

**MUNICIPAL YEAR 2018/2019 REPORT NO.**

**ACTION TO BE TAKEN UNDER DELEGATED AUTHORITY**

**PORTFOLIO DECISION OF:**

Cllr Ahmet Oykener - Cabinet Member for Property and Assets

**REPORT OF:**

Executive Director of Place

Contact officers:

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**Agenda – Part: 1**

**KD Num: 4849**

**Subject: Proposed marketing and leasehold disposal of Whitewebbs Park Golf Course.**

**Wards: Chase**

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**1. EXECUTIVE SUMMARY**

- 1.1 This report requests that the Council takes a more flexible approach to marketing and agreeing the property transaction of Whitewebbs Golf Course, with the intention to re-purpose this challenging property and optimise delivery of the Council's Corporate Objectives.
- 1.2 The Council operates Whitewebbs Park Golf Course, which does not currently recover operating costs. The property has significant challenges, including, but not limited to, Green Belt planning designation and licensing restrictions.
- 1.3 A marketing process was previously undertaken in 2017 to award a lease for Whitewebbs Park Golf Course. Following a review, the award of the lease was halted in 2018, as although the transaction was undertaken within the Council's Property Procedure Rules, it did not optimise the delivery of the Council's wider corporate objectives.
- 1.4 See Part 2 report.

**2. RECOMMENDATIONS**

It is recommended that the Cabinet Member for Property & Assets:

- 2.1 Agrees to the proposed marketing and disposal process described within this report, for Whitewebbs Park Golf Course.
- 2.2 Delegates the authority to the Director of Property & Economy to instruct the Director of Law and Governance to draw up legal agreements for a suitable property transaction for Whitewebbs Park Golf Course.
- 2.3-2.4 See Part 2 report

### **3. BACKGROUND**

- 3.1 Whitewebbs Park Golf Course, is located at the northern border of Enfield and is a 103 acres, 18 hole golf course with club house and pro shop. The golf course, which does not recover its operating costs, is laid out over undulating parkland, but requires significant investment to bring it back to modern standards. The course has two basic club houses, one of which is dilapidated, a pro shop and a mobile catering concession, which is contracted until March 2020. There is significant competition, with 19 golf courses within a 20 minutes' drive from Whitewebbs Park.
- 3.2 In 2017, Property Services undertook a marketing exercise to award a lease for Whitewebbs Park Golf Course. It was stipulated within the marketing offer, that a part golfing use of the site was to be retained.
- 3.3 Following a review of the terms of the proposed lease for Whitewebbs Park Golf Course in November 2018, the award of the lease was halted due to identification of several key issues. The key issues which were considered to be not being in the Councils best interests were:
- The length of the proposed lease
  - The type of use proposed in terms of long-term viability
  - Likelihood of planning consent being granted
- 3.4 It is proposed that a new marketing exercise is undertaken to award a lease for Whitewebbs Park Golf Course. To maximise the level of commercial interest in the Whitewebbs, the Council will not restrict bidders to golfing use only of the site but will encourage a creative response to the opportunity, which will provide both a positive financial outcome for the Council and be beneficial for the local community.
- 3.5 Commercial Services will work alongside SPS, to manage the project. A cross Council project team has been formed to efficiently deliver the best holistic solution for the disposal of the asset. The team comprises of officers from:
- Strategic Property Services (SPS)
  - Commercial Services
  - Operational Services
  - Legal Services
  - Finance
  - Development Control
- 3.6 Heads of terms and leases will be drafted and included in the marketing pack to expediate the completion of the lease. Planning statements will be prepared by LBE's Planning Service, advising bidders of all planning restrictions. Full due diligence will be undertaken for all of the assets and bidders advised on all other known site issues.
- 3.7-3.8 See Part 2 report
- 3.9 Due to the specialised nature of the property, a commercial property agent will be appointed, to undertake the marketing of the assets. The agents will provide in-depth knowledge and expert advice for entering specific markets.

Evaluation of the bids received will be undertaken by the internal team comprising of officers from Commercial, Property and Planning, to optimise the delivery against wider Corporate Objectives and in compliance with s.123 of the Local Government Act 1972. The evaluation criteria will take into account financial returns as well as economic, social and environmental well-being criteria, to obtain the optimum result for the Council and the local community.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The Council could do nothing and continue to operate Whitewebbs Park Golf. However, without significant inward investment, the site would continue to operate at a loss and continue to deteriorate.

#### **5. REASONS FOR RECOMMENDATIONS**

5.1-5.2 See Part 2 report

- 5.3 It is expected that the new tenants will invest to re-purpose and modernise the asset and as a result improve facilities and accessibility for the local communities and increase footfall across the site.

