



CALL-IN SUB COMMITTEE
THURSDAY 29 NOVEMBER 2007
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 (VC)

Reserve Members:

1. Jeremy Zeid
2. Mrs Lurline Champagne
3. –
4. Dinesh Solanki
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**

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***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

THURSDAY 29 NOVEMBER 2007

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.

3. **Arrangement of Agenda:**

To consider whether any of the items listed on the agenda should be considered with the press and public excluded on the grounds that it is thought likely, in view of the nature of the business to be transacted, that there would be disclosure of confidential information in breach of an obligation of confidence or of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972.

4. **Minutes:**

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

Enc. 5. **Call-in of the Decision of the Cabinet Meeting on 8 November 2007: Key Decision - Development of Leisure and Cultural Services:** (Pages 1 - 36)

The following items relating to both the call-ins below are attached:-

- Joint report of the Director of the Community and the Environment Services and the Director of Community and Cultural Services.

(a) Decision relating to Byron Leisure Park:
Notice invoking the Call-in.

(b) Decision relating to the library/arts centre at Gayton Road:
Notice invoking the Call-in.

AGENDA - PART II

6. **Call-in of the Decision of the Cabinet Meeting on 8 November 2007: Key Decision - Development of Leisure and Cultural Services:** (Pages 37 - 44)

Confidential appendices 4,5,6 and 7 to agenda item 6.

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 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 very 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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Meeting:	Cabinet
Date:	8 November 2007
Subject:	Development of Leisure & Cultural Service Facilities
Key Decision:	Yes
Responsible Officer:	Andrew Trehern, Corporate Director, Community and Environment Services Javed Khan, Director Community & Cultural Services
Portfolio Holder:	Councillor Chris Mote, External Affairs and Property Councillor David Ashton, Finance and Portfolio Co-ordination Councillor Anjana Patel, Community and Cultural Services Councillor Eric Silver, Adult Services
Exempt:	Part II Appendices 4, 5, 6 & 7 only These appendices to the report are exempt from publication under paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)
Enclosures:	App 1: Master Plan Byron site – Illustration only App 2: Red line drawing – Gayton Road App 3: Red line drawing – Byron Park Appendices 4 - 7: Financial Spreadsheets (Part II) Note: Architects commissioned through the Kier Partnership will give a Powerpoint presentation to Cabinet, illustrating design concepts for the Byron Park Leisure Centre. Copies of the slides will be provided to members as handouts. (For illustrative purposes only)

Section 1 – Summary and Recommendations

This report sets out the proposed strategy for achieving an extensive development of Harrow's Leisure and Cultural Services whilst realising a significant and positive revenue budget impact.

Recommendations–Community and Cultural Services Portfolio

1. Agree that the development of “Byron Leisure Park” should be based on Option 4 (Section 2.5.1); 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 re-location 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 01 February 2010.
2. Approve the relocation of Gayton Library to Garden House.
3. Give approval for a procurement exercise to be conducted to enter into a long-term strategic partnership for the provision of sports, leisure and related services, e.g. at Byron Park, Hatch End and potential other locations in the borough.
4. Approve the start of feasibility studies and consultation work for the development of the Hatch End site, together with other community, leisure and cultural services in the area, as referenced in the report.
5. Note that, in any time lag, which will be kept to a minimum, between the closure of the existing facility and the development of a replacement “Byron Hall”, the Council will identify and facilitate access to interim alternative venues for community use and ensure information about such facilities is widely disseminated.
6. Note that there will be extensive consultation with stakeholders, regarding the development of the detail of the proposals put forward in this report.

Recommendations – Property Portfolio

7. Approve release of land for disposal at Gayton Road and Byron Park (Land as identified on red line plans at Appendices 2, and 3).
8. Approve disposal of land at Gayton Road and Byron Park at best consideration for the Council (Land as identified on red line plans at Appendices 2 and 3).
9. Delegate authority to the Corporate Director, Community and Environment Services, in consultation with the Portfolio Holder for Property, to make minor amendments to the red line plans.
10. Delegate authority to the Corporate Director, Community and Environment Services, in consultation with the Portfolio Holder for Property, to dispose of land as agreed by Cabinet at best consideration, to deal with any representations in relation obtaining necessary consents and to agree the terms of any leases.
11. Agree the sale of land to Fairview Homes Ltd, as previously agreed by Cabinet on 14 December 2006.
12. Approve the Council entering into a lease of Garden House for the accommodation of the Gayton Library.
13. 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.
14. Approve the use of the Kier Partnership for the development of Council facilities on the Byron Park site.

Reason: (For recommendations and summary of benefits)

The above decisions enable the Council to improve its Leisure and Cultural facilities by maximising Council property assets. The proposed developments will be facilitated by making effective use of the Kier partnership.

Harrow has recently received poor performance ratings on adult participation in sports, and poor resident satisfaction with leisure facilities, which these recommendations aim to address:-

Byron Park

- A brand new Leisure Centre which will open on 1st February 2010.
- The new centre will provide a full range of health, fitness and sports facilities. The centre will continue to support local clubs and will be operated under a new partnership arrangements.
- Byron Park will benefit from investment to become a centre for the local community, and this will be re-enforced through the design and layout of the housing and leisure developments
- Services provided from The Bridge will be re-located to a brand new facility within the site, without service interruption.
- The skateboard park will be completely renewed In a prominent accessible location.
- Public Realm improvements will ensure that the substantial investment in this development site is supported by appropriate traffic management arrangements, improved street lighting, the introduction of CCTV, a new car park, all of which would be consolidated through striking urban design.

Byron Hall

- An extensive review will determine the business case for a new “Byron Hall”.
- The new facility will be developed in partnership with other organisations.
- The new facility will meet the 21st Century needs and expectations of our customers and in particular the various community groups that currently use the Byron Hall. Appropriate location of the facility will be one of the critical factors to ensuring its success.

Hatch End – The feasibility study will consider the provision of:-

- A brand new leisure centre that will provide a 25m 6 lane swimming pool, health and fitness gym and a sports hall.
- Much needed refurbishment of the facilities at the Bannister Sports Centre.
- Integration of the new leisure centre, Bannister and local playing fields, to offer an integrated package of sports, leisure and fitness activities.
- A brand new library.
- The opportunity to co-locate Police and PCT services will be embraced as part of the options appraisal for this area.

- The opportunity to develop the community schools programme.
- Enhancements to the Elliott Hall and Arts facilities.
- A sensitive housing development.

Town Centre

- The residential development at Gayton Road will have a significant impact on the regeneration of the Town Centre through new investment and increased resident spending power.

