

Merton Council

Sustainable Communities

Overview and Scrutiny

Panel (call-in)



Date: 10 January 2018

Time: 7.15 pm

Venue: Committee Rooms C, D & E, Merton Civic Centre, London Road, SM4 5DX

AGENDA

Page Number

1	Apologies for absence	
2	Declarations of pecuniary interest	
3	Minutes of the previous meeting	1 - 10
	Matters arising	
	<ul style="list-style-type: none"> Cllr Whelton has accepted the Panel's recommendation that a review be conducted in 12 months time to ensure parking charges in parks are delivering the intended outcomes. 	
4	Exempt minute of the previous meeting	
	This is provided in the supplementary exempt agenda pack.	
5	Call-in: decision to award the construction works for Merton Hall	11 - 192
6	Clarion Housing Group: repairs and regeneration	193 - 202
	The following attendees will be representing Clarion Housing Group:	
	<ul style="list-style-type: none"> Jane Bolton, Head of Housing Services (Merton); John Ferman, Regional Director South London; Simon Gagen, Head of Responsive Repairs Merton; Carmen Jones, Resident Involvement Manager; and Paul Quinn, Director of Merton Regeneration 	
7	Update: waste, recycling and street cleaning	203 - 226

**This is a public meeting – members of the public are very welcome to attend.
The meeting room will be open to members of the public from 7.00 p.m.**

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Sustainable Communities Overview and Scrutiny Panel Membership

Councillors:

Abigail Jones (Chair)
Daniel Holden (Vice-Chair)
Stan Anderson
Kelly Braund
Michael Bull
David Chung
Russell Makin
John Sargeant

Substitute Members:

Laxmi Attawar
Mike Brunt
Edward Foley
Janice Howard
Abdul Latif

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

What is Overview and Scrutiny?

Overview and Scrutiny describes the way Merton's scrutiny councillors hold the Council's Executive (the Cabinet) to account to make sure that they take the right decisions for the Borough. Scrutiny panels also carry out reviews of Council services or issues to identify ways the Council can improve or develop new policy to meet the needs of local people. From May 2008, the Overview & Scrutiny Commission and Panels have been restructured and the Panels renamed to reflect the Local Area Agreement strategic themes.

Scrutiny's work falls into four broad areas:

- ⇒ **Call-in:** If three (non-executive) councillors feel that a decision made by the Cabinet is inappropriate they can 'call the decision in' after it has been made to prevent the decision taking immediate effect. They can then interview the Cabinet Member or Council Officers and make recommendations to the decision-maker suggesting improvements.
- ⇒ **Policy Reviews:** The panels carry out detailed, evidence-based assessments of Council services or issues that affect the lives of local people. At the end of the review the panels issue a report setting out their findings and recommendations for improvement and present it to Cabinet and other partner agencies. During the reviews, panels will gather information, evidence and opinions from Council officers, external bodies and organisations and members of the public to help them understand the key issues relating to the review topic.
- ⇒ **One-Off Reviews:** Panels often want to have a quick, one-off review of a topic and will ask Council officers to come and speak to them about a particular service or issue before making recommendations to the Cabinet.
- ⇒ **Scrutiny of Council Documents:** Panels also examine key Council documents, such as the budget, the Business Plan and the Best Value Performance Plan.

Scrutiny panels need the help of local people, partners and community groups to make sure that Merton delivers effective services. If you think there is something that scrutiny should look at, or have views on current reviews being carried out by scrutiny, let us know.

For more information, please contact the Scrutiny Team on 020 8545 4035 or by e-mail on scrutiny@merton.gov.uk. Alternatively, visit www.merton.gov.uk/scrutiny

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Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY PANEL 2 NOVEMBER 2017

(7.15 pm - 10.12 pm)

PRESENT: Councillors Abigail Jones (in the Chair), Daniel Holden, Stan Anderson, Kelly Braund, Michael Bull, David Chung, Dennis Pearce and John Sargeant

ALSO PRESENT: Councillor Agatha Mary Akyigyina OBE, Stephen Crowe, David Dean, Nick Draper (Cabinet member for Community and Culture), Ross Garrod (Cabinet Member for Street Cleanliness and Parking), John Hill (Assistant Director for Public Protection), Graeme Kane (Assistant Director of Public Space, Contracting and Commissioning), Chris Lee (Director of Environment and Regeneration), Paul McGarry (FutureMerton Manager), James McGinlay (Assistant Director for Sustainable Communities), Doug Napier (Leisure and Culture Greenspaces Manager), Judy Saunders, Martin Whelton (Cabinet Member for Regeneration, Environment and Housing) and Annette Wiles (Scrutiny Officer)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

There were no apologies for absence.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were not declarations of pecuniary interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

The minutes of the previous meeting were accepted as a true and accurate record.

Matters arising:

- The Head of Library, Heritage & Adult Education Service is looking to introduce a different performance indicator for 2018/19 as part of the Service Plan process. The service will continue to report in the exiting format for this year;
- Cllr Holden noted that he is yet to provide the Panel with his briefing note. However, he noted this will be forthcoming when time allows;
- The slides/presentations from the recent Public Transport Liaison Committee have been distributed; and
- Cllr Sargeant noted the Panel's request to have new KPIs on enforcement.

4 PERFORMANCE MONITORING: SOUTH LONDON WASTE PARTNERSHIP - PHASE C (Agenda Item 4)

The session opened with a number of representations from Merton residents and businesses:

1. Helen Clark Bell, Chief Executive of Love Wimbledon

As the representative organisation for 460 businesses in Wimbledon Town Centre, detailed how it and its members have worked in partnership with the Council. Relations were good, communication was strong and partnership working was the norm. However, following the commencement of the contract in April, feels that the streets in Wimbledon look the worst they have in years; bins are overflowing and streets are not swept. Has taken action including meetings with senior Council officers and Veolia. Wrote to elected members and Cabinet Members to try and resolve the persistent and embarrassing state of the town. Love Wimbledon's street ranger now spends 50% of his time trying to resolve waste issues.

2. Charlotte Holt, Cricket Green Ward

Reported a decline in street cleanliness in her area; no street cleaner has been seen in the ward for weeks. Also noted the prevalence of fly tipping and the time taken for this to be addressed by Veolia. Called on the need for a great improvement/change in the service being provided by Veolia.

3. John Merriman, Crown Lane Studios

Detailed the difficulties he had experiencing in setting up a business waste service including not being able to locate a member of the Veolia team who could assist him and having to make repeated phone calls in order to secure a quote for a business service. Noted that his business had gone with another provider in the end and questioned if Veolia cares about Merton.

4. Edward Clark, Street Representative for the Apostles Residents Association

Highlighted that he had found out about changes to the waste service resulting from the commencement of the contract and had very good meetings with Merton officers. However, feels that problems arise when messages are passed to Veolia; there is a lack of action when issues are reported. Suggested that Veolia needs to be carefully monitored.

5. Hilary Morris, Battles Area Residents Association

Recommended that the obligations under the contract need to be better monitored. Noted that fly tips in her area are being reported but are not being addressed. Cllr Neep is having to do a weekly monitoring visit in the ward and is repeatedly chasing Veolia to ensure action. Residents are having to clear leaves and gutters themselves. There are no regular street sweepers meaning rubbish dropped by bin men is accumulating. There are also overflowing bins in the park and green sacks are not being cleared from streets on the same day. Called for greater use of fines and enforcement.

Graeme Kane, Assistance Director for Public Space Contracting &

Commissioning, responded to the representations made. It is his role along with his three person neighbourhood officer team supported by the enforcement team to monitor and manage the waste and greenspaces contracts along with the South London Waste Partnership. It is very much his aim to achieve a clean borough and streets through waste and recycling collections. Takes no pride in the issues that have been highlighted. Noted that some level of disruption was always likely with the

commencement of the contract. However, this has been longer and more significant than was thought likely.

Along with his team, he is continuing to work towards an improved service. Expressed gratitude to residents and Councillors that are helping by reporting issues with the service. He and his team will continue to listen to these reports and resolve the issues. Highlighted that he and his team want to continue to hear from residents and Councillors when their expectations are not being met. Noted that improvements are being planned to the website to make it easier to report issues with the service.

Scott Edgell, General Manager of Veolia Environmental Service UK, also responded to the representations made starting with an apology for the teething difficulties experienced with the service received since the commencement of the contract. Highlighted that Veolia is very experienced in providing waste services for London boroughs as it holds the contracts for 13 out of the thirty two. However, the contract is a challenge and Veolia is only now able to start restructuring and re-routing the service as it starts to build its local knowledge in order to make delivery of the service more effective. Acknowledged the issue with fly tipping which requires more resources to address.

Stated that Veolia will deliver a good service with no dirty streets and an increase in recycling rates. Accepted it had been a challenging few months with the transfer of staff from Merton's employment and the rollout of new technology which still needs to be completed. Requested to be invited back to scrutiny to demonstrate that whilst a fix couldn't be instant he and Veolia are committed to making this happen.

