



# CALL-IN SUB COMMITTEE

**TUESDAY 17 OCTOBER 2006**

**7.30 PM**

**SUB-COMMITTEE AGENDA (SCRUTINY)**

**COMMITTEE ROOM 6  
HARROW CIVIC CENTRE**

**MEMBERSHIP (Quorum 3)**

**Chairman: Councillor Anthony Seymour**

**Councillors:**

**Jean Lammiman  
Mark Versallion**

**B E Gate  
Mitzi Green**

**Reserve Members:**

1. Jeremy Zeid
2. Richard Romain
3. Mrs Lurline Champagnie
4. Dinesh Solanki
5. -

1. Jerry Miles
2. Graham Henson
3. Keeki Thammaiah
4. Mrinal Choudhury

**Issued by the Legal Services Section,  
Legal Services Department**

**Contact: Michelle Fernandes, Committee Administrator  
Tel: 020 8424 1542 E-mail: michelle.fernandes@harrow.gov.uk**

***NOTE FOR THOSE ATTENDING THE MEETING:*  
*IF YOU WISH TO DISPOSE OF THIS AGENDA, PLEASE LEAVE IT BEHIND AFTER THE MEETING.  
IT WILL BE COLLECTED FOR RECYCLING.***

**HARROW COUNCIL**

**CALL-IN SUB COMMITTEE**

**TUESDAY 17 OCTOBER 2006**

**AGENDA - PART I**

1. **Attendance by Reserve Members:**

To note the attendance at this meeting of any duly appointed Reserve Members.

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve;
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

2. **Declarations of Interest:**

To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee, Sub Committee, Panel or Forum;
- (b) all other Members present in any part of the room or chamber.

3. **Arrangement of Agenda:**

To consider whether any of the items listed on the agenda should be considered with the press and public excluded on the grounds that it is thought likely, in view of the nature of the business to be transacted, that there would be disclosure of confidential information in breach of an obligation of confidence or of exempt information as defined in Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1972 (as amended).

4. **Minutes:**

That the minutes of the meeting held on 22 August 2006 be taken as read and signed as a correct record.

Enc. 5. **Protocol for the Operation of the Call-In Sub-Committee:** (Pages 1 - 2)

Enc. 6. **Call-in of Portfolio Holder for Property, Housing, Planning (Development) and Planning (Strategic) Decision: Vaughan Centre:**  
(Pages 3 - 14)

- a) Notice Invoking the Call-in.
- b) Record of the Decision of the Property, Housing Planning (Development) and Planning (Strategic) Portfolio Holder.
- c) Documentation sent to the Property, Housing Planning (Development) and Planning (Strategic) Portfolio Holder.

**AGENDA - PART II - NIL**

**Local Government (Access to Information) Act 1985:** In accordance with the Local Government (Access to Information) Act 1985, this meeting is being called with less than 5 clear working days' notice by virtue of the special circumstances and grounds for urgency stated below:-

**Special Circumstances/Grounds for Urgency:** Under Overview and Scrutiny Procedure Rule 22 a meeting of the Call-in Sub-Committee must be held within 7 clear working days of the receipt of a request for call-in. This meeting therefore had to be arranged at short notice and it was not possible for the agenda to be published 5 clear working days prior to the meeting.

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**PROTOCOL FOR THE OPERATION OF THE CALL-IN SUB-COMMITTEE**

1. Call-in is the process whereby a decision of the Executive, Portfolio Holder or Officer (where the latter is taking a Key Decision) taken but not implemented, may be examined by the Overview and Scrutiny Committee prior to implementation. The Overview and Scrutiny Committee has established the Call-in Sub-Committee to carry out this role. Overview and Scrutiny Procedure Rule 22 sets out the rules governing the call-in process.

**The Process for Call-in**

2. Any six of the Members of the Council and the co-opted members on the Lifelong Learning Scrutiny Sub-Committee can call in a decision of the Executive which has been taken but not implemented. (NB: Co-opted members of the Lifelong Learning Scrutiny Sub-Committee may only sign up to requests to call in decisions relating to education matters). Only decisions relating to Executive functions, whether delegated or not, may be called in.
3. Decisions of the Executive will not be implemented for 5 clear working days following the publication of the decision and a decision can only be called in within this period (this does not apply to urgent decisions - Overview and Scrutiny Procedure Rule 23 refers). The notice of the decision will state the date on which the decisions may be implemented if not called in.
4. Call-in must be by notification to the Director of Legal Services in writing or by fax, signed by all six Members/co-opted members requesting the call-in. A request for call-in by e-mail will require a separate e-mail from each of the six Members/co-opted members concerned. A proforma of a notice for call-in has been circulated for the use of Members and co-opted members.
5. In accordance with Overview and Scrutiny Procedure Rule 22.5, a notice by Members/co-opted members to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:-
  - (a) inadequate consultation with stakeholders prior to the decision;
  - (b) the absence of adequate evidence on which to base a decision;
  - (c) the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;
  - (d) the action is not proportionate to the desired outcome;
  - (e) a potential human rights challenge;
  - (f) insufficient consideration of legal and financial advice.