Town Centre Library

- The re-location of the Gayton Road Library to Garden House, as a temporary location, pending the development of a brand new central library, which will also act as the local Town Centre lending library, as part of the Council's plans for the development of the Town Centre and Central Harrow.

Olympics

- The new developments will revitalise the Council's sports and leisure provision, and inspire our community to become healthier and fitter, as all of London aspires to legacy activity beyond the 2012 Olympics.
- The new development will also inspire young athletes to become involved in sports at all levels, on their journey toward competitive games.

Housing

- This programme will result in the development of approximately 650 new homes of which over 200 would be affordable.

Sustainability

- All new developments will address the climate change agenda in that they will be much more energy efficient, with significantly reduced carbon emissions.
- Development of the facilities, which remain in Council ownership, will be taken forward with a view to ensuring that the "whole life cost in use" is as efficient as it can possibly be.

Corporate Objectives

This programme contributes in a most proactive way to the new vision and corporate priorities.

- Opportunities to improve the well-being of adults and children is clearly at the forefront of this investment.
- Improving community safety and encouraging communities to "get on well together" will also be directly impacted.

Council Finances

- This programme will make a significant and positive contribution to the Council's revenue budget, as well as providing superb brand new facilities for all residents.

Section 2 – Report

2.1 Corporate Priorities

The enhancement of the Council's Leisure and Cultural facilities proposed in the comprehensive and wide-ranging proposals covered in this report, will help the Council to fulfil its vision to:

- Promote vibrant cultural and leisure opportunities
- Increase our level of customer satisfaction
- Expand participation for Harrow's young people

The proposals, if agreed, will address the Council's aims to:

- Satisfy our customers (V1)
- Transform our living and working environment (V6)
- Promote vibrant cultural and leisure opportunities (V7)
- Deliver value for money (V11)

They will also help the Council to achieve to its corporate priority to:

- Increase opportunities for participation in sports and culture for which signing a contract to build a new Sports & Leisure Centre to replace the existing Byron Centre is a Flagship Action.

2.2 Background

Introduction

The Council has pursued two initiatives in the last couple of years to deliver corporate priorities to enhance leisure, sports and cultural facilities across the borough:

- provision of a replacement library & a new arts centre at Gayton Road and
- new indoor sports facilities at Byron and Hatch End.

These projects are entirely dependent on the Council disposing of land and investing the receipt in new facilities. Feasibility studies have been carried out on both sites through the Kier partnership and subjected to independent cost appraisal. This report explains the rationale for and findings of the studies, and offers options for taking the programme forward.

2.3 Gayton Road Site

The ambition for a combined/library arts facility in the centre of Harrow was originally developed in a more favourable financial context and exploratory studies were undertaken in late 2004/early 2005. Drivers for the project were the need to replace Gayton library due to the poor state of its building structure, and evidence of potential demand for performing arts and exhibition space in the town centre.

On 14 December 2006, Cabinet authorised officers to enter into negotiations with Fairview Homes Ltd, on an outline proposal to deliver a new combined library, performing arts and exhibition centre on the Gayton Road site, which would replace the existing library as part of a wider development of the whole site for housing and a new town centre car park, consistent with the Council's Town Centre Development Strategy.

In July 2007, the completion of more detailed feasibility and costing work, indicated that the programme was not affordable in the light of the Council's constrained budget position. However, officers identified an opportunity to relocate the Gayton library on an interim basis to Garden House, a five storey building located conveniently in the heart of Harrow town centre almost directly opposite large department stores. This would not only provide more modern facilities for the library but would also enable the Council to maximise the development of the Gayton Road site, whilst providing a substantial addition to the town centre housing stock which will contribute towards town centre regeneration.

The rationale for the partnership with Fairview Homes Ltd has been reviewed with the assistance of specialist valuers, and officers strongly believe that this arrangement will result in the best possible financial and development outcomes and best consideration.

2.3.1 Options Considered

The only proposal available for officers to put forward in relation to the Gayton road site comprises the following three elements:

- i. The Gayton library to be relocated at Garden House. This would be expected to take place at the beginning of April 2008 with minimal disruption to the service. All existing library services will be available. Disability access issues in connection with entrance and lift will be addressed; the present library has no lift access to its mezzanine level. The limited free parking at Gayton Library will not be available on the new site; but there are disabled access spaces nearby on the highway and in public car parks. It is intended that a brand new lending and reference library should be included in the longer term strategy for the town centre.
- ii. Negotiations with Fairview to be put in hand for the sale and redevelopment of the whole Gayton Road site, including the current library and car park. The development of the Gayton road site will incorporate housing and a new town centre car park. Consideration will also be given to establishing a commercial partnership, for the management and operation of the new car park.
- iii. The Fairview proposal has the potential to deliver considerable benefits, helping to regenerate Harrow Town Centre by providing much needed new residential properties. The current parking capacity on the site will be retained and the Council will continue to derive an important income stream. The new development can be in place within two to three years.

An off-market transaction with Fairview will enable a comprehensive development of land in Gayton Road, in accordance with the UDP, and subject to Planning Permission, which maximises land value and, in the view a specialist advisor, clearly demonstrates best consideration to the Council. Independent development of the car park and library sites would not achieve the same housing density and, significantly, is unlikely to provide for the re-provision of public car parking.

2.4 Background - Leisure & Cultural Services

Green spaces, sport and recreation all underpin people's quality of life. Improving the accessibility and quality of the provision is a priority for Harrow in order to improve resident satisfaction and take up of activity, thereby improving health and well being, supporting crime prevention measures, providing diversionary activities for young people and helping a diverse community to integrate.

Harrow has a lack of flexible, contemporary facilities for sports, recreation, physical activity and leisure that can respond to the changing needs of the community and can adapt to support new cultural populations. The existing facilities are aging and expensive to operate with increasing capital investment to maintain only an 'as is' condition. However, they are popular with users who have increased substantially in the last three years to a total of over 1 million visits across the Byron, Bannister and Hatch End sites.

A strategic approach to the provision of indoor and outdoor sport/recreation facilities and open space is increasingly being recognised as an essential way forward in ensuring that facilities meet the needs and aspirations of the people who use and live near them.

Harrow residents have been surveyed in recent years about sports and leisure provision by a variety of consultants including Strategic Leisure Ltd. and Sport England, with results specifying the areas of Harrow most in need of investment. Along with a replacement of the primary central leisure facility at Byron Park and improvements to the Hatch End Pool and Bannister track, additional provision for dry and wet sports & leisure is required in South Harrow to better serve the needs of the local population. Harrow's poor and limited swimming facilities have regularly been highlighted in community/school feedback.

Residents have also shown a keen interest in developing indoor/outdoor activities and want access to a range of opportunities for different interests and ages, and special programmes for targeted groups (BME, women, disabled and youth) activities. This has led officers to consider the development of Byron Park with family-friendly activity zones along with the replacement of the current Leisure Centre.

2.5 Byron Park & Leisure Centre - Current Position

Harrow Leisure Centre is now 40 years old and it has been known since an independent condition survey carried out in 2005 that its facilities do not meet modern standards of design, energy efficiency or customer expectations and that some areas are nearing the end of their useful economic life. The Centre has its back to the park so does not encourage a 'joined-up' experience of sports and leisure. The Centre is operated by Leisure Connection Ltd under a contract with the Council, which is due to expire in 2011. Consideration of the contractual arrangements for future leisure facilities is addressed in Section 2.7 of this report.

The Byron Park site as a whole has considerable development potential if this is carried out in a sensitive manner. In particular, the release of land adjoining the Leisure Centre provides the opportunity to accommodate a new leisure facility and, at the same time, release a significant area for housing development, which will attract a substantial capital receipt.

In the light of the above opportunities, officers commissioned the Kier Partnership to develop and cost outline proposals for enhanced facilities on the Byron Park site which would also take account of the following three other facilities on the site:

i. Byron Hall

Byron Hall was originally built as an indoor bowls rink. It was converted for multi-purpose use many years ago and has never adequately fulfilled this role. The current facility is used for a range of community events which could not easily be replicated within a single location in the borough. There is undoubtedly demand for a facility with a large floor space which can be used effectively to meet a range of needs and which offers a good customer experience.

The Byron Hall facility is in need of extensive refurbishment and modernisation. However, it is the view of officers that refurbishment of the current building will not produce a facility which meets 21st century standards. Additionally, it is not regarded as desirable to locate a large events venue on what will be a housing estate. The development of a new facility elsewhere in the borough would enable the Council to overcome these issues and to free up more land for housing.

ii. The Bridge

The Bridge is a day service for adults aged 18-65 with significant mental health care needs which provides a range of therapeutic and general support activities. It is managed by the Central and North West London Mental Health Trust under a Section 75 Agreement with the Council. The current position of The Bridge is completely separate from the leisure and sports facilities on the site. In line with the council's efforts to build safer and stronger communities for all its residents, the possible relocation of the centre within the site to a position closer to the new leisure centre would promote better integration and social inclusion of a group which can experience exclusion. The proposed new position, if agreed, will only entail a move of 135 metres. There will be seamless transition and no interruption in service. The reason for relocating this relatively new structure is to secure a significant financial benefit and to maximise the development potential of the whole site. The new centre will be of at least an equivalent standard to the current facility.

It is acknowledged that the development of the new facility will be taken forward in consultation with operators, service users and staff of the centre.

iii. Skateboard Park

The skateboard park is a facility for children and young people and is currently located at the edge of the recreation ground. However, due to its age, aesthetic, graffiti and relatively poor condition and position in the park, it is not as accessible and popular as might be expected. It requires investment and relocation within the park to maximise its access potential for children and young people while having proximity to other family friendly activities. If agreed, the reprovision of skateboard facilities within the park will be taken forward in consultation with customers and there will be a seamless transition with no loss.

2.5.1 Byron Park Options

The development of Byron Park site is now a flagship action for the Council. This development has the potential to dramatically enhance both the leisure and sports provision offered to Harrow residents as well as the whole Byron Park site through its imaginative design and better synergy with the other Byron leisure facilities. However, delivery of the Leisure and Cultural Services programme, is dependant on maximising the use of land on the whole site.

As indicated in the previous section, feasibility work has been undertaken in terms of the facility mix of the new leisure centre, its location on the site and the layout of the rest of the site including other relevant facilities. (These are all subject the Council obtaining the necessary planning permission and other consents). This has allowed refinement of the options to four main choices which are summarised below and detailed in the Finance Models as shown in the Part II appendices.

Option 1: - (Part II Financial Appendix 4)

Leisure Centre on site of current skateboard park + new skateboard park, The Bridge relocated on the site

There is no Byron Hall replacement in this option

Includes disposal of land for residential development

This Option is not recommended.

Option 2: (Part II Financial Appendix 5)

Leisure Centre on site of current skateboard park + new skateboard park, The Bridge relocated on the site

Includes New Byron Hall in existing position

Includes disposal of land for residential development

This Option is not recommended.

Option 3: (Part II Financial Appendix 6)

Leisure Centre on site of current skateboard park + new skateboard park, The Bridge relocated on the site

Includes Refurbished Byron Hall in existing position

Includes disposal of land for residential development

This Option is not recommended.

Option 4: Illustrated in Master Plan – Byron Site (Part II Financial Appendix 7)

Leisure Centre on site of current skateboard park + new skateboard park, The Bridge relocated on the site

Includes disposal of land for residential development

The financial model for this option provides for the development of a “Byron Hall” facility, either in partnership with a developer or as part of another Council programme. A commercial review and market research will be undertaken to determine the long term need and commercial viability for this type of facility, prior to any development being progressed.

It is possible that there will be a time lag, which will be kept to a minimum, between the closure of the existing leisure centre and Byron Hall, and the opening of the new “Byron Hall”. If this is the case, it is intended that a comprehensive listing of all large event facilities available in the borough, or in close proximity to it, will be compiled, and made widely available to Community Groups.

This Option is recommended.

Financial provision for the items listed below has been included in the financial models and costs in respect of these items will be incurred for each option: -

- Car parking
- Access and service roads
- Public Realm infrastructure improvements including traffic management signage, lighting, CCTV, park facilities, etc.
- Programme management costs, project management and professional fees

2.6 Hatch End Site

The Harrow Arts Centre, the Hatch End Swimming Pool and Hatch End Library are located on the Hatch End site. Some facilities are in poor condition. Hatch End pool, in particular, is an old building that has reached the end of its useful life and is in need of significant capital investment to address DDA requirements and offer an acceptable quality of service. In spite of these shortcomings, the Hatch End site has heavy use for community arts activities, recreation, leisure and learning. There are opportunities to consider rationalising the site with a potential swimming pool and library relocation, on-site or in conjunction with other local services. Further feasibility work is required and, in this context, discussions have been initiated with local schools.

2.6.1 Options

Further consideration is needed on the basis of consultation and feasibility work before options can be identified. Members are asked to approve commencement of this work.

2.7 Strategic Partner for Leisure & Cultural Services

Officers are keen to secure the best possible partnership for the future and, for this reason, will want to negotiate early release from the contract with Leisure Connection in 2010. Officers have already initiated a soft marketing review held with a range of external providers from the leisure market on 8 October 2007. The potential partners attended the meeting and expressed great interest. Further work is needed to determine the most appropriate way forward for securing partnership in the delivery and management of leisure services, this will include a formal procurement process. The procurement of the strategic partner will test a number of financing options, including the use of an "equity partnership", to recover some of the Council's investment, where a business case for this approach is proven.

2.8 Project Resources

Budget Resources necessary to deliver this programme are contained within the financial appendices.

2.9 Project Costs

This programme will be funded through the disposal of some of the Council's property assets.

2.10 Principal Risks and Management Action

A full risk register will be developed as part of the project management arrangements and a preliminary list of areas to be considered includes: -

- Construction supply chain management during a construction boom.
- Project critical path management within a tight timescale.
- Planning consent and other approvals -Potential challenges.
- Appointment of a leisure services operator early enough to facilitate a successful launch and operation of the new leisure facilities

2.11 Staffing and Workforce Considerations

The multi-storey layout of Garden House will require new patterns of working for existing Gayton Library staff, in order to provide assistance and supervision across several public floors without increasing staff numbers. Staff consultation will take place.

2.12 Equalities Impact

The provision of quality leisure facilities across the borough will improve access for all sections of the community and has the potential to strengthen community cohesion through good public space and interaction. Consultation with children and young people has highlighted that current facilities are inadequate for their needs in terms of opening hours, pricing and access (Interim Strategy for Sport, Recreation and Open Space).

Full accessibility and cultural sensitivity will be integral to the design and planning of the proposed developments in leisure and cultural facilities.

Community participation at the current Harrow Leisure Centre is broad. Current users such as the Harrow and Wealdstone Swimming Club have been praised for their innovative and highly successful approach to promoting social inclusion and community cohesion by using sport as a vehicle. New improved facilities should boost participation even more. The provision of quality leisure and community facilities will also help address the current lack of provision for exclusive use by women, identified as a barrier to participation in sports and physical activity for many women.

An initial Equalities Impact Assessment (EIA) for the overall project has been completed and will be reviewed in the light of consultation.

2.13 Consultation

Strategic Leisure Limited undertook the last public consultation on the borough's sports and leisure provisions in 2005 as part of its supply and demand audit; although comprehensive it focused on generating a borough wide response to barriers to participation. These outcomes have been reviewed and a new consultation strategy has been developed specifically for this project, aimed at involving all stakeholders in the development of Byron Park. The purpose of this consultation will be to help to determine how the new facilities as agreed in the finalised master plan can best meet user needs.

As soon as Cabinet approves the recommendations in this report, officers will initiate a comprehensive programme of engagement with all relevant stakeholders, including all sports and leisure stakeholders and engaging all affected sites and populations. The purpose of this consultation work will be to ensure that stakeholders' views are considered, that they are fully informed about potential new leisure and cultural facilities and to give them as much opportunity as possible to discuss what the facilities will offer and how they will work and feedback their views on all these projects.

2.14 Legal Comments

Legal Services are represented on the project team and will ensure relevant legal issues are fully considered at all stages of the development proposals.

The Council has the power to acquire and sell land under the Local Government act 1972.

A proper procurement exercise will need to be conducted in order to select the leisure provider.

2.15 Community Safety

The new Byron Leisure Centre will contribute to improved safety for the users of the park as the centre will overlook the park and provide well-lit, open access to it. The proposed enhancement of family recreation facilities in the centre of the park should also help to reduce the incidents of anti-social behaviour. The greater opportunities for young people to participate in sport and leisure activities offered by the proposed development across the borough should also reduce the likelihood of them being drawn into anti-social behaviour and petty crime. Additionally, the development of the new public spaces within the overall site will benefit from CCTV and the local Police Safer Neighbourhood Team will be key stakeholders.

2.16 Financial Implications

The estimated capital receipts, capital expenditure and net revenue impact of the proposals compared to the previous MTBS are shown in the Part II Appendices 4 to 7. The estimates of expenditure are the result of detailed work in respect of Gayton and the Byron site. They are higher level in relation to Hatch End and Bannister. Development at Hatch End will be cash-limited to the Council's contribution at the value shown in the appendices.

In all of the options, the level of capital receipts anticipated exceeds the estimated capital expenditure required. It should be noted that the level of capital receipt anticipated in the two options incorporating Byron Hall is significantly lower. This is partly because the land required for the hall cannot be sold, partly because of the need to provide more car parking and partly because of the negative impact that the hall has on the value of the rest of the site being sold. This is a result of the additional car use and noise that would be associated with the hall. While all the options show a net revenue saving in the longer term, Option 1 (Appendix 4) is highest and would therefore make the most contribution to the funding gap identified in the MTFS. Options 2 and 3 (Appendices 5 and 6) would require revenue growth in 2010-2011.

The opportunity to recover some of the capital invested by the Council through an “equity partnership” with the facilities operator will be considered where there is a significant positive business case for this approach.

All of the options shown include the assumption that the leisure facilities will be able to benefit from 80% charitable NNDR relief through the establishment of a Trust. This has been used extensively elsewhere but there is the possibility that the concession could be withdrawn at some time in the future. This is a risk that the Council will need to manage.

2.17 Performance Issues

The overall programme will contribute positively to C17 and C19 - Customer satisfaction + new LAA target.

2.17.1 Library Service

Gayton Library is the borough’s central lending library incorporating the central music library and is the library of highest use in the borough.

The total visits and loans in the past 2 years were:

2005/06: 358,000 visits and 463,000 loans

2006/07: 420,000 visits and 454,000 loans

In 2006/07 these contributed to 22% of public library visits and 22% of loans in Harrow.

The location, opening hours, levels of stock and use of Gayton Library are significant contributors to the Public Library Service Standards (PLSS 1-10) and to the high level of resident satisfaction, all of which contribute to the range of library indicators in the Cultural Services block. The new location is not expected to have any negative effect on library performance indicators. The relocation of the library to Garden House will result in the loss of free car parking and a less convenient building layout. However, these factors will be mitigated by Garden House’s excellent location in the heart of the town centre. The overall impact of the move on the Cultural Services block indicators should therefore be positive and should not affect the existing CPA indicators, which are all currently green status.

2.17.2 Sports and Leisure Services

Harrow Leisure Centre is currently the borough’s main sporting facility. And throughout the year it accommodates a large number of dedicated local sports clubs, community organisations, and is also used by the majority of borough schools alongside casual users. The total attendances recorded over the past 2 years (for just the Leisure Centre) were:

2005 / 2006 = 730,363

2006 / 2007 = 855,885

(This includes 167,000 visitors in 06/07 to functions across the Byron Hall and Masefield Suite)

Sports and Leisure is a key component of the Councils Cultural Service block performance indicators within the CPA and other assessments, therefore critical to its overall scoring. The Key Performance Indicators (KPI's) in this area are:

- BVPI 119a, resident satisfaction with sports and leisure facilities
 - higher threshold of 60% for green
 - lower threshold of 49% for amber
 - currently 45% and red and not moveable until 2009 GHS survey
- BVPI 119e, resident satisfaction with parks / open spaces
 - higher threshold of 77% for green
 - lower threshold of 66% for amber
 - currently 67% and amber and not moveable until 2009 GHS survey
- C18, percentage of population volunteering in sport and active recreation for at least one hour per week
 - higher threshold of 6% for green
 - lower threshold of below 5% for amber
 - currently 5% and amber and not moveable until 2008/9 Active People
- C17, percentage of adults participating in at least 30 minutes moderate intensity sport and active recreation on three or more days a week
 - higher threshold of 27% for green
 - lower threshold of below 24% for amber
 - currently 20.6% and red and not moveable until 2008/9 Active People
- C19, percentage of population that are within 20 minutes travel time (urban areas – by walk; rural areas – by car) of a range of three different sports facility types, of which one has achieved a specified quality assured standard
 - higher threshold of 50% for green
 - lower threshold of below 30% for amber
 - currently estimated 30% and amber and pending survey results update from Active People following a new Quest accreditation

The next GHS MORI Survey will be undertaken in 2009. This project will significantly improve all areas for sports and leisure and improve overall ratings for satisfaction with the council by that time. There are no negative impacts to performance expectations for culture block indicators. Additionally, a stakeholder programme will retain involvement of residents to ensure that their views are known throughout the design and build phasing.

At the time of the next survey residents will see a new facility in construction with the existing facility intact and still operational. Closure will only commence upon commissioning of the new facility and no lapse in provision will be experienced by residents.

In 2009, KPI's are expected to be as follows:

BVPI 119a resident satisfaction with sports and leisure facilities – amber
BVPI 119e, resident satisfaction with parks / open spaces – amber toward green
C18, percentage of population volunteering – green
C17, percentage of adults participating in sports/leisure – amber
C19, percentage of population that are within 20 minutes – green

This new facility development will be supplemented with service programme development in sports, leisure, parks and open space and will be a key factor towards increased participation and satisfaction levels, making a significant contribution to the Council's future CPA rating. This development brings about a substantial improvement of the existing leisure provision for our local communities; Successful delivery will mean tangible long term improvement to the boroughs leisure, health, and learning amenities for the people of Harrow and surrounding areas.

2.17.3 Housing

Subject to obtaining Planning Permission residential development of land at both Gayton Road and Byron Park will result in a significant contribution to the Borough's housing stock which will have a positive effect on our London Plan housing target of 400 units per year as well as the new indicators:

NI 154 net additional homes provided

NI 155 number of affordable homes provided

NI 156 number of household in temporary accommodation

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 26 th October 2007		
Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 26 th October 2007		

Section 4 – Performance Officer Clearance

Name: Tom Whiting	<input checked="" type="checkbox"/>	Divisional Director (Strategy and Improvement)
Date: 26 th October 2007		

Section 5 - Contact Details and Background Papers

Contact: Marilyn Vertes, Senior Professional,
Ext 2922 email: Marilyn.Vertes@harrow.gov.uk

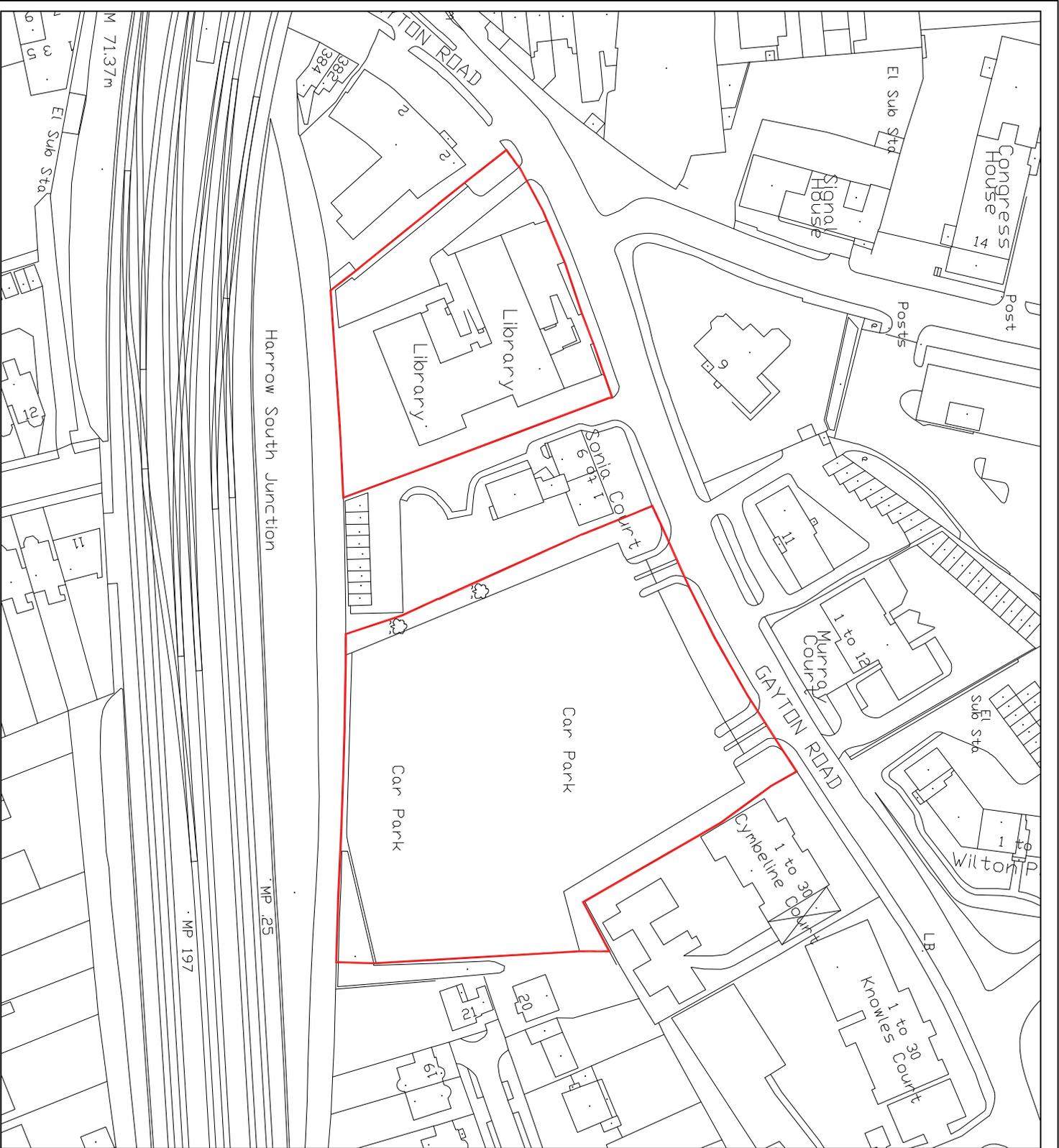
Background Papers: Gayton Cabinet Report 14 December 2006

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Appendix 1 Master Plan Illustration



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HARROW

Property & Development
Urban living

P.O.Box 39, Civic Centre
Station Road
Harrow HA1 2XA
Telephone: 020 8865 5611

TITLE

Appendix 2
Gayton Road

Drawn
JGR

File No.

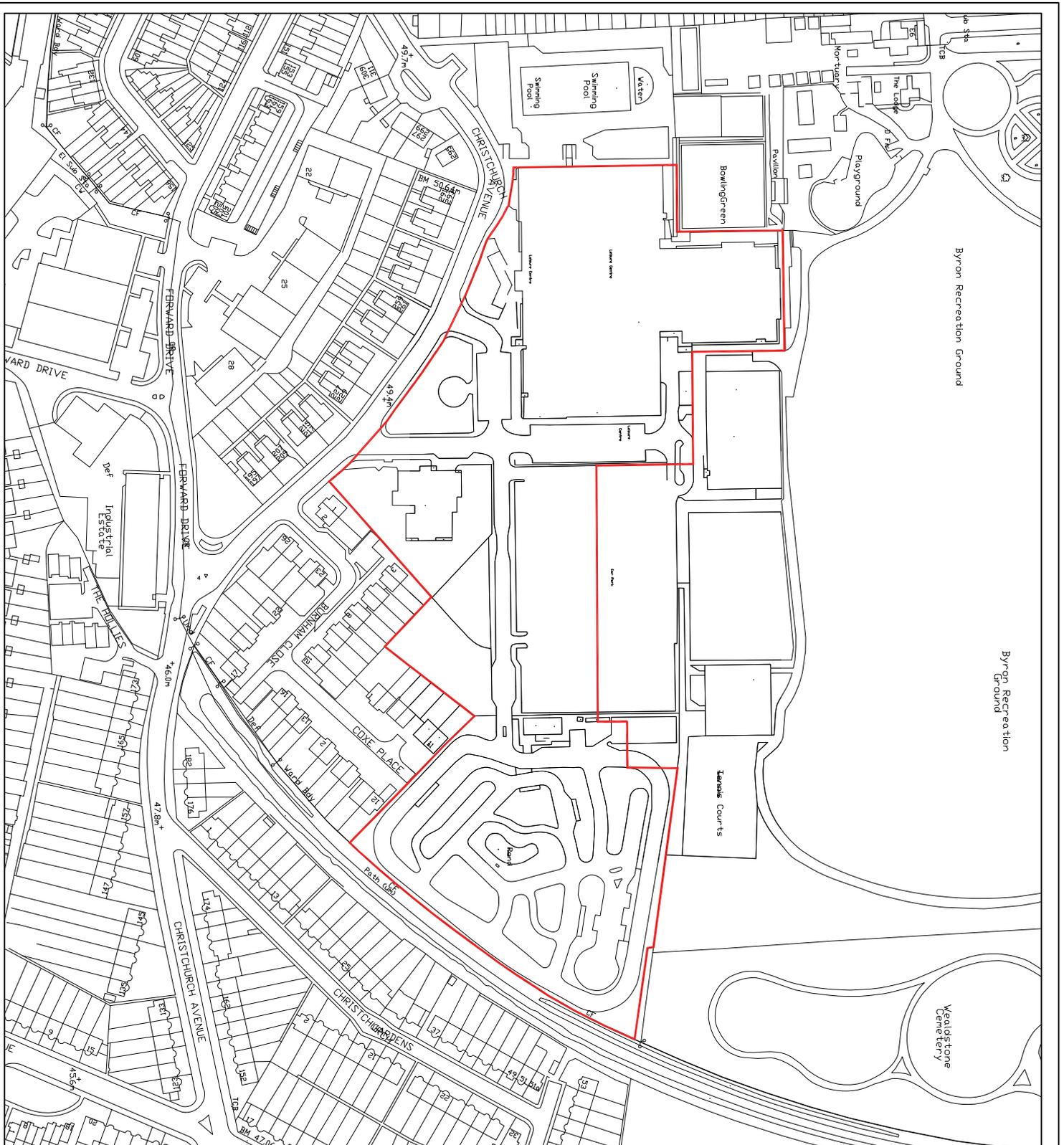
Scale A4
1:1250

Date
23/10/2007

ES No.

Issue
A

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HARROW

Property & Development
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Harrow HA1 2XA
Telephone: 020 8865 5611

TITLE

Appendix 3
Byron Park
Development site

Drawn
JGR

File No.

Scale A4
1:2500

Date
23/10/2007

ES No.

Issue
A

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EXTRACT FROM MINUTES OF CABINET

MEETING HELD ON 8 NOVEMBER 2007

Chairman: * Councillor Chris Mote

Councillors: * David Ashton * Janet Mote
* Marilyn Ashton * Paul Osborn
* Mrs Camilla Bath * Mrs Anjana Patel
* Miss Christine Bednell * Eric Silver
* Susan Hall

* Denotes Member present

[Note: Councillors Tony Ferrari, B E Gate, Jerry Miles and Paul Scott also attended this meeting to speak on the item indicated at Minute 311 below].

313. Development of Leisure and Cultural Services Facilities:

The Portfolio Holder for Community and Cultural Services introduced the report, which set out the proposed strategy for achieving an extensive development of Harrow's Leisure and Cultural Services whilst realising a significant and positive revenue budget impact. The Portfolio Holder stated that the proposals represented an opportunity to develop twenty-first century community facilities for Harrow which would contribute to the Borough's overarching culture strategy.

A presentation by the scheme's architect outlined the main features of the illustrative masterplan including improvements to local infrastructure, new housing, improved safety due to increased surveillance and usage, and the fronting of facilities onto the park to create a focus for the local community. Further consultation would be undertaken to engage stakeholders and identify which facilities should be included in the scheme, and regular updates on proposals would be brought to Cabinet for feedback.

RESOLVED: To (1) 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;

(2) approve the relocation of Gayton Library to Garden House

(3) give approval for a procurement exercise to be conducted to enter into a long-term strategic partnership for the provision of sports, leisure and related services, eg. at Byron Park, Hatch End and potential other locations in the Borough;

(4) approve the start of feasibility studies and consultation work for the development of the Hatch End site, together with other community, leisure and cultural services in the area, as referenced in the report;

(5) note that, in any time lag, which will be kept to a minimum, between the closure of the existing facility and the development of a replacement 'Byron Hall', the Council will identify and facilitate access to interim alternative venues for community use and ensure information about such facilities is widely disseminated;

(6) note that there will be extensive consultation with stakeholders, regarding the development of the detail of the proposals put forward in this report;

(7) approve release of land for disposal at Gayton Road and Byron Park (land as identified on red line plans shown at appendices 2 and 3 to the officer report);

(8) approve disposal of land at Gayton Road and Byron Park at best consideration for the Council (land as identified on red line plans at appendices 2 and 3 to the officer report);

(9) delegate authority to the Corporate Director (Community and Environment), in consultation with the Portfolio Holder for External Affairs and Property, to make minor amendments to the red line plans;

(10) delegate authority to the Corporate Director (Community and Environment), in consultation with the Portfolio Holder for External Affairs and Property, to dispose of land as agreed by Cabinet at best consideration, to deal with any representations in relation to obtaining necessary consents and to agree the terms of any leases;

(11) agree the sale of land to Fairview Homes Ltd., as previously agreed by Cabinet on 14 December 2006;

(12) approve the Council entering into a lease of Garden House for the accommodation of the Gayton Library;

(13) 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;

(14) approve the use of the Kier Partnership for the development of Council facilities on the Byron Park site.

Reason for Decision: To enable the Council to improve its leisure and cultural facilities by maximising Council property assets.

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:

NAME (PLEASE PRINT)	SIGNATURE
Cllr Bill Stephenson	<i>Bill Stephenson</i>
Cllr Paul Scott	<i>Paul Scott</i>
Cllr Navin Shah	<i>Navin Shah</i>
<i>Cllr BOB CURRIE</i>	<i>Bob Currie</i>
<i>Cllr NANA ASANTE</i>	<i>NAsante</i>
<i>CLLR MRINAL K. CHOUDHURY</i>	<i>MChoudhury</i>

DETAILS OF EXECUTIVE DECISION

The details of the Executive decision are as follows:

Decision: Part of Recommendation 1 '...; the development of a new "Byron Hall" Facility at another location, in partnership and subsequent to a commercial review; ... ' all under Agenda Item 9 'Development of Leisure and Cultural Services Facilities' p22 of the Cabinet agenda papers.

Made by: **November 9, 2007**

(Cabinet/relevant Portfolio Holder)

Cabinet

Published **November 15, 2007**

On:

(Date) **November 22, 2007**

rec'd 15.05.

Harrow Legal Services
22 NOV 2007
Rec'd 1

(a) Inadequate consultation with stakeholders prior to the decision

As indicated above the loss of Byron Hall with no real commitment to its replacement will particularly affect some ethnic minority groups.

- Once again there has been absolutely no consultation with users or representatives of those with physical disabilities such as Harrow Association of Disabled people.
- This decision clearly flouts the Compact entered in with the voluntary sector - yet again - to allow for eight clear weeks for consultations on decisions such as these. Many voluntary organisations have a major interest in Byron Hall.
- Moreover it would seem that an incomplete Equalities Impact has been carried out for this particular project contrary to the Race Relations Act 2005 amendment. There is no mention in Section 2.12 Equalities Impact of the non-replacement of Byron Hall. Indeed the Cabinet papers state that **'An initial Equalities Impact Assessment for the overall project has been completed and will be reviewed in the light of consultation.'** However, it is clear that no decision should be taken until a full Equalities Impact Assessment is completed. There is no point in reviewing the decision in the light of consultation if a final irrevocable decision has already been taken,
- As this will involve a major change in the provision of community facilities within the Borough, which is a significant objective in the UDP, we feel that the Local Development Framework Panel should have been consulted.
- The meeting of the Town Centre and Major Projects Panel due to meet on November 19 was cancelled on November 7 – the day before the Cabinet met – 'due to lack of business'. As already indicated this body was set up precisely to consider all major projects. It has not even had a glimpse of what is being proposed on the Byron Road site. The four recently appointed independent advisers must be very perturbed about all this and wondering if they have any real role whatsoever. In our view this panel should and could have met to consider these proposals and their views should and could have been before Cabinet before it made its decision. The Portfolio Holder's response has been vague and really quite unacceptable. The independent advisers have expertise in architecture and town planning, environmental issues, traffic issues and, and heritage matters. They have not been consulted or given the opportunity to make any input.

(b) The absence of adequate evidence on which to base a decision

As indicated above the evidence in the Cabinet papers is that **'There is undoubtedly demand for a facility with a large floor space which can be used effectively to meet a range of needs and which offers a good customer experience.'** (See 2.5 (i) on p28 of the Cabinet papers.) So not only is there no evidence in the Cabinet papers to support the decision but the evidence given is to the contrary to support the need for a 'Byron Hall' facility.

Once completed, please forward this form to Michelle Fernandes in Room 143, Civic Centre or send it by fax to 020 8424 1557 WITHIN 5 WORKING DAYS OF THE DATE OF PUBLICATION OF THE DECISION.

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:

NAME (PLEASE PRINT)	SIGNATURE
Cllr Bill Stephenson	<i>Bill Stephenson</i>
Cllr Paul Scott	<i>Paul Scott</i>
Cllr Navin Shah	<i>Navin Shah</i>
<i>ALL BOB CARIE</i>	<i>R.W. Curran</i>
Cllr NANA ASANTE	<i>N. Asante</i>
<i>CLLR MRINAL K. CHOUDHURY</i>	<i>M. Choudhury</i>

DETAILS OF EXECUTIVE DECISION

The details of the Executive decision are as follows: -

Decision: Recommendation 13 'Agree not to proceed with the Cabinet decision to develop a combined library/arts centre at Gayton Road on December 14 2006, minuted as item 152.' and the consequent Recommendations 7 – 12 all under Agenda Item 9 'Development of Leisure and Cultural Services Facilities' p22 of the Cabinet agenda papers.

Made by: **November 9, 2007**
(Cabinet/relevant Portfolio Holder) **Cabinet**

Published **November 15, 2007**
On:

(Date) **November 22, 2007**

rec'd 15.05

Harrow Legal Services	
22 NOV 2007	
Rec'd	1

3. GROUNDINGS 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.

In making this call-in we have paid due attention to the recently adopted guidance as laid out in Appendix 1 of the Overview and Scrutiny Call-In Procedure entitled 'The spirit of co-operation'. The call-in has been issued within the five clear working days from the date of the executive decision being published. The matter involves the expenditure of millions of pounds and certainly well over the stipulated £50,000. The decision affects the provision of leisure facilities within the Town Centre and would affect the interests of residents in all wards in the Borough. This is a decision, which can only be taken by Cabinet. The call-in is signed by six councillors at least two of whom are from different political groups.

Introduction

Since 2004 there has been cross-party agreement that the Gayton Library needed to be rebuilt and replaced by a modern library incorporating the Civic Centre Library. There was also an acknowledgement that Harrow urgently needed a modern performance and exhibition space and that this could be best achieved by providing these in the Town Centre because of its outstanding accessibility by public transport. The cross-party Town Centre Panel was set up to take a strategic overview of the development of the Town Centre and it was kept informed of the progress on this project. This Panel has now become the Town Centre and Major Projects Panel and now includes four independent expert advisers. At its meeting on December 14, 2006, Cabinet agreed to go ahead with a project to build a brand new library combining both the Civic Centre Library and the Gayton Road Library in conjunction with a performance space and exhibition space. Fairview Homes would build the new arts complex/library on the Gayton Road site as part of the Council's agreement with them over the sale of Gayton Road Car Park. The Overview and Scrutiny Committee set up a cross-party group to scrutinise this decision and reported to Cabinet on July 19 and the Portfolio Holder stated that this report would be 'an important aide-memoire'.

(a) Inadequate consultation with stakeholders prior to the decision

The decision made by Cabinet has important implications for the development of the Town Centre. The Town Centre has very few public or private leisure facilities and has been described as a 'cultural desert'. Other than eating and drinking establishments there are a multiplex cinema, an Asian cinema and three gyms. For many years the residents of Harrow have been asking for a performance space/exhibition space in the Town Centre like other surrounding boroughs as evidenced in consultations over the years. Proposals to have this both in St Anns and in St Georges were unfortunately dropped but there was cross-party consensus that this should go ahead on the Gayton Road site. Indeed the Gayton Road site is designated in the UDP for mixed development. The decision not to go ahead with this project is extremely unexpected and has not been consulted on in any way by the specialist and expert bodies set up to overview the situation. Furthermore this decision goes against what is laid out in the UDP and now totally changes the whole character and nature of the new proposed Town Centre. Across the southern part of the Town Centre there are five major building projects amounting in all to about 1500 homes including nine storey high rise buildings, almost no parking and at present no plans for the necessary infrastructure – traffic and road layout, new schools, doctors' surgeries, shops etc which will be needed to service this massive overall development.

We think that it is paramount that there is proper consultation both within the Council's own internal mechanisms and among local residents as to their views at this sudden and dramatic change in Council policy. We urge the call-in sub committee to support this view.

- The meeting of the Town Centre and Major Projects Panel due to meet on November 19 was cancelled on November 7 – the day before the Cabinet met – 'due to lack of business'. As already indicated this body was set up precisely to consider the development of the Town Centre in the round. The four recently appointed independent advisers must be very perturbed about all this and wondering if they have any real role whatsoever. In our view this panel should and could have met to consider these proposals and their views should and could have been before Cabinet before it made its decision. The Portfolio Holder's response has been vague and really quite unacceptable. The independent advisers have expertise in architecture and town planning, environmental issues, traffic issues and, and heritage matters. They have not been consulted or given the opportunity to make any input.

- As there is a major change in what is laid out in the UDP we also feel that the Local Development Framework Panel should have been consulted.
- Local businesses should have been consulted through the Harrow Town Centre Forum.
- Most of all local residents should have had say as to whether they really want to see a 1500 nine storey high rise housing development spread right across the southern part of the Town Centre.

Another major issue is the future of the Borough's main library. This is to be moved for five years to Garden House, which is a five-storey building with a single lift. This will be very much a third rate situation for the library and, will, in particular, pose particular problems for those with physical disabilities whilst at the same time being hugely inconvenient for other users – there will be no parking provided whatsoever. Furthermore there is no certainty about what will happen to the Library at the end of five years. No new site has been identified for it let alone where the capital for such a new library will come from.

- Once again there has been absolutely no consultation with users or representatives of those with physical disabilities such as Harrow Association of Disabled people.
- This decision clearly flouts the Compact entered in with the voluntary sector - yet again - to allow for eight clear weeks for consultations on decisions such as these. Many voluntary organisations have a major interest in the development of a performance/exhibition space and the new library, and certainly in the siting of the Borough's main library in Garden House for five years.
- Moreover it would seem that no Equalities Impact has been carried out for this particular project contrary to the Race Relations Act 2005 amendment. The only mention in the section in the Cabinet papers in Section 2.12 is to the new leisure facilities but not to the development (or rather lack of it) of the Gayton Road site and the re-siting of the main library in Garden House.
- Finally we should say that the Overview and Scrutiny Committee has been totally ignored and bypassed. Having carried out a scrutiny review of this project and presented it to the July Cabinet, absolutely no attempt was made to consult this group about this decision or to give them the chance to meet and consider and scrutinise this major change in policy. Before any final decision is taken we believe that this Group should be consulted on this proposal and their views taken into account. Otherwise like the independent advisers on the Town Centre and Major Projects Panel or

indeed the panel itself there seems very little point in developing expertise and evidence only for it to be totally ignored.

For all the above reasons we believe that there has been absolutely no consultation at all with stakeholders and we ask the Call-In Committee to recommend to Cabinet that this is vitally necessary before this decision is allowed to stand. It is worth recalling that there were extensive **public** consultations about the future of the 'Post Office' site and the proposed transport hub, which in the end significantly affected out come, as it should.

(b) The absence of adequate evidence on which to base a decision

The only evidence offered in the Cabinet papers for not going ahead with the Gayton Road project was that 'the programme was not affordable in the light of the Council's constrained circumstances'. No figures are given nor is there any indication of what actual project was being costed. Draft design briefs were deposited in the Members' Library and members of the Scrutiny Group were given to understand that this project could be achieved with the finance of just under £10 million being offered by Fairview Homes. Despite persistent questioning both at Cabinet and at the Overview and Scrutiny Committee no precise figures have been given as to the lack of affordability and whether this was due to capital or revenue costs. Nor is there any indication that consideration was given in these calculations to the opportunity for a capital receipt and revenue savings arising from vacating the Civic Centre Library site, which could then be used for other Council activities. Furthermore there is no evidence that consideration was given to other alternatives such as, for example, a more modest scheme of re-building a new library on the Gayton Road site incorporating the Civic Centre Library but without the performance space/exhibition space. We would ask the Call-In Committee to ask the Cabinet to provide far more evidence before going ahead with this decision.

Once completed, please forward this form to Michelle Fernandes in Room 143, Civic Centre or send it by fax to 020 8424 1557 WITHIN 5 WORKING DAYS OF THE DATE OF PUBLICATION OF THE DECISION.

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