Graeme Kane, Scott Edgell and Cllr Ross Garrod (Cabinet Member for Cleanliness and Parking) responded to member questions, providing the following clarification:

- Graeme Kane: the presentation policy is clear: all bins need to be placed at the edge of the property (not on the pavement) by 6am on the day of collection. It needs to be this early given collection times are beginning to change as Veolia starts to make alterations to routes as it builds its local knowledge;
- Scott Edgell: the service is 'as is' currently. Therefore completely the same as when the London Borough of Merton was directly responsible for the delivery of the service prior to the commencement of the contract;
- Scott Edgell: Veolia staff are being effective in reporting fly tips – so far they have reported 4,880 tips in the first 190 days of the contract. Staff are also reporting incidents of graffiti;
- Cllr Garrod: the contract is very detailed and inclusive of financial penalties for poor service performance. The Council is taking an active role in monitoring its implementation and the resulting service;
- Graeme Kane: the right performance monitoring measures are in place; monitoring is being achieved through the collation of data from the website, call centre, Councillors, on the ground visits etc. The contract is reviewed strategically through the South London Waste Partnership;
- Graeme Kane: it is feasible to deliver the service under the contract arrangement - the Council went out to the market in a open bidding process to which Veolia

responded based on its experience of delivering equivalent services in other London boroughs;

- Graeme Kane: the neighbourhood officers are working to build the relationships with Veolia's representative which take times;
- Scott Edgell: Veolia was prepared for the start of the contract and changed very little for the first four months to avoid disruption to the service. Veolia is only now starting to adapt the service to provide the same level of service in a more productive and efficient way. This is informed by the data collection it has achieved over the past four months which is allowing it to start to modify routes etc to achieve greater efficiency;
- Graeme Kane: agreed with Cllr Chung that efficient removal of fly tips builds expectation with those that are tipping that they can continue to do so. The Council is about to launch a new campaign highlighting the fines that are issued for littering and fly tipping;
- Scott Edgell: Veolia is working to deliver a parity of service over the next three months. This includes having additional vehicles, ensuring that green sacks are removed on the same day, fly tips are cleared and litter bins emptied. There will be an increase in the resources available to deal with fallen leaves and additional weed spraying will take place (with an emphasis on centre islands). Teething issues are likely to persist into the New Year but these are typical for a new contract and similar has been experienced in other boroughs. Staff training will also start to address difficulties. Initially Veolia didn't have sufficient data but this is being built over time. Confident that significant changes in the service will be delivered over the coming months;
- Scott Edgell: returning bins and recycling boxes to properties is always an issue. Will ask Collection Managers to monitor by visiting a number of routes and taking any necessary action to rectify;
- Scott Edgell: a lack of local knowledge is common when commencing a contract. This has been addressed by methodically documenting rounds and starting to make changes to achieve efficiency as this knowledge has been built. Integrating the IT systems of both organisations will help;
- Graeme Kane: the contract was let through a competitive process that saw several companies come forward with Veolia ultimately being successful. It is not unusual for the details of the contract to remain private given their commercial sensitivity. The Council is providing the service to residents and therefore it is important that it is clear about the service levels provided; we have provided these openly on our website and to Members;
- Scott Edgell: it is usual that details of any Veolia contract remain private because they are commercially sensitive. The South London Waste Partnership is currently looking at what information from the contract can be released; and
- Graeme Kane: communication to residents about revisions to the waste collection service over the Christmas period is about to start.

Cllr Bull proposed a motion (seconded by Cllr Holden) to recommend to Cabinet that there be an investigation into whether or not there has been a fundamental breach of the contract. Cllrs Bull and Holden voted in favour but as no other member did, the motion fell.

RESOLVED: the Panel resolved to make the following reference to Cabinet at its meeting on 13 November 2017:

1. The Panel recommends the need to maintain the close scrutiny of Veolia and its fulfilment of the contract for waste, recycling and street cleaning, specifically over the next three to six month period (indicated as the time required to fix initial difficulties following the commencement of the contract);
2. The Panel calls on Cabinet, and specifically the Cabinet Member for Cleanliness and Parking, to work in partnership with Panel members to ensure this scrutiny is effective through the sharing of resident and business feedback on the service and relevant data;
3. In addition to that already provided on waste management and street cleaning in the performance monitoring report, members request that they receive trend data from the commencement of the contract updated monthly to allow them to readily understand the developing performance of the service including:
 - a. The number of missed bins per 100,000 per month;
 - b. The percentage of household waste recycled and composted per month;
 - c. The total number of fly tips recorded per month;
 - d. The total number of sites surveyed on local street inspections for litter per month;
 - e. The percentage of sites surveyed on local street inspections that are below standard per month;
 - f. The total number of incidents of graffiti dealt with per month; and
 - g. The number of customer complaints received per month relating to the waste, recycling and street cleaning service.
4. Where it is available, members would value having comparable data for each month of the last year of operation by LBM.
5. Panel members also request updates are provided at each of their meetings for the remainder of the 2017/18 municipal year on:
 - a. The integration of Merton's customer relationship management (CRM) system and the contractor's operational systems;
 - b. Efforts being made to improve the collection of green sacks;
 - c. The approximate value of service performance deductions per month imposed on Veolia under the terms of the contract;
 - d. Progress being made with weeds through the scheduled application of pesticides in autumn and the New Year; and
 - e. Steps being taken to ensure all operatives understand the 'as is' service including collection from the edge of properties and an adequate return policy.
6. Panel members recommend that Mr Edgell be invited to attend its meeting in February 2018 so that progress against all these items can be further scrutinised with his assistance (in addition to him supporting the agenda item on the rollout of the new service provision which will come into effect in October 2018). Thereafter, Mr Edgell (or another suitable Veolia representative as is appropriate) is asked to attend Panel meetings every six months to further support the scrutiny of the service being provided.
7. Panel members recommend that the Cabinet Member for Cleanliness and Parking also attend all Sustainable Communities Overview and Scrutiny Panel

meetings until the end of the current municipal year to assist it in undertaking its on-going scrutiny of Veolia's performance.

8. Panel members noted that this reference sits in addition to the action agreed at Council on 13 September 2017.

5 PRE-DECISION SCRUTINY: BUDGET AND BUSINESS PLANNING (ROUND 1) (Agenda Item 5)

Caroline Holland, Director Corporate Services, provide an introduction to the item on budget/business planning (round 1). It was noted that this is the first round of budget scrutiny with a further round happening in the New Year before the Cabinet meeting at which the budget is finalised for approval at Council. The objective of this first round is to provide an update on the Medium Term Financial Strategy and look at the savings and capital programme.

Highlighted there have been changes to the financial gap; whilst there is no additional funding needed in 18/19, from 19/20 onwards a significant increase is needed. There is a predicted gap of £5.7m in 19/20 which rises to £21.7m cumulatively in 21/22.

The budget forecast has been put together inclusive of a number of assumptions. For example, that there will be an increase in staff salaries based on press reports. This won't be clarified until the budget on 22 November 2017. Until this time, a 2% increase over 2 years has been allowed.

It has been determined that it makes no sense to give additional funding to the Children, Schools and Families and Community and Housing budgets in one year only to expect to take this back as savings in the next year. For this reason, it has been determined that the Environment and Regeneration and Corporate Services Departments will make the necessary savings in the short term. Also, funding of capital expenditure has been considered.

Chris Lee, the Director of Environment and Regeneration, provided further clarification in response to member questions:

- As detailed on pages 30 and 31 of the agenda pack, the planned savings for 2017/18 have not been delivered and as indicated by their RAG status this is unlikely to change. For example, the planned increase from building control services has not been realised because this has become a very competitive market and it has been difficult to recruit additional inspectors. Pre-app income has not increased given the public's unwillingness to pay for this service. The planned reorganisation of staff has been affected by the delay in the rollout of ANPR. Additionally, the increase in planning fees promised earlier in the year by Government has not materialised;
- As a result, it is proposed that these unrealised savings are mitigated through the following means: 1) the surplus from the diesel surcharge (being used to fund the Freedom Pass); and 2) an underspend of around £300K. One new saving is proposed which arises from a two year extension to the GLL contract for managing the leisure centre;

- The savings table, on page 31 of the agenda pack, shows that these additional, ambitious savings targets have not been realised. However, it doesn't mean that there has been no income from items such as the commercial use of parks. Rather this table shows that the additional income target has not been met;
- It is thought unlikely that a saving could be made through the sending of planning consultation letters by email because insufficient email data is held; and
- The free Christmas parking scheme remains unchanged for this financial year. It is proposed to bring forward evidence of the effect of the scheme in 2017 for the scheme to be reviewed in 2018. Currently, the evidence does not exist on which to make decisions about the operation of the scheme. Cllr Sargeant noted that there was also no evidence to support the introduction of the scheme. A motion was proposed by Cllr Bull and seconded by Cllr Holden calling for the Christmas Parking Scheme to be reviewed for the next financial year. Cllrs Bull, Holden and Sargeant voted in favour of the motion. Cllrs Anderson, Braund, Chung and Makin voted against. The motion therefore fell.

Caroline Holland clarified that the increase in the budget for the taxi card/concessionary fares item is linked to inflation.

RESOLVED: the members noted the difficulty they had in following the report and asked that headings be better used and more explanation provided. Caroline Holland noted that this couldn't be addressed with the current report which had already gone to Cabinet. However, this would be taken into consideration when preparing the second round of budget reports for meetings in January 2018.

6 UPDATE REPORT: PUBLIC SPACE PROTECTION ORDERS - DOG CONTROLS (Agenda Item 6)

Doug Napier, Leisure and Culture Greenspaces Manager, introduced the item by providing verbal feedback on the dog controls public consultation which had just concluded. This received 1,250 responses, 77% of which were Merton residents and 54% dog owners. Of these the vast majority have one dog whilst 60 respondents have five or more dogs whilst one has 10 dogs and another respondent has 20.

The consultation found that there is good public support for the proposals to be enshrined in the Public Space Protection Order:

- 98% in favour of prohibiting dog fouling by ensuring that dog owners and walkers clear up after their dogs;
- 88% in favour of dog exclusion areas;
- 76% in favour of dogs to be put on a lead in public spaces when directed to do so by an authorised officer; and
- 70% in favour of four being the maximum number of dogs that can be exercised by one person in open spaces at any one time.

In response to member questions, Doug Napier clarified:

- How these proposals are to be enforced is yet to be determined. Use of Environmental Enforcement Officers is being explored;

- The free form text element of the public consultation is yet to be analysed. A full analysis of the consultation will be distributed to all Councillors; and
- It will be possible to consider in the future specific action to address aggressive dogs.

