

CALL-IN SUB COMMITTEE

29 NOVEMBER 2007

Chairman: * Councillor Anthony Seymour

Councillors: * B E Gate * Stanley Sheinwald
* Jerry Miles (1) * Jeremy Zeid (1)

* Denotes Member present
(1) Denotes category of Reserve Member

[Note: Councillors David Ashton, Paul Scott, Navin Shah and Bill Stephenson also attended this meeting to speak on the item indicated at Minute 34 below].

PART I - RECOMMENDATIONS - NIL**PART II - MINUTES**30. **Attendance by Reserve Members:**

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Members:-

Ordinary MemberReserve Member

Councillor Mitzi Green
Councillor Mark Versallion

Councillor Jerry Miles
Councillor Jeremy Zeid

31. **Declarations of Interest:**

RESOLVED: To note that the following interests were declared:

Agenda Item 5: Call-in of the Decision of the Cabinet Meeting on 8 November 2007: Key Decision – Development of Leisure and Cultural Services

Councillor David Ashton declared a prejudicial interest in the above item arising from the fact that his wife, Councillor Marilyn Ashton was the Chairman of the Local Development Framework Panel and the Town Centre Major Projects Panel.

He further declared a prejudicial interest in that he was an Executive Member and had taken part in the decision making on this item. Accordingly he would remain in the room only for the purpose of making representations, answering questions or giving evidence relating to the item.

32. **Arrangement of Agenda:**

RESOLVED: That (1) in accordance with the Local Government (Access to Information) Act 1985, this meeting was 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 22.6, 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.

(2) all other items be considered with the press and public present, with the exception of the following:

ItemReason

17. Development of Leisure and Cultural Services Facilities - (Appendices 4, 5, 6 and 7 to agenda item 9)

These appendices were considered to be exempt from publication under paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972 in that they contained information relating to the financial or business affairs of any particular person.

(3) under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting whilst legal advice is given to the Sub-Committee, on the grounds that it was thought likely that there would be disclosure of exempt information under paragraph 5 of Part I of Schedule 12A to the Act, in that there would be

disclosure of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

33. **Minutes:**

RESOLVED: That the minutes of the meeting held on 13 August 2007 be taken as read and signed as a correct record.

34. **Call-in of the Decision of the Cabinet Meeting on 8 November 2007: Key Decision - Development of Leisure and Cultural Services:**

Members considered a decision taken by Cabinet at the meeting held on 8 November 2007, which set out the proposed strategy for the redevelopment of Harrow's Leisure and Cultural Services. A call-in notice had been subsequently received, calling in the decision and this decision had therefore been referred to the Call-in Sub-Committee for consideration under the call-in procedure.

The Sub-Committee received the notice invoking the call-in procedure, the joint report of the Corporate Directors of Community and Environment, and Community and Cultural Services submitted to Cabinet and the relevant minute extract.

The Portfolio Holders, Community and Cultural Services, External Affairs and Property and Adult Services, had indicated that they were unable to attend. The Portfolio Holder Finance and Portfolio Co-ordination attended and tabled a paper responding to the grounds for call in. Members agreed to adjourn the meeting for five minutes in order to read the paper.

(a) **Decision Relating to Byron Park:**

In relation to the Byron Leisure Park, Cabinet had resolved to "agree that the development of 'Byron Leisure Park' should be based on Option 4 (Section 2.5.1) of the officer report, ie. to provide a new principal leisure centre; the development of a new 'Byron Hall' facility, at another location, in partnership and subsequent to a commercial review; a new skateboard park; the relocation of 'The Bridge' within the Byron site; associated Public Realm improvements; together with the disposal of land for residential development. The new leisure centre to open by 1 February 2010;" A call-in notice was subsequently received.

The decision had been called-in on two grounds:

- inadequate consultation with stakeholders prior to the decision;
- the absence of adequate evidence on which to base the decision.

The Chairman invited a Member representing the signatories to the call-in to speak. The Member expressed his concern at Cabinet's decision regarding Byron Leisure Park as he felt that the decision had been hastily made without consultation with stakeholders, in particular the Borough's ethnic minority community, who frequently used the facility. He was also critical that the report approved by Cabinet reassured that there would be an extensive review to determine the business case however there was no commitment to replace the facility. In addition, he stated that Byron Hall with its extensive car parking facilities was by far the largest of its kind and nothing compared with it in neighbouring boroughs. He referred to Harrow's Compact agreement which set out a framework for working relationships between local Government, the wider statutory sector, the private sector, voluntary and community sectors. The idea was to encourage and build good partnerships and work jointly in order to provide effective services to local people and communities within the Borough. He felt that, contrary to the Compact agreement, users such as Harrow Association of Disabled people and community users had not been consulted. He added that the Equalities Impact Assessment had been inadequately completed. Furthermore, he felt that the decisions ought to have been considered, in the first instance, at either the Town Centre Major Projects Panel and/or the Local Development Framework Panel. Some Members and expert advisors of those Panels felt perturbed that they had been omitted from any decision making process relating to the revised Leisure Park. The Member also felt that inadequate evidence had been provided to support the decision made by Cabinet and requested that the decision regarding the Byron Leisure Park be referred to Cabinet for reconsideration.

