

MINUTES OF THE FORWARD PLAN SELECT COMMITTEE
Wednesday, 29th July 2009 at 7.30 pm

PRESENT: Councillor Long (Chair) and Councillors V Brown, Dunn (alternate for Councillor Castle), Fox (alternate for Councillor Coughlin), Mistry, H B Patel and Tancred.

Apologies for absence were received from Councillors Castle and Coughlin.

Councillor Wharton (Lead Member for Children and Families) also attended the meeting.

1. Declarations of Personal and Prejudicial Interests

Councillor Fox declared an interested in relation to item 4 as a governor of John Kelly Boys' Technology College. However, he did not consider the interest prejudicial and took part in discussion with regard to this item.

2. Minutes of Last Meeting – 1st July 2009

RESOLVED:-

that the minutes of the meeting held on the 1st July 2009 be received and approved as an accurate record.

3. Matters Arising

Forward Plan Select Committee Recommendations to the Executive

The Chair commented that the response from the Executive with regard to recommendations made by the Select Committee at the last meeting in respect of Planning Enforcement: Review of Priorities for Action was awaited. Members also heard that the Executive had indicated its agreement with the Select Committee's recommendation that more publicity be given to the Domestic Vehicle Crossover Policy and this would be forthcoming subject to the necessary funds being available.

4. Call-in of the Executive Decisions from the meeting of the Executive held on Tuesday, 14th July 2009

New Accommodation for John Kelly Boys' Technology College and John Kelly Girls' Technology College proposed to be replaced by The Crest Boys' Academy and The Crest Girls' Academy

Councillor Wharton (Lead Member for Children and Families) introduced the report and provided some background details to the item. He explained that the Executive had originally approved a compulsory purchase order (CPO) in 2006 and again in September 2007 to acquire the land at Dollis Hill Industrial Estate in Brook Road and adjoining land to facilitate expansion of the John Kelly schools and the additional land would allow for building works to take place with minimal disruption to the existing schools. Members heard that the

re-building was originally to be funded through the Building Schools for the Future scheme and the Council had allocated a £5 million for the acquisition of the additional land. However, the owner of the land had then applied for a Certificate of Alternative Development to include housing use, which they eventually obtained on appeal. The land was then subsequently sold to an organisation associated with the governors of the Menorah High School for Girls. The Council engaged in negotiations with the new owners of the land and the option of splitting the land between the 2 parties was pursued, so that the John Kelly Schools had access to an additional exit to Brook Road. However, alternative options needed to be considered and Partnership for Schools had indicated that they would support a review. The Council subsequently appointed MACE consultant education architects to undertake a massing options appraisal which had concluded that it was feasible to re-build on the existing John Kelly Schools site. Councillor Wharton advised that as the owners of the additional land sought were unwilling to sell, securing a CPO could take up to 2 years, at which point a business outline case could only begin to be drawn up and therefore delay the re-building of the John Kelly schools and in any case a decision in the Council's favour could not be guaranteed. In addition the present land evaluation could be in the region of £9.5 - £13 million, far in excess of the £5 million originally allocated for the acquisition.

Councillor Wharton acknowledged that there were disadvantages to the alternative option, re-building on the existing land on the John Kelly Schools' site, such as the need to decant the Boys School into temporary accommodation during re-building and there being less play space. However, this option was ultimately preferable as it was anticipated that a business outline case for this option could be approved within a year and thereby securing funding arrangements at less risk, which in turn would enable re-building to commence at an earlier stage. Members noted that the John Kelly Schools had acquired academy status and would become academies from September 2009.

Members then discussed the item and the issues raised in respect of the reasons for call-in. Councillor Powney began by enquiring about the reasons why the CPO, which had initially been approved by the Executive in 2006, was not approved in its final form until 2007. He sought confirmation as to how long the Menorah High School for Girls had been located at its present location. With regard to transport issues, Councillor Powney enquired how access would be widened at the access point at the top end of the site in view of there being housing either side, would such works be complicated by the utility provisions located there and would there be sufficient space for 2 lanes and a footway. Views were sought on the feasibility of this access point accommodating some 2,000 persons and whether road safety and vehicle delivery concerns would be adequately addressed. Councillor Powney commented that vehicle access had been considered at the rear of the site before, but had been rejected on the grounds of the major engineering works that would be required and because of the steepness of the gradient and he enquired whether it was now considered that vehicle access was feasible at this location. Turning to the re-building, Councillor Powney asked whether the height of the proposed buildings would raise planning concerns in respect of

