is used to fund capital projects identified through the capital prioritisation process.

The disposal of the car parking area will result in a potential loss of revenue. It is estimated that this loss would be approximately £4,000 per annum and Leisure Services have agreed to manage this impact from within existing resources.

**Mike Board, Head of Finance & Procurement**

### HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

This decision relates to the disposal of surplus land and has no Human Resources Implications or Risks

**Geraldine Oakley, HR Business Partner**

### EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The decision to demolish Old Windmill Hall and re-focus community activities in New Windmill Hall has been previously approved by Cabinet where Equalities and Social Inclusion implications will have been considered. The decision to identify the remaining surplus land for disposal has no further implications in this regard.

Users of Upminster Park, New Windmill Hall and the Town Centre are able to use parking facilities conveniently located close to those facilities and so the loss of the adjacent car park does not have a disproportionate effect on users that have a disability.

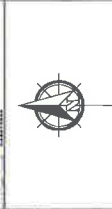
**Martha Goodhill, Diversity Programme Manager**





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No	Revisions	In/Out	Date
A	Final Survey Report		15/10/12



Blue indicates Land to be included in Site (191m<sup>2</sup>)  
 Green indicates Land to be included in Park (191m<sup>2</sup>)

Job Title:  
 Old Windmill Hall &  
 Upminster Park  
 St Mary's Lane

Drawing Title:  
 Site Plan

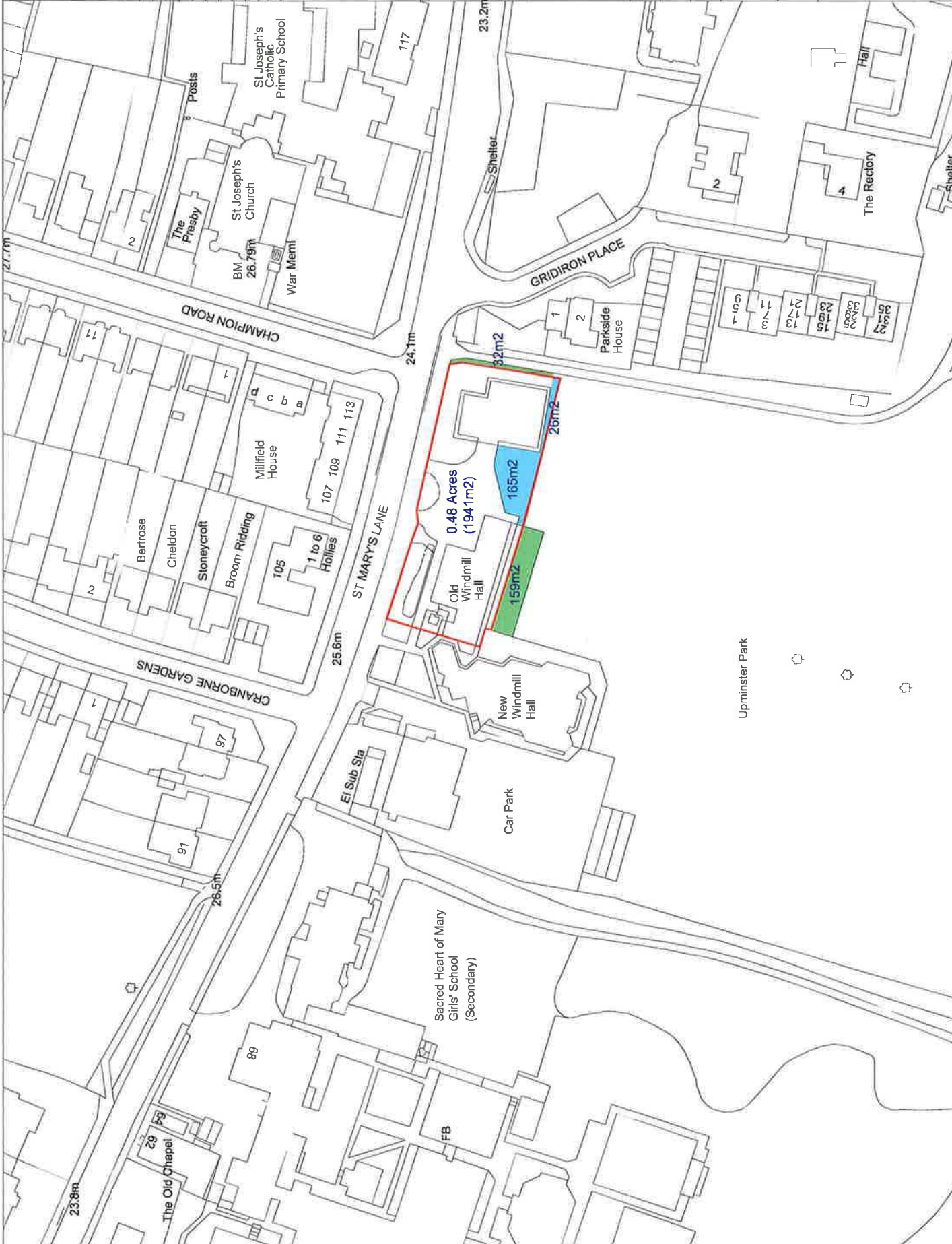
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Scale:  
 1:1250 @ A4

Date:  
 September 2012

Drawing Number:  
 sps12941 Rev A

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