

**Report for:** Cabinet 5<sup>th</sup> July 2022

**Title:** Wolves Lane Horticultural Centre Lease Amendment

**Report authorised by:** Eubert Malcolm, Interim Director of Environment and Neighbourhood.

**Lead Officer:** Simon Farrow, Head of Parks and Leisure,  
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**Ward(s) affected:** Woodside

**Report for Key/  
Non-Key Decision:** Non-Key

## **1. Describe the issue under consideration**

- 1.1 In January 2017, the Cabinet agreed that a lease of part of the Wolves Lane Horticultural Centre be granted to OrganicLea C.I.C. However, the proposed lease was not entered into by OrganicLea although it did enter into a tenancy at will. During the intervening time, OrganicLea has formalised a partnership with The Ubele Initiative called the Wolves Lane Consortium. Working as the consortium, the partners have bid for a secured £2.5m of investment into the facilities and community food growing programmes.
- 1.2 In order to meet the conditions of the grant being made by the National Lottery, the following changes need to be made:
- (1) Instead of OrganicLea, the name of the lease holder will be Wolves Lane Consortium.
  - (2) Grant a lease for an extended area of land to include the whole and not part of the site.

## **2. Cabinet Member Introduction**

- 2.1 I welcome the news that, following the decision of Cabinet in January 2017 to agree a lease for part of the Wolves Lane Horticultural Centre, there is the potential for investment into the site to the tune of £2.5m.
- 2.2 In our manifesto, we pledged to identify sites where local food growing can take place and progress a food growing revolution in Haringey, for residents and businesses. This is an early opportunity to support local community food growing. By assigning part of the site not currently included in the lease, we can help ensure the grant funding that is available can be used to make that happen.

## **3. Recommendations**

3.1 It is recommended that Cabinet:

- a) authorises that the Council enters into a lease for a period of 25 years in relation to the area of land specified in the report (which is shown coloured red, green and blue in Figure 1 in this report) with Wolves Lane Consortium in a form substantially like the draft lease appended to this report at Appendix A;
- b) delegates authority to the Assistant Director of Property and Capital Projects to make minor amendments to the draft lease and to agree the terms of the lease.

#### **4. Reasons for decision**

- 4.1 The Cabinet resolved in January 2017 to lease the Wolves Lane Horticultural Centre to OrganicLea for a period of 25 years. The bid submitted at that time was on behalf of an informal consortium of partners. The informal consortium in 2019 formed a new legal entity called the Wolves Lane Consortium.
- 4.2 The original bid by OrganicLea always envisaged this new consortium being formed and this is the fulfilment of that intention. The original bid also included a plan to seek significant external funding to develop the site and have a programme of activities that would make the site self-sufficient over a number of years.
- 4.3 OrganicLea and the Wolves Lane Consortium have now secured £2.5m from the GLA and National Lottery. £1.5m of this funding is to improve the facilities on site and £1m is to support programmes of community activity and develop revenue streams to ensure the site is self-sustaining over the next five years.
- 4.4 Without the changes to the name of the lease holder or the expansion of the area included in the lease to the Wolves Lane Consortium, this £2.5m investment into the borough would be lost.
- 4.5 The proposed new facilities and accompanying community food growing programmes can make a significant contribution to the manifesto commitments.

#### **5. Alternative options considered**

- 5.1 The Council could reject the request for change of lease holder name. However, this would risk the loss of £1.9m worth of external funding from the National Lottery. The £600k from the GLA is not dependent on the name change.
- 5.2 The Council has already resolved to lease two parts (the green and blue portions shown in Figure 1 in paragraph 6.7 below) of the site to OrganicLea for a period of 25 years. Therefore, the only option available to the Council is to do something different with the third portion of the site (the red area shown in Figure 1 in paragraph 6.7 below).

- 5.3 The whole of the site and adjacent land is designated as Metropolitan Open Land for planning purposes and therefore its use is limited. The Council originally retained this portion of the site as a possible Parks Service depot. That option has been subsequently investigated and ruled out on the basis of cost. The land is bounded by fencing and is gated and is not accessible by the general public. In addition, it has been confirmed that the land does not come within the definition of “open space” for the purposes of s123(2A) of the Local Government Act 1972.
- 5.4 The Council could choose to market the third portion of the site separately. However, this was also discounted because:
- The site’s planning designation is as Metropolitan Open Land and this significantly limits the use of the site for other purposes.
  - £2.5m of external investment into the site and the local community development activities would be lost.
  - Any income the Council would receive would be significantly less over the 25 years of the lease than the £1.5m investment to improve the site.
  - Public access to the site is currently via the green portion of the site (shown in Figure 1 in paragraph 6.7 below).
  - Previously interested parties are operating from the site as part of the wider user base.

