



London Borough of Enfield

Title:	<i>Portfolio Report – Granting of a Lease and Licence for Albany Park Building and Adjacent Land</i>
Report to:	<i>Cllr Tim Leaver – Cabinet Member for Finance and Procurement</i>
Date of Report:	<i>Cllr Leaver briefing dated 19th June 2023</i>
Executive Director/ Directors:	<i>Sarah Cary – Executive Director – Housing, Regeneration and Development James Wheeler – Acting Director of Development (Property)</i>
Report Author:	<i>Rebecca Hammond</i> Rebecca.hammond@enfield.gov.uk
Ward(s) affected:	Brimsdown
Key Decision	Non Key
Classification:	Part 1 Public and Part 2 Private (appendix 2 only)
Reason for exemption	By virtue of paragraph(s) marked below with * of Part 1 of Schedule 12A of the Local Government Act 1972: 1 Information relating to any individual. 2 Information which is likely to reveal the identity of an individual. 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information). 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority. *5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

	<p>6a Information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person.</p> <p>6b Information which reveals that the authority proposes to make an order or direction under any enactment.</p> <p>7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p> <p>Disclosure of the detailed information in Appendix 2 would be likely to have a negative impact on the Council by exposing possible risks and challenges to the lease.</p>
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Purpose of Report

1. This report sets out the proposals to let part of the building known as the old Bowling Club and Green (sometimes referred to as Albany Community Hub) and to licence use of part of the adjoining former allotment land at Albany Park to London Community Kitchens (LCK), who will create a café for the provision of hot and cold drinks and snacks from the building for consumption by users of the park and a community kitchen, including hot food distribution.

Recommendations

<ol style="list-style-type: none"> i. ii. iii. 	<p>Agree to grant a lease to LCK for the ex-bowling club building and green and licence for part of the adjoining growing land, in accordance with the Council's Property Procedure Rules (PPR) for off-market letting.</p> <p>Agree the lease and license will be for two years and at a peppercorn rent.</p> <p>The proposals are approved subject to the publishing in a local newspaper of a statutory notice of the Council's intention to let part of an open space and consideration of any objections to the statutory notice.</p>
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Background and Options

2. Albany Park is located in the North East of the borough and is in an area of high deprivation, densely populated and diverse. It is easily accessible by foot, road and public transport. Park facilities in the vicinity of the property include a large DDA compliant play area, enclosed dog exercise field, a MUGA, some outdoor gym equipment, well-used tennis courts and sports pitches. On the west side of the park, is another children's play area with a skate bowl.
3. There are 3 individual blocks on the site. The main building (Block D) known as the ex-Bowling Club is separated into 2 self-contained lots; (Lot 1) kitchenette and club/cafe area and (Lot 2) the ex-bowling club changing rooms, showers and toilets. (Appendix 1).

4. The lease will be granted for Block D Lot 1 only. Following recent repair works, lot 1 is in good condition and does not require any immediate maintenance and complies with all routine compliance surveys/inspections. Lot 2 of Block D and blocks E & F are in a poor condition and would not be lettable in their current state. They would require considerable upfront investment that has not been budgeted for.
5. The adjacent allotment is non-statutory and currently unused. Part of it will be licensed to LCK to enable them to grow food products thereat, for use in the café and community kitchen and to showcase them to the local community showing what foodstuffs can be grown locally. The allotment land has previously been used as a community growing space. A small area of the land is subject to encroachment by an adjoining resident and the matter is being dealt with separately. We are seeking vacant possession.
6. The Covid-19 crisis has highlighted how important our role is in the preservation and nurturing of safe, healthy and confident communities. There is a strong programme of work established in Enfield in relation to food insecurity. LCK will collaborate with local organisations and the Council will work with LCK to link these existing projects.
7. The Council recently undertook a data collection exercise to ascertain the number of visits to food banks, food pantries and the provision of cooked meals in a 3-week period. Across 30 different organisations offering these services across the borough, there were approximately 18,600 visits in those 3 weeks alone.
8. The Council wants to test the concept of community kitchens and food growing spaces within the borough. LCK operate a model of community kitchen based on surplus food redistribution, training and employment, urban food growing and volunteering. LCK successfully work in a number of boroughs across London, have significant experience and an excellent reputation of successfully developing community kitchens. Granting a lease to LCK, who are currently supporting other local voluntary organisations in the borough, will allow the Council to respond to the urgency of the cost of living crisis.
9. The growing of healthy food from land adjacent to the building and the preparation and cooking of healthy food products at the building will help improve the knowledge, health and wellbeing of users of the facility. Provision of the community kitchen should also build capacity and collaboration within existing local voluntary groups and be financially sustainable.
10. The Albany Park buildings and the adjacent former allotment land have been vacant for many years. The use of the former bowling club and green and a part of the former allotment land will reduce risks of anti-social behaviour and encourage use of this part of the park by local residents. LCK's use of the premises will help individuals and local organisations to respond to food insecurity across the borough and support officers with monitoring and measuring the concept of community kitchens in the borough.
11. The Council has sought an independent rental valuation of the property. The proposed occupational terms are considered extremely prohibitive particularly