7 DRAFT FINAL REPORT: CROSSOVERS TASK GROUP (Agenda Item 7)

Cllr Chung, as Chair of the Task Group, introduced the draft report to the Panel highlighting the effect that crossovers can have on drainage and the risk of flooding and street scene. Also highlighted how the associated rise in vehicles is causing air pollution and difficulties being caused by overhanging vehicles especially for wheelchair and pram users. On the other hand, and to provide a balanced view, he highlighted that residents want to park close to their properties for security reasons and that properties with a crossover are likely to benefit from an increased value. Therefore it has been important for crossovers to be reviewed and for the task group to take a balanced approach. The nine recommendations made would allow for a gradual change in strategy and an improvement for residents. Thanks were given to the other London Councils that supported the review through the sharing of practice and experience. Additionally, officers Alisha Muhmood and Stella Akintan were thanked for their hard work in supporting the task group and the preparation of the draft final report.

In response to member questions, the following clarification was provided by Cllr Chung, Chris Lee, Director for Environment and Regeneration and John Hill, Assistant Director, Public Protection:

- Cllr Chung: there is a need to increase charging to allow resources to be accumulated so that it is possible to enforce the setting of an allowable limit for overhanging vehicles;
- John Hill: currently the department is awaiting a legal opinion on the use of Community Safety Notices to address overhanging vehicles. The difficulty with this route is that some measure of frequent occurrence is required which can be hard to achieve. Noted that other boroughs are using other legal means such as Newham's use of destruction notices; and
- Chris Lee: there is a need to explore the use of a set limit to the number of crossovers to be permitted. Whilst this might cause difficulties it may be necessary to ensure that there is sufficient parking space available. Cllr Bull noted that this may be required to make a CPZ area viable.

RESOLVED: to accept the report and to forward it to Cabinet for its consideration.

8 WORK PROGRAMME (Agenda Item 8)

Due to pressures of time, members made no comment on this item.

9 EXTENSION OF MEETING (Agenda Item 8a)

In accordance with the provisions of Council Procedure Rule 7(m) and Part 4A of the constitution it was agreed at 10.00pm to extend the meeting to 10.15pm.

10 PRE-DECISION SCRUTINY: MORDEN RE-DEVELOPMENT (Agenda Item 9)

The minute of this item is exempt and remains restricted.

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Committee: Sustainable Communities Overview and Scrutiny Panel

Date: 10 January 2018

Wards: Merton Hall is located in Abbey ward

Subject: Harris Academy Wimbledon – Contract award decision for Merton Hall construction works

Lead officers: Yvette Stanley – Director of Children, Schools and Families
Chris Lee – Director of Environment and Regeneration

Lead members: Cllr Caroline Cooper-Marbiah – Cabinet Member for Education
Cllr Mark Allison – Deputy Leader and Cabinet Member for Finance
Cllr Martin Whelton - Cabinet Member for Regeneration, Environment and Housing

Contact officer: Tom Procter – Head of Contracts and School Organisation

Recommendations:

- A. That the Overview and Scrutiny Commission consider the information provided in response to the call-in request and decide whether to:
- Refer the decision back to Cabinet for reconsideration; or
 - Decide not to refer the matter back to Cabinet, in which case the decision shall take effect immediately

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report provides a response to the points raised in the call-in request relating to Cabinet's decision regarding the contract award decision for Merton Hall construction works taken on 11 December 2017.

2 DETAILS

Summary of the call-in request

- 2.1. The call-in request from Councillors David Dean, Najeeb Latif, and David Williams was submitted on 18 December 2017 and requested the Panel to refer the decision back to the decision making person (i.e. Cabinet) for reconsideration. The key outcome was stated as:
- *“Acknowledge that the unseen draft contract with Elim – which has been magnified by the enormous cost of rebuilding the majority of Merton Hall - is a price too high in both financial terms and loss of a substantial and valuable community asset, which is part of Merton's heritage*
 - *Recommend that the Cabinet agree to renegotiate the purchase of the Elim site in High Path with the church authorities as the current*

arrangement is neither a transparent use of the Council's money nor its assets".

2.2. The detailed information suggested that the council decision lacked five of the seven principles of decision making in Article 13 of the constitution as follows:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights and equalities;
- (d) a presumption in favour of openness;
- (f) consideration and evaluation of alternatives

2.3. **General comments on the call-in request**

2.4. It should be noted that Cabinet on 4 July 2016 made the following decisions on the land assembly for the new Harris Academy Wimbledon School that are relevant to this call-in request:

A. To authorise the Director of Environment and Regeneration to complete the freehold purchase of the following land for the provision of a new secondary school and to lease the land to the Harris Federation for the Harris Wimbledon School on a 125 year lease at a peppercorn rent:

(i) The land edged red on plan A from Domex to a maximum price of [REDACTED] excluding stamp duty and fees

(ii) The land edged blue on plan A from Elim and to transfer in exchange the freehold of Merton Hall (the land edged red on Plan B) to Elim and to adapt and re-build the majority of the building for use by Elim to a maximum cost of [REDACTED] excluding stamp duty and fees.
and:

E. To note that in view of the displacement of South Wimbledon Community Centre from Merton Hall, officers are seeking to provide replacement accommodation on similar rental terms with an interim offer made for the currently vacant Pincott Road SW19

2.5. Therefore the substantive subject matter of this call-in (i.e. agreement to the maximum price for the disposal of Merton Hall and the purchase of the Elim site – 'the land swap') was actually agreed by Cabinet on 4 July 2016, a decision which was subject to pre-decision scrutiny by Children and Young People Overview and Scrutiny Panel on 29 June 2016, and post decision 'call-in' by Overview and Scrutiny Commission on 4 August 2016.

2.6. The decision agreed by Cabinet on 11 December 2017 was to agree to enter into a construction contract for works to Merton Hall agreed in the draft contract with the Elim Church to a contract value, subject to conditions, that was within the budget agreed by Cabinet on 4 July 2016 and agreed by Budget Council in the Council's capital programme. The delay from July 2016 to December 2017 was due to the time required to obtain planning permission and go out to tender for a suitable contractor, with an extra 4-5

months due to the Planning Applications Committee refusing a first planning application.

- 2.7. In relation to the scope of Cabinet's decision that the scrutiny panel is being asked to consider, the advice of the Monitoring officer is provided in the legal Implications (Section 7) of this report. Nevertheless, to ensure transparency this report addresses all the points made in the call-in request. The report addresses the five areas as provided in the call-in request as follows:

1. Proportionality - Summary of call-in statement

- 2.8. *Questioning whether the decision to enter into a construction contract for Merton Hall is proportional to the council's prime objective, namely to deliver a new secondary school on the High Path site, particularly in consideration of (i) Value for Money (ii) impact of the loss of Merton Hall on the local community. (iii) there are alternatives (iv) the circumstance that an application has been made for the building to be listed in the National Heritage List for England and the list of Assets of Community Value (ACV) and the planning decision is subject to Judicial Review (v) fails to take into account the request made by Cllr Najeeb Latif on 9 November 2017 for the council to serve a temporary Building Preservation Notice on Merton Hall*

- 2.9. Answers to eight specific questions were requested.

2.10. Proportionality – officers response

- 2.11. The 8 specific questions and officers' response is as follows:

i) What was the chronology of the negotiations and discussions between Merton Council and Elim Church on the proposed land swap and redevelopment of the Merton Hall site?

- 2.12. The chronology is outlined below and can be traced from the papers provided in appendix 5:

- Summer/Autumn 2015: Agreement that there were only two options for the new secondary school: South Thames College or the High Path site. CPO advice received and initial discussions with Domex and Elim
- January 2016: Established that Elim were agreeable to working with the council but only on condition that a local replacement building could be found
- March 2016: The above remained the case and the High Path site became the only option for the council
- April 2016: Merton Hall suggested by officers as the only real option to enable Elim vacation – Elim visited the premises and agreed for the council to undertake a feasibility study
- May to June 2016: Feasibility study undertaken. Clarification that Elim would not accept an option that kept the existing main hall of Merton Hall but would accept a scheme in the feasibility study to re-build the main hall. Officers received valuation advice along with construction costs estimates, and received agreement in principle on the funding package from the EFSA (Education and Skills Funding Agency – the government agency of the Department for Education).

- June 2016: Cabinet report finalised for 4 July 2016 decision
- ii) Did Elim Church specifically identify and ask the council for Merton Hall?*
- 2.13. No – Elim specified a replacement building in the Wimbledon area for their congregation to continue.
- iii) Did the proposal to do a land swap between the High Path site and Merton Hall initially come from the council?*
- 2.14. As stated above, Elim specified a replacement building in the Wimbledon area for their congregation to continue. The council determined a land swap would represent best value. The council also decided it would prefer to manage a construction project to the appropriate value rather than provide Merton Hall and a capital sum as it was felt there was expertise within the council to manage the project to achieve the objective of a clear site at High Path as quickly as possible.
- iv) How much did the council offer Elim Church to purchase the High Path site outright?*
- 2.15. No offer was ever made as the Elim Church made it clear that a pre-requisite to moving was to provide a replacement building so that they could continue their church activities.
- v) Why did the council feel they had to agree to the loss of Merton Hall given its value to the local community and the fact there were other options available?*
- 2.16. The council needed to find a site that was suitable for a church. There are few options and those that have housing potential would be very expensive for the council tax payer and thus not represent best value for money. Merton Hall was agreed as a suitable site since all the existing regular users could be accommodated elsewhere, it is an appropriate size for Elim and it will be retaining its community use. Also, the restrictive planning potential of the site is such that the council is able to justify the value for money of an effective land swap with Elim's existing site and the payment of construction costs to provide an equivalent building.
- vi) Who put this draft deal on Merton Hall together? What Member involvement was there in it?*
- 2.17. The draft deal on Merton Hall was led by senior officers in Environment and Regeneration and Children, Schools, and Families. Members were briefed and consulted but the proposal on Merton Hall was initially proposed by officers as the best solution to achieve the objective of a clear site to deliver the new Harris Wimbledon School.
- vii) What is the commercial value on the Elim Church site on High Path*
- 2.18. This is provided in paragraphs 2.11 and 2.15 of the 4 July 2016 Cabinet and the valuation report is Appendix 9 to this report
- viii) What is the commercial value on the Merton Hall site*
- 2.19. As above, this is provided in paragraphs 2.11 and 2.15 of the 4 July 2016 Cabinet and the valuation report is Appendix 9 to this report. In summary, the Elim Church land (and Domex adjacent, hence the £6.1 million required

to purchase this land) has the potential to become residential development with its associated land values yet there is no reasonable prospect of Merton Hall being brought out of community use and into commercial or residential use. Therefore the 'land swap' plus construction project paid for by the council represents best value to purchase the land.

