

## **CABINET**

**21 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:** Mr Lee Choules, Weald Tenants' and Residents' Association

**Asked of:** Councillor Chris Mote, Portfolio Holder for Community and Cultural Services

**Question:** Weald TRA warmly and unreservedly welcomes the decision of Cabinet to support our wish to submit a formal proposal for the development and management of the Cedars Hall site, as a "community hall" and we understand that our draft proposals must clearly demonstrate that there is reasonable prospect of the necessary capital funding of between £500,000 and £750,000 being secured no later than 30 November 2008.

Towards this objective, will the Council undertake the following, as its partnership commitment in helping to develop what will remain a Council owned asset, to draft, manage and develop in consultation with Weald TRA the proposed legal documentation, including an Options Agreement that gives us the legal right to seek the necessary capital and revenue funding, noting that the Options Agreement is needed immediately, the architectural plans, building control, planning environmental applications, an application or partner in an application, to the European Social Fund and/or to allocate any existing funds under its management from the ESF to the maximum value of £400,000, that may be needed as part of any formal applications that may be submitted?

Pending a positive answer to the above issues, Weald TRA on behalf of the local community are confident that by 30 November 2008, we would be able to confirm to the Council that we have secured all necessary capital and revenue resources to enable comprehensive refurbishment of cedars hall site (internal and external) to enable it to be brought into use as a "community hall".

**Answer:** Mr Choules, I would firstly like to thank you and the members of Weald TRA, for the work you have undertaken to date, to take forward your vision and plans for Cedars Hall, as a centre for the Harrow Weald community.

The Officer recommendation which Cabinet will consider this evening, actually requires Weald TRA to 'clearly demonstrate that there is reasonable prospect of the necessary capital funding of between £500,000 and £750,000 being secured', by 30 June 2008.

As you note in the final part of your question, the November date requires Weald TRA, to confirm to the Council that you have actually secured the necessary money - the funding.

What the Council is looking for in June, is simply confirmation of the funding sources that you intend to approach, together with an indication from these sources that the relevant funding scheme is available, and that the Cedars Community Hall project, meets the criteria for any application for a grant to be considered.

The Council's intention in respect of the development of a community hall option, is for Cedars Hall to remain in Council ownership. Once necessary funds and planning permission have been secured by Weald TRA, and the legal process completed, Weald TRA would be required to enter into a lease with the Council, to take over the development and management of the Cedars Community Centre.

The Terms of the Agreement (legal documentation) between Weald TRA and the Council have yet to be negotiated and it would not be appropriate to give a specific undertaking in respect of this in my reply to your question.

However, you have my absolute assurance that Council Officers, will work with you, to ensure that Weald TRA's bids to grant funding organisations or other financial institutions, include all necessary Council support in respect of the property agreement to be completed between us. This is one of the reasons why the Officers have targeted agreement of the legal terms, including the lease, by 31 July 2008.

The Council will provide you with copies of existing plans of the site, but cannot undertake any design of the new facility. We will of course be able to offer advice for example in respect of environmental and sustainability matters, access for all, health and safety, secured by design, and all other things that go with that.

The Council has already offered to provide planning advice, to ensure that your planning application can be compliant with all relevant policies.

You or your architect will be required to submit plans to the Council's Planning Department, including the Building Control Service, and to ensure that all design and building work is undertaken in accordance with relevant regulations.

Assuming that the Council officers are able to advise you that your long term business plan is viable and sustainable, and that your approach to funding organisations is compliant with the relevant Council policies, the Council will, following this evening's Cabinet decision on the matter, wholeheartedly support Weald TRA's application for funding from appropriate funding organisations.

However, the Council cannot commit any resources directly to this project.

I confirm that I am personally very keen to see what you put forward and that the Weald TRA's innovative plans for this site coming to fruition.

**Supplemental Question:**

I'd like to ask that seeing as there are going to be no resources available, we are a voluntary organisation. I know in the report pack it says we have £4,000 in our account, we don't have £400. I'm just wondering where the Council expects us to find in the region of about £40,000 prior to receiving grants to engage an architect to actually draw up the plans which will enable proper costings of the refurbishment of Cedars Hall.