The call-in notice should also provide details of the evidence to support the grounds for call-in.

6. Requests for call-in which, on investigation by the Director of Legal Services, are found to have been made without the support of the required number of Members or co-opted Members, or without specifying one of the grounds set out under Overview and Scrutiny Committee Rule 22.5, will not be referred to the Call-in Sub-Committee.

**Referral to the Call-in Sub-Committee**

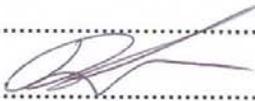
7. Once a valid notice invoking the call-in procedure has been received, a meeting of the Call-in Sub-Committee will be arranged, in consultation with the Chair and Nominated Member(s) of the Sub-Committee, within seven clear working days of the receipt of the request for call-in. The other Members of the Sub-Committee will be notified of the need for a meeting, and the date thereof, at the earliest possible opportunity.
8. The papers to be considered by the Call-in Sub-Committee will be all those considered by the decision-taker when the decision was taken, the record of the decision and the written details of the call-in request. Where information material to the decision is known to officers and was not available to the decision taker, either because it only became known after the date of the decision or otherwise, such information should be drawn to the attention of Members of the Call-in Sub-Committee.

9. The papers will be sent to all Members and Reserve Members of the Sub-Committee, the Executive, the relevant Chief Officer, and all those who had signed up to the call-in. Relevant Ward Councillors will also be notified of the meeting if the issue in question is specific to a particular Ward or Wards. The Chair of the Sub-Committee may also request that the papers be sent to any other persons that he/she feels is appropriate.
10. Members sitting on the Call-in Sub-Committee should bring to the meeting an open mind and an impartial approach. Where a Member of the Sub-Committee is one of the Members calling in the decision, that Member should send a Reserve Member to the meeting of the Sub-Committee which considers the call-in, unless (for example because they are a co-opted member) they do not have a nominated Reserve.
11. The relevant Portfolio Holder and the relevant Chief Officer (or his/her representative) will be invited to attend the meeting to explain the reasons for the decision and to clarify any aspects associated with the issue in question.
12. The Members initiating the call-in will be invited to nominate one of their number or another Member who is not a Member of the Call-in Sub-Committee to advocate on their behalf and on behalf of others who may oppose the decision. Such a Member will be entitled to speak at the Call-in Sub-Committee on an equal footing with the Portfolio Holder and the relevant Chief Officer (or his/her representative).
13. The Chair of the Call-in Sub-Committee, in consultation with the meeting, may invite any other persons (for example, a legal adviser or other appropriate officer) to assist during the meeting as he/she feels appropriate.
14. The Chair of the Call-in Sub-Committee, in consultation with the meeting, will determine how the call-in will be dealt with. The rules on deputations and petitions shall apply as they apply to the Overview and Scrutiny Committee.
15. Having considered the call-in, the Sub-Committee may come to one of the following conclusions:-
  - (i) that the grounds for the call-in be upheld and
    - (a) in the event that it is upheld that the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework, the decision be referred to the Council. In such a case the Call-in Sub-Committee must set out the nature of its concerns for Council. The nature of such concerns would usually be expected to be significant and well proven in the context of the decision under consideration; or
    - (b) the decision be referred back to the decision taker for reconsideration. In such a case the Call-in Sub-Committee must set out the nature of its concerns for the decision taker. The nature of such concerns need only be sufficient to indicate that reconsideration is warranted, and need not necessarily indicate that the Sub-Committee believes the decision should be reversed, unless so stated by the Sub-Committee.
  - (ii) that the grounds for the call-in be rejected and the decision be implemented.