outlook and privacy to surrounding homes, adding that the sloping nature of the land could exacerbate problems. It was also put to the Lead Member and Lead Officer whether Option A, to pursue the CPO, and Option B, to re-building on the existing site could be pursued simultaneously and would this pose any risk to the Council. In noting that the school had received criticism from Ofsted on lack of sporting facilities, he asked whether Option B would lead to less provision than that offered by Option A and how this would compare to the existing level of facilities on the site.

Councillor Fox commented that the governing body of John Kelly Boys' School had not been made aware of problems concerning obtaining the CPO and he sought details with regard to what meetings and discussions had taken place with the owners of the land sought. He also asked what discussions had taken place with regard to the massing studies and had the John Kelly schools been involved, requesting the dates that such discussions had taken place with the schools. Councillor Fox sought views as to whether it was acceptable to accommodate school pupils in temporary buildings for up to 45 months and had consideration been given on how this length of time could be reduced. The issue of what would happen to the £5 million allocated by the Capital Fund Land Acquisition to obtain the land through CPO was posed and could these funds be used to help with the extra land and facilities whilst the re-building took place. Councillor Fox enquired how an additional form could be accommodated, commenting that the space available was inadequate even with present number of forms. Turning to sports facilities, Councillor Fox commented that the possible use of Gladstone Park by the schools could prove unpopular with local residents and he asked what discussions had taken place with regard to this. He also enquired what input the schools would have into the design of the schools.

Councillor H B Patel commented that a number of schools in the borough lacked adequate sports facilities, however every effort should be made to ensure new schools had the best facilities possible. He felt that in view of there being over 2,000 pupils for the John Kelly Schools and the additional form, that careful consideration was needed to see how sports facilities could be enhanced on the site. Councillor Tancred felt that the option to re-build on the present site was the only realistic choice as pursuing Option A posed too much risk. Councillor Mistry commented that a number of schools in the borough had access issues and that action should be taken to ensure that access to the John Kelly schools was safe, particularly during the building works. She requested that officers consider the issues raised by the Select Committee and she expressed her wish that re-building of the schools be undertaken as a much needed improvement to the existing site, with every effort being made to make best use of the space available. Councillor Dunn stated that the massing study at the John Kelly Schools was similar to the massing study carried out on the South Kilburn estate and all planning aspects and potential use of site would be investigated. He stated that he had spoken to a member of the John Kelly Schools Management Team who had expressed a preference to re-build on the present site, as works would commence earlier and it was not felt that shared access would present a safety risk to pupils, whilst it had also been acknowledged that the owner of the land sought had no intention to sell. Councillor Dunn stated that the

member of the Management Team had suggested that staff supported Option B as it provided the opportunity to deliver a definite outcome and offered the most realistic option to improve the site. Councillor Dunn suggested that there could be consideration of re-opening an access route presently disused via the adjacent parkland. He enquired how many schools in the borough did not have green space playing fields and what impact did they have on these schools. Councillor Dunn also asked where the additional funds could be sought if Option A was pursued in view of the pressures on the Council's budget.

The Chair acknowledged that there was a need to improve the site and that the present buildings needed to be replaced. With regard to Gladstone Park, she enquired whether the John Kelly schools would be given priority in making use of the park and what the arrangements would be if other schools also wished to use it, adding that the park was some distance from the John Kelly schools. The question was also raised as to whether there would be a playground on site and whether there would be additional play space to accommodate the extra form. With regard to the building works, the Chair enquired whether pupils would be re-routed to access the site through Brook Road and would the sixth form building be demolished. Clarification was sought on the views of Partnerships for Schools concerning Options A and B, how long pupils of John Kelly Boys' School would be in temporary accommodation during the re-building under Option B and views sought on the impact on the education of these pupils. The Chair also asked if it was anticipated that there would be a drop in demand for pupils of the John Kelly Boys' School during the re-building and had parents' views been sought with regard to the options that had been considered for the schools.

