

REPORT OF DEPUTY MAYOR**Woodberry Down – Supporting Stakeholders****[Forward Plan No. NR 04.07.08]****CABINET 28th April 2008****Classification**

Public

Ward(s) affectedBrownswood
New River**Enclosures**

Appendices A to C

AGENDA ITEM No**8****1. INTRODUCTION BY DEPUTY MAYOR**

- 1.1 The Woodberry Down - Estate Development Committee have been working hard over the last year to redesign their corporate governance and organisational structure. The constitution and change of name to the Woodberry Down Community Organisation (“WDCO”) signifies a fresh start for resident involvement and participation on Woodberry Down. The new constitution is a highly responsible document providing an enhanced structure for the WDCO to continue their vital role of representing all residents of Woodberry Down in the strategic decision making process for the redevelopment of the neighbourhood.
- 1.2 The second part of the report is (i) to provide a right of way to Beis Chinuch Lebonos (BCL) School to enable Berkeley Homes to have clean title on the Old School Site (KSS1) and (ii) to agree to the removal of a restriction (imposed by the Council) on the title of 12 Town Court Path, Woodberry Down which is a property adjacent to KSS1, at the request of Berkeleys. The removal of the restriction will allow Berkeley Homes (who have acquired this property) to develop this site.

2. SUMMARY

- 2.1 The purpose of this report is two-fold. Firstly to seek Cabinet approval for the newly prepared constitution of the WDCO to replace the original EDC constitution produced in 2000 and, secondly, to deal with some minor land issues. These are to provide BCL School with a right of way to Woodberry Down (Road) in substitution for their existing right of way which is to be extinguished on the Old School Site which will allow development to commence on Kick Start Site 1 promptly and also to remove a restriction on the title of 12 Town Court Path to allow for more than one dwelling house.

3. RECOMMENDATIONS

- 3.1 To agree the Woodberry Down Community Organisation Constitution (attached as Appendix A), noting, the change of name from the Woodberry Down - Estate Development Committee to the Woodberry Down Community Organisation.
- 3.2 To accept from Beis Chinuch Lebonos (BCL) School the relinquishment of the benefit of the right of way over the land coloured green on the plan (Appendix C) and to extinguish the said right of way.
- 3.3 To grant BCL School a right of way over the area coloured blue in the said plan known as Woodberry Down for the purposes of passing and repassing with or without vehicles in perpetuity.
- 3.4 To agree to the removal of the restriction in entry 3 of title number EGL387962 (12 Town Court Path, Woodberry Down).
- 3.5 To authorise the Director of Legal and Democratic Services to prepare all documentation required to effect these recommendations for the purposes of execution by the Council.

4. RELATED DECISIONS

- 4.1 Housing and Environmental Services Committee 7th December 2000: Woodberry Down Estates EDC formally established by committee.
- 4.2 A full list of the decisions which have been made regarding the regeneration of the Woodberry Down are summarised in Appendix B attached to this report.

5. FINANCIAL CONSIDERATIONS

- 5.1 There are no direct financial implications arising from recommendation 3.1 to agree the Woodberry Down Community Organisation Constitution (Appendix A). These are determined by the annual funding agreement.
- 5.2 The council has approved a budget of £65k in 2008/09 within the capital programme for the WDCO. The budget for 2009/10 has yet to be approved.
- 5.3 The changes to the rights of way recommended in 3.2 to 3.3 above are necessary for the council to meet its obligations to provide an unencumbered Kick Start site. There are no other direct financial implications from the transactions proposed.
- 5.4 The recommendation in 3.4 to lift planning restriction on 12 Town court Path also has not direct financial implications for the council.

6. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

- 6.1 In order to facilitate the development of KSS1, the Council has negotiated with the owners of BCL School, Forty Limited, that Forty Limited will give up its right of way over Council owned land which runs alongside Woodberry Down in return for the Council granting Forty Limited an easement over Woodberry Down which is an estate road and not adopted by the Council. In order to effect this legally a deed of release and grant of easement must be entered into by both the Council and Forty Limited. There is no legal impediment to the Council entering into and completing this transaction.
- 6.2 Berkeley Homes have acquired the property at 12 Town Court Path, Woodberry Down, which is adjacent to KSS1. There is a restriction on the registered title of this property which prevents Berkeley Homes from, amongst other things, constructing more than one dwelling house on the site. The restriction was imposed by the Council when the estate was first constructed and in light of the redevelopment of Woodberry Down is no longer applicable. Berkeley Homes have applied to the Council for the restriction to be removed so that this property may be developed in line with KSS1. As the restriction is now contrary to the Council's policy in the area there is no legal impediment to the Council removing this restriction.