**Answer:**

As Portfolio Holder for Community & Cultural Services, I am willing to consider any formal request for assistance, to enable development of the local community's vision for the Cedars Hall site.

I acknowledge that Weald TRA has only £400 in the bank account.

I suggest, therefore, that the TRA Officers, give detailed consideration to the support required to enable this project to be taken forward and submit this to Andrew Trehern, Corporate Director, Community & Environment Services.

I will then consider your proposal with relevant Cabinet colleagues and advise you accordingly.

2.

**Questioner:**

Dr Alan Bender

**Asked of:**

Councillor Chris Mote, Portfolio Holder for Community and Cultural Services

**Question:**

Andrew Trehern's paper for Cabinet on 21 May titled "Development of the Cedars Hall site, Uxbridge Road, Harrow" is based very heavily on one assumption that the Weald Tenants' and Residents' Association acts as the lead group for all current interest in the Cedars Hall site.

This is a false assumption and the Council and the Association have not properly assessed the views of residents that live much closer to the site than most of the Association members.

In addition, Andrew Trehern has repeatedly failed to communicate with all such residents within timescales that give adequate time for consideration, reasoned response and preparation of constructive submissions to Cabinet.

As a result, his paper is an inadequate analysis of the possible approaches to a solution that will be acceptable to the Council and the local residents.

Therefore, in order to produce a better balanced and reasoned paper, would Cabinet agree to a three month period for further and proper consultation and consideration of options?

**Answer:**

The future of the Cedars Hall site, has effectively been subject to public debate, since 9 November 2006, when Cabinet first considered its future use, following the closure of the Wembley Rugby Club.

Following a public meeting at Kingsley High School on 3 October 2007, the proposal for an emergency accommodation hostel, was not taken forward.

Residents' views were being clearly heard by this administration.

On 20 February 2008, that is 12 weeks ago, officers presented various options for the development of the Cedars Hall site, at a meeting with local residents.

Clearly the preferred course of action indicated by residents at this meeting, was to return the site to open space.

Council Officers advise that there is no requirement to do this, given the sufficiency of open space in the surrounding area.

I understand that the community hall option was discussed in some detail at the meeting on 20 February, and was the only other option supported by residents at that meeting.

Following the meeting on 20 February, the Weald TRA began work to develop their vision and plans for Cedars Hall.

This approach could have been adopted by any other resident or group of residents in the area but was not. There has been an approach from a charitable enterprise, to develop a nursery on the site, and this enterprise has been referred to the Weald TRA.

The options to be considered by Cabinet this evening are substantially the same as those presented on 20 February.

Approximately 80 residents attended the second meeting on Wednesday 7 May, where a copy of the report as presented this evening, save for the inclusion of the Weald TRA proposal at appendix 4, and the notes of the meeting at appendix 3, was available to residents.

The views of the residents have clearly been heard, this administration listened to the views of residents last year, we have listened over the past 12 weeks and we will make a reasonable decision tonight.

**Supplemental Question:**

There have been many delays, all on the Council's part, and lack of an appropriate wide distribution of consultation requests. Cabinet of 13 December 2007 was petitioned that the promised consultation be started. The first public meeting was only two months' later on 20 February, with just 4 days' notice and with limited publicity. The next meeting on 2 April was changed 3 days' later to 7 May with the Council reason being given information not available and the report delayed from 2 April, to 7 May and then to 14 May, so why is the time allowed for consideration of the issues all one sided towards the Council with the public being given short shrift and why are things not being done in a more equitable and democratic fashion?

**Answer:**

I do not accept, in any way, that consideration of this matter has been rushed or is one-sided.

There has been ample opportunity for residents to engage with the Council, regarding the development of this site, in particular since the meeting on 20 February 2008.

The decision taken at Cabinet clearly reflects the views of a significant proportion of local residents, who have made the effort to engage effectively with the Council.

3.

**Questioner:**

Brian Stoker

**Asked of:**

Councillor David Ashton, Leader of the Council and Portfolio Holder for Strategy, Partnerships and Finance

**Question:**

In the matter of Cedars Hall future, I refer to my question to the previous Council Leader at the Cabinet meeting of 10 April regarding lack of opportunity for the public to comment to the Cabinet on the officers' report, we were assured there was sufficient time. However, as of the 16 May the report is not in the published Cabinet papers placed on the Council website in the statutory notice period for the 21 May meeting, and your deadline for questions on it is today, Friday 16 May! So we must assume it is not being considered at Cabinet.