- 2.20. In addition to the specific questions above the proportionality call-in queried four further points which are outlined below with officers' response:

(i) Value for Money

- 2.21. Paragraphs 6.4 to 6.8 of the 11 December 2017 Cabinet report reviewed the value for money aspect and it is copied below for ease of reference:

- 2.22. The construction cost of a 1,050 place secondary school is at least £25-30 million and, with land costs in London, it is not untypical for the total cost of a new secondary school to be above £40 million. The construction cost of the Harris Wimbledon School is entirely the responsibility of the ESFA but on the basis of it being £25-30 million the total cost to the public sector of this scheme is £40-45 million.

- 2.23. Providing places through existing schools is generally less expensive and depends on the existing infrastructure in the school. The ESFA expectation is that secondary school expansion can be delivered for £20,920 per place, so £21.97 million for a 1,050 place school, but many councils struggle to deliver to this rate and have to supplement such expansions from their local resources. In Merton's case the non-faith schools in Wimbledon are PFI schools and have already expanded significantly with the associated strain on infrastructure. The cost of these additional 1,050 places could therefore have been around £24 million.

- 2.24. When Free Schools provide Basic Need places the ESFA expects a financial contribution from the Local Authority and would expect the Local Authority to donate its land. However, the council negotiated a contribution of £5.85 million from the ESFA, therefore enabling the net liability to be a maximum £8.75 million

- 2.25. Therefore, if the council had not negotiated for the new school to be part of the Free School programme it would have cost the council approximately £35 million more. If the council had delivered the extra places at existing schools it would have cost the council approximately £15 million more.

- 2.26. The Elim Church site is the remaining portion to be finalised in the much larger site for the new school, and all costs to the council are within the figures outlined above. The 'land swap' of Merton Hall and Elim Church land and the construction project meets best consideration of value for money for the Council as the High Path site has the potential to become residential development with its associated land values, while there is no reasonable prospect of Merton Hall being brought out of community use and into commercial or residential use. With the assistance of external valuation advice, the Director of Environment and Regeneration therefore concluded in July 2016, and is still of the opinion, that this agreement represents best value for the Council

(ii) impact of the loss of Merton Hall on the local community.

2.27. While it is acknowledged that the sale of Merton Hall has promoted a strong response, the evidence shows that it was underused as there were only five regular bookings throughout the week for the main hall and a further seven regular bookings using the smaller spaces. In terms of casual bookings, over the period January 2015 – September 2016 there was, on average, one casual booking per week at the hall (97 bookings over a period of 91 weeks). The full schedule of regular users from 2016 (prior to the council's proposal to transfer the hall to Elim was announced) is provided in Appendix 10. All of the regular users have been successfully relocated.

(iii) there are alternatives

2.28. Paragraph 3.4 of the 11 December Cabinet report again reviewed the alternative sites for Elim Church and concluded that Merton Hall remained the most practical solution to enable Elim to move from their present site. Any alternative solutions would take too much time to deliver, if they could be delivered at all, and would cost the Council considerably more money. Merton Hall was chosen as the most appropriate facility since:

- It is a relatively underused asset for LB Merton to maintain; all 12 of the regular hirers (only 5 of which used the main hall) could be accommodated elsewhere, and the facility is now closed.
- With the capital investment by the Council it is an appropriate size for Elim to enable them to vacate their present site. The restrictive planning permission potential of the Merton Hall site is such that the Council is able to demonstrate the value for money of an effective land swap with Elim's existing site and the payment of construction costs to provide a suitable replacement building.
- A further alternative option that has previously been considered is that the Council exercise its CPO (Compulsory Purchase Order) powers to acquire the site compulsorily. The council would be required to pay the market price for the site plus statutory compensation. However, the use of CPO powers is to be used only very sparingly and is intended as a last resort after all other options have failed. The process is long and can result in a public enquiry, which would delay the process possibly taking up to 24 months to see the CPO through. Consideration needs to be given on when and whether the council would want to go down this route as it is likely to be seen as a hostile act by Elim and the hope of negotiating an early settlement may be lost.

2.29. *The circumstance that an application has been made for the building to be listed in the National Heritage List for England and the list of Assets of Community Value (ACV) and the planning decision is subject to Judicial Review*

2.30. The 11 December 2017 Cabinet report carefully considers the issue that the council has received challenges in the above three areas – they are clearly listed in the Executive Summary and the main body of the report. The report also outlines the urgent need for the new school and the consequences of not implementing the decision in a timely manner. The recommendations in the report, agreed by Cabinet, is proportional and reasonable in not seeking

to circumvent the listed building application, and taking into consideration that the implication of delaying the decision by many months until the outcome of the ACV is known would have major consequences for the timescale in delivering the school. Paragraphs 2.17 to 2.25 clearly sets out these issues for Cabinet to reach a conclusion. The council decision on accepting (or not) an ACV application was undertaken by separate officers to those involved in implementing the Harris Wimbledon School project.

2.31. *(v) fails to take into account the request made by Cllr Najeeb Latif on 9 November 2017 for the council to serve a temporary Building Preservation Notice on Merton Hall.*

2.32. As shown by the legal advice given in appendix 8, the council cannot serve a notice on itself but the Cabinet report and agreement clearly says that entering into the construction contract is dependent on “The Secretary of State for Digital, Culture, Media and Sport (DCMS) determines to decline the application made to add Merton Hall to the list of buildings of special architectural or historic interest maintained by the DCMS (The National Heritage List for England), whether or not any subsequent request is made for the DCMS to review that decision.” Cabinet has therefore agreed to abide by the spirit of this request.

2.33. **3. Due Consultation - Summary of call-in statement:**

The call-in acknowledges that there is a need for commercial confidentiality but questions whether there has not been any kind of meaningful consultation with the local community on the principle of the council’s land swap with Elim Church

2.34. **Due Consultation — officers response**

There was a need to seek Cabinet’s approval to the land assembly at High Path but to keep it confidential until we had reached the point that the parties to the agreement were willing to go public. This was in November 2016 and a public meeting was held at Merton Hall on 21 November 2016. This was well publicised by the ward Members and was well attended. A council press release followed on 22 November 2016 which clearly set out the council’s intentions with regard to Merton Hall and Elim Church. At this time the council all set up a specific web page where this was outlined
<https://www2.merton.gov.uk/learning/schools/moreschoolplaces/harriswimbledon.htm>

2.35. The planning application process also had a consultation process with regard to the specific plans for Merton Hall. Both Merton Hall applications (in early 2017 and summer 2017) involved transparent consultation as required for all planning applications. The comments and representations made on these applications are available to view on the council’s Planning Explorer website.

2.36. **4. Respect for human rights and equalities - Summary of call-in statement:**

2.37. *The call-in suggests that the council is breaching its own equalities protocol by using taxpayers’ money to promote and enhance a church whose attitudes and beliefs are understandably seen as homophobic by some in the local community. This was identified as a serious issue by the Children*

and Young People Overview and Scrutiny Panel at their meeting of 8 November 2017. As a result of their discussions, Members made a formal recommendation requesting that “Cabinet seek formal written assurances from the Elim Church that under its management Merton Hall lettings will enable the venue to remain for the use of all the community and that these lettings will be fully compliant with equality legislation.”.

- 2.38. *The replacement facility for SWCA of 3 Pincott Road is significantly inferior and there is no recognition of the fact that the Pincott Road site is part of the planned High Path regeneration, and there is no analysis of the advantages and disadvantages for residents on lower incomes of moving the food bank hosted at the Elim church and what temporary arrangements might be put in place to ensure that this important facility continues to serve the community.*

2.39. **Respect for human rights and equalities - officers response**

- 2.40. While it is acknowledged that 3 Pincott Road is a smaller facility, the 11 December 2017 Cabinet report outlines that this is part of a range of building options to ensure no displacement of community users. This is within the context of there being only 12 regular user groups, only 5 of which let the larger hall facility. The stated measures are as follows:

- 3 Pincott Road SW19 has been converted from being a vacant office space to provide two community rooms operated by SWCA,
- All Saints Primary school hall is now being operated by SWCA out of school hours,
- The Council has worked with SWCA on any group that may need a community facility;
- Ensure that when built, the new Harris Wimbledon School will open extensive community facilities out of school hours

- 2.41. With regard to the open use of Elim Church, on 11 December 2017 Cabinet accepted the reference from CYP Scrutiny to seek formal written assurances from the Elim Church that Merton Hall lettings will be fully compliant with equality legislation. Due to the Christmas vacation period this has not been completed at the time of writing the report. However, as with any organisation, it is a legal obligation that Elim Church comply with equalities legislation in their ownership and use of Merton Hall.

