

MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEE (SPECIAL MEETING) 20 August 2002

Councillors *Robertson (Chair), Jean Brown (Vice Chair), Adamou, *Davies, *Dawson, *Diakides, *Dobbie, *Lister, Prendergast, *Simpson and *Williams.

*Mrs Shukla, Mr B Aulsberry (REJCC Representatives), Mrs Berkery-Smith, Mr L. Haward (Church representatives), Ms E. Pine and Mr R. Sharp (Parent Governors representatives).

*Members present

Councillors Bevan, Dodds, Gilbert, Hare, Laird and Meehan were also present.

SC16 APOLOGIES FOR ABSENCE: Apologies for absence were received from Councillors Adamou, Jean Brown and Prendergast, and from Ms E. Pine.

SC17 DECLARATION BY MEMBERS OF PECUNIARY AND NON-PECUNIARY INTERESTS OF ITEMS ON THIS AGENDA (Agenda item 2):

● No declarations were made.

SC18 INVALID CALL IN OF EXECUTIVE DECISION – PROCUREMENT STRATEGY:

Our Chair advised the Committee that a call in request concerning an Executive decision relating to the Council's Procurement Strategy had been ruled as invalid by the Deputy Monitoring Officer, as it had not complied with all the requirements of the call in procedure as set out in the Constitution. In particular, reasons for the call in were not given and it was not specified whether the decision was outside the Council's policy or budget framework. Furthermore, the main concern of those Members invoking the call in appeared to be related to the powers delegated to officers for the awarding of contracts. Our Chair's view was that such issues related to the procedures contained within the Constitution and should, therefore, be referred to the Member Constitution Working Party for consideration.

**SC19 CALL IN OF EXECUTIVE DECISION – THE LODGE COLDFALL WOOD, 82
CREIGHTON AVENUE, MUSWELL HILL, N10** (Report of the Acting Deputy Head of Legal

● Services and Deputy Monitoring Officer and appended report of the Director of Support Services – Agenda item 5):

We resolved to exclude the press and public during consideration of this item as it contained exempt information relating to terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods and services.

Our Chair outlined the suggested process for dealing with the call in:

- (i) A brief outline by those Members calling in the decision giving reasons for so doing.
- (ii) An opportunity for members to question officers on factual aspects of the issue.
- (iii) Debate by Members on the courses of action to be taken; namely
 - (a) That the Committee takes no further action, in which case the decision is implemented immediately
 - (b) That the Committee refers the decision back to the decision maker, in which case the decision taker has five working days to reconsider the decision before taking a final decision.
 - (c) That the Committee refers the decision to full Council.

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Members sought clarification from the Deputy Monitoring Officer as to why the call in was valid as the decision was deemed to be within the Council's policy framework. The Deputy Monitoring Officer confirmed that the request had complied with all the criteria for call in as set out in the Constitution and was therefore valid. The fact that the decision was within the policy framework did not make the request void. Members were reminded that such issues could be referred to the Constitution Working Party for further consideration.

Councillor Robertson then invited Councillors Gilbert, Laird and Hare to outline their reasons for calling in the decision. The Members raised the following issues –

- Position and type of boundary
- Consultation on the Council's deliberations
- Consultation with residents on Creighton Avenue or Coppets Road and the "Friends of Coldfall Woods"
- Alternatives to disposal of the site
- How much land is being disposed of with the building
- The status with the Church Commissioners covenant preventing development
- How much of the wood is protected land
- Tree Protection Orders
- Multiple developments on the site
- Development of more than one house on the site
- Ensuring that any development is in keeping with the surrounding environment
- Funds being made available to support improvements to the wood

The Executive Member for Environment, Councillor Dodds, first clarified that the original report was seeking Members authority to the *principle* of a sale. Property Services would not normally consult before any concept of a scheme was received. In this particular case, the draft report proposing a sale was circulated as is normal practice to Ward Councillors for comments. If a stage was reached where a sale was considered, Members would have an opportunity again to consider not only the sale price but also the proposed development scheme in addition to any consultation which would take place as part of the planning process.

A financial appraisal had been undertaken by Environmental Services on the cost of repairing the toilets and the flat above. These were considered uneconomic to repair and as a result declared surplus to requirements.

The restrictive covenant required the building and land to be retained for public use. This was a fairly standard covenant to protect a land owners financial interest should land use change. Informal discussions with the Charity Commissioners indicated they would be willing to relax the covenant in return for a financial settlement.

Trees, which were protected by Tree Preservation Orders, required a separate planning permission for any works to those trees. None of the trees on the site were protected by Tree Preservation Orders. However, the site was located adjacent to Metropolitan Open Land where any proposed development would need to be in character with the open land. The planning service would therefore seek to protect the trees on the site wherever possible.

Coldfall Woods was protected open land in the Unitary Development Plan. The site in question was not; it was therefore not possible in planning terms to rule out completely the development of more than one unit on the site. However, as the site was directly adjacent to protected Open Land any development must be in character with the adjacent open land so there were planning policies

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which could limit the development potential of the site. These policies would also be utilised to ensure any development was in keeping with the surrounding environment. The use of a Building Agreement prior to any sale would also give the Council greater control as land owner over any building works. Finally, a sum of up to £25,000 would be set aside for a contribution towards Parks improvements.

In considering the reasons for the call in and the Executive's response the Committee -

RESOLVED:

That no further action be taken regarding the call in but, the Executive be requested to consider the following -

- (a) production of a clear development brief for the site.
- (b) ensuring that the financial agreement with the Church Commissioners to relax the restrictive covenant is necessary and legally binding.
- (c) production of guidelines for consultation with ward Councillors.

IRENE ROBERTSON
Chair