

CABINET

21 MAY 2008

AGENDA PART I

COUNCILLOR QUESTIONS (ITEM 6)

Fifteen minutes will be allowed for Members of the Council to ask a Portfolio Holder a question on any matter in relation to which the Executive has powers or duties.

1.

Questioner: Councillor Bill Stephenson

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

Question: At the Cabinet meeting on February 14, I asked your predecessor Councillor Camilla Bath to state how many of Harrow's major housing estates (and out of what total) have been fully externally decorated in the last (i) seven years, (ii) nine years, and (iii) eleven years. In a supplementary question I made it clear I was interested in the major blocks of flats and, asked when the major blocks of flats in the Kingsfield Estate in my ward, would be externally re-decorated as the last time was eleven years ago. In her reply Councillor Bath said this information was 'necessary' and 'would take 14 days to collate' and Councillor Chris Mote said that 'as soon it was we would have chat about it and look at all areas that do need doing.' Since then I have heard absolutely nothing.

Can you provide me with the response promised by your predecessor and confirm the promise made to one of my constituents in writing that the Kingsfield estate will be externally re-decorated in this financial year?

Answer: At 31 March 2008 the Council owned 5068 tenanted homes and managed 1106 leaseholds.

In the seven year period to March 2008 records indicate that 3184 properties were included on the external decoration programme. Records are not available for earlier periods.

Allerford Court, Apsley Close and Holsworth Close on the Kingsfield Estate are programmed to be externally redecorated this year and instructions for that work to take place have been issued.

Supplemental Question: I welcome that. Could I ask Councillor Macleod-Cullinane to make sure leaseholders are contacted well in advance about costs of what their share will be.

Answer: Leaseholders will be notified, through the usual legal process, of the work that is proposed and the estimated costs that they, as leaseholders, will be expected to pay for that work.

2.

Questioner: Councillor Bill Stephenson

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

Question: When external re-decoration or major repairs are carried out on Council tenanted homes and managed leases only Kiers can quote for the work with no competitive tendering and the price which they quote has to be paid by leaseholders pro rata irrespective. Several leaseholders have stated to me that despite what the Council says that they have never agreed to such a one-sided system and that the prices quoted are excessive. Would you provide me with the documentation to show that all the leaseholders were fully and thoroughly consulted about this matter and agreed to the current system which replaced the previous system of competitive tendering? In addition can you tell us how leaseholders can be sure that they are not being overcharged and having to pay excessive prices.

Answer: When the Council re-tendered the contract for minor and major works to Council Homes in 2006, a public notice was published in the Official Journal of the European Union inviting such tenders. A Section 20 Consultation Notice was sent to all leaseholders informing them of this on 17 July 2006 and inviting their comments. Competitive tenders were received by Harrow Council. Leaseholder representatives were part of the panel that selected Kier Building Maintenance. On 14 March 2007, a Section 20 Consultation Notice was sent to all Leaseholders informing them that Harrow would now enter into a contract with Kier Building Maintenance for all maintenance works. The minor works contract is effective for five years and the major works contract for four years with effect from 1 July 2007. The process for that the Council applied provided opportunity for necessary competition and met the requirements of the Commonhold and Leasehold Reform Act 2004.

When the Council wishes to appoint Kier, as the major works contract partner, to undertake specified work, a Section 20 Notice is always issued. That notice provides a description of the work, an explanation about why the work is necessary, an estimate of the likely cost and an invitation to all leaseholders to make comments within 30 days.

Further with the service charge demand all leaseholders are advised that they have the right to ask a Leasehold Valuation Tribunal (LVT) to determine whether any costs that Harrow

Council intend charging are reasonable. Leaseholders are advised that they may ask the LVT to make the determination before or after the cost has become payable.

Supplemental Question:

Thank you for his comment in saying precisely what happened but having talked to leaseholders, none of them seem to understand the system. Would the Council begin to learn how to communicate and communicate more clearly to leaseholders who clearly misunderstand this and still feel that they're being charged excessive prices which is very difficult for them to overturn other than going through a Leasehold Variation Tribunal.

Answer:

The Council has expended significant staff effort in setting up and supporting a Leaseholder Support Group. This Group is elected, has a formal constitution and meets regularly. The Council complies with the requirements of the Commonhold and Leasehold Reform Act 2004 in communicating formally with Leaseholders, whilst the Support group provides a less formal opportunity for communication.

3.

Questioner:

Councillor Bill Stephenson

Asked of:

Councillor Barry Macleod-Cullinane, Portfolio Holder for Adults and Housing

Question:

When external re-decoration or major repairs are carried out on leases managed by the Council, the leaseholders have to pay a 20% administrative charge to the Housing Department. This was recently raised from 10% and according to the minutes of the Council supported Leaseholders' Support Group will possibly rise to 37%. Could you justify in detail this extremely high charge to leaseholders and can you assure them that there are absolutely no proposals to further increase this charge?