5. Presumption in favour of openness - Summary of call-in statement;

- 2.42. *There has been more secrecy around this issue than is necessary to protect commercial confidentiality e.g. the precise arrangements reached with Elim Church, the finances of the scheme and the detail of the negotiations, and considerable scope for conflicts of interest to arise in this case through the fact that it is Merton Council which is one of the two parties engaging in the land swap and which has secured planning permission and yet it is also the council which is tasked with evaluating and deciding on both the application for listing Merton Hall as an Asset of Community Value and for the application of a temporary Building Preservation Notice.*

- 2.43. **Presumption in favour of openness — officers response.**

- 2.44. The council recently published the previously confidential report from 4 July 2016 and the website page referred to earlier shows the transparency, although fine details of a commercial transaction not completed must remain confidential.
- 2.45. As detailed earlier, the council decision making on accepting (or not) an ACV application was undertaken by separate officers to those involved in implementing the Harris Wimbledon School project and Cabinet has no power to place a Building Preservation Notice upon itself yet acted in the spirit of it in agreeing not to implement the contract immediately.
- 2.46. **6. Consideration and evaluation of alternatives - Summary of call-in statement**
- 2.47. *i) the list of alternatives is by no means comprehensive and ii) the necessary information has not been provided to enable residents and Members to evaluate whether the Cabinet was correct to dismiss the alternatives listed, such as using the council's CPO powers. For example, we understand that Merton Council originally made an offer to buy the Elim Church site on High Path but this offer was rejected by Elim's headquarters Furthermore, no details have been provided of which other industrial premises owned by Merton Council in the borough were considered by Merton Council for the re-siting of Elim Church. As such, there is not the evidence available to Members to reassure them that one of these premises would not have proved a more cost effective option.*
- 2.48. **Consideration and evaluation of alternatives - officers response**
- 2.49. The paragraphs and papers in this report, including the Appendix 9 valuation report shows the context of CPO and why the approach taken was in the best interests of the council, and that the only reasonable means to secure the Elim Church site was to provide the 'equivalent reinstatement' of an alternative building
- 2.50. The council has answered all questions from members of the public on specific ideas for alternative premises. For example:
- St George's Hall on St George's Road* – This is fully owned by the London Borough of Merton and would just be of sufficient size, especially as the expectation is that multi storey building can be provided on this site. However, this is a premium town centre site. While for commercial reasons the council cannot disclose the detail of our land values for proposed uses, suffice to say that if Elim were offered the St. George's Road site and a newly built facility, the council would be paying significantly more than it needs to which could not be justified as good value for money to council tax payers. It would also not be consistent with the council's ambitions for Wimbledon town centre as an employment centre.
- Lombard industrial Estate SW19* – This site is not within the control of the council. If the council were to successfully negotiate an area of sufficient size it would not be available to develop until at least December 2018 which would be a year later than our current plan. However, even if the council were able to do this, there are planning policy and issues of equivalent reinstatement that make this site unviable. The Lombard Industrial Estate is designated as a strategic industrial estate in the Mayor's London Plan, and

there is high demand for space in this site. It would therefore not be possible for the council to change planning policy to allow church use on the site. In any case, the church wishes to be in an area accessible to the local community. Being in a fully industrial site would not be and so the council would not be able to meet the principle of equivalent reinstatement.

3 ALTERNATIVE OPTIONS

- 3.1. The Council's constitution requires the Commission to select one of the options listed in recommendation A.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. This is provided in the 11 December 2017 Cabinet report

5 TIMETABLE

- 5.1. This is provided in the 11 December 2017 Cabinet report

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. This is provided in the 11 December 2017 Cabinet report

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. In relation to the scope of Cabinet's decision that the scrutiny panel is being asked to consider, the advice of the Monitoring Officer is as follows:
- 7.2. The panel is asked to consider the decision of Cabinet on the 11th December 2017. As described in para 2.4 and 2.5 above, the Cabinet have previously made decisions in July 2016 which were subject to call-in in relation to the "land swap". These decisions are not subject to the call-in as they have already been made and acted on. Committee is asked to consider the decision made by Cabinet on the 11th December 2017 in relation to letting the construction contract and the resolutions made.
- 7.3. The panel may decide to refer those decisions back to Cabinet for reconsideration. Matters relevant to these decisions set out as grounds for the call-in request are:
- The extent of the construction works and the cost of the award of the contract.
 - The application to list Merton Hall as an Asset of Community Value and the timing of the construction works.
 - The application to add Merton Hall to the National Heritage list for England and the impact this application has on the timing of the construction works and contract.
 - The application to judicially review the Planning Authorities decision to grant planning permission for works to Merton Hall and the impact this application may have on the timing of the construction contract and works.
 - Any effect of a request by Cllr Najeeb Latif on 9th November 2017 for the Council to serve a temporary Building Preservation Notice on Merton Hall.

- The conditions attached to the conditional contract to dispose of Merton Hall to Elim Church.
- The Council's arrangements to consider an application for Merton Hall to be listed as an Asset of Community Value and the consideration of the need for a Temporary Preservation Notice.
- The Equalities Analysis appended to the Cabinet report of the 11th December 2017

Matters which are not relevant to the decision to award the construction contract

- 7.4. A number of grounds and issues are set out in the call in request which refer to an earlier decision of Cabinet on the 4th July 2016 (i.e. agreement to the maximum price for the disposal of Merton Hall and the purchase of the Elim site – 'the land swap'). That decision was subject to pre-decision scrutiny by Children and Young People Overview and Scrutiny Panel on 29 June 2016, and post decision 'call-in' by Overview and Scrutiny Commission on 4 August 2016. These aspects of the project are not the subject of the decision which has been called in.
- 7.5. Matters raised which are not directly relevant to the decision of 11th December 2017 and which are out of scope of the call-in further to para 16 (c) (iii) of the call-in rules (the decision for which call-in consideration is requested must not have been subject to a prior call-in request) are:
- The land transaction and its cost - "the land swap" - having been previously subject to decision and call-in.
 - The decision to dispose of Merton Hall to Elim Church or alternative options such as CPO – having been previously subject to decision and call in.
 - The move of Elim Church to Merton Hall – having been previously subject to decision and call in.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. This is provided in the 11 December 2017 Cabinet report

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. This is provided in the 11 December 2017 Cabinet report

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. This is provided in the 11 December 2017 Cabinet report

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix 1 Call-in request form
- Appendix 2 Cabinet report 11 December 2017
- Appendix 3 - 4 July 2016 Cabinet report approving Harris Wimbledon site assembly (with redactions)

- Appendix 4 – Schedule of documents requested in this call-in with references
- Appendix 5 - Documents prior to decision making process on Merton Hall/Elim Church property transaction (These were provided as exempt documents for Overview and Scrutiny Commission on 4 August 2016 - the report is still showing this although it can now be disclosed with the blacked out information that is still commercially sensitive)
- Appendix 6 – Meeting notes and correspondence between the council and Elim Church including on the land swap and lettings policy (Damian)
- Appendix 7 – The meeting notes of the new school group
- Appendix 8 - Copies of correspondence the request for a Temporary Building Preservation Notice for Merton Hall
- Appendix 9 – Valuation report
- Appendix 10 – Usage of Merton Hall before its closure

12 BACKGROUND PAPERS

- 12.1. 21 September 2017 Merton Hall Planning Application Committee Report
27 September 2017 Planning Decision Notice

The Council's website provides further background including the scheme design for Merton Hall

<https://www2.merton.gov.uk/learning/schools/moreschoolplaces/harriswimbledon.htm>

Merton Council - call-in request form

1. Decision to be called in: (required)

Harris Academy Wimbledon – Contract award decision for Merton Hall construction works

2. Which of the principles of decision making in Article 13 of the constitution has not been applied? (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution - tick all that apply:

(a) proportionality (i.e. the action must be proportionate to the desired outcome);	X
(b) due consultation and the taking of professional advice from officers;	X
(c) respect for human rights and equalities;	X
(d) a presumption in favour of openness;	X
(e) clarity of aims and desired outcomes;	
(f) consideration and evaluation of alternatives;	X
(g) irrelevant matters must be ignored.	

3. Desired outcome

Part 4E Section 16(f) of the constitution- select one:

(a) The Panel/Commission to refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns.	X
(b) To refer the matter to full Council where the Commission/Panel determines that the decision is contrary to the Policy and/or Budget Framework	
(c) The Panel/Commission to decide not to refer the matter back to the decision making person or body *	
* If you select (c) please explain the purpose of calling in the decision.	

4. Evidence which demonstrates the alleged breach(es) indicated in 2 above (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution:

(a) proportionality

We – the signatories – would question whether the decision to enter into a construction contract for virtually the wholesale demolition and rebuilding of Merton Hall is proportional to the council's prime objective, namely to deliver a new secondary school on the High Path site, particularly given that there is no necessity to demolish the majority of Merton Hall in order to deliver the new school.

The Cabinet's decision is not proportional from a financial perspective since there are significant question marks over whether the council is getting value for money in its transaction with Elim FourSquare Gospel Alliance (henceforth referred to as Elim Church). For example, in July 2016 a budget of [REDACTED] was set aside (excluding stamp duty and fees) to relocate Elim Church to Merton Hall. Yet, despite the Charity Commission listing Elim Church as having assets of £194million, their financial contribution towards the church's move to Merton Hall appears to be limited. For example, it was revealed in a recent Member Enquiry that the council has even paid Elim's legal and surveyor's costs associated with the land transfer.

This brings into question the claim in the Cabinet report that the council is receiving value for money for this transaction with Elim Church. We are advised that a Compulsory Purchase Order would have been too expensive and that this is the view of the Director for Environment and Regeneration. Yet at the council's expense, Elim appear to be upgrading their facility from a church in a light industrial warehouse to an important heritage building which enjoys in a prime location close to the station and on a bus route.

Press reports certainly suggest that Elim Church is extremely happy with the deal it has struck with Merton Council, with Pastor Jon Featherstone reported as saying in a sermon on 27 August:

"They can't stop us, we are getting a building worth £4m and haven't got to pay one penny. No-one can stop us. Let's go big, let's go all out, build something titanic."

