

CABINET

15 MAY 2008

AGENDA PART I

PUBLIC QUESTIONS (ITEM 5)

Under Rule 16 of the Executive Procedure Rules, members of the public may question the Executive and Portfolio Holders at meetings. There is a time limit of 15 minutes for the asking and answering of public questions.

1.

Questioner: Yvonne Lee

Asked of: Councillor Barry Macleod Cullinane, Portfolio Holder for Adults and Housing.

Question: As an organisation, Harrow Mencap welcome and fully support the principles of the total transformation plan. However will the benefits of control and choice that Self Directed support be available to people with Learning Disabilities who are currently in residential care within the three years of the programme?

Answer: Yes is the short answer.

People with learning disabilities who are currently living in residential care are already included in the pilot phase of the project and as the project phase extends, this group of individuals will continue to be fully included and encouraged to take up the opportunities that a self-directed model of care could offer.

In addition, as an integral part of the Self Directed Support project we will be working with provider organisations to develop the market in order to offer more choice to individuals which is likely to include different models of accommodation based provision such as shared ownership.

Supplemental Question: Given the past and current contractual situation, will the Council be renegotiating the current contracts or have a complete change of approach?

Supplemental Answer: At this moment we're looking at all ways of proceeding and I will endeavour to get you a written answer explaining where we are with our current structure in terms of provision and where we are likely to be expecting to go. At this moment in time, it's too early to say one way or another.

2.

Questioner: John Feldman

Asked of: Councillor David Ashton, Leader of the Council and Portfolio Holder for Strategy, Partnership and Finance.

Question: The Cabinet is to consider the report from Corporate Director, Community and Environment, regarding the development of Cedars Hall, which recommends disposal for residential development if a Community Hall use is not viable.

Why are you considering such a disposal despite fundamental flaws:

- The land forms part of the Cedars Open Space, and the Council is committed to maintaining such spaces.
- Residential building will be contrary to your UDP, and
- A Covenant on the land preventing residential building will need to be broken by the Council?

Answer: Firstly, the Cedars Hall site does not form part of the “Cedars Open Space”, as shown on the Harrow UDP Proposals Map. It is located adjacent to land designated as Green Belt, which runs along the western and southern boundary of the site. Cedars Hall has no specific land use designation

Secondly, the Council is committed to provide all new homes on previously developed land and as a brownfield site; the redevelopment of Cedars Hall for residential use is acceptable in principle.

Thirdly, Harrow Council is the successor of London County Council who is the beneficiary of the Covenant. As such Harrow Council can consent to alternative uses of the site. Any statutory trust arising under the Open Spaces Act 1906 has been discharged through compliance with the advertisement procedure set out in Section 123 (2A) of the Local Government Act 1972.

Necessary advertisements were published in December 2006.

Supplemental Question: Part of the minutes of a public meeting, chaired by Harrow Council's Cabinet Member, Camilla Bath, on 3 October 2007 and eventually published on the Harrow portal of UK planning's website under 'Withdrawn Application No. 1702' states “Cedars

Hall is not classified as public open space. The site is designated as being used for assembly and leisure purposes”, although this is not the wording of the Covenant.

However, at the public meeting on 7 May, chaired by Andrew Trehern, a document was presented which stated under the heading ‘Open Space’ “any disposal of land consisting and forming part of an open space would need to be advertised. The land was purchased by Harrow Council from the LCC in 1957 under Open Spaces legislation with a restrictive covenant. Would the Leader now clarify the status of the land Cedars Hall is built on, as the Council’s own opinions seem to vary?

Supplemental Answer: As far as I’m concerned John, what I described just now, in answer to your first question is the correct status. If there is an error in that, which I do not believe is the case, then I am happy to discuss it with you directly. Thank you.

3.

Questioner: Frances Pickersgill

Asked of: Councillor David Ashton, Leader of the Council and Portfolio Holder for Strategy, Partnership and Finance.

Question: The report on Cedars Hall from the Corporate Director Community and Environment to be presented to the Cabinet is clearly not a paper of options as originally promised.

It is being presented on a yes / no decision basis with no scope for the Cabinet to discuss options for investigation or, according to the previous Council leader, ‘to decide which options they would like to see developed further’.

The paper only proposes a community hall scheme put forward by the local community with severe time and achievement criteria. Your fall back position is the sale of the land for residential development. According to your officer, no additions or amendments to the paper are to be contemplated.

Since KLOE 3.2 says that the organisation manages its asset base to ensure value for money, why is the Council not inviting bids from interested organisations?

Answer: The Officers’ report clearly sets out a broad range of options which were discussed at the residents meeting on 27 February 2008 and they were then subject to careful consideration by officers, leading to the recommendations which will be considered at Cabinet on Wednesday 21 May.

I understand that the residents clearly indicated a preference for open space to be created through the demolition of the existing Cedars Hall structure.

I further understand that residents' second preference, as expressed at the meeting, was for a community use Hall.

The recommendation that will be considered before Cabinet on 21 May is clearly responding most positively to the views expressed by residents.

Given the work that the TRA, representing the local community, has already undertaken; and this is clearly evident at appendix 4 of the Cedars Hall report; I believe that adequate time, and importantly Council support, is being provided to enable the residents' proposal to be properly developed.

