

**MINUTES OF A MEETING OF THE
TOWNS & COMMUNITIES OVERVIEW & SCRUTINY COMMITTEE
Town Hall, Main Road, Romford
3 September 2013 (6.00 - 7.30 pm)**

Present:

Councillors Linda Hawthorn (Chairman), Wendy Brice-Thompson (Vice-Chair), Osman Dervish, Barry Oddy, Linda Trew, Keith Darvill, Frederick Thompson and Linda Van den Hende

Apologies for absence were received from Councillors June Alexander, Michael Deon Burton, Paul McGeary and Garry Pain

36 DISCLOSURE OF PECUNIARY INTERESTS

Councillor Damian White questioned the position of Residents' Group Councillors acting as part of the overview and scrutiny process. The question raised the issue of predetermination. The Legal advisor explained that opposing a proposal per se may not amount to predetermination as the scope of predisposition was broad. The Legal advisor asked each resident member of the committee in turn had they closed their minds to the arguments and each member in response confirmed that they had not closed their minds to the arguments. On that basis the members were advised that their interests did not amount to prejudicial interests by virtue of predetermination and that they could take part in the committee and vote.

37 APPROPRIATION OF LAND FOR PLANNING PURPOSES & OPEN SPACES PROCESSES RELATING TO THE SITE OF THE OLD WINDMILL HALL AND ADJACENT CAR PARK - REQUISITION OF CABINET DECISION

An Executive Decision was taken at the Cabinet meeting held on 14 August 2013; the decision taken was:

1. That, having considered the responses made to the public notices in respect of land at the site of the Old Windmill Hall and the adjacent car park in connection with the proposed disposal and appropriation of land for planning purposes, Cabinet approval is given to proceed with:-

- a) The disposal of 191 sq metres of open space shaded in blue in drawing SPS 1294/1 Rev A (attached as Appendix 1 to the Cabinet report) under Section 123 of the Local Government Act 1972.
- b) The inclusion within Upminster Park of the 191 sq metres of land to be used as open space shaded in green in drawing SPS 1294/1 Rev A (attached as Appendix 1 to the Cabinet report) under Sections 122(1), 2(A) and 2(B) of the Local Government Act 1972.
- c) The appropriation of the site shown outlined in red in drawing SPS 1294/1 Rev A (attached as Appendix 1 to the Cabinet report) to planning purposes.

The reasons for the requisition were detailed on the formal notification and were as follows:

We the undersigned, Cllrs' Gillian Ford and Keith Darvill, hereby requisition the Cabinet Decision made on 14th August 2013 in respect of the above mentioned report on the following grounds:-

1. Paragraph 3.8 of the report states that the Council should only propose to appropriate land for planning purposes if it promotes or improves the economic, social or environmental wellbeing of the area. The report provides no justification to support any of these conditions and therefore does not meet the test.
2. The issue of car parking space was not considered in enough depth. The existing 'Old Windmill' car park is well used and the impact on reducing the number of spaces was not adequately dealt with.
3. The application for Lottery funding for the Upminster Windmill states that any development opposite the site could adversely affect the success of the application. This was not considered in any depth.
4. The potential negative impact on the adjoining New Windmill Hall Association was not given consideration.
5. Given a response of 400 letters and a petition in excess of 2,500 objecting to the appropriation, the level of objections was not given enough weight in the report.
6. Pre-determination correspondence should be considered.

Cllr Gillian Ford
Deputy Leader of the Residents' Association Group

Cllr Keith Darvill
Leader of the Labour Group

Councillor Keith Darvill explained that the potential sale of the site had an economic benefit to the Council but that this needed to be offset against the loss of amenity for the residents of Upminster.

In reply Councillor Roger Ramsey, the Cabinet member for Value, advised that the potential sale would prove to be of an economic benefit to the Council but would also meet the social target of providing new housing and the environment would benefit from the heritage aspects of the proposal.

During the debate members questioned the economic benefits to the borough as a whole.

Councillor Ramsey advised that the capital receipts that would be generated would allow the Council to invest in highways, parks and other areas that would improve the quality of life for the borough's residents.

During discussions it was confirmed that the Old Windmill Hall had now been demolished and that the site was now empty.

Members queried whether the capital receipts would be used in the Upminster area.

Councillor Ramsey advised that any income generated would be split across the borough as with all other capital receipts that were generated.

In reply to a question regarding the possibility of creating car parking spaces on the site, Councillor Ramsey advised that this matter had been considered at the Value Overview and Scrutiny meeting held in March 2013 and that to introduce car parking spaces on the site would involve a significant capital spend.

During discussions members considered a suggestion that creating fifteen parking spaces at the site would generate a revenue of approximately £2,000 over a six month period which although not as much as the capital receipt from selling the land would be a continual income.

In reply Councillor Ramsey advised that it would take over a hundred years to create the same capital receipt as would be generated by the selling of the land and substantial funding would be needed from the capital programme to create the parking spaces.

In response to a question regarding Lottery funding Councillor Andrew Curtin, Cabinet member for Culture Towns and Communities, advised that the Council's lottery bids relied on the Council's capital funding and that Lottery heritage funding was very important to the Council in maintaining and improving local site of a historical nature.

Councillor Curtin also advised that the Council would control very tightly any development that was proposed for the site. The sale document would detail the five listed buildings that were located closely to the proposed site and the Council would make it very clear to prospective developers what planning permission would be suitable for the area.

In response to a question regarding the impact of a proposed scheme of development on the newly set up New Windmill Hall Association (NWA), Councillor Ramsey advised that any proposed development would not impact on the NWA as the proposal would be tidying up a disused site and providing capital receipts for the Council which the NWA could benefit from if required.

During the debate some members questioned what weight had been given to the representations of residents signing the petition when making the final decision regarding the appropriation of the land. It was agreed that some residents had misunderstood that the decision was for the appropriation of land in the park rather than possible future uses of the land.

With its agreement Barry Ward a member of the Friends of Upminster Park addressed the Committee.

Mr Ward commented that he felt it was a net loss of the park and that local residents would be losing the amenity that the park offered. Mr Ward reiterated points raised earlier in these minutes and asked that Councillors reconsider the options available for the future use of the park.

The Chairman gave a brief explanation of the requisition process and how the matter Cabinet decision would move forward should the requisition be upheld or dismissed.

The proposal that the requisition be upheld (and therefore the matter be referred back to Cabinet for further consideration) was LOST (by 3 vote to 4) and it was therefore **RESOLVED**

That the Executive Decision taken on 14 August 2013 not be upheld.

Councillors Hawthorn, Van den Hende and Darvill voted for upholding the requisition.

Councillors Brice-Thompson, Dervish, Oddy, Thompson and Trew voted against upholding the requisition.

Chairman