It is clear that Elim Church will have a valuable new building that in time they can sell on if they so wish. A recent Member Enquiry has confirmed that there will be “no restriction on Elim selling the property in the future”. Whilst the transfer to Elim includes an overage provision should they dispose of Merton Hall for a use other than the current use as community, it has not been shown what benefit this would bring to local residents and the wider community to whom Merton Hall was gifted at the request of John Innes.

There is a lack of proportionality with regard to the impact of the loss of Merton Hall on the local community. Whilst the site may be worth a lot in financial terms, it is worth a lot more to the community and yet this value appears not to have been measured or evaluated as part of this decision making process.

The fact is that this is too precious an asset for the council to give it away. Nor is there any necessity for the council to offer up a heritage site of community value for almost wholesale demolition.

There are other alternatives. For example the site could have been subject to compulsory purchase or an alternative arrangement could have been reached to re-site Elim Church on a similar site to the one it currently occupies in High Path.

In considering this matter, it is important that local residents have full and transparent responses to the following questions:

- i) What was the chronology of the negotiations and discussions between Merton Council and Elim Church on the proposed land swap and redevelopment of the Merton Hall site?
- ii) Did Elim Church specifically identify and ask the council for Merton Hall?
- iii) Did the proposal to do a land swap between the High Path site and Merton Hall initially come from the council?
- iv) How much did the council offer Elim Church to purchase the High Path site outright?
- v) Why did the council feel they had to agree to the loss of Merton Hall given its value to the local community and the fact there were other options available?
- vi) Who put this draft deal on Merton Hall together? What Member involvement was there in it?
- vii) What is the commercial value on the Elim Church site on High Path
- viii) What is the commercial value on the Merton Hall site

With regard to proportionality, claims have also been made by the council that Merton Hall was ‘underused’. These are strongly refuted by local residents and users of the facility with reports that bookings were in fact being turned away. It is important that this claim be scrutinised further.

Finally, there remain major question marks over the proportionality of the

extent of the works proposed to Merton Hall under this decision. Labour councillors may have made claims to the contrary but it is clear from the plans that what is proposed is the wholesale demolition of most of the current Merton Hall building with only the facade being retained. Indeed the adaptations to Merton Hall are described in the Cabinet report itself as being 'to adapt and re-build the majority of the Merton Hall building'.

Given that the building is currently subject to applications to add it to both the National Heritage List for England and the list of Assets of Community Value as well as the planning decision being subject to Judicial Review, the decision to proceed with the contract award for construction works does not seem to be proportionate. This is reinforced by the fact that Cabinet in their published decision at ii) actively opposes adding a potential listing of Merton Hall by the Department for Culture, Media and Sport (DCMS) thus demonstrating the administration's contempt for the concerns of the local community.

The Cabinet decision also fails to take into account the request made by Cllr Najeeb Latif on 9 November 2017 for the council to serve a temporary Building Preservation Notice on Merton Hall under Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Thus far, no determination of this has been made and so this request for temporary protection of the building is also pending.

(b) due consultation and the taking of professional advice from officers;

We understand that elements of this decision have been commercially sensitive. However, whilst there was consultation on the need for a new secondary school in Merton and there was statutory consultation on the council's two planning applications for redevelopment of Merton Hall, there has not been any kind of meaningful consultation with the local community on the principle of the council's land swap with Elim Church.

Given that Merton Hall was commissioned by renowned philanthropist John Innes to provide benefit to the local community as a public hall, there is a strong argument that the local community – particularly those people living immediately around the site - should have been asked whether they agreed to the change of use and loss of this facility from public ownership. There is clear evidence that the local community strongly opposes (as shown by the scale of the petition, the applications for listed building status and for listing as an Asset of Community Value and the Judicial Review).

This consultation could easily have been undertaken notwithstanding the commercial sensitivity of the proposed terms of any contract with Elim Church. By not thus consulting, the council appears to be in contravention of its own public engagement and consultation policies.

(c) respect for human rights and equalities;

Serious concerns have been expressed by local residents that the council is breaching its own equalities protocol by using taxpayers' money to promote and enhance a church whose attitudes and beliefs are understandably seen as homophobic by some in the local community.

A statement on the website of the Elim Fellowship, which represents Elim churches worldwide, says: "We believe that sexual purity is a necessary expression for all of God's children and requires abstinence from adultery, fornication, incest, homosexuality, or other sexual relationships or practices forbidden by Scripture."

By contrast, Merton Hall has always been a community asset which is available for use by all parts of Merton's community, regardless of race, religion or sexual orientation. That was the basis on which it was commissioned by John Innes for the benefit of the local community. Yet, under this decision the future use of Merton Hall will predominantly be by the congregation of Elim Church, many of whom do not live in Merton. There are understandably serious concerns that some residents within the local community are being unfairly disadvantaged through this decision and that the beliefs of the Elim Church risk causing a divide within that community, particularly in terms of access to future community facilities hosted by Elim on the Merton Hall site. It is feared that LGBT+ residents and community groups risk being prevented from accessing these facilities.

This was identified as a serious issue by the Children and Young People Overview and Scrutiny Panel at their meeting of 8 November 2017. As a result of their discussions, Members made a formal recommendation requesting that "Cabinet seek formal written assurances from the Elim Church that under its management Merton Hall lettings will enable the venue to remain for the use of all the community and that these lettings will be fully compliant with equality legislation."

This reference and its agreement by Cabinet is to be welcomed. However, no such written confirmation has yet been received from Elim Church and as such there are still no guarantees that the LGBT+ community will be afforded equal access to the building.

These concerns are unfortunately only reinforced by the Equalities Analysis. The Cabinet report admits at 8.1 that the original Equalities Analysis dated 1 July 2017 did not include any consideration of the negative impact of the council's proposals for Merton Hall. Whilst this has not been addressed and a new EA produced, it is extremely concerning that potential negative impacts have been identified for all of the following protected characteristics (equality groups): Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Race; Religion/Belief; Sexual orientation; and Socio-economic status.

Within the plans to mitigate these negative impacts, the revised EA states simply that 'council officers have spoken to the Elim Church' yet, without written guarantees, this provides little reassurance to the LGBT+

community.

The EA also refers to the South Wimbledon Community Association (SWCA). The SWCA undertakes a great deal of very valuable work supporting local residents, some of whom are vulnerable with specific needs. However, it is clear to anyone who has visited the 3 Pincott Road facility that they have only been offered significantly inferior premises by the council to the ones they previously occupied. No analysis is provided as part of the Cabinet report of the disadvantages and restrictions on service and opportunities that this has entailed and yet this should surely have been taken into consideration when considering the award of the contract for redevelopment of the Merton Hall site as part of the revised Equalities Analysis.

Furthermore, there is no recognition in either the EA or the Cabinet report of the fact that the Pincott Road site is part of the planned High Path regeneration and, as such, this facility is unlikely to be available for a significant period of time over the coming decade and, even when it is, works on the estate are likely to make access to and use of the facility challenging.

Finally, we haven't seen any analysis of the advantages and disadvantages for residents on lower incomes of moving the food bank hosted at the Elim church and what temporary arrangements might be put in place to ensure that this important facility continues to serve the community.

(d) a presumption in favour of openness;

We don't think the administration would dispute the fact that there has been significant secrecy around this issue. Whilst we accept that some of this has been required to protect commercial confidentiality, we do not believe it has been required to the degree that has happened and therefore we do not believe there has been a full presumption of openness.

Residents understandably have a number of questions about the nature of the precise arrangements reached with Elim Church and the way in which their council taxpayer funds are being spent to give away and demolish the majority of an important heritage building. For example, we have had no sight of the conditional contract with Elim. There are also a number of unanswered questions with regard to the finances of the scheme and the detail of the negotiations (see eight questions above at (a)).

Furthermore, there is considerable scope for conflicts of interest to arise in this case through the fact that it is Merton Council which is one of the two parties engaging in the land swap and which has secured planning permission and yet it is also the council which is tasked with evaluating and deciding on both the application for listing Merton Hall as an Asset of Community Value and for the application of a temporary Building Preservation Notice. This risks undue pressure being placed on those officers and Members responsible for these decisions to act in order to

further the council's case rather than taking an independent and objective view based solely on the evidence as should be the case.

In order to retain confidence in the council as an organisation, it is important that residents are assured that these processes have been undertaken properly and thoroughly according to the proper processes yet no such evidence has been provided to demonstrate that this is the case.

(f) consideration and evaluation of alternatives;

Whilst the Cabinet report may refer to (and dismiss) some alternative options, i) the list of alternatives is by no means comprehensive and ii) the necessary information has not been provided to enable residents and Members to evaluate whether the Cabinet was correct to dismiss the alternatives listed, such as using the council's CPO powers.

For example, we understand that Merton Council originally made an offer to buy the Elim Church site on High Path but this offer was rejected by Elim's headquarters.

Yet there is no information on this provided as part of the report. A Member Enquiry has been submitted but council officers have not as yet confirmed that the council did indeed make Elim such an offer for their High Path site. Nor have they advised what the value of the council's offer to Elim for their High Path site was or the reasons for which it was turned down. The provision of this information is crucial since it demonstrates a further alternative which appears not to have been evaluated in the decision report considered by Cabinet.

Furthermore, no details have been provided of which other industrial premises owned by Merton Council in the borough were considered by Merton Council for the re-siting of Elim Church. As such, there is not the evidence available to Members to reassure them that one of these premises would not have proved a more cost effective option.

In conclusion, we would comment the evidence provided above to Scrutiny and, by way of a key outcome, ask them to.