I confirm that Cabinet on 21 May, will consider Council officers' alternative recommendation, i.e. to dispose of the land for housing development, should the community hall scheme fail.

Supplemental Question: It arises from the draft paper that you referred to, which was supposed to be presented at a Special Cabinet meeting on 21 May. This meeting was only available at the meeting of Harrow Weald Residents last week. Despite Mr Trehern's statements that the paper must be published with the Cabinet papers on 14 May, this has not happened. That gives the public only less than 24 hours to put questions by 5.00 pm tomorrow, which is your deadline. Can we ask for an extension to that deadline now please?

Supplemental Answer: I would hope that an extension is not required since the paper simply develops many of the thoughts already existing. What we have endeavoured to do with this paper is to summarise as clearly as possible and give vent and opportunity to the Association to succeed in its objectives. It would really please us for you to succeed. Your success would be our success and we very much want to help you, particularly with the timeframes concerned. We worked through those timeframes to make sure, from our perspective, that they were achievable and particularly given, if I may say so, the well developed report, the feasibility study partly completed, which you've already done. What we then concluded was that it would be inappropriate to concertina the timing for the other deadlines and we've endeavoured to come up with what we regard as a reasonable schedule and we will discuss that and explain that further at the meeting next week.

4.

Questioner: Dr Alan Bender

Asked of: Councillor David Ashton, Leader of the Council and Portfolio Holder for Strategy, Partnership and Finance.

Question: If the Council breaks the Restrictive Covenant on the Cedars Hall land to build residential properties, why should we believe that it won't break the promise, given by Councillor Ferrari at the local public meeting on 7 May, to keep Cedars Open Space free from building, as building would then not be restricted on the whole site?

Answer: The Council will not, as I mentioned before, the Council will not be breaking the Covenant. Harrow Council is – I'm repeating what was said before – Harrow Council is the successor of London County Council, who is the beneficiary of the Covenant. As such, Harrow Council can consent to alternative uses of the site. Any statutory trust arising under the Open Spaces Act 1906 has been discharged through compliance with the advertisement procedure set out in section 123 (2A) of the Local Government Act 1972.

This administration will not – will not – be bringing forward plans to build houses or other structures, in parks, including the Cedars Open Space, which do not wholly support the development of the parks facility. And I make that as clear as I can.

Supplemental Question: The public is seriously opposed to residential building on the site as recorded at three public meetings. The reaction resulted in withdrawal of a residential planning application. The local community received the benefit of the Covenant restricting any building to recreation or community use.

When a developer builds a new estate it is common for him to place Covenants on the houses, for example to constrain them to single-family use, not multiple occupation. It is clearly there for the benefit of the community of the estate and not for the benefit of the developer.

The analogy here is that the Cedars Covenant is for the benefit of the community using the Cedars Open Space and not directly for the benefit of the supposed owner of the Covenant, which is Harrow Council in succession to the LCC. So why does the Council believe it can break the trust of ownership given to it by the LCC?

Supplemental Answer: As I mentioned, Dr Bender, firstly we are not breaking the trust of ownership. Secondly, we are not the supposed owner, we are the owner. And thirdly, as I mentioned in answer to your first question, we are not breaking the Covenant. We do not intend to, we are simply taking advantage of the rules as they apply.

We have a responsibility. As a Council we clearly want to do the right thing for local residents. It's important. But at the same time under the very aspect of one of the previous questions we've got a responsibility to look at financially the assets concerned. If we can find a way, working with you, of having a satisfactory local facility, we will do so. We will. Thank you.

5.

Questioner: Julie Browne

Asked of: Councillor David Ashton, Leader of the Council and Portfolio Holder for Strategy, Partnership and Finance.

Question: I was at the public meeting on 7 May and in the report that Andrew Trehern prepared, Option (a) is the Harrow Weald Residents' Association proposal as we've already heard and as a regular funder, funding applicant (I already run an established charity in the Borough), we know that that's more or less unachievable. Option (b) then, is that if that doesn't happen within the deadlines that it would be sold off for development or housing.

I put it to the Cabinet that actually we want you to consider some other options. We have a proposal and there are other people in the Borough who have proposals that could use that land, Carers Support of Harrow being one of them.

Answer: It is understood that contact was made with Andrew Trehern, the officer concerned, who put you in contact with Lee Choules, who is Vice Chair of the Weald TRA, who the Council is currently recognising to develop the community facilities option for this site and we would encourage you and frankly work with you, with them, to see if we can mould that into the option on site.

Supplemental Question: I have spoken to Lee and it is not possible with his plans and our plans to share the site. However, we would have community use available, as is in our proposal, for the local community.

My supplementary question is:

Can any Councils justify letting this community facility be taken away when our community groups and Harrow residents that desperately need space and resources, particularly when you are consulting on provision of public services, leisure and cultural facilities and protection of open space for future generations?

Supplemental Answer: We are entirely happy if we can find a way forward which is viable on that site for use of the (a) local residents and (b) wider public for Harrow and we will go forward on that basis. The difficulty we have is that we want to come to a conclusion. That site is deteriorating and it is necessary for all concerned to come to a sensible view.