In response, the Portfolio Holder Finance and Portfolio Co-ordination made the following points:

- there were other facilities within Harrow that could accommodate large numbers of people.
- there were also similar facilities in neighboring boroughs such as the Advait Centre in Brent and the Jain Centre in Potters Bar;
- a commercial review to determine the business case for the Byron Leisure Park would be undertaken in order to identify community needs and establish a new facility in a more suitable location. Consultation would take place at the relevant time;
- the financial costings of the following four options had been considered and the most appropriate option, bearing in mind the Authority's financial position, was agreed:-
 - i The was no reprovision for Byron Hall
 - ii Byron Hall to be located elsewhere
 - iii Byron Hall could be refurbished
 - iv Byron Hall to be replaced;
- the decision taken by Cabinet was not contrary to Harrow's Compact agreement.

Members of the Sub-Committee asked questions on a number of issues. The consultation process and alternative accommodation was highlighted as a central issue.

Members of the Sub-Committee, having considered all the evidence, summarised their views relating to the grounds for call-in. Based on the written and oral submissions, and having been put to a vote, it was;

RESOLVED: That the grounds for the call-in be rejected and the decision of the Cabinet on 8 November 2007 relating to Byron Leisure Park be implemented.

(Note: Councillors B E Gate and Jerry Miles wished to be recorded as having abstained from voting in relation to "The absence of adequate evidence on which to base a decision" as grounds for call in).

(b) Decision Relating to the Library/Arts Centre at Gayton Road:

In relation to the Library/arts Centre at Gayton Road, Cabinet had resolved to "agree not to proceed with the Cabinet decision to develop a combined library/arts centre at Gayton Road taken on 14 December 2006, minuted as item 152;" a call-in notice had subsequently been received, calling in the decision which was referred to the Call-in Sub-Committee for consideration under the call-in procedure.

The decision had been called-in on two grounds:

- inadequate consultation with stakeholders prior to the decision;
- the absence of adequate evidence on which to base the decision.

A Member representing the signatories to the call-in expressed his concern at Cabinet's decision regarding the Library/arts Centre as he felt that the decision had been made without being properly thought through. He reminded Members that in December 2004, a cross-party decision had been taken to rebuild and modernise Gayton Library, incorporating the Civic Centre library and to create a performance and exhibition space within the Town Centre. Subsequently, the Town Centre and Major Projects Panel (TCMPP) - formerly known as the Town Centre Project Panel) was established to consider the strategic overview of the development. The Panel consisted of four advisors who were experts in their various fields. A Recommendation from the Panel to Cabinet with the proposal was subsequently agreed. The Member felt that to revoke such a major and key decision made by Cabinet was wrong and against internal and external policies and procedures. The decision was also wrong as there had been no consultation with residents and stakeholders, and no views had been sought. Businesses and stakeholders alike would be affected by the revised infrastructure yet no one was notified of the proposals. Again the advisors on the TCMPP were left out of the loop and the decision bypassed the TCMPP and the Local Development Framework Panel. The advisers of the TCMPP had architectural, town planning, traffic and

environmental expertise and were not given the opportunity to share their knowledge and concerns on the revised proposal. Residents ought to have been consulted on whether they preferred the option to build 1500 homes or a performance/exhibition space. He advised Members that residents had requested a performance/exhibition space for some time, something which the Town Centre lacked. He also felt that the proposal ought to have been referred to the Local Development Framework Panel and/or the TCMPP for consultation prior to being submitted to Cabinet.

Members who invoked the call-in also raised concerns with the proposal to relocate Gayton Road library to Garden House for five years, and raised the following points:

- There had been no consultation with residents and stakeholders.
- Garden House was a five storey building with a single lift and not accessible to all.
- Garden House was a third rate temporary replacement.
- There was no parking provision.
- A site for the new library had not been identified.
- Harrow's Compact had been disregarded.
- An Equalities Impact Assessment had not been undertaken.
- The Overview and Scrutiny Committee had been bypassed. The Committee should have been given the opportunity to scrutinise the changes in the mixed use development.

Members invoking the call-in also felt that there had been inadequate evidence to support the decision made by Cabinet and requested that the Library/Arts Centre at Gayton Road be referred to Cabinet for reconsideration.

Responding, the Portfolio Holder, Finance and Portfolio Co-ordination, made the following points:

- the Authority was committed to establishing a Central Library, which would serve Harrow Town Centre and be included in the new infrastructure;
- the current financial position of the Authority had to dictate what was achievable; the original costing was £9.75 million in 2004, but in reality, by July 2007, it had amounted into the region of £22 million;
- there were no requirements within the UDP for the provision of a performance/exhibition space in the Town Centre, although Greenhill Way car park was a potential site which could accommodate a Central Library;
- the impact of the proposed new infrastructure would be considered within the planning applications;
- this Administration would ensure that the Borough's leisure and cultural facilities would be provided within the strategic framework, and ensure that the development would be modern and fit for purpose;
- the decision taken by Cabinet was not contrary to Harrow's Compact Agreement;

Members of the Sub-Committee, having considered all the evidence, summarised their views relating to the grounds for call-in. Based on the written and oral submissions, and having been put to a vote, it was

RESOLVED: That the grounds for the call-in be rejected and the decision of the Cabinet on 8 November 2007 relating to the Library/arts Centre at Gayton Road be implemented.

35. **Extension and Termination of the Meeting:**
In accordance with the provision of Overview and Scrutiny Procedure Rule 6.6 (ii) (b), it was

RESOLVED: (1) At 9.55 pm to continue until 10.30 pm;

(2) at 10.24 pm to continue until 10.40 pm;

(3) at 10.35 pm to continue until 10.45 pm.

(Note: The meeting having commenced at 7.30 pm, closed at 10.42 pm)

(Signed) COUNCILLOR ANTHONY SEYMOUR
Chairman