A paper copy was given to a few individuals who happened to be present at the last Cabinet meeting, and a few individuals were e-mailed a version, but we await its formal publication. Factual errors in it, including the notes of the 7 May public meeting, need correcting.

This paper was referred to by the Leader in the minutes of the 8 November 2007 Cabinet meeting, some 6 months ago, so why 6 months to produce, and no days for comments by the public?

**Answer:**

I am sorry that the Cedars Hall report was not published on the Council website by the scheduled date.

Council Officers are expected to meet reporting deadlines and on this occasion failed to meet the scheduled date of Tuesday 13 May, which is not acceptable to this administration. However I am advised that the report was published on the Council website last Thursday 15 May at 5.00 pm.

The report author, was in fact responsible for leading the Council's response to the very serious and most tragic incident which occurred in Stanley Road, South Harrow, following the Harrow Weald residents' meeting on Wednesday 7 May.

100 copies of the Cedars Hall report were taken to the residents meeting on 7 May. At the end of the meeting only 19 copies of the papers were left. I suggest therefore that there was good attendance at the meeting by local residents.

The report contained within this evening's Cabinet papers is virtually identical to the papers presented at the resident meeting, the exceptions being appendix 3, the notes of the meeting, and Appendix 4 The Weald TRA draft proposal.

The notes of the 7 May residents meeting have been published as drafted 'independently' by our Committee Services staff. Any comments in respect of factual accuracies can be addressed to Hugh Peart, Director of Legal & Governance Services who will ensure that any necessary amendments are made as appropriate.

The timing of the consideration of this matter by Cabinet has in part been determined to ensure sufficient time for local residents to advise the Council of their views.

Cabinet will be considering the Officers' report this evening and will make a decision regarding the future development and use of this important site.

**Supplemental Question:**

Why are you actually considering this paper now when it was not available to the public in time when it contravenes your own Constitution Access to Information Procedure Rules, Rule 5.1, as it was on the published agenda, not added later, but the paper was not on the Council website until Friday 16 May? It also contains factual errors which will need to be corrected before you can approve a legalistic document.

**Answer:** The publication of the report at 5.00 pm on Thursday 15 May was not in contravention of the Council's Constitution - the last paragraph of Access to Information Rule 6 (headed 'Late Reports') reads:

"Where a report is prepared after the agenda has been sent out, the Director of Legal and Governance Services shall make the report available to the public as soon as the report is completed and sent to Councillors".

This is what happened in this case. This paragraph applies to all late reports not just to those relating to additional items which are added onto the agenda after the main agenda has been despatched.

The Council is satisfied with the contents of the report submitted to Cabinet.

4.

**Questioner:** Frances Pickersgill

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

**Question:** In his response to a public question at the Cabinet meeting on 15 May, Mr Ashton said that the Council would be discussing the future of Cedars Hall with the Weald Tenants' and Residents' Association. This, he said is the recognized organization representing the local community. Since when has the WTRA been 'recognised' in this way when there are other organisations eager to use the hall but are not included in the proposal?

**Answer:** The Council is recognising Weald TRA in respect of the development of the Cedars Community Hall option for two reasons:

1. The Weald TRA have proactively embraced the opportunity formally to submit high-level proposals for the development of the Harrow Weald site as a community hall.
2. And secondly the Council is willing to recognise the Weald TRA as it is a properly constituted local community group.

**Supplemental Question:** Why has the Council not explored whether other not for profit, voluntary and charitable organisations with which it has links or even contracts, would be interested in bidding to use the Cedars facilities?

**Answer:** The Council is keen to see the Cedars Hall site developed as a thriving and sustainable community facility.

The Weald TRA have embraced this opportunity in a positive and proactive way.

Voluntary, charitable, or other not-for-profit organisations, should therefore contact the Deputy Chair of the Weald TRA, Lee Choules, to discuss relevant opportunities.

Given the size of the site, Council officers consider that a partnership/consortium of community organisations, would probably create the most effective platform for the successful development and operation of a community use facility at Cedars Hall.

5.