with reference to the limited usage, menu requirements, short-term lease and council's option to determine. The view is that if the property were to be offered to the market on the terms listed, it would struggle to attract any interest. The terms would negate any rental value completely and therefore a peppercorn rent is proposed. This will also enable LCK to provide their service as cheaply as possible or free to those most in need.

12. The Council has recently undertaken some repairs to the building following incursion and vandalism. The building will be leased in its current condition. The Council will continue with a schedule of compliance inspections and carry out general repairs and maintenance. These costs will be recharged to the tenant by way of a service charge. LCK will be provided with a public health grant to support their funding of these service charges.
13. It is anticipated that throughout the term, LCK will seek additional grant funding to support expansion and growth should its operation be successful. The initial lease period is a 'proof of concept' phase to determine whether LCK can operate from Albany on more commercial terms, i.e. lease on the same or similar terms but without the Public Health grant.
14. The initial lease term is to be for 2 years. This provides the Council with the opportunity to have delivered a positive, much needed, service whilst gathering proof of the concept of the community kitchen and parks cafe. During the term, the Council will review the success of this project and consider future options. This could include renewing the lease, growing the scope or perhaps offering to the open market either for a similar use or alternatives.
15. Although part of Albany Park is designated as a King George V field, overseen by Fields in Trust, the building does not form part of the designation.
16. There are restrictions on what buildings within parks can be used for. The land was purchased for the purpose of open space for public use and recreation. As such, any buildings built and used thereat must be ancillary to the use of the land as open space for public use and recreation. Having a café in the building will help to realise this.
17. The proposed use for the building falls within the current planning Class of Use. However, should any or part of the buildings be used for different purposes, then planning advice and consent must be sought.
18. LCK will require a bedding in period but the Public Health Team will work with them to create some key performance indicators that will be monitored throughout the term and will form part of the grant conditions. The lease is considered short and having a break-clause will allow the Council to react as necessary should LCK performance be deemed unsatisfactory.
19. The use of Albany Park and other park buildings is part of a wider project to review all park buildings, the outcome of which will not be known for some considerable time. The above proposal is being made to bring a redundant building back into use by the tenant to provide help and advice to the local community during the cost of living crisis and to enhance the use of the park by users of the park.

20. An alternative option is to identify substantial funds to invest in the building with a view to marketing it. This option does not support the Council's immediate need.
21. Alternatively, the Council could carry out a marketing exercise (including restrictions on building use) with the building in its current condition and without compliance inspections/works and pass all responsibilities to a commercial tenant. This option does not support the Council's immediate need.
22. The building could remain empty and redundant as is the current status. Leaving buildings empty increases the risk of anti-social behaviour, incursion and vandalism, as was experienced recently. If left unattended, these buildings will continue to deteriorate and eventually become uneconomical to repair. Not occupying buildings where possible, continue to be an unproductive use of resources.
23. Part 2 Confidential – See Appendix 2

