



# CALL-IN SUB COMMITTEE

**TUESDAY 7 APRIL 2009**

**7.30 PM**

**SUB-COMMITTEE AGENDA (SCRUTINY)**

**COMMITTEE ROOM 5,  
HARROW CIVIC CENTRE**

**MEMBERSHIP (Quorum 3)**

**Chairman: Councillor Anthony Seymour**

**Councillors:**

**Stanley Sheinwald  
Mark Versallion**

**B E Gate  
Mitzi Green**

**Reserve Members:**

1. Janet Mote
2. Mrs Lurline Champagne
3. Dinesh Solanki
4. Narinder Singh Mudhar
5. Julia Merison

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

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

**Contact: Damian Markland, Democratic Services Officer  
Tel: 020 8424 1785 E-mail: damian.markland@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 7 APRIL 2009**

**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.

Enc. 3. **Minutes:** (Pages 1 - 6)

That the minutes of the meeting held on 29 November 2007 be taken as read and signed as a correct record.

Enc. 4. **Call-in of Major Contracts and Property Portfolio Holder Decision: Tennis Courts, West Harrow Recreation Ground, West Harrow:** (Pages 7 - 18)

The following documents are attached:-

- (a) Notice Invoking the Call-in
- (b) Record of the Decision of the Major Contracts and Property Portfolio Holder
- (c) Documentation sent to the Major Contracts and Property 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 to consider a request for call-in must be held within 7 clear working days of the receipt of a request. 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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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:-

<u>Ordinary Member</u>	<u>Reserve Member</u>
Councillor Mitzi Green	Councillor Jerry Miles
Councillor Mark Versallion	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:

<u>Item</u>	<u>Reason</u>
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 - 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)

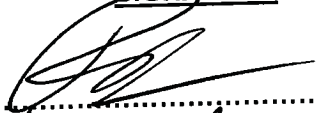

(Signed) COUNCILLOR ANTHONY SEYMOUR  
Chairman

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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>
Mr Brian Crato	
Mr Phillip O'Dell	Mr O'Dell
Mr Paul Scott	Paul Scott
Mr Bill Stephenson	Bill Stephenson
Mr. Manoj Abrahamrajah	M/Abrahamrajah
Mr. THAYY IDIKKAR	

2. DETAILS OF EXECUTIVE DECISION

The details of the Executive decision are as follows:-

Decision: PHD 067/08 TENNIS COURTS WEST HARLOW

Made by: MAJOR CONTRACTS AND PROPERTY P.H.  
(Cabinet/relevant Portfolio Holder)

Published On: 23 MARCH 2009.  
(Date)

3. GROUNDS FOR CALL-IN

Please specify below the grounds for the call-in, 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). Please note that the considerations of the Call-in Sub-Committee will focus on the grounds stated, and the Sub-Committee will seek evidence to support them. Please therefore also set out below details of the evidence to support the grounds for call-in, continuing on a separate sheet if necessary.

INADEQUATE CONSULTATION WITH STAKE HOLDERS  
PRIOR TO DECISION.

THE ABSENCE OF ~~THE~~ ADEQUATE EVIDENCE  
ON WHICH TO BASE THIS DECISION

SEE ATTACHED STATEMENT

Call-in on West Harrow Recreation Ground Tennis CourtsPortfolio Holder Decision Ref: PHD 067/08Grounds for Call-in

It is claimed that the tennis courts in West Harrow Recreation Ground are in a poor state of repair. The proposal is to lease these out to a tenant for 35 years. It is claimed that this tenant will provide a tennis academy and four of the seven courts will be covered with a translucent dome in the winter to allow all round the year use. The tenant will also erect a building on the site to house a gymnasium and a base for a local boxing club.

There are several reasons for calling this proposal in. It may in fact be a very good proposal but there has been almost no consultation with local residents or ward councillors in the first place and even if there had been there are major pieces of information which are not supplied with the supporting papers.

We would emphasize that we are not necessarily against the actual proposal itself or a modification of it but we are very much against the failure of the Council to consult anyone and take their views into account.

Detailed grounds for the call-in;

(a) Inadequate consultation with stakeholders prior to the decision.

The first that residents knew about this proposal was at a 'Week of Action' meeting less than four weeks before the decision was made. Local residents, park users, ward councillors and other stakeholders have not been consulted or informed. Certainly the shadow spokesmen for both sport and parks only knew about this proposal when the Portfolio Holder announced his decision. The supporting papers accompanying the decision do not mention consultation. Again even before the decision was made the Council had advertised in the local Press again without any consultation whatsoever. There are many questions which are left unanswered in the supporting papers which should have been put to consultation. For example,

- (i) Will the public have any rights of access to the new tennis courts? If so how much and at what cost?
- (ii) Are the public happy about a building going up in the middle of their park and a high level translucent dome being put up above some of the tennis courts for some of the year?
- (iii) Was any real attempt made to access funding from other sources such as Sport England, the LTA, lottery funding etc? If so, this is not mentioned in the covering report.
- (iv) The covering report inadequate as it is in not answering any of the questions above has only been made available to the public for five working days as required by the call-in procedure. This simply cannot be adequate consultation.

