**POLICY AND RESOURCES COMMITTEE**

**4 SEPTEMBER 2017**

**PART I – NOT DELEGATED**

 **SOUTH OXHEY INITIATIVE**

(DCES)

1. **Summary**

* 1. This report seeks authority to the appropriation and disposal of further land to that previously authorised at the former Tennis Courts land, west of the Oxhey Pavilion.

2. **Details**

2.1 The Council has previously agreed to the re-location of the 14th Watford Scout Group to part of the former Tennis Courts land, and have appropriated land to facilitate this. The Council has also secured authority to dispose of that area which was classified as public open space and went through the statutory notification process required.

2.2 However during the ongoing discussions with the Scout group it is apparent that they require a larger area than that first envisaged to ensure they can continue to provide the same level of service as that enjoyed in their former location in Oxhey Drive.

2.3 The additional land together with the land previously appropriated will therefore form the new compound area to be used by the Scouts as part of their ongoing operation and this is the same area as that previously occupied.

2.4 Planning permission for the new building has now been obtained and the procurement process is at an advanced stage with completion of the new unit expected by the end of this year. The Scouts have been provided with a temporary location in one of the vacant retail units in St Andrews Parade whilst the new unit is completed.

2.5 The attached report at appendix A was previously prepared (December 2016) by the Council’s external Solicitors, Bond Dickinson in support of the original appropriation and disposal request, and is included because the same process, reasoning and justification applies to the additional land the subject of this report. The land now in question is shown on appendix B - Location and Site Plan.

3. **Reasons for Recommendation**

3.1 It is necessary that Council agrees to the appropriation and disposal of this additional land to allow the Scouts to continue to provide the same service as previously enjoyed in Oxhey Drive. That process requires Council approval and the advertisement of the proposed appropriation and disposal as the land is currently open space.

4. **Policy/Budget Reference and Implications**

4.1 The recommendations in this report are within the Council’s agreed policy and budgets.

5. **Financial Implications**

5.1 None specific, the costs are included within the SOI budget.

6. **Legal**

6.1 Legal implications are contained within the report at Appendix A.

6.2 The appropriation is also subject to the agreement of the London Borough of Bromley to the release of a restrictive covenant for the reasons stated in Appendix A. Approval to the release of the covenant in relation to the original area of land (as indicated on the plan in Appendix B) was secured.

6.3 Full Council must agree to the appropriation of the land, it is not a delegated decision.

 7. **Equal Opportunities, Staffing, Environmental, Community Safety, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications**

7.1 None specific.

8. **Recommendation**

 That this Committee recommends to Council that:-

8.1 It resolves to authorise the appropriation of the additional land subject to the release of a restrictive covenant held by London Borough of Bromley at Former Tennis Courts, land west of the Oxhey Pavilion (the Site) within Oxhey Playing Fields (as shown on the plan at Appendix B which is owned freehold by the Council) having first considered any objections received to the same under the provisions of Section 122 of the Local Government Act 1972 to enable the Council to override third party rights and easements pursuant to Section 203 of the Housing and Planning Act 2016;

8.2 It authorises the disposal of the Site as public open space pursuant to s.233 of the Town and Country Planning Act 1990 by virtue of a lease for 20 years to the 14th Watford Scout group (to be added to the demise of land already authorised to be disposed to the Scouts) having first considered any objections received to the same; and

8.3 That the consideration of any objections be delegated to the Chief Executive in consultation with the Chair of Policy & Resources Committee.

8.4 That in doing so the Council has considered the provisions of the Equalities Act 2010 and the Human Rights Act 1998 contained in paragraph 5 of the report in Appendix A so far as they might be applicable in deciding whether or not to authorise the appropriation as outlined in this report and resolves the following: with regard to Article 1 of Protocol 1 it is considered that in balancing the rights of the individuals who are affected by the appropriation against the benefit to the community of proceeding with the appropriation, the appropriation resulting in the interference with the individuals rights is justified in the interests of providing the relocation of an essential community use for a scouting facility.

Appendices – A – Report by Bond Dickinson

 B - Location & Site Plan

 Report prepared by: David Saunders

 Project Manager