To: The Chief Executive

1. **NOTICE OF CALL-IN OF EXECUTIVE DECISION**

In accordance with Overview and Scrutiny Procedure Rule 22, we, the undersigned, hereby give notice that we wish to call-in the Executive decision detailed in section 2 below:-

<u>NAME (PLEASE PRINT)</u>	<u>SIGNATURE</u>
BRIAN GATE	
NAVIN SHAH	
BILL STEPHENSON	Bill Stephenson
AKHIE FOLDS	Akhie Folds
MARGARET DAUINE Rekha Shah	Margarete Rudolph

2. **DETAILS OF EXECUTIVE DECISION**

The details of the Executive decision are as follows:-

Decision: **De-Listing of Vaughan Centre (Removal from the List of Locally listed Buildings)**

Made by: **Cllr Marylin Ashton, PH for Property, Housing, Planning etc.....**  
(Cabinet/relevant Portfolio Holder)

Published On: ~~6 Oct~~ **September 2006**  
(Date)

3. **GROUNDS FOR CALL-IN**

Grounds for the call-in are set out below in accordance with Overview and Scrutiny Procedure Rule 22.5 (the grounds on which an Executive decision may be called in are set out overleaf).

**It is proposed to remove Vaughan centre from the list of Locally Listed Buildings.**

(a) **Inadequate consultation with Councillors / Stakeholders prior to the decision.**

There has been no consultation with local Ward Councillors, Harrow Heritage Trust and current Users of the Centre including Community Organisations. This is a key decision with major impact on the locality and the Borough's Architectural / Historic Heritage. It is requested that this decision not be implemented but referred to the key stakeholders, including those mentioned above, and in the light of their comments the matter be reconsidered by the Portfolio Holder.

(b) **The decision is contrary to the policy framework of the Council.**

As indicated above, this decision is contrary to the Council's Key Planning Policy enshrined in the Adopted UDP and constitutes a clear breach of basic principles of recognising Borough's Architectural and Historic Heritage and protecting, restoring and enhancing Locally Listed Buildings.

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**Record of Property, Housing, Planning (Development) and Planning (Strategic) Portfolio Holder's Decision Upon Receipt of Recommendation from the Strategic Planning Advisory Panel meeting held on 12 September 2006**

<b>Subject:</b>	Vaughan Centre
<b>Status:</b>	Part I
<b>Date of Decision:</b>	
<b>Declaration of interest by Portfolio Holder (if any):</b>	
<b>Key decision (Yes/No?):</b>	No
<b>Reasons for Urgency:</b>	Not applicable.
<b>Options considered by Advisory Panel:</b>	Whether or not to recommend that the building be de-listed.
<b>Additional Options considered/ identified by Portfolio Holder:</b>	
<b>Decision:</b>	<p>The Portfolio Holder:</p> <p><del>*a) deferred decision for further information and or consultation;</del></p> <p><del>*b) agreed with the recommendations of the above named Panel/CF which were as follows;</del></p> <p><del>*c) disagreed with the recommendations of the above named Panel/CF which were as follows;</del></p> <p><b>(*please delete as appropriate)</b></p> <p>That (1) the former Vaughan School building be de-listed in view of the specific circumstances outlined in the report of the Director of Strategic Planning, and</p> <p>(2) the de-lisiting of the building should not set a precedent and any future application for de-listing should be judged on its merits.</p>
<b>Reasons for decision:</b>	To provide clarity and certainty in developing proposals for the future of the site and building
<b>Additional Reasons for decision identified by Portfolio Holder (if any):</b>	

Signature	<i>M. Johnston</i>
	Portfolio Holder
Name	MARILYN ASHFORD (please print)
Date	29 09 06

Note: White sections of the form should be completed by the initiating department prior to receipt by the Portfolio Holder. The Portfolio Holder is requested to complete the grey sections of the form.

FOR RETURN TO KEVIN UNWIN / DAKSHA GHELANI, DEMOCRATIC SERVICES, ROOM 143/145, EXTENSION 2265/2881.

NOTE TO PORTFOLIO HOLDER: Please note that once you have taken this decision the Authority is required, in accordance with the decision of Extraordinary Council at its meeting held on 28 May 2002 (Minute 27) to publish a record of your decision within two clear working days. In order to facilitate this, it is important that you return this document as soon as possible. Thank-you for your co-operation.

## STRATEGIC PLANNING ADVISORY PANEL

12 SEPTEMBER 2006

Chairman: \* Councillor Marilyn Ashton

Councillors: \* Mrs Camilla Bath \* Thaya Idaikkadar  
\* Robert Benson \* Mrs Kinnear  
\* Keith Ferry \* Navin Shah

\* Denotes Member present

**PART I - RECOMMENDATIONS****RECOMMENDATION 1 - Vaughan Centre**

The Director of Strategic Planning introduced the report which sought the Panel's views on the status of the former Vaughan School as a locally listed building.

During the discussion on the report, the following issues were raised:

- Some Panel members stated that the costs given for refurbishment of the building seemed excessive.
- A Panel member expressed the view that the building was of architectural and historical importance and that de-listing it would give a signal to developers that Harrow did not wish to preserve such buildings. In response, another Panel member stated that de-listing the building would not automatically lead to its demolition.
- A number of Panel members agreed that the issue was complex but that, in the particular circumstances of the Vaughan Centre, de-listing seemed the most appropriate course of action.