Preferred Option and Reasons For Preferred Option

24. The proposal to lease to LCK will support the Council's vision to establish a community kitchen/network of community kitchens focusing on areas of high deprivation within the east of Enfield. It will allow us to monitor and measure the service provision and provide proof of the concept of a café and community kitchen for possible future, longer term, community kitchen projects.
25. Additionally, it will support the delivery of the manifesto pledge to have a café in all major parks, allowing the tenant to offer drinks and snacks to park users where there currently are no such facilities. The service is likely to operate for 2-3 days per week initially and be gradually scaled up to incorporate more local groups and activities. Eventually this will be a 7 day a week operation at full scale.
26. LCK are one of the foremost community kitchen groups in London and have done a lot of work with Enfield's local groups and primary schools delivering healthy and nutritious cookery workshops at Raynham Primary and other local schools. The CEO is a Chef/Lecturer with Barnet Southgate College which delivers community courses in Enfield. LCK supported the Enfield Food Alliance with food supplies during the pandemic and continue to do so.
27. LCK (being a registered Community Interest Company) will help improve the social economic and environmental wellbeing of the local community. In order to mitigate the risk of any challenge to the grant of the lease, the lease will be granted for a short term (2 years), be contracted out of the security of tenure provisions and be granted subject to a landlord's break option.
28. LCK has connections across London and proven experience in working collaboratively with multiple voluntary groups to deliver complimentary services.

29. The use of the premises will support other 'early help' developments including community/ family/ healthy living hubs.
30. The proposals above justify the off market letting of the Albany Park building, and licence to use part of the adjoining allotment land direct to LCK in order to quickly respond to the Council's vision to reduce food insecurity, the impact of the cost of living crisis and goes some way towards delivering the Enfield Poverty and Inequality Commission (EPIC) recommendations.
31. Despite the properties being vacant, the Council continues to incur costs for security, utilities, removal of trespassers and immediate repairs to vandalism.

Relevance to Council Plans and Strategies

32. Addressing food insecurity is a key Council objective. The Enfield Poverty and Inequality Commission (EPIC) made 27 recommendations which aim to support Enfield's poorest residents and help the Borough continue to be an attractive and inclusive place to live. Part of one of these recommendations was to create a 'Kitchen for all' in the east of the borough where families can cook and eat healthy meals.
33. Additionally, good nutrition is a key priority within the Council's Health and Wellbeing Strategy and empowering communities building resilience and capacity is a key priority within our Early Help for All Strategy
34. One of the administration's manifesto pledges is to provide a café and WCs in all major parks in the borough. Albany Park is defined as a major park and this proposal goes some way to supporting that pledge.

Financial Implications

35. The report seeks to agree to grant a lease to LCK for the ex-bowling club building and green and licence for part of the adjoining growing land, in accordance with the Council's Property Procedure Rules (PPR) for off-market letting. The lease and license will be for two years and at a peppercorn rent.
36. The building will be leased in its current condition following recent repairs and is fully compliant. The Council will continue with a schedule of compliance inspections and carry out general repairs and maintenance and utilities provision. These costs will be recharged to the tenant by way of a service charge.
37. LCK will be provided with a Public Health grant (currently at £20k) to support their funding of property costs and service charges. But the service charge is variable (estimated at £20k) so may potentially exceed the PH grant, in which case LCK will be expected to fund the shortfall or adjusting their operating scope to be cost neutral.
38. LCK are a Community Interest Company (CIC) Limited by Guarantee without share capital (Company number **12391200**). The Company is not established or conducted for private gain; any surplus or assets are used principally for the benefit of the community.

39. Financial checks have been carried out on LCK and the person with significant control. These are considered satisfactory.
40. It is anticipated that, during the term of the lease, LCK will seek grant funding opportunities that will potentially finance future improvements or changes to the buildings.