#### **6. COMMENTS FROM OTHER DEPARTMENTS**

##### **6.1 Financial Implications**

6.1.1 See Part 2 report.

##### **6.2 Legal Implications**

6.2.1 Pursuant to section 123 of the Local Government Act 1972 when granting a lease a Local Authority needs to demonstrate that they have obtained the best consideration reasonably obtainable. The tendering exercise to be carried out by Property Services in respect of the proposed lease should demonstrate that this has been achieved.

6.2.2 The tendering process is scheduled for around May/June 2019 and should be in accordance with the Council's Property Procedure Rules.

6.2.3 The formal granting of the leases shall be in a form approved by the Council's Director of Law and Governance.

6.2.4 In accordance with the Council's Property Procedure Rules, given the cumulative value of the term of the lease, approval of the award of the Lease will be required from the Council's Director of Resources.

6.2.5 The recommendations contained within this report are within the Council's powers and duties.

6.2.6 The Council recognises that Transfer of Undertakings (TUPE) 2006 Regulations (TUPE) is likely to apply to the transaction and will constitute a 1st generation transfer as the transferring employees are direct employees of the Council (Regulation 3(1)(b)(i)). The Council must ensure that it adheres to TUPE and carries out all required obligations in relation to the transaction.

### **6.3 Property Implications**

- 6.3.1 This report has been co-authored by the Commercial team and Strategic Property Services team. Property implications are therefore embedded within the body of this report.

### **6.4 Procurement Implications**

- 6.4.1 As this is a property transaction it will be undertaken in accordance with the Councils Property Procedure Rules and suggested recommendations as contained in this report. Therefore there are no procurement implications.

### **6.5 HR Implications**

- 6.5.1 The above proposal could constitute a service provision change under the TUPE regulations. Should this be a TUPE situation staff directly employed by the council and assigned to the provision of these services would be entitled to transfer to the successful applicant with their current terms and conditions intact. There are currently seven officers directly employed who are eligible to transfer.
- 6.5.2 The TUPE regulations require consultation to take place with the relevant trade unions and staff impacted by the transfer at the earliest opportunity.
- 6.5.3 Formal consultation will be led by the Council as the “transferors” in the transfer arrangements. The successful applicant will need to notify the Council of any intended “measures” they propose to take as a result of the transfer and will be expected where possible to support and engage in the consultation process with the staff and trade unions. Under TUPE regulations staff who transfer have their terms and conditions of employment protected and it should be noted that these can only be changed in very limited circumstances.
- 6.5.4 Should the successful bid not be related to golf course use nor feature a pro golf shop or similar retail venture, it is possible that the seven officers directly employed in provision of these services will be in a redundancy situation.
- 6.5.5 Staff directly affected should be made aware of this proposal and also receive regular updates from their service managers.

## **7. KEY RISKS**

- 7.1 Planning constraints may result in some submissions being discounted due to proposed uses inability to comply with planning control. Planning statements will be prepared and included within the marketing process, to ensure bidders are fully aware of the restrictions on development.
- 7.2 Insufficient interest is received leading to a lack of bids for the asset. The project team will: undertake early market engagement to ensure all potential bidders are made aware of the opportunities; appoint specialist property marketing agents; and provide fluid terms, for up to 25 years, to attract long term investments and maximise the level of interest in the sites.
- 7.3 Concern around proposed changes, from existing users of the Golf Course, if the new tenant proposes alternative uses to the existing golf provision. Consultation will be undertaken with relevant community stakeholders. The

project team will work with corporate communications, to ensure that public relations for the project effective and transparent.

7.4 See Part 2 report.

## **8. IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD**

### **8.1 Good homes in well-connected neighbourhoods**

8.1.1 The granting of a lease for Whitewebbs Park Golf Course will support re-generation within the borough, by allowing investment for the property to be developed and managed by an experienced tenant, who will provide wider leisure activities and opportunities to all within the diverse community of Enfield.

### **8.2 Sustain strong and healthy communities**

8.2.1 The potential investment in Whitewebbs Park Golf Course, will result in modernised leisure facilities within the borough. It is anticipated that this will create a safe and enjoyable meeting point for adults and children, whilst providing all year-round leisure activities in the local neighbourhood and increase the footfall across the sites.

### **8.3 Build our local economy to create a thriving place**

8.3.1 The income achieved from leasing Whitewebbs Park Golf Course will assist the sustainable economic growth for the Authority, as well as potentially creating a boost to the local economy and local employment.

## **9. EQUALITIES IMPACT IMPLICATIONS**

9.1 Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact assessment is neither relevant nor proportionate for the approval of this report.

## **10. PERFORMANCE AND DATA IMPLICATIONS**

10.1 The projects to take the assets to market will be managed by Commercial and Strategic Property Services. If leases are awarded they will be managed by Strategic Property Services.

## **11. PUBLIC HEALTH IMPLICATIONS**

11.1 Should the Council gain an income from Whitewebbs it will allow it to provide or support other services for Enfield residents. The exact implications for the health of the public though will depend on the final use of this land.

## **Background Papers**

None