

Subject: Re: Complaint- North Kensington Library.
From: Councillor Marshall <cllr.marshall@rbkc.com>
Sent: Sat, 19 Mar 2016 10:36:20 +0000
Cc: Quentin Marshall <Cllr.Marshall@rbkc.gov.uk>, Cllr.Feilding-Mellen@rbkc.gov.uk, Sam Mackover <Cllr.Mackover@rbkc.gov.uk>, Cllr.Allison@rbkc.gov.uk, cllr.bakhtiar@rbkc.gov.uk, Cllr.Berrill-Cox@rbkc.gov.uk, Cllr.Nicholls@rbkc.gov.uk, Matthew Palmer <Cllr.Palmer@rbkc.gov.uk>, Will Pascall <Cllr.Pascall@rbkc.gov.uk>, Cllr.Press@rbkc.gov.uk, Cllr.Rutherford@rbkc.gov.uk
To: Judith Blakeman [REDACTED]

Judith
It transpired when we discussed it that the decision had already been taken so there was no opportunity for us to call it in.

Best regards

Quentin

On 17 Mar 2016, at 16:32, Judith Blakeman [REDACTED] wrote:

Dear Quentin

With regard to Mr. Holgate's response to Mr. Daffarn's complaint about the North Kensington Library below, my understanding was that the Scrutiny Committee had referred the decision to let it to Notting Hill rep without a competitive tender back to the Cabinet Member. Has this referral back taken place and, if so, what was the outcome?

Kind regards.

Judith

From: Nicholas.Holgate@rbkc.gov.uk [<mailto:Nicholas.Holgate@rbkc.gov.uk>]
Sent: 17 March 2016 11:36
To: [REDACTED]
Cc: Cllr.Blakeman@rbkc.gov.uk
Subject: RE: Complaint- North Kensington Library.

Dear Mr Daffarn,

Thank you again for your e-mail below. It appears to me to raise three issues:

- How the Council obtained best value;
- An apparent lack of transparency; and,
arising from the Grenfell Action Group article in the link below:
- The extent of the new library facility

Best value

The agent employed by the Council has been involved in marketing numerous D class units in the vicinity and as such is very well placed to provide advice in relation to the letting of the library space.

While the existing North Kensington library is a prominent period building, there are significant limitations to its effective use.

- There is a lack of external space for D1 educational use as an independent unit;
- the raised ground floor hinders alternative retail uses;

- the potential for development of the site is limited due to its Grade II listing.
- The availability of the building to a lessee is uncertain, as it depends on the delivery of the new library in Lancaster Road.

All these factors are relevant to the valuation of the site.

As you may be aware, there is a requirement under Section 123 of the Local Government Act 1972 for Councils not to dispose of land for a consideration less than the best that can reasonably be obtained. For this reason, the Council instructed its agent to carry out a Royal Institute of Chartered Surveyors (RICS) Red Book valuation of the asset.

Our agent advised that Notting Hill Prep (NHP) should be regarded as a 'special purchaser' as it is the adjoining tenant. The rental the Council could expect from them would be significantly higher than the Red Book valuation as NHP gains from their proximity to their school site and they have a pressing need for additional space. Through negotiation, the rent was eventually agreed at a substantial premium to the RICS valuation to reflect NHP's position. There were no other 'special purchasers' who might have offered more.

In addition to the rent being significantly above market value, a one year rent free period was agreed. It is not uncommon to set rent free periods of two years for leases exceeding 15 years. NHP have also agreed annual rent increases linked to the Retail Prices Index on the agreed rent up the date the lease is granted to them, when the new library is completed.

For these various reasons, and relying on professional advice, the Council is content that best value has been achieved.

Transparency

The Council's intentions have been made clear in various ways:

- a paper to the Housing and Property Scrutiny Committee in May 2015 on its intention to lease the old library;
- similarly, on 14 May 2015 a decision was entered onto the Forward Plan under reference 04552/15/K/AB: Provision of New North Kensington Library and Youth Centre Redevelopment at Lancaster Road Youth Centre and Isaac Newton Centre Site 128A and 108 Lancaster Road W11
- on 11 June, a report to Cabinet: Provision of New North Kensington Library and Youth Centre Redevelopment at Lancaster Road Youth Centre and Isaac Newton Centre Site 128A and 108 Lancaster Road W11
- on 22 September 2015, a decision entered onto the Forward Plan under reference 04651/15/K/AB: Approval to Enter into Agreement to Lease and Lease for WIC and North Kensington Library
- on 5 November 2015, notice of:
- 19 November Cabinet, Approval to Enter into Agreement to Lease and Lease for WIC and North Kensington Library.

Given the above, the Council is content that it has been transparent throughout.

The extent of the new library

The Grenfell Action Group may not be aware of the scope of the new development. The new building will be a large new modern community facility that will provide the following across four floors: the Library; a new youth club; some D class use – occupier to be determined; and an all-purpose Multi-Use Games Area (MUGA) play facility.

Each use will have its own entrance; the premises will be constructed to the newest specification and the acoustic treatment will avoid transfer of noise between floors. In terms of the new library, it is envisaged from early designs that it will have considerably more space across a single floor than the existing Library that occupies space over multiple floors.

I trust the explanation above puts you at ease with regard to the three concerns that you raised.

Nicholas Holgate
Town Clerk

From: Holgate, Nicholas: CP-TownClerkDirFin
Sent: 15 March 2016 08:55
To: 'Edward Daffarn' [REDACTED]
Cc: Cllr, Blakeman, Judith <Cllr.Blakeman@rbkc.gov.uk>
Subject: RE: Complaint- North Kensington Library.

Dear Mr Daffarn,

Thank you for your e-mail. I have sought advice from fellow officers here and hope to reply to you soon.

Nicholas Holgate
Town Clerk

From: Edward Daffarn [REDACTED]
Sent: 07 March 2016 08:36
To: Holgate, Nicholas: CP-TownClerkDirFin <Nicholas.Holgate@rbkc.gov.uk>
Cc: SWEENEY, John <john.sweeney@parliament.uk>; [REDACTED]
Subject: Re: Complaint- North Kensington Library.

Dear Mr Holgate,

I am writing to you in your role as Chief Executive of Royal Borough of Kensington and Chelsea as I wish to launch an official complaint against the Council.

I am contacting you following an article on the Grenfell Action Group's blog that highlighted concerns about the future of the North Kensington Library and the manner in which the lease has been granted to Notting Hill Prep School that appears most irregular.

<https://grenfellactiongroup.wordpress.com/2016/02/27/what-future-for-north-kensington-library/>

My complaint concerns the fact that there seems to have been a general lack of transparency surrounding the decision to award the lease of North Kensington Library to Notting Hill Prep that shows no sign of any open competitive tendering process.

It is not possible for me to understand how the Council can claim to have obtained "best value" without opening the bidding process up to open competitive tendering in an attempt to secure "best value".

I wish to make an official complaint against Corporate Property at the Council and ask RBKC to investigate why there was no competitive tendering process involved in the awarding of the lease our much loved library to Notting Hill Prep School.

If I am not satisfied with the response that I receive from RBKC concerning this matter I reserve my right to further these concerns onto the Local Government Ombudsman.

Regards,
Edward Daffarn

Leighton House Museum

The Pre-Raphaelites on Paper: Victorian drawings from the Lanigan Collection on show until Sunday 29 May 2016

[Http://www.rbkc.gov.uk/laniganexhibition](http://www.rbkc.gov.uk/laniganexhibition)

The Royal Borough of Kensington and Chelsea.
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