(b) The absence of ~~inadequate~~ evidence on which to base this decision

As indicated above many crucial factors have been omitted by the covering report.

- (i) No indications have been given of what access the general public will have to these facilities as of right. The recreation Ground is after all open to all without having to pay. What access will they have and what right will they have over the next thirty

five years? If the public have to pay to use the tennis courts what protection do they have against unreasonable price rises? No evidence is provided that the public's very rightful interests are being protected.

- (ii) No indication is given why the lease is for thirty five years and under what terms it will be held. Why thirty five why not twenty five. Are there enforcement clauses and break clauses. None of this information is provided in order to ascertain that the public good is being properly protected.
- (iii) Only passing mention is made of payment of rent. Where is the evidence that the Council and the public are getting value for money?
- (iv) No evidence is given that other methods bringing the tennis courts up to standard have been pursued. For example, has Sport England, the LTA or lottery funding been considered? There is no evidence that the Council's External Funding Officer was consulted.

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**Record of Major Contracts and Property Portfolio Holder's Decision**  
**Ref: PHD 067/08**

<b>Subject:</b>	Tennis Courts, West Harrow Recreation Ground, West Harrow
<b>Date of Decision:</b>	18 March 2009
<b>Declaration of interest:</b>	None
<b>Key decision:</b>	No
<b>Urgent/Non Urgent decision?:</b>	Non-urgent
<b>Public/Exempt?:</b>	Public
<b>Options considered:</b>	As detailed in section 5 of the report.
<b>Any other option identified by the Portfolio Holder:</b>	No
<b>Decision:</b>	That: <ol style="list-style-type: none"><li>1. The tennis courts at West Harrow Recreation Ground be declared available to lease.</li><li>2. The Corporate Director Place Shaping be authorised to consider any objections to the proposed disposal of open space and to refer to the Portfolio Holder as appropriate.</li><li>3. Subject to consideration of any objections under (2) above, the Corporate Director Place Shaping be authorised to agree terms for the grant of a lease for a term of up to 35 years for the purposes set out in this report and the Director of Legal and Governance Services be authorised to complete all legal documentation.</li></ol>
<b>Reasons for decision:</b>	<ul style="list-style-type: none"><li>• To facilitate the complete refurbishment of the tennis courts and bring them back into beneficial use for the community</li><li>• To improve tennis facilities in the Borough</li><li>• To reduce costs of holding the property and, potentially, produce an income for the Council</li></ul>

*Is the decision subject to call-in?*

**YES**

*YES - The call-in period expires on 31 March 2009 (5.00pm)  
The decision can be implemented on 1 April 2009 if not called in.*

**CALL-IN** - this is the process whereby a decision taken by the Executive or a Portfolio Holder may be examined by the Overview and Scrutiny Committee. The Overview and Scrutiny Committee may recommend that the Executive reconsider the decision.

For further information, please contact Miriam Wearing on 020 8424 1542 or by e-mail: [miriam.wearing@harrow.gov.uk](mailto:miriam.wearing@harrow.gov.uk)

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Ref: **PHD 067/08**

<b>Subject:</b>	Tennis Courts, West Harrow Recreation Ground, West Harrow
<b>Responsible Officer:</b>	Andrew Trehern – Corporate Director Place Shaping
<b>Portfolio Holder:</b>	Tony Ferrari – Portfolio Holder for Major Contracts and Property
<b>Key Decision:</b>	No
<b>Urgent/Non Urgent:</b>	Non urgent
<b>Power to be exercised:</b>	Appendix to Part 4D (Executive Procedure Rules), Paragraph 2(iii)
<b>Exempt:</b>	No
<b>Enclosures:</b>	Plan showing land to be let

## **Section 1 – Summary and Recommendations**

This report seeks approval for letting the tennis courts in West Harrow Recreation Ground.

### **Recommendations:**

The Portfolio Holder is requested:

1. To declare the tennis courts at West Harrow Recreation Ground available to lease.
2. To authorise the Corporate Director Place Shaping to consider any objections to the proposed disposal of open space and to refer to the Portfolio Holder as appropriate.
3. Subject to consideration of any objections under (2) above to authorise the Corporate Director Place Shaping to agree terms for the grant of a lease for a term of up to 35 years for the purposes set out in this report and authorise the Director of Legal and Governance Services to complete all legal documentation.

