

Minutes of: OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting: 29 July 2021

Present: Councillor R Bernstein (in the Chair)
Councillors C Birchmore, LJ Dean, G McGill, U Farooq, K Peel, M Powell, L Smith.

Also in Attendance: Councillor O'Brien – Leader of the Council and Cabinet Member for Finance and Growth
Jacqui Dennis – Council Solicitor and Monitoring Officer
Paul Lakin – Director of Economic Regeneration & Capital Growth
Julie Gallagher – Democratic Services Officer

Public Attendance: There were thirteen members of the public present at the meeting.

Apologies for Absence:
Councillors Boroda, Vernon and Walsh

OSC.01 DECLARATIONS OF INTEREST

Councillor G McGill declared a personal interest in item OSC.XXX Call in – accelerated land and property disposals programme – phase 2 as his lives near one of the areas of land, identified for disposal.

OSC.02 PUBLIC QUESTION TIME

The following questions from members of the public were received in advance of the meeting:

Question one: The green on old hall park estate was purchased from barretts in 1979 with no onerous covenants and leisure controlled whatever that means. its service use is described as leisure. For over 45 years it has been used by the community continually and the residents committee have planted bulbs fruit trees and purchased a memorial bench which is in daily use. In the current covid pandemic it has been a real life saver as a safe place for exercise fresh air and socially distanced contact with neighbours. So why has it been placed on this list?
Yvonne Moore

Supplementary question: Can the Leader confirm if the land has been earmarked for disposal because the Council does not wish to continue to cover the maintenance costs?

In response Councillor O'Brien, Leader of the Council reported that the Cabinet report considered on the 24th November 2020 approved the Council taking active steps to rationalise its land and property assets that are surplus to the requirements of the Council and are non-strategic; but which continue to need a continuous injection of revenue funding to maintain them.

The Council expects to generate capital receipts of £8 million pounds because of the land disposal. For efficiency purposes, land is disposed of, in one tranche, the Leader reported this does not suggest that the land does not have any value or it is not important or it should not be protected.

Question Two: Were valuations done to ascertain the estimated level of capital receipts from the sale of the assets in the report and if so have they been prioritised? What monetary value are the Council seeking for the land? **Lois Clements**

Supplementary Question: Are members aware of how this area has been used and much loved by residents over the last 40+ years? Do they know it has been planted with trees and bulbs by residents, a commemorative bench provided, community events such as the recent VE Day celebrations have taken place here and election cabins located for Pilkington Park ward?

Bury's vision statement includes the following priority "Drive forward through effective marketing and information, proactive engagement with the people of Bury to take ownership of their own health and wellbeing". Would the members explain how the removal of a much loved amenity green space will improve residents wellbeing, particularly those who are older and less mobile?

In response Councillor O'Brien, Leader of the Council reported no formal valuations have been carried out, the Council will in the first instance look to test interest in the sites, including interest from the community. The Council is not looking to remove the area, but rather to take active steps to rationalise Council land and property assets that non strategic and surplus to the requirements of the Council and need a continuous injection of revenue funding to maintain them.

Question three - When the current estate was completed, the Council refused the builder's further planning permission request for additional building on the land at Rye Croft - known as "the Green" to generations of our children who have played there for some 45 years and has been a valued open space to residents who live within a stone's throw of what has become one of the busiest and heaviest polluting motorways in the UK. Why is it now possible to consider building there? **David Moore**

The Leader reported that the Council is not considering building on the asset, the report agreed at Cabinet only indicates the intention to dispose of the land.

Question four – There are four areas of green space in my estate that are proposed for disposal as part of the Accelerated Land sale; why were the residents, who would be most impacted by the proposed disposal, not consulted and why don't we know anything about it? **Karen Harrison**

The Leader of the Council reported that on the 16th June Elected Members were sent at email (with a report attached) identifying the sites in their ward

boundaries, for disposal. It was the responsibility of those ward Members to use this information and consult with their constituents. Following this email, the report was considered at Cabinet on the 30th June 2021, in considering the report at Cabinet the document was made available on the Council's website.

The Leader reported that land disposal is at the consultation stage, no decisions have been made other than the decision to dispose of the sites. Members of the public are therefore encouraged to contact their ward members or the Leader, the Council to voice objections or express interest in using a site for community services or otherwise.

The Leader apologised that the resident was not aware of the plans and reported he would review what the Council can do to improve communication and will look at introducing similar engagement/processes for the land disposal sites as the Council currently undertakes when dealing with a planning application.

Question five - The Council declared a Climate emergency in 2019 and in doing so made a commitment to protect green spaces for the health and wellbeing of its residents. A memorial bench is within these grounds, and I would like to go on record and state the family will not support the moving/removal of the memorial bench, a bench opened by the Mayor, with other Councillors present and paid for by the local community. **Yigal Landey**

The Leader reported that some sites identified for disposal would not be appropriate for a housing development and local groups may wish to take them on for community use. The Council recognise that there are assets of community value, and it may be appropriate to pursue the option of a community asset transfer (C.A.T.). The Leader reported that no decision other than the disposal of the land has been made, if residents would like to get involved in the C.A.T. process he would be more than happy for those residents to utilise Council resources, officers and advice to explore this route.