- Acknowledge that the unseen draft contract with Elim – which has been magnified by the enormous cost of rebuilding the majority of Merton Hall - is a price too high in both financial terms and loss of a substantial and valuable community asset, which is part of Merton's heritage
- Recommend that the Cabinet agree to renegotiate the purchase of the Elim site in High Path with the church authorities as the current arrangement is neither a transparent use of the Council's money nor its assets.

5. Documents requested

All papers provided to the Director of Environment and Regeneration, the Director for Children, Schools & Families, the Leader of the Council, the Cabinet Member for Regeneration, Environment and Housing, the Cabinet Member for Finance and the Cabinet Member for Education, prior to, during and subsequent to the decision making process on Merton Hall.

All emails, reports and associated documentation relating to the land swap and construction works proposed for Merton Hall provided to the relevant Cabinet Members, Leader of the Council, Chief Executive, Director of Environment and Regeneration, Director for Children, Schools & Families, Director of Corporate Services and other council officers over the last 5 years.

Meeting notes of all meetings between officers / Cabinet Members and Elim Church on the land swap and construction works proposed for Merton Hall.

Any correspondence between officers / Cabinet Members and any other external organisations on the possible re-siting of the Elim Church.

Copies of all correspondence between the Council and Elim Church on its future lettings policy for any community facilities provided at Merton Hall once within Elim Church's ownership.

Copies of all correspondence between council officers and Cabinet Members on a) the application to make Merton Hall an Asset of Community Value and b) the request for a Temporary Building Preservation Notice for Merton Hall.

Any other equalities analyses carried out in relation to the land swap with Elim Church and the proposed construction works on Merton Hall.

The risk analysis conducted in relation to the various options for procuring the current Elim Church site at High Path.

Detailed financial analysis of a) the various options available to the Council for procuring the Elim Church site on High Path; and b) the Cabinet's current and previous decisions on construction works to Merton Hall.

A copy of the latest commercial valuation of the Elim Church site on High

Path.

A copy of the latest commercial valuation of Merton Hall.

Details of the assets (financial and otherwise) held by Elim FourSquare Gospel Alliance.

A breakdown of precise details of the revenue generated for the Council from lettings at Merton Hall over the last 5 years.

The detailed analysis by Merton Council of the community usage of Merton Hall over the past 5 years.

Analysis of the community usage of 3 Pincott Road thus far since being leased to the SWCA and any feedback received.

Details of any informal consultations carried out with key stakeholders (including a list of who these 'key stakeholders' were) on the re-siting of Elim Church and the proposed redevelopment of Merton Hall.

A copy of the draft conditional contract between Merton Council and Elim Church referred to in the 11 December 2017 Cabinet report.

A full list of all industrial premises currently within the ownership of Merton Council.

6. Witnesses requested

Cllr Martin Whelton, Cabinet Member for Regeneration, Environment and Housing, LB Merton

Cllr Mark Allison, Cabinet Member for Finance, LB Merton

Cllr Caroline Cooper-Marbiah, Cabinet Member for Education, LB Merton

Chris Lee, Director of Environment and Regeneration, LB Merton

Howard Joy, Property Management & Review Manager, LB Merton

Tom Procter, Head of Contracts & School Organisation, LB Merton

Fiona Thomsen, Head of Shared Legal Services at the South London Legal Partnership

Neil Milligan, Development Control Section Manager, LB Merton
(responsible for considering requests for temporary Building Preservation Notices)

Sara Sharp, Save Merton Hall campaigner, petition instigator and applicant for the Historic England listing

John Chambers, Save Merton Hall Campaign

Dan Goode, Merton Matters

Andrew Boyce, Chair of the South Wimbledon Enhancement Plan

Tyrone Ashby, Chair, Merton LGBT+ Forum

Representative(s) from the South Wimbledon Community Association
(including the treasurer who is dealing with the funding/financial elements relating to their move to Pincott Road)

Representative from the Wimbledon Society

Alison Cousins / Dese Child, Co-Chairs, The John Innes Society

Representative from Elim Church


Representative from Historic England

Representative from the Department for Culture, Media and Sport

Representatives from each of the former regular users of Merton Hall i.e.

community groups/clubs etc.

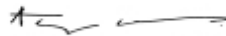
7. Signed (not required if sent by email):



Cllr David Dean



Cllr Najeeb Latif



Cllr David Williams

8. Notes – see part 4E section 16 of the constitution

Call-ins must be supported by at least three members of the Council.

The call in form and supporting requests must be received by 12 Noon on the third working day following the publication of the decision.

The form and/or supporting requests must be sent:

- **EITHER** by email from a Councillor's email account (no signature required) to democratic.services@merton.gov.uk
- **OR** as a signed paper copy to the Head of Democracy Services, 7th floor, Civic Centre, London Road, Morden SM4 5DX.

For further information or advice contact the Head of Democracy Services on 020 8545 3864

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Exempt or confidential information

The following paragraph of [Part 4b Section 10 of the constitution](#) applies in respect of information redacted in this report and it is therefore exempt from publication: Information relating to the financial or business affairs of any particular person (including the Authority holding that information).

Members and officers are advised not to disclose the contents of the redacted information. The information is contained in the exempt appendix.

Committee: Cabinet

Date: 11 December 2017

Agenda item:

Wards: Merton Hall is located in Abbey ward

Subject: Harris Academy Wimbledon – Contract award decision for Merton Hall construction works

Lead officers: Yvette Stanley – Director of Children, Schools and Families
Chris Lee – Director of Environment and Regeneration

Lead members: Cllr Caroline Cooper-Marbiah – Cabinet member for Education
Cllr Mark Allison – Deputy Leader and Cabinet Member for Finance
Cllr Martin Whelton - Cabinet Member for Regeneration, Environment and Housing

Contact officer: Tom Procter – Head of Contracts and School Organisation

Recommendations:

- A For Cabinet to consider the benefits and risks identified in this paper with regard to implementing the construction contract to enable the works to Merton Hall and therefore the delivery of a permanent site for the new Harris Academy Wimbledon school. This includes the application for the statutory listing of Merton Hall by the Secretary of State for Digital, Culture, Media and Sport, following an assessment by Historic England, the nomination to list Merton Hall as an Asset of Community Value (ACV), and an application to the Planning Court for a judicial review of the decision to grant planning permission.
- B Agree to enter into a construction contract with [REDACTED] for works to Merton Hall agreed in the draft contract with the Elim Church, to a contract value of [REDACTED], but only subject to the following conditions:
 - (i) That the Council has entered into a conditional contract with the Elim Trust Corporation as trustee for Elim FourSquare Gospel Alliance (Elim Church) that will bind Elim Church to transfer the freehold of their land at High Path to the

Council upon completion of the specified construction works and for the Council to transfer the freehold of Merton Hall to Elim Church

ii) The Secretary of State for Digital, Culture, Media and Sport (DCMS) determines to decline the application made to add Merton Hall to the list of buildings of special architectural or historic interest maintained by the DCMS (The National Heritage List for England), whether or not any subsequent request is made for the DCMS to review that decision

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is for Cabinet to award a contract for works to Merton Hall following a competitive tender process. The paper outlines the contract process and considerations for a major construction contract at Merton Hall, consistent with the agreement of Cabinet on 4 July 2016 including the budget agreed for the works.
- 1.2 The Merton Hall scheme is one component to enable a clear site at High Path for the Education and Skills Funding Agency (ESFA) to build Harris Academy Wimbledon school. The scheme enables Elim Church to vacate the site and it is currently the main risk to the delivery of the new school project.
- 1.3 The recent school admissions application information confirms that there is a clear and urgent need for a new secondary school to open in September 2018. The temporary site at Whatley Avenue is only suitable for two year groups so the permanent school must be built by September 2020. If a clear site at High Path is not provided by early 2019 for the permanent school construction to commence there will be significant financial consequences for the Council. Without significant extra cost this can only be delivered by the commencement of works at Merton Hall in January or early February 2018 for completion in early 2019.
- 1.4 However, Cabinet also needs to take into consideration that commencing works at Merton Hall is now complicated by challenges on three aspects outlined below:
 - An application has been submitted to Historic England for National Heritage listed building status of Merton Hall. Historic England is currently considering the application with a decision by DCMS due in mid-January 2018.
 - A nomination has been submitted to the Council to list Merton Hall as an Asset of Community Value (ACV). The nominator has been advised that the Council did not have sufficient information to determine whether to list Merton Hall and has therefore been invited to submit further information by 15th December 2017.
 - An application has been filed at the Planning Court seeking permission for a judicial review of the Council's decision to grant planning permission for the certain development works to Merton Hall.
- 1.5 The contract award to a single contractor has followed the required processes to enable officers to recommend the award to the contractor with the lowest priced compliant tender. However, the implementation of these works needs to consider the above three matters. The full details and background is provided in the main report, but in summary the advice of officers is as follows

- *Application to add Merton Hall to the National Heritage List for England (the List)* – the DCMS is due determine the application in mid-January 2018 and the Council should wait for this decision before seeking to implement the construction works. If the DCMS decides that the building be added to the List a re-appraisal will be required.
 - *Asset of Community Value (ACV) listing* – for the reasons detailed in the report, this does not need to be a reason to delay implementation of the construction works.
 - *Judicial Review of the Planning Application Decision* – By mid-January, and so by the time of the DCMS's decision on National Heritage listing, the Council should know whether the Planning Court has granted permission for the application for the judicial review to proceed on the papers
- 1.6 The financial implications section of the report confirms that the construction cost is within the budget agreed by Cabinet in July 2016, and that the total net liability to the council for the new school scheme including costs associated with Elim Church is £8.75 million including all fees and contingencies. Therefore, if the council had not negotiated for the new school to be part of the Free School programme it would have cost the council approximately £35 million more. If the council had delivered the extra places at existing schools it would have cost the council approximately £15 million more.
- 1.7 The financial implications section of the report also confirms the view of the Director of Environment and Regeneration from the Cabinet decision on 4 July 2016 that the land swap of Merton Hall and Elim Church land with the construction project at Merton Hall represents best value for the Council.