**Reason: (For recommendation)**

To facilitate the complete refurbishment of the tennis courts and bring them back into beneficial use for the community

To improve tennis facilities in the Borough

To reduce costs of holding the property and, potentially, produce an income for the Council

## Section 2 – Report

### Introductory paragraph

1. This report concerns a block of seven tennis courts within West Harrow Recreation Ground as shown in red on the attached plan. They are currently in a poor state of repair and incapable of use without significant financial investment. They require resurfacing, new fencing and new nets and the Council does not have the financial resources to undertake this work. Additionally the Council needs to secure the site to prevent it being a health and safety hazard.

### Background

2. The Council advertised the tennis courts in the local press and invited expressions of interest during December/January. From this marketing exercise a suitable tenant has been identified. Their proposal involves the creation of a tennis academy which aims to provide first class facilities and promote the sport to a high standard. The scheme, which will require planning permission, will include the erection of a building on part of the site to provide changing rooms, a gymnasium and a base for a local boxing club. Four of the tennis courts will be covered by a translucent bubble dome in the winter to allow all year round use of the courts.
3. The proposal is still at an early stage and more work and negotiations are required to finalise terms. The Portfolio Holder for Environment and Community Safety and Service Manager Public Realm have both seen the scheme and support the proposals. Consequently authority is being sought for the grant of a lease for a period of up to 35 years and authority for the Corporate Director Place Shaping to approve the detailed terms. The exact area to be demised will be subject to negotiation with the applicant but will not differ significantly from that shown on the plan attached and terms will be negotiated to ensure that the Council receive best consideration.
4. The scheme will encourage greater use of the park and this will have the knock on effect of benefiting other facilities within the park. The overall impact of the scheme is therefore likely to have a positive effect on other, non tennis, facilities within the park for the benefit of the whole community.

### Options considered

5. **Do nothing** – the Council has no funds to undertake the refurbishment required to permit the use of the tennis courts and will, in any event, have to undertake works to the site to make it safe. This would be an uneconomic use of scarce resources.

6. **Secure a letting of the property** – this would bring the tennis courts back into beneficial use and improve sporting facilities within the park. The initial capital investment would come from the proposed tenant and there may be the opportunity for the Council to receive rent for the property during the latter stages of the lease.

## **Financial Implications**

7. The financial standing of the tenant of any proposed letting will be scrutinised. The potential income from letting the property is likely to be modest due to the capital investment being made by the tenant. The Council will, however, save the cost of making the area safe. Additionally the ongoing maintenance costs will be paid by the tenants during the course of the lease.

## **Legal Implications**

8. The Council has the power to grant the lease under S123 Local Government Act 1972.
9. The land must be disposed of for the best consideration that can reasonably be obtained, unless the consent of the Secretary of State is obtained or the disposal is made under the provisions of the General Disposal Consent (England) 2003
10. The General Disposal Consent allows disposal for less than best consideration where the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000, and the economic, social or environmental well-being criteria apply
11. As the site is held as open space, any proposed disposal must also be advertised for two consecutive weeks in a local newspaper and the Council must consider any objections received.

## **Performance Issues**

12. There are no specific performance issues relating to this report. However this action will contribute to improving the management of our assets and demonstrate improvement and innovation in Asset Management. In addition it will encourage greater participation and opportunity in the sport for all sections of the community.

## **Environmental Impact Issues**

13. As mentioned above the scheme is still at an early stage and the applicant will require planning permission. Their initial proposal recognises the need for the scheme to be environmentally friendly and it incorporates renewable energy technologies such as the re-use of rainwater, ground source heat pumps and use of low energy lighting. However many of these matters will form part of their planning application and will be considered at the time their application is submitted.

## Risk Implications

14.No risks have been identified nor registered on the Place Shaping Directorate Risk Register by the Co-Ordinator.

### **Section 3 - Statutory Officer Clearance**

Signature: .....	
Name: <b>Sheela Thakrar</b>	<input checked="" type="checkbox"/> on behalf of the* Chief Financial Officer
Date: <b>16/03/2009</b>	
Signature: .....	
Name: <b>Jessica Farmer</b>	<input checked="" type="checkbox"/> on behalf of the* Monitoring Officer
Date: <b>16/03/2009</b>	

### **Section 4 – Performance Officer Clearance**

Signature: .....	
Name: <b>Anu Singh</b>	<input checked="" type="checkbox"/> on behalf of the* Divisional Director (Strategy and Improvement)
Date: <b>12/03/2009</b>	

### **Section 5 – Environmental Impact Officer Clearance**

Signature .....	
Name: <b>John Edwards</b>	<input checked="" type="checkbox"/> Divisional Director (Environmental Services)
Date: <b>17/03/2009</b>	

### **Section 6 - Contact Details and Background Papers**

Contact: Ian Brown – Senior Estates Surveyor; extn 2254  
ian.brown@harrow.gov.uk

Background Papers: None.

Signature: .....