Legal Implications

41. Section 111 of the Local Government Act 1972 permits local authorities to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of their functions.
42. The Council is also required as a best value authority under section 3 of the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
43. In entering into property transactions, the Council must comply with the provisions of its Constitution, including but not limited to its Property Procedure Rules, which set out mandatory procedures regarding (amongst other things) the acquisition, management and disposal of property assets.
44. Section 123(2) Local Government Act 1972 requires a Local Authority to secure the best consideration reasonably obtainable when it disposes of land except on a short tenancy. A short tenancy is defined as a lease of not more than 7 years or the assignment of a lease which has not more than 7 years unexpired of the term.
45. Prior to agreeing any proposed lettings, the Council must first comply with the requirements of Section 123(2A) of the Local Government Act 1972, which directs that a Council may not dispose of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them. The Council must comply with this procedure before granting the lease.
46. The Council is required to act in accordance with the Public Sector Equality Duty under section 149 of the Equality Act 2010 and have due regard to this when carrying out its functions, which includes making new decisions. The Council will have to ensure that it removes or mitigates any potential factors which may interfere with its Public Sector Equality duty.
47. The Council must ensure that any legal agreements arising from the matters described in this report are in a form approved by Legal Services on behalf of the Director of Law and Governance.

Equalities Implications

48. A full EqIA was carried out as part of an original project on parks buildings to include cafes and WCs. Based on that assessment it is anticipated that the delivery of a café and community kitchen and the award of a lease to LCK will have a positive impact on all who use the service.
49. Where necessary and proportionate, the Council will request from LCK copies of any relevant policies, risk assessments and future plans. We seek to work with organisations who maintain high standards of ethical conduct, treat employees/volunteers fairly, promote equality and diversity in employment/volunteering and service provision.

Environmental and Climate Change Implications

50. The Energy Performance Certificate is grade E, a minimum requirement of letting legislation. The Minimum Energy Efficiency Standards (MEES) regulations make it unlawful to let a property with an EPC rating below E.
51. The strategy of LCK is to redistribute food destined for landfill, composting or anaerobic digestion back into the community instead. This helps them to not only feed the people who need it most but also reduce the overall carbon footprint.
52. As the use of the building has yet to be commenced it is not possible to outline likely energy consumption.
53. The lease is for 2 years only. However, during the term, we will be looking at opportunities for investment in the building/s. If funds are forthcoming, then any improvement to the building/s will include raising the EPC ratings.
54. This project will not build any new buildings in parks. Bringing the existing buildings back into use will cause an increase in day to day energy and water use. All buildings have an EPC rating and where possible, we will look to improve ratings if necessary and possible. Where maintenance or replacement of equipment is required, we will seek the most energy efficient options.
55. Refurbishments and any development should be undertaken with sustainability and climate change as a key principle, seeking to deliver against the Council's overarching theme of Climate Action and the Climate Action Plan, to be a carbon neutral borough by 2040.

Public Health Implications

56. Good nutrition is a key priority within the Council's Health and Wellbeing Strategy. The grant of the lease will support the Council's aim to reduce food insecurity and poverty for the most vulnerable residents of Enfield.
57. Other possible activities which might be provided by LCK such as development of skills and employment opportunities are key to enhancing public health.

58. Parks properties can play an important role in promoting public health/sports, reducing antisocial behaviour by encouraging a broader range of park users including children, and supporting community cohesion through local projects.

59. Where possible, we will include conditions within lease terms so that it has actionable strength i.e. Healthy Catering Commitment, Smoke Free Zones, Digital Inclusivity etc

60. Delivering the community kitchen from an existing park property will encourage the users of this service to take advantage of the park and its associated facilities.

Property Implications

61. Property implications are included in the body of the report

Safeguarding Implications

62. Having empty properties in parks occupied can potentially reduce the risk of anti-social behaviour and risks to children, young people and vulnerable adults. There is likely to be a greater presence in areas that in turn reduces criminal opportunities.

63. The use of the premises will help support vulnerable groups, and there will be a requirement for LCK to provide copies of their safeguarding policies.

Crime and Disorder Implications

64. Occupying empty parks properties can potentially reduce the risk of anti-social behaviour, vandalism and incursions.

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Appendices

Appendix 1 – Albany Park Photos
Appendix 2 – Confidential Part 2

Background Papers

None

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