In response to the issues raised, Councillor Wharton began by explaining that pursuing the CPO option had to be re-approved in 2007 because the proposal for expansion had not previously been approved by the Schools Organisation Committee until this stage, as this body was required to have received a statutory notice from the schools' governing bodies. At this point, the issue had been further complicated by the landowner of the sought after land appealing against the restricted land use, whilst it was looking increasingly likely that the original land evaluation of £5 million was insufficient and the Council was faced with the prospect of being trapped into purchasing the land during the height of the property boom. Councillor Wharton stressed that the Council would have been at risk if it pursued the CPO during the appeal process and in any case the landowner had successfully appealed for a certificate of alternative development by May 2008. The question of land evaluation had also become a significant factor, with the new landowner claiming that they had paid approximately £20 million to buy the land and the acquisition of the certificate of development had included housing which was likely to raise the value of the land. Councillor Wharton advised that although pupils would be required to be housed in temporary accommodation for a period, a realistic approach was needed as the risk of pursuing Option A could result in the schools remaining in the same buildings for a generation as funding opportunities could be lost. The Select Committee heard that Option B was at an outline business case stage and arrangements during the re-building, including decanting, would be finalised at a later stage, although

pupils from the Boys School could be housed in temporary accommodation for around 3 years. Meanwhile, efforts would be made to improve the entrance to Crest Road and transport issues would be considered at the next stage.

Councillor Wharton reaffirmed that he felt there was room at the access point at the top of the site for a 2 way lane and a footway as the road entrance only took a part of the strip of land. He acknowledged that there would be some complications with regard to the utilities located at this entrance point during these works, however funding could be available to address this and a feasibility study could be undertaken to see if these utilities could be moved to one side. Councillor Wharton did not think accommodating over 2,000 pupils would be a problem, although arrangements during the re-building would need serious consideration, whilst implications concerning bus routes would be a longer term consideration. Councillor Wharton indicated that he was happy with road safety issues too, although pedestrian access needed to be looked at, as well as vehicle deliveries. With regard to access from the rear of the site, Councillor Wharton acknowledged that there were issues that needed to be addressed and measures that could be considered included improving pedestrian access or providing shuttle buses for pupils and works on the entrances to the site would be undertaken prior to the re-building taking place. Members heard that a number of existing schools in Brent used facilities off-site for sporting activities although it was hoped that sports halls would be provided for both John Kelly schools by the re-build and Councillor Wharton felt that extra space for sports may be possible. Members noted that MACE would be asked to consider ways of how this could be achieved. Councillor Wharton advised that the Children and Families Overview and Scrutiny Committee had received a report with regard to sports facilities for schools, with 15 out of 84 secondary schools in Brent having playing fields of their own.

Councillor Wharton advised that there would be a significant increase in the number of pupils needing secondary school places in Brent in the future and that the John Kelly schools, like all other schools in the borough, would therefore need to increase capacity. The massing study had identified that better use of the site space could be made and that through re-building the total floor space of the schools would be increased from around 12,000 sq metres to 19,000 sq metres, with most buildings being between 3 and 4 storeys. It was not known whether the sixth form building would be demolished at this stage, however the building timetable envisaged re-building of the schools to commence in August 2011 and be completed by May 2014 and all demolition to be completed by January 2015. Members heard that demand for places at the John Kelly Boys' School had dropped last year, however the prospect of re-building could actually increase demand as parents may be encouraged by the improvements that were planned. Councillor Wharton advised under Option A, building would not commence until 2012 as negotiations could take around 3 years with no guarantee of a satisfactory outcome for the Council. Furthermore, Partnerships for Schools wanted certainty in any improvement or expansion plans and this could not be provided through Option A, whilst there would also be affordability issues in pursuing this option, especially in view of the pressures on the Council's budget. Members noted that the Menorah High School for Girls had been on the adjoining site since at least 2006. The Select Committee also heard that

parents had not been consulted at this stage with regard to the future of the John Kelly Schools.

