

**MINUTES OF A SPECIAL MEETING OF THE
VALUE OVERVIEW & SCRUTINY COMMITTEE
Town Hall, Main Road, Romford
20 August 2014 (7.30 - 8.15 pm)**

Present:

Councillors Clarence Barrett (Chairman), Philippa Crowder (Vice-Chair), John Crowder, Steven Kelly, Barry Mugglestone, David Johnson, Graham Williamson and Linda Hawthorn

Apologies for absence were received from Councillors Robby Misir and Barbara Matthews.

+ Substitute member: Councillor Linda Hawthorn (for Barbara Matthews).

5 CALL- IN OF A NON-KEY EXECUTIVE DECISION - KEATS AVENUE, HAROLD HILL

A Non-Key Executive Decision had been taken to approve the open market disposal of land at Keats Avenue, Harold Hill.

In accordance with Paragraph 17 of the Overview and Scrutiny Committee Rules, a requisition signed by two members representing more than one Group (Councillors Keith Darvill and Ray Morgon) had called in the executive decision dated 22 July 2014.

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

1. If the land is to be sold and developed for housing it should be for affordable housing; and
2. The existing public and private rights of way and access from Keats Avenue to Risebridge Golf Course should be preserved in perpetuity.

Prior to the discussion the Committee was updated by the Council's Property Strategy Manager on the second aspect of the call-in. The officer advised that the issue of public and private rights of way and access from Keats Avenue to Risebridge Golf Course was the matter of on-going discussions with all interested parties.

With its agreement Councillor Keith Darvill addressed the Committee.

Councillor Darvill commented that there had been previously been a planning application two years ago which had been agreed by the

Regulatory Services Committee and that part of that application had included the disposal of the site to a Resident Social Landlord.

Local residents had expressed their dissatisfaction with the proposed development as it was seen as an over-development of the site.

The owners of 51A Keats Avenue currently used the access road on the site to access the field at the rear of their property where they kept horses. This use included the movement of horseboxes and trailers etc.

Councillor Darvill confirmed that the reason for the requisition had been to protect the public, private and occupiers of 51A Keats Avenue rights of access to the land.

In reply the Property Strategy Manager commented that the site had proved difficult to dispose of because of various access issues. The site had formerly been used as a garage site but this use had ceased and the garages had subsequently been demolished. In its present form the site consisted of a hard-standing area and an access road which was used as an informal pedestrian right of way for accessing Risebridge Golf Course.

The Property Strategy Manager confirmed that an authority to dispose of the land was first obtained by Cabinet in September 2009. The authority related to a number of garage sites in the borough and the Council set about procuring a development partner for the provision of new affordable housing. An agreement on this particular site could not be reached with the affordable housing provider on account of adverse possession claims in respect of access to adjoining privately owned land and an open market sale, at auction, had been proposed as an alternative.

The site had been passed to Property Services from the Council's Housing department and a planning consent for a three bedroom bungalow on the site had now been obtained (subject to the completion of a Section 106 notice) with the property now being offered for open market disposal.

The Property Strategy Manager also confirmed that negotiations had taken place regarding a possible disposal of the land and the grant of access rights with the parties claiming access rights, but it had not been possible to reach an agreement with all concerned parties and it was proposed, therefore, that the property was sold at auction where the access disputes would be disclosed to potential buyers.

During the debate members discussed the previous use of the land which had been an under used garage site, with garages that contained a high amount of asbestos. Since the site had fallen into disrepair the site had been used for fly tipping. A Resident Social Landlord would not be interested in the site as it only contained one property and the landlord would not be able to secure funding for a single dwelling.

Members agreed that disposing of the site at auction would be beneficial and would give the Council a capital receipt although it was questioned whether the best price would be obtained with the issue of access rights still to be resolved.

Members confirmed that the access road was used by a large number of people not just from the adjoining properties and there were concerns that this access would be lost. The Property Strategy manager confirmed that prescriptive rights could be applied for if it could be proved that the access road had been in public and private use for a period of twenty years or more but in any event, the Council would be reserving access rights for itself and others as part of any disposal arrangement.

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

The proposal that the requisition be upheld (and therefore the matter be referred to the Cabinet member for further consideration) was LOST (by 7 votes to 0 with 1 abstention) and it was therefore **RESOLVED**

That the Non-Key Executive Decision dated 22 July 2014 not be upheld.

Councillor Barrett abstained from voting.

Chairman