2 DETAILS

The need for a new school by September 2018

- 2.1. The school improvement work carried out by the Council in recent years has been significant. All of the state funded secondary schools in Merton are now rated 'good' or 'outstanding' and 2017 provisional Progress 8 results puts the Borough's schools as the best performing schools in the country¹.
- 2.2. A new school with high standards would add to the Council's positive journey in being a good place for families to live and to receive secondary education. The essential need for a new secondary school to open by September 2018 has been identified for some time.
- 2.3. Following previous increases in demand, six of our eight schools are now substantially full in year 7, with two schools (to the east of Mitcham town centre, and to the west close to the RB Kingston border) making up most of the current 156 surplus places in year 7 (9%). It is recommended that at least a 5% surplus is allowed.

¹ Progress 8 scores, published by the Department for Education, show how much progress pupils make between the end of Key Stage 2 and the end of Key Stage 4 compared to other teenagers across England who achieved similar results at the end of Key Stage 2

- 2.4. The Council has been aware for some time that there is a particular issue for September 2018 in that there is a substantial growth of pupils in the current year 6 entering secondary school in 2018/19 that will be sustained for a number of years.
- 2.5. The admissions applications closing date for September 2018 secondary school entry was on 31 October 2017. This shows that the Council's requirement to provide additional year 7 secondary school places for September 2018 is certain and in addition to the predicted extra children, there is proportionally more preferences for LB Merton schools, so the Council will not be able to place the same reliance on out borough schools:
- The Council has received 268 additional resident applications compared to last year; 209 of these residents have stated a LB Merton school as a first preference.
 - LB Merton schools have received 255 additional first preference applications for September 2018 compared to last year (i.e. including applications from out-borough residents)
- 2.6. There will therefore be serious consequences for the Council in providing sufficient places if Harris Academy Wimbledon does not open in September 2018 as advertised. The Council may also need to provide some additional places in addition to the new school on order to meet its sufficiency duty, which would need to be confirmed between school admissions offer day on 1 March 2018 and the start of term in September 2018.

Background to secondary school site issues.

- 2.7. On 4 July 2016 Cabinet authorised the Director of Environment and Regeneration to complete the freehold purchase of land for the provision of a new Harris Academy Wimbledon secondary school. This included land at High Path owned by Elim Church to transfer in exchange the freehold of Merton Hall and to adapt and re-build the majority of the Merton Hall building for use by Elim Church to a maximum cost of [REDACTED].
- 2.8. The secondary school is scheduled to open in September 2018 at a temporary site in the former Adult Education building, Whatley Avenue SW20. The site only has sufficient space for two year-groups of pupils so it is necessary for the permanent site at High Path to be ready for September 2020. With 18-20 months of construction time to build the school, the High Path site needs to be clear in early 2019 to enable completion of the school on time and avoid the complexities of a third year in temporary classrooms; otherwise the opening of the school is likely to be deferred.
- 2.9. The building works for Elim Church at Merton Hall are scheduled to take 12 months. To meet the above timescale the construction works therefore need to commence in January or early February 2018.
- 2.10. The Council granted planning permission for the construction works on 27 September 2017 and, subject to complying with the pre-commencement planning conditions and the award of the contract, works would normally be implemented. However, there are some complications outlined below

The construction works

- 2.11. Officers worked in partnership with Elim Church representatives to provide a construction scheme that met their needs within the maximum cost agreed by Cabinet in July 2016. An original scheme was refused by Planning Applications Committee in April 2017 so the scheme design was moderated and subsequently agreed by Planning Applications Committee on 21 September 2017.
- 2.12. The scheme maintains the front section of the Merton Hall building, with some enhancements to the original features. However, the rear hall section is demolished to provide a new fit for purpose hall for Elim Church that meets their size and acoustic requirements. There is a glass side extension set back slightly from the original building.
- 2.13. Merton's Design Review Panel gave the Council's proposed design the highest possible 'Green' rating with the replacement of the old hall section justified. Their minutes stated "The Panel were very impressed with the progress and evolution of the design.... It was felt that the new addition had got to the point where it was now enhancing, improving and lightening up the existing building, the modern extension complementing the original."

Application to add Merton Hall to the National Heritage List for England

- 2.14. In September 2017 a member of the public submitted an application to Historic England to add Merton Hall to the National Heritage List for England (the List), as being a building of special architectural or historic interest under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The application is determined by the Secretary of State for DCMS. In the event the building is added to the List then the planning permission could not be implemented without a further application and approval for listed building consent given its enhanced protection.
- 2.15. While the Council could lawfully commence the works before the listing decision expected in January 2018, officers do not consider it appropriate to do so whilst the matter is under consideration. It is therefore proposed that the contract order is placed after the Secretary of State's decision, providing that decision is not to add the building to the List. There is an appeal process for the applicant should the building not be listed but this could take many more months and, in view of the timescale, it is not suggested the Council waits for this due to the impact on sufficiency of secondary school places.
- 2.16. If the Secretary of State decides to list the building then there would be a minimum 12-week delay whilst an application for listed building consent is determined, depending on the detail of the listing. A revision to the design would add to this timescale. Even a 12- week delay would mean that a clear site at High Path could not be provided to the required timescale with the implications outlined in this report and a re-appraisal will be required.

Contract with Elim Church and application for Asset of Community Value.

- 2.17. The Council has agreed a form of draft contract with Elim Church to enable the land swap to take place. In light of the application to add Merton Hall to the List, the contract will now be conditional on Merton Hall not being added to the List and the construction works being completed in accordance with the contract.

- 2.18. To ensure that the Council has certainty that it will get the benefit from the investment in undertaking the construction works, it will be necessary for conditional contracts to be exchanged prior to the construction works commencing. This will ensure that Elim Church is under a legal obligation to complete the land swap upon completion of the construction works in accordance with the contract. The intention is for contracts to be exchanged as soon as practical.
- 2.19. An application for Merton Hall to be listed as an Asset of Community Value was submitted by a group calling itself 'Friends of Merton Hall' (the Applicant) in September 2017, but the Applicant has been advised that the Council did not have sufficient information to determine whether to list Merton Hall. The Applicant has therefore been invited to submit further information by 15 December 2017.
- 2.20. Should Merton Hall be listed as an ACV, any subsequent decision of the Council (and associated notice) to dispose of the building triggers a six-week interim period for local groups to declare an interest in buying the property. A further six-month moratorium is triggered if a group expresses any such interest. However, the ACV does not compel the owner to sell to a community group and the Council is required to receive "best consideration" in accordance with section 123 of the Local Government Act 1972.
- 2.21. The ACV listing does not place any restrictions on the owner to carry out works to the building. Counsel's advice has confirmed that the Council would therefore be able to lawfully implement site works at Merton Hall while undertaking the ACV process in parallel.
- 2.22. However, Cabinet needs to be clear that there are good reasons for committing to the construction works when the ACV listing is in place, which compels the Council to give consideration to applications from community groups to purchase the building in accordance with the "best consideration" requirements of section 123 of the Local Government Act 1972.
- 2.23. In this instance, as outlined in this report, there is an urgent and compelling need to provide a clear site to enable works to build a secondary school in a tight timescale. The implications of not doing it is that children may be without a statutory school place or doing so through alternative means for September 2018 is estimated to cost the Council in the region of £1 million in temporary buildings. Prior to the ACV listing the Council has committed extensive resources to deliver the clear site at High Path for the secondary school, and the Elim Church site is the remaining portion of land required to deliver it.
- 2.24. It is theoretically possible for a community group to offer a price for the facility that would meet "better consideration" than the proposal with Elim Church, but given the wider need for the secondary school scheme, it is difficult to see how this would occur without a major change of circumstances. The investment in the facility will also provide an improved asset.
- 2.25. For the above reasons it is recommended that, the Council should commit the construction contract to provide an extended Merton Hall facility despite the likelihood of the building being listed as an ACV before the building works contract is implemented.

Judicial review of the Decision to grant Planning Permission

2.26. On 7 November 2017 a claim was filed in the Planning Court for the judicial review (JR) of the Council's decision to grant planning permission for development works at Merton Hall. The Claim has been made on the following grounds:

- "The Council failed to have proper regard to the fact that an application had been made to Historic England to add Merton Hall to the statutory list" (Ground 1); and
- "The Council failed to give reasons for not deferring determination of the planning application pending determination of the Listing Application, as required by the principle of consistency in administrative decision making" Ground 2.

2.27. The JR claim was deemed served on the Council on 17 November; the claimant having rejected the Council's response served in accordance with the Pre-Action Protocol for Judicial Review, in which it refuted the grounds of the proposed claim. The Council intends to contest the Claim and will file an Acknowledgement of Service and Summary Grounds of Resistance (AoS and SGR) by the 8 December deadline.

2.28. Before a claim for JR can proceed the Court must determine whether to grant permission and if so, subject to conditions or not. The Court initially determines this on the papers. If permission is refused, the claimant can apply for a reconsideration at an oral hearing. The Planning Court's performance targets require the Court to determine whether to grant permission on the papers within three weeks of the date by which the Rules require the AoS and SGR to be filed (8 December). If permission is refused and a renewed application is made the Court aims to hear such applications within one month of receipt of request for renewal, which must be made within 7 days of refusal.

2.29. In the event permission is granted on the papers, or at a renewed application hearing, the Rules require the Defendant (the Council in this instance) to file detailed grounds of resistance within 35 days of service of the order granting permission, unless the court orders otherwise. The Court's target date for the substantive hearing of the JR is within ten weeks of the expiry of the 35 day period. If permission is granted and the JR proceeds to a hearing this is likely to extend the completion date of the Merton Hall works beyond the February 2019