Position **Corporate Director Place Shaping**

Name (print) **Andrew Trehern**

Date: **17/03/2009**

### **For Portfolio Holder/Leader**

\* I do agree to the decision proposed

\* I do not agree to the decision proposed

\* Please delete as appropriate

Notification of personal interests (if any):

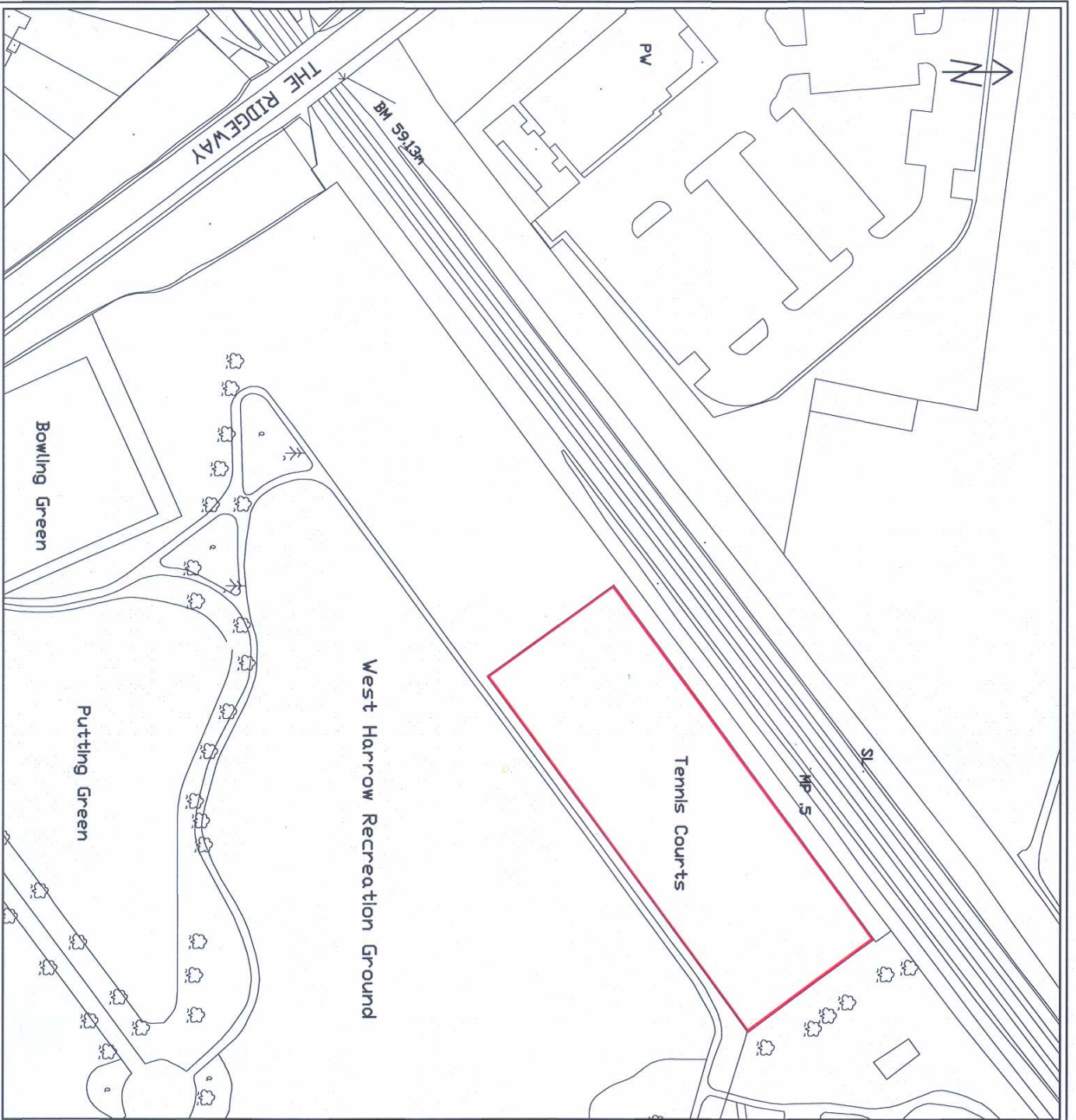
(Note: if you have a prejudicial interest you should not take this decision)

Additional comments made by and/or options considered by the Portfolio Holder

Signature: .....

Portfolio Holder

Date:



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P.O.Box 39, Civic Centre  
Station Road  
Harrow HA1 2XA  
Telephone: 020 8863 5611

**TITLE**  
TENNIS COURTS  
WEST HARROW REC

<b>Drawn</b> JR	<b>File No.</b> -----
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<b>Scale</b> 1:1250	<b>Date</b> 10/12/08
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<b>ES No.</b> 10219	<b>Issue</b> A
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