## **6. Background information**

- 6.1 In May 2016, the Cabinet resolved to cease the operation of the Wolves Lane Horticultural Centre in April 2017. The Cabinet further resolved to seek expressions of interest in the future of the site within the constraints set out in the report e.g., the whole site is Metropolitan Open Land.
- 6.2 A report to Cabinet in January 2017 presented the results of the expressions of interest exercise. Cabinet resolved at that meeting:
- “To grant a lease of the property known as Wolves Lane Horticultural Centre to OrganicLea, for a term of 25 years based on the Heads of Terms set out in Appendix 2 and that delegated authority is given to the Assistant Director of Property and Capital Projects to agree the rent beyond the initial five year total rent of £19,300”.
- 6.3 It is important to note that, although OrganicLea was the legal entity that submitted its expression of interest, it was bidding on behalf of a consortium of organisations planning to operate from the site.
- 6.4 Following the wind down of the Council operation in April 2017, OrganicLea entered a ‘tenancy at will’ with the Council and, due to officer capacity issues, dialogue with the Ward Councillors and the pandemic, the completion of the lease has not progressed. An updated tenancy at will for the whole site has recently been entered into in order to regularise the current position.
- 6.5 As well as managing the day to day running of the site and organising food production and distribution, the consortium’s business plan was always to form

a new legal entity and to bid for significant funding to improve the site and offer further outreach training and activities.

### Change of name

- 6.6 In May 2019, the members of the consortium formed a new legal entity called the “Wolves Lane Consortium” (a private limited company by guarantee without share capital use of ‘Limited’ exemption) and have successfully bid for money from the GLA and National Lottery as the Wolves Lane Consortium. They therefore need the lease to be in the name of the Wolves Lane Consortium to comply with the terms of their external funding.

### Red line boundary

- 6.7 For the purposes of the expression of interest, the Wolves Lane Horticultural Centre site was divided into three portions. Two portions (the areas shaded green and blue in Figure 1 below) were available to those expressing an interest in the site with the third portion (shaded red below) being retained by the Council for its potential future use as a Parks Service depot. The Council has subsequently reviewed its options of creating a new depot on the third portion of the site and dismissed this as being too expensive given the topography of the site and the restricted access to this portion of the site via the adjacent Wood Green Cemetery.



**Figure 1 - Image above of Wolves Lane site divided into three portions. (green portion area of the site including the green houses, blue portion of the site including the potting shed and storage area, red portion retained for parks depot and now part of the expanded site to be included in the lease)**

- 6.8 In all practical ways (no internal boundaries), OrganicLea and the consortium have occupied and utilised the third portion of the site since April 2017.
- 6.9 The Wolves Lane Consortium submitted planning application HGY/2021/1474 in April 2021 for the following changes to the site: demolition of existing



classroom; 3 x office cabins; barn (packing shed); and polytunnels to allow the erection of four replacement community buildings (2 x single storey, 1 x part 1, part 2 storey), comprising new teaching, meeting, and learning spaces, together with associated landscaping (working yard, events yard and new planting), entrance canopy fronting Wolves Lane and on-site cycle parking and car parking (4no.) for staff.

**Figure 2 - Image below shows the layout of the new facilities as described above. 60% of the proposed new facilities are located on the red portion of the site in the south east corner of the site.**



- 6.10 The planning application is awaiting some updated transport comments and should be determined shortly. The planning application relates in the main to the blue and red areas of the site. The GLA has indicated that it sees the Wolves Lane project as a flagship within its Good Growth regeneration project.
- 6.11 Therefore, agreement is being sought to amend the red line of the proposed lease to include all three areas (shaded green, blue and red). If agreed, this will ensure that the borough can secure £1.5m of external investment in the site and circa £1m worth of revenue funding. In view of the level of external investment being drawn into the site, it is not proposed to amend the agreed rent until the first five-year review period.
- 6.12 The revenue project has been designed to achieve significant social outcomes from the start, and to build up income generation so avoiding long-term reliance on grant funding. As well as increased training and skills in horticulture and social enterprise, there will be increased health and well-being outcomes e.g., reduced isolation, increased confidence, physical activity, sense of community and social networks, progression into employment. Income streams will include

contracts for training and social prescribing, community and private venue hire, a garden centre retail operation and community markets.