**Questioner:** Catherine Kittredge MBE

**Asked of:** Councillor Christine Bednell, Portfolio Holder for Children's Services

**Question:** The recent ballot of stakeholders can be said to have upheld the original decision of West Lodge Middle School Governors because that result indicates that the majority of West Lodge Middle School Parents, Staff and Governors are in favour of remaining as a separate school.

We therefore ask for an explanation as to why the Local Authority is doing its best to prevent the appointment of a Headteacher, when all members of the recent interview panel attempting to make such an appointment, Local Authority members included, considered the candidate to be experienced and very well qualified for the position.

**Answer:** The local authority has advised the governing body of their responsibilities to manage the school budget in accordance with Financial Regulations. Making an appointment to a post that may be deleted would potentially incur redundancy costs and be contrary to good management of public funds.

The local authority, with the Governing Body has made further interim arrangements for an acting headteacher to be in post until December 2008.

Through the appointment process an appropriate candidate was interviewed and the Governing Body has offered the post to the candidate, subject to the outcome of the Cabinet Decision.

**Supplemental Question:** It is our opinion that the local authority appears to be acting on two different levels here. It would appear that within the same timeframe as the West Lodge Schools' consultation period, another school in the Borough voted against amalgamation.



That was accepted by the local authority on the proviso that the headteacher be appointed by a given date. Why then is the local authority applying a different standard to West Lodge Middle School, where but for the interventions of the local authority an experienced headteacher could have been appointed for the start of the academic year 2008/2009 and still could be for the start of January 2009?

**Answer:** The Belmont Schools demonstrated a significant majority of stakeholders across the two schools who were against amalgamation. The Cabinet were satisfied that the processes they followed were in line with the LA amalgamation policy. The governing body were asked to reconsider should they fail to appoint a new Headteacher by April 2008. When this proved to be the case the two governing bodies agreed to undertake a second consultation on amalgamation. This process is now underway.

6.

**Questioner:** Pamela Fitzpatrick

**Asked of:** Councillor Christine Bednell, Portfolio Holder for Children's Services

**Question:** Cabinet has stated that it intended to conduct a fair and transparent consultation which would be in the hands of the stakeholders. Why is it then that the Local Authority appointed Steering Group charged with the responsibility of conducting a stage one consultation under the statutory guidance made no new investigations into how an amalgamation would affect two very successful schools.

**Answer:** The Steering Group agreed a consultation process to gather views of the stakeholders of the two schools. The Steering Group were satisfied that they had sufficient information necessary to undertake the consultation. The information was included in a suite of papers sent to Stakeholders which included the consultation paper, an Executive Summary of the Feasibility Study and the Feasibility Study.

**Supplemental Question:** Why did the local authority allow an officer of the Council to write the feasibility report and send it to parents before it was seen, or even signed off, by members of the steering committee?

**Answer:** The process and timeline for writing and publishing the consultation papers including the feasibility report, were agreed by the Steering Group. Officers produced the consultation papers in line with the wishes of the Steering Group.

7.

**Questioner:** Julie Browne, Kids Can Achieve

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

**Question:** How can Cabinet believe that they are getting best benefit for the community by not considering all of the available options? (relating to Cedars Hall).

**Answer:** I am aware of your Kids Can Achieve enterprise interest in the Cedars Hall site.

I understand that you have discussed your interest with Andrew Trehern and that he provided you with contact details for the Weald TRA.

The Cedars Hall site is a substantial property and the Council believes that the success of the community enterprise may be best achieved by more than one organisation working together, so that in particular the costs associated with development, management and operation of this substantial site can be shared, thereby increasing opportunities for the financial and operational sustainability.

I would therefore encourage you to consider how you may be able to work with the Weald TRA.

**Supplemental Question:** There are other organisations, and not just mine, who desperately need this facility and we feel we are being denied the opportunity to express an interest or bid for the use of this facility. Could we be considered?

**Answer:** My response to Supplementary Question, raised by Francis Pickersgill, is relevant also to this question.

The Cedars Hall site is relatively substantial, and I believe that it would be really helpful if Kids Can Achieve, could work with the Weald TRA, to deliver a joint proposal.

If I, or Council officers, can help to make contacts to enable this approach to be taken forward, do please let me know.