Answer:

A review of the cost of providing leasehold services in 2006 indicated that the cost of providing these services significantly exceeded the annual charge to leaseholders. The financial information to confirm this was submitted to the Leaseholder Support Group and discussed at the Forum. The administration charge was increased from 10% to 20% of the actual costs. At the time of the review the Leaseholder Support Group was provided with information that confirmed that the administration charge would need to increase to 37% of costs in order to ensure that the Housing Revenue Account recovered from leaseholders the cost of providing the services those leaseholders. This administration charge is reviewed annually and at the present time there are no proposals to increase that charge.

Supplemental Question: I welcome that assurance. Can I just give an example of a case in my own ward where the roofing is being replaced at Atherton (not Acton as stated in the minutes!) Place, a cost of £160,000. 20% of that is £32,000. Wouldn't Councillor Macleod-Cullinane say for that you could employ a lower level member of staff with on-costs for perhaps the whole year, a higher level member of staff for half a year. What is the justification for such a high charge for just putting the roof on one building and would he look at this again as to how we do charge leaseholders to make sure we're doing it fairly.

Answer: The administrative charge is 10% for major works, such as roof replacement, and 20% for service charge items, as set out above and also including items such as communal lighting. The 10% charge for major works covers the cost of specification, consultation and supervision of the work carried out and does not represent an unreasonable charge for this service.

4.

Questioner: Councillor Bill Stephenson

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

Question: As there is no mention of this in the Cabinet's Forward Plan could you give an outline of the timetable for the determination of the future of Wiseworks including the proposals to fully and thoroughly consult all stakeholders.

Answer: Members will recall that the Council entered into a Section 75 Agreement with Central and North West London Foundation NHS Trust to deliver an integrated Mental Health Service. At the point of transfer the decision was taken to exclude Wiseworks from this, pending clarity about the future of that service. CNWL have now requested that Wiseworks be included in the Section 75 Agreement. Proposals (including a timetable for implementation) are currently being developed prior to consultation with service users, carers, stakeholders and staff. It is anticipated that a report on this matter will be submitted to Cabinet in October later this year.

This will be linked with the work being currently undertaken through the Mental Health Partnership Board to develop vocational strategy for people with mental health illnesses and health issues. This work is being led by users and carers supported by the Council, PCT and CNWL, and staff from Wise Works have contributed to this process. The development of a vocational strategy is a work stream within your future, our future, and the adult and housing training programme plan was approved by Cabinet last week.

5.

Questioner: Councillor Paul Scott

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

Question: In answer to a question put to you by John Feldman last Thursday, you gave assurances that your administration will not build on any park, including Cedars Open Space. Can you inform us of the status of Cedars Youth Centre as regards this question? Is it, like Cedars Hall, considered separate from Cedars Open Space and therefore a potential site for future development?

Answer: Cedars Youth Centre does not form part of Cedars open space. However the Council has no current plans for development on this site.

6.

Questioner: Councillor Paul Scott

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

Question: Why, when both the Weald TRA (the Council's supposed partner), and an established local charity that is interested in the Cedars Hall site, have stated publicly that the timescale set out in the officer report cannot be met, is Cabinet still considering a recommendation which seems to require much more work than has yet been done and in its present form seems likely to lead to a residential development on the site – the one option that all local residents are united against?

Answer: Firstly there is no assumption on the part of myself or this administration which is based on a housing development on the Cedars Hall site being our preferred option.

Our position in respect of this matter will become clear once we have considered and decided upon the Officers report in respect of this matter.

The Officers report sets down a clear timescale for the development option based on a community use hall. The timescale is challenging, and rightly so, but Officer advice is that the timescale remains realistic, particularly given the progress that has already been made by the Weald TRA.

This view now seems to be supported by Mr Choules given the wording of the question.

Supplemental Question:

Why have Cabinet spent 18 months considering, proposing, withdrawing, reconsidering and repropounding plans for this site? Are you now apparently unwilling to grant further time, particularly in response to Kids Can Achieve, in order to reach a result that will enhance facilities for the area?

Answer:

Councillor Scott, your Supplemental Question has clearly been worded to mislead, so I will set out the facts once again.

In the Autumn of 2007, this Administration decided, following consultation with local residents, that a planned development of the Cedars Hall site should not proceed. We clearly heard the views of local people.

On 20 February 2008, residents were advised of the possible options for the development of the site.

We listened to feedback, we engaged with the local TRA and, at Cabinet on 21 May 2008, following another meeting with local residents, Cabinet decided to provide an opportunity for local residents, to develop the community hall proposal. Kids Can Achieve have been put in touch with the Weald TRA, I hope that these two organisations, possibly with others, can work together to develop a superb local community facility. This Administration will do all that it can to help.

Questioners 4 and 5 did not ask supplemental questions.