It having been moved and seconded that the building be de-listed, a Panel member proposed that the wording of the Recommendation be amended to capture the Panel's concerns that the de-listing of the former Vaughan School should not set a precedent for further de-listing of locally listed buildings.

Having been put to a vote it was

**Resolved to RECOMMEND:** (to the Portfolio Holder for Property, Housing Planning (Development) and Planning (Strategic)

That (1) the former Vaughan School building be de-listed in view of the specific circumstances outlined in the report of the Director of Strategic Planning, and

(2) the de-listing of the building should not set a precedent and any future application for de-listing should be judged on its merits.

**[REASON:** To provide clarity and certainty in developing proposals for the future of the site and building].

[Notes: (1) Councillors Marilyn Ashton, Mrs Camilla Bath, Robert Benson and Mrs Kinnear wished to be recorded as having voted for the above decision;

(2) Councillors Keith Ferry, Thaya Idaikkadar and Navin Shah wished to be recorded as having voted against the above decision;

(3) during the discussion on the above item it was moved and seconded that the Recommendation be made to Cabinet rather than the Portfolio Holder. Having been put to a vote, this was not carried;

(4) Councillors Keith Ferry, Thaya Idaikkadar and Navin Shah wished to be recorded as having voted for the motion;

(5) Councillors Marilyn Ashton, Mrs Camilla Bath, Robert Benson and Mrs Kinnear wished to be recorded as having voted against the motion].

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Meeting:	Strategic Planning Advisory Panel
Date:	12 <sup>th</sup> September 2006
Subject:	Vaughan Centre
Responsible Officer:	Graham Jones
Contact Officer:	Graham Jones
Portfolio Holder:	Property, Housing Planning (Development) and Planning (Strategic)
Key Decision:	No
Status:	Part 1

## **Section 1: Summary**

### **Decision Required**

To consider the status of the former Vaughan School building as a locally listed building and advise the Executive accordingly

### **Reason for report**

To enable proposals for the future of the site and building to be prepared in the light of the decision

### **Benefits**

To provide clarity and certainty in developing proposals

### **Cost of Proposals**

Included within the report

## **Risks**

Removal of the Local Listing may have the potential risk of weakening the Council's position in the retention of similar buildings in the future, depending on the relevant circumstances.

Confirming the Local Listing would increase the difficulty of finding a suitable site for the Neighbourhood Resource Centre, delaying and potentially prejudicing the project.

## **Implications if recommendations rejected**

Continuing uncertainty about the future of the building

## **Section 2: Report**

### **The Vaughan Centre**

#### **2.1 Existing Situation**

The Vaughan Centre, formerly Vaughan first school, has been in use for some years as a day centre. People First have been developing a set of proposals to replace the Vaughan Centre and other facilities in the Borough with three neighbourhood resource centres and a funding bid has been submitted to Government with a decision expected very shortly. Indications are that this is likely to be successful. The Vaughan site would be well situated for one of the three centres, but the locally listed status would presume against demolition and the cost of conversion would be prohibitive ( estimates have suggested this could be up to £3m) and the end product far from ideal.

Local listing does not offer statutory protection and in normal circumstances can be tested through the submission of a planning application which would set out the case (if any) for demolition for consideration by the Development Control Committee. However, to pursue this process in developing proposals for a Neighbourhood Resource Centre would leave the question of their acceptability in doubt until an application was decided, with the potential for considerable delay in the project and abortive costs. For this reason the Advisory Panel's view is sought as to whether the local listing designation should be confirmed or whether in the particular circumstances it could be rescinded. Local Listing is within the terms of reference of the Panel.

#### **3.1 Brief History**

The Origins of a "Local List" of Buildings for Harrow

The statutory list of listed buildings includes 3 categories of building grades, ranging from Grade I to Grade II\* to Grade II in order of relative importance. Prior to the last full re-survey of the borough's historic buildings by central

government in 1983, there existed another category of listed buildings known as Grade III. Many of these buildings were upgraded to Grade II during the 1983 re-survey, but not all of them qualified. Harrow Council therefore included the remaining building in a local list of building of special architectural or historic interest. This local list has been gradually added to since 1983, although the main source of further additions resulted from a Borough-wide environmental survey (The Environmental Assessment of Residential Areas – EARA), carried out in 1990, where “interesting” or “good” buildings were identified. These EARA buildings have since been reviewed and those considered worthy of local listing reported to Committee for inclusion on the local list. There are approximately 900 properties currently on the local list (compared with approx 300 statutorily listed).