7. BACKGROUND

7.1 WOODBERRY DOWN RESIDENTS ORGANISATION - CONSTITUTION

- 7.2 The EDC was formally established by the former Housing and Environmental Services Committee in December 2000. A constitution was developed which initially served its purpose well but it has become increasingly apparent that as the regeneration scheme takes shape, the constitution is proving to be inadequate and inflexible to the role the EDC performs. The EDC and Woodberry Down Regeneration Team both agreed that a new constitution should be designed to take into account the wider strategic remit of the organisation and to ensure the constitution incorporated the scheme programme and Masterplan.
- 7.3 The EDC formed a constitutional working group which has met 8 times reporting back to residents and the Full EDC at monthly meetings. The EDC consulted the WDRT on the content of the constitution and series of meetings have taken place to produce a document that meets the requirements of all parties concerned. The Constitution was approved by the full EDC in July 2007.
- 7.4 The constitution sets out the purpose and powers of the WDRO and details the governance process and organisational structure. This includes membership eligibility criteria, election rules, meetings protocol and sub committees. The report also details roles and responsibilities of members, executive committee members including the chair and treasurer.
- 7.5 The EDC also felt it was important to future proof the document taking into account the changing needs of residents as the scheme develops and the wider

remit the EDC has been performing in the strategic preparation of the scheme. This constitution takes into account issues such as changes in stock ownership, new tenure types and the new demographic of people who will shortly reside on Woodberry Down.

- 7.6 The key section for Cabinet to review is Section B which contains the proposed Purpose and Powers of the WDCO. This section has been detailed in full in this report.
- 7.7 The intention of the EDC is to change to the WDCO once Cabinet has approved the constitution.
- 7.8 The current funding agreement with the EDC runs until March 2008. The new agreement has been prepared to start in April 2008 and already takes into account the organisational change to the new WDCO.

PURPOSE

The purpose of the Woodberry Down Community Organisation is to act as the representative body of all residents (whether tenants, leaseholders or freeholders, regardless of landlord) and those who work from commercial premises within the designated area of Woodberry Down (the Woodberry Down community).

The Organisation will act in their collective name in discussions, debates and negotiations with any, and all, public sector, voluntary sector or private sector entities which are already playing a part (or could, or would wish to, play a part) in the future of the Woodberry Down area.

OBJECTS

The Organisation seeks to improve all aspects of the Woodberry Down neighbourhood and the opportunities, life-chances and living standards of the Woodberry Down community.

The Organisation seeks to influence, and where appropriate work in partnership with, all other organisations whose policies or services are, or could be, directly or indirectly relevant to the interests of the Woodberry Down community.

The Organisation provides a forum for all parts of the Woodberry Down community to come together to discuss issues of mutual concern, to agree policies and to develop action plans to secure their implementation.

The Organisation seeks to inform all parts of the Woodberry Down Community of significant developments through printed materials and public meetings.

OBLIGATIONS

The Organisation will promote equality in all its work. There will be no discrimination on the grounds of gender, race, age, creed, nationality, sexual orientation or disability.

It shall be a duty of the Organisation to seek to ensure that everybody within the designated area is treated with fairness, justice and compassion.

The Organisation will be a not-for-profit organisation.

POWERS

The Organisation shall have power to do anything lawful which is necessary or desirable to achieve any of its objects.

8.0 BCL SCHOOL – RIGHTS OF WAY

- 8.1 Forty Limited / BCL School purchased its current site from the Council in 1999. The Senior and Junior Schools moved into the building in 2001. A further land swap was agreed by the Council and BCL School in 2002 which provided the Council with land adjacent to the New River and provided BCL School with a building and a playground space.
- 8.2 As part of this arrangement a right of way was granted on the Council land to ensure that BCL School maintained unfettered access to the adopted highway (Woodberry Down).
- 8.3 The current right of way that BCL hold is displayed on the attached site plan (Appendix C) and is coloured on the map in Green.
- 8.4 The land on which the right of way is sited now forms part of Kick Start Site 1 (the Old School Site). The Principal Development Agreement which the Council and Berkeley Homes have entered into in January 2008 states that land for development is provided clear of any encumbrance. It is essential that the encumbrance upon the title is removed to ensure Berkeley Homes can commence development of the site once the detailed planning application is granted.
- 8.5 The Council and BCL School have been in consultation to extinguish this right of way and negotiations have ensued to provide a suitable new right of way for BCL School.
- 8.6 BCL School have agreed to relinquish their rights to and extinguish the right of way. In exchange for this relinquishment the Council has agreed with the school to grant to it in perpetuity a general right of way over the estate road known as Woodberry Down. As shown on the attached plan and coloured in Blue.

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Agenda item 8

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List of appendices

Appendix A – Woodberry Down Residents Organisation Constitution

Appendix B – Related Decisions

Appendix C – Map of area

Background papers:

The following documents have been relied upon in the preparation of this report: NONE