

# **Merton Council Council**

**15 November 2023**

## **Supplementary Agenda - Amendments**

5 Amendments

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## Extraordinary Council 15<sup>th</sup> November 2023

### Conservative amendment to the report:

After recommendation A:

“B. Council requests the Cabinet to consider the following factors regarding the enforcement of the covenants on the Wimbledon Park Golf Club land that was sold to the AELTG:

- To uphold the commitment made in 1993 to this land remaining open space.
- To make clear to the AELTC the strength of feeling from the Member of Parliament for Wimbledon, Councillors and residents that they should not act in any way which seeks to breach, modify or release them from the covenants.”

Recommendations now to read:

A. That Council note the contents of this report.

B. Council requests the Cabinet to consider the following factors regarding the enforcement of the covenants on the Wimbledon Park Golf Club land that was sold to the AELTG:

- To uphold the commitment made in 1993 to this land remaining open space.
- To make clear to the AELTC the strength of feeling from the Member of Parliament for Wimbledon, Councillors and residents that they should not act in any way which seeks to breach, modify or release them from the covenants.

Cllr Nick McLean

Cllr Daniel Holden

Cllr Thomas Barlow

Cllr Max Austin

Cllr Eleanor Cox

Cllr Andrew Howard

Cllr Michael Paterson

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**Extraordinary General Council Meeting, Wednesday 15 November 2023**

**Liberal Democrat group amendment to report: The Covenants agreed between the Council and the AELTC when the freehold of the Wimbledon Park Golf course site was sold to the AELTC in 1993**

Proposed by: Councillor Anthony Fairclough  
Seconded by: Councillor Samantha MacArthur

To add recommendation B:

In light of

1. Comments made by Cllr Tony Colman, the Labour leader of Merton Council, recorded in the minutes of Merton's Ordinary Council Meeting on 14 July 1993 that *"I am totally committed to ensuring this area remains part of Merton's green space. It is designated as Metropolitan Open Land. We are taking the necessary steps to make the space a conservation area. We shall be using tree preservation orders throughout the area. We are placing covenants on the sale of the freehold to prevent any owner of the land being able to develop it with houses or any other undesirable building development. Councillors, I believe that shows our commitment. Now it is enshrined forever in Council minutes. It will show future Councils and future residents that when we decided to sell this land, we did so ensuring it would be kept as open space and we did so determined that the next owner and any future owner would be denied forever the opportunity to use this space for any development."*

AND

2. Further comments by Cllr Colman, quoted in the Wimbledon Borough News of 23 September 1993, that "this council is resolute that the land will be retained as open space. All England has bought the land knowing this is our policy and is aware that we would not allow development of the site."

AND

3. The minutes of Merton's Policy & Resources Committee 27 April 1993 where the Chair of the Administration & Land Sub-Committee stated he had included the covenants to "ensure there is no misunderstanding or possible misinterpretation'.

Council's view is that as a matter of principle the covenants should be enforced, irrespective of the extent of any planning permission granted, to maintain public confidence in the Council.

Council consequently requests the Cabinet to consider:

1. respecting this principle in any future negotiations with the AELTG.

AND

2. ensuring that any application under s.84 of LPA 1925 to discharge or modify the covenants is resisted, as far as is practicable, under the procedures of the Upper Tribunal.

**Councillor Anthony Fairclough**

**Councillor Samantha MacArthur**