#### The Designation of Locally Listed Buildings

The criteria for the local listing of a building is based upon those for statutory listing (i.e. architectural interest, townscape/group value, historical interest and associations), with additional local considerations such as the contribution made to the local environment and townscape. While locally listed buildings in general are clearly not of the same quality or interest as Statutorily listed buildings, the local list often provides potential candidates for statutory listing as well as performing an important function in identifying buildings which are valued for their contribution to the local scene.

#### Status of Locally Listed Buildings

Locally listed buildings do not enjoy the full protection of statutory listing and are subject to the same planning controls and permitted development rights of any un-listed building. Internal works that do not involve change of use or subdivision will not require any consent from the local planning authority. Locally listed buildings are only protected from demolition if they are situated within a conservation area (in the case of locally listed dwellinghouses, notice will need to be given to the local planning authority before it can be demolished, enabling the authority to impose an Article 4 Direction if deemed necessary).

However, since locally listed building can contribute greatly to the quality of the environment, their protection and preservation is highly desirable. Under Policy D12 of the Harrow UDP, the Council will endeavour to protect these building from demolition and detrimental alterations and will also endeavour to protect their setting.

#### The Local Listing of the Vaughan Centre

The Vaughan Centre was locally listed in the early 1990s, following its recognition as a “Good Building” by the EARA survey. It was built in circa 1909 to the design of Harry George Crothall (b. 1865, d. 1929). Crothall was Middlesex County Council Architect from 1908 onwards and responsible for a number of school buildings in north and west London. Within Harrow, he also designed the original parts of Harrow High School on the corner of Gayton Road and Sheepcote Road (which was also locally listed in the early 1990s), and Whitefriars First & Middle Schools on Whitefriars Avenue in Wealdstone. Elsewhere in Middlesex, he designed Featherstone High School in Southall, Hobbayne School in Hanwell and Ealing Green High School in Ealing (source:

Cherry and Pevsner 1991). Three of his buildings, which form part of the Michendon Lower School complex in Enfield, are now Grade II listed.

The Vaughan Centre, which was previously known as the Vaughan Infant School, is a typical example of a late Victorian/Edwardian school building. It has a robust and striking appearance, constructed from yellow stock bricks with red brick detailing. The building comprises a central two-storey element with single storey projecting gabled wings. A distinctive feature is the double height windows with semi-circular heads and it retains a number of original internal and external features including windows and doors. The design, although relatively understated, has Arts & Crafts influences in aspects such as the chimneys and verge details. There have been a number of single storey side and rear extensions to the building, but these do not detract from the overall character and appearance of the building.

The building occupies a large site in a densely developed part of the Borough. It is contemporary with the Edwardian suburb of West Harrow and contributes to the local street scene. It once formed part of a wider school complex with the Vaughan Junior School until the Junior School was demolished in the early 1990s to make way for housing.

#### The Fate of Locally Listed Buildings

Since the introduction of the local list in 1983, a total of 4 locally listed buildings have been demolished, whilst 11 buildings have been upgraded to statutorily listed buildings (the most recent example being The Rayners Hotel Public House on the corner of Village Way East and Imperial Drive). The loss of four buildings demonstrates their vulnerability and the lack of protection they have outside of conservation areas. The loss of these buildings can cause considerable public outcry, as was expressed recently following the demolition of the Railway Hotel Pub in Uxbridge Road, Hatch End.

#### Conclusions

The circumstances leading to the Local Listing of the Vaughan Centre have not changed. The building was designed by an architect of local and regional importance in terms of public buildings, whose work is recognised at both a local and national level. It is a typical example of Edwardian school architecture and contributes to the local townscape. Historically, it is contemporary with the Edwardian suburb of West Harrow, which although not a conservation area, has a distinctive and attractive character and appearance. What has changed since the listing is the needs of People First in delivering their essential services, which cannot be accommodated within the building. To avoid any wasted time or abortive costs members views are sought as to whether this is sufficient to consider rescinding the locally listing.

#### Reference

B. Cherry and N. Pevsner (1991) *The Buildings of England: London 3: North West* (Penguin: London)

### 2.3 Consultation

Internal only

2.4 Financial Implications

As in the report

2.5 Legal Implications

The rescinding of the Local Listing could be used against the Council where it seeks to retain locally listed buildings elsewhere in the Borough

2.6 Equalities Impact

None

2.7 Section 17 Crime and Disorder Act 1998 Considerations

None

**Section 3: Supporting Information/Background Documents**

Background Documents: None.

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