- 6.13 There is a significant alignment with the new Labour Group Manifesto and links with the EAT Wood Green project in which the WLC is a partner in the successful funding bids for that project.
- 6.14 The report accepting the tender by Organiclea for the operation of the Wolves Lane Horticultural Centre concluded that the tender proposal combined with the rent payable satisfied the Council's duty to obtain best consideration. The addition of the area shaded red comes with a raft of funding and increased value to the Council as described above. This combined with the upcoming rent review will satisfy the Council's s123 obligations.

## **7. Contribution to strategic outcomes**

### Priority 2 People:

- Outcome 7 - All adults are able to live healthy and fulfilling lives, with dignity, staying active and connected in their communities
- Outcome 8 - Strong communities where people look out for and care for one another

### Priority 3 Place:

- Outcome 9 - A healthier, active and greener place
- Outcome 10 - A cleaner, accessible and attractive place
- Outcome 11 - A culturally engaged place

### Priority 4 Economy:

- Outcome 13 - A growing economy and thriving local businesses, supported by a community wealth-building approach
- Outcome 14 - A borough where all residents have access to training and skills development opportunities and more people are supported into work
- Outcome 15 - A borough with more quality jobs with opportunities for progression
- Outcome 16 - Regeneration with social and economic renewal at its heart, focused on Tottenham and Wood Green

## **8. Statutory Officers' comments**

### **Finance**

- 8.1 The recommendation of the report to enter into a lease for the Wolves Lane Horticultural Centre site does not give rise to any significant revenue implications for the Council. The existing rent of £3,860 per annum is expected to be uplifted as part of the rent review process, but any uplift is not expected to be significant. The area to be the subject of the lease is larger than envisaged

by the original Cabinet decision. However, the investment that the consortium will be bringing to Haringey when combined with the rental payable is deemed to satisfy the Council's s123 obligations (see paragraph above). The increased area of the lease may generate a small reduction in the Council's maintenance spend. This will be worked through with the service and any adjustments will be made.

## **Procurement**

8.2 Not applicable

## **Legal**

8.3 The grant of a lease for a term of 25 years is a disposal for the purpose of section 123 of the Local Government Act 1972. The Council must therefore obtain best consideration otherwise the consent of the Secretary of State is required. In considering this duty, the council may have regard to the proposed community user and benefits to be realised.

8.4 As it has been confirmed that the land does not come within the definition of "open space" for the purposes of s123(2A) of the Local Government Act 1972, there is no requirement for consultation under that section of the Act to be carried out.

## **Equality**

8.5 The Council has a public sector equality duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment, victimization and any other conduct prohibited by or under the Act.
- Advance equality of opportunity between people who share a „relevant protected characteristic" and persons who do not share it. „Relevant protected characteristic" means the characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation.
- Foster good relations between people who share a „relevant protected characteristic" and persons who do not share it.

8.6 As a leaseholder of Wolves Lane Horticultural Centre, the Wolves Lane Consortium will be expected to demonstrate a strong commitment to fairness and equality in its site uses and employment practices and comply fully with duties under the Equality Act 2010.

8.7 The site is being leased on condition that the land is used for activities that benefit the local community. As part of the original bid from OrganicLea and now being delivered by the Wolves Lane Consortium, there is provision for horticultural volunteering and training opportunities, including work with numerous stakeholders across Haringey.

- 8.8 Through the work set out in the original bid and through the new Lottery funding, the Wolves Lane Consortium will promote healthy eating and affordable local food growing and distribution.
- 8.9 A positive addition to the arrangements is the inclusion of The Ubele Initiative as a member of the Wolves Lane Consortium. The aims and objectives of The Ubele Initiative and its activities (such as the Black Rootz programme) will have a positive impact on advancing the equality of opportunity for groups with race as their protected characteristic. The site will remain public facing and as a local community asset for all groups to enjoy.

## 9. Use of Appendices

Appendix A – Draft Lease

## 10. Local Government (Access to Information) Act 1985

Cabinet Report 17<sup>th</sup> May 2016 - Wolves Lane Horticultural Centre - Cessation of Services and proposed new Parks Depot. [Cabinet Report - WLHC\\_Final.pdf \(haringey.gov.uk\)](#)

Cabinet Report 24<sup>th</sup> January 2017 - Leasing of Wolves Lane Horticultural Centre. [Wolves Lane Cabinet report Jan 2017 final version 18.49.pdf \(haringey.gov.uk\)](#)