Question six - The land at Ryecroft is a place of wellbeing for the whole estate and if removed the nearest park is over 2 miles away, what will the Council do to replace the land? **Lorraine Munford**

Responding the Leader reported that despite cuts to Council budget all parks in Bury have managed to maintain their green flag status. As stated previously if the community expressed an interest in a Community Asset Transfer the Council will provide officers and resource to assist.

The Chair thanked the members of the public present for their attendance and advised that responses would be made available on the Council's website following the meeting.

OSC.03 CALL IN – ACCELERATED LAND AND PROPERTY DISPOSALS PROGRAMME – PHASE 2

(A) Call in members to present their reasons for Call in

Following the receipt of a Notice of Call-in within the required deadline, from Councillor N Jones calling in the decision of the Cabinet set out in Minute CA.94 of the meeting held on the 30th June 2021; Councillors Jones and Harris were invited to present their reasons for calling the matter in for further consideration.

In presenting their reasons the following points/issues were raised:

- The importance of the land at Ryecroft, Whitefield to the local community.
- Lack of consultation, lack of trust and confidence in the consultation process and poor engagement with local residents.
- Concerned that green spaces would be built on.
- Clarification as to the process for selection of the sites to be disposed of
- Clarification as to whether the land could be offered to the community as a Community Asset transfer in the first instance.

Responding to the issues raised, the Leader of the Council reported that it is important for Elected Members to raise objections as early as possible, there were several opportunities for Members to raise objections, including when the Accelerated Land Disposal reported was considered at Cabinet.

The Leader reported that he is not prepared to make determinations on individual pieces of land at this meeting, this would be unfair, wrong, out of process and not in keep with policy established in Nov 2020. There are several routes open to the community and he will encourage residents if they wish to do so, to progress a Community Asset Transfer.

The Executive Director reported that in deciding the sites for disposal, Council Officers considered if the land was a) part of a regeneration programme, b) parkland or formal recreation area and c) the typology of the sites. Some of the site identified will generate Capital receipts for the Council some, but not all will be used for new housing.

The Leader report that the Council adheres to the Gunning Principles when undertaking a consultation exercise. The Leader reported that Councillors and Members of the public may disagree and may have differing views, but Members can be assured that these principles are adhere to.

The Leader reported that CAT has been utilised successfully in the past and is open to members of the community and residents to pursue supported by Officers from the Council.

(B) Questions and comments from committee members

In response to the Call in and also the comments by members of the public present as well as the Leaders statement, Committee members raised the following issues:

- Responding to Councillor Kevin Peel, the Leader of the Council reported that there is continued pressure on the Council's revenue budget, the capital receipts generated from the sale would help to lift the burden of some of the investment needed to underpin day to day running costs, including digital infrastructure, energy efficacy roads and green spaces.
- In response to a Councillor Lucy Smith, the Leader reported that he is happy to look at different ways to engage with members of the public. The Council will need to take important steps to rationalise the stock while at the same time look to invest in different areas within the Borough.
- In response to Councillor Birchmore the Leader reported that the Council can look at resources to support community assets, the CAT process is not always about outbidding an opponent, Councillor budgets can support these improvements, as well as Township and community hubs and pitch funding.
- Responding to a question from Cllr Dean, the Leader confirmed that he will ask Officers to review if consultation, in relation to land disposal could be undertaken in the same way as it is for planning applications, for example notices on streetlights etc
- The Leader reported that Cllr Quinn with the national cycling academy, has led the consultation in relation to the site at Philips Park. Discussions are ongoing with the environment agency, forest of trees, the Council and friends of Phillips Park to develop a proposal for this site. The site is unusual in that it is a brownfield site in a green belt area, this will be however further examined if plans proceed to the planning stage.
- The Leader reported that it is difficult to choose specific sites for C.A.T. the intention however is clear, the Council believes that they can generate capital receipts to invest into Council assets. It is important to say the CAT is at the heart of the proposals as much as is a land sale or a managed disposal or development all have an equal weighting. Some sites will be much more appropriate to progress a C.A.T.

Councillor LJ Dean moved, and Councillor Birchmore seconded, that the following recommendation

"The scrutiny committee advises the Cabinet to put on hold the planned disposal of land sales until full consultation is undertaken with local residents."

Be forwarded from Overview and Scrutiny to Cabinet, and **On being put, with 3 voting for, 5 against, the motion was lost.**

Councillor K Peel moved, and Councillor L Smith seconded, that the following recommendation

The Overview and Scrutiny Committee strongly support Community Asset Transfers and recommend to Cabinet that policies are reviewed and strengthened to incorporate earlier communication with residents.

Be forwarded from Overview and Scrutiny to Cabinet, and **On being put**

It was agreed unanimously, that

The Overview and Scrutiny Committee strongly support Community Asset Transfers and recommend to Cabinet that policies are reviewed and strengthened to incorporate earlier communication with residents.

COUNCILLOR R BERNSTEIN

Chair

(Note: The meeting started at 7.20pm and ended at 8.50pm)