Mustafa Salih (Assistant Director, Children and Families) advised that different legal powers were required to enforce a CPO since the John Kelly schools had obtained academy status, thereby adding a further delay in pursuing this option, which received approval from the Executive in February 2008. Mustafa Salih explained that the MACE report looked at what could be provided on the current site, including the size of the school, the number of pupils that could be accommodated and the facilities that could be included and it had concluded that Option B was feasible. Issues such as accommodating an additional form, the sixth form building and the design of a playground would be specifically addressed by the Design Team at a later stage and would include input from architects, technical advisers and the private sector. The Select Committee heard that MACE had met both head teachers of the John Kelly schools to discuss the options including the option of building on the existing site approximately 2 to 3 months prior the latest Executive report being presented to the Executive. Members heard that the £5 million set aside for the CPO remained in the Capital Programme for the John Kelly schools re-development and it was possible that it could be used to provide space for decanting during the rebuilding. Members noted that the Planning Service had been requested to identify appropriate sites in the neighbouring area. Mustafa Salih confirmed that the Head of Parks had indicated that they would be favourable to John Kelly schools using Gladstone Park as he was keen to see the park utilised more. In addition, changing rooms were already available in the park and could be booked up to a year in advance and he did not envisage any problems with the schools booking use of the park.

Mustafa Salih advised that funding could be secured from Partnership for Schools for abnormal building costs and could be used, for example, to address complications in improving the access points to the site, such as re-locating utilities. He stressed that obtaining a CPO could not be guaranteed, nor could an accurate estimate be given as to how long it would take before a decision was made and there was a risk that the land evaluation could be unaffordable even if it was obtained. For this reason, there was a significant risk of losing funding from Partnership for Schools if Option A was pursued and furthermore Partnership for Schools had indicated that they would support Option B. Mustafa Salih felt that sports facilities could be improved on the site through making best use of space on the site and Building Regulations would need to be taken into account whilst considering this. He confirmed that the John Kelly schools would have a key say in the design of the buildings.

Following the issues that had been discussed, the Chair commented that she still had concerns that pursuing Option B would be fraught with a number of problems to overcome. However, the Select Committee decided not to agree to her suggestion that Option A be pursued, and that if this was not possible then Option B should not include adding an extra form.

RESOLVED:-

that upon considering the report from the Director of Children and Families, the decisions made by the Executive be noted.

5. **The Executive List of Decisions for the meeting that took place on Tuesday, 14th July 2009**

RESOLVED:-

that the Executive List of Decisions for the meeting that took place on Tuesday, 14th July 2009 be noted.

6. **Briefing notes/information updates requested by the Select Committee following consideration of Version 3 of the Forward Plan (2009/10)**

(i) ***South Kilburn Regeneration Progress Update***

RESOLVED:-

that the briefing note on the South Kilburn Regeneration Progress Update be noted; and

(ii) ***Future Acquisition Strategy for the Brent Transport Fleet***

The Chair requested a further briefing not providing details of Option B, costings, implications with regard to the future of the depot and confirmation of who was responsible for the final decision.

RESOLVED:-

(i) that the briefing note on the Future Acquisition Strategy for the Brent Transport Fleet be noted.

(ii) that a further briefing note be provided at the next meeting of the Select Committee providing details on Option B and the costings, implications with regard to the future of the depot and confirmation of who was responsible for the final decision.

7. **The Forward Plan – Issue 4 (2009/10)**

Issue 4 of the Forward Plan (10.08.09 to 06.12.09) was before members of the Select Committee. Following consideration of Issue 4 of the Forward Plan, the Select Committee made the following requests:-

(i) **Civic Centre**

The Select Committee requested a briefing note on this item providing information with regard to the future of Brent House. The request was made by Councillor Powney.

(ii) Addendum to the West London Joint Waste Strategy

The Select Committee requested a briefing note on this item providing details of the additions included in the Strategy. The request was made by the Chair.

The Select Committee also made the following request with regard to earlier versions of the Forward Plan:-

28 High Street, Harlesden, London, NW10 4LX Mahogany Community Ventures Limited

The Select Committee requested a briefing note on this item detailing the additional considerations needing to be resolved before this item would be considered by the Executive. The briefing note was requested by Councillor Powney.

8. Items considered by the Executive that were not included in the Forward Plan

There were none.

9. Date of Next Meeting

It was noted that the next meeting of the Forward Plan Select Committee was scheduled to take place on Wednesday, 2nd September 2009.

10. Any Other Urgent Business

There were none.

The meeting ended at 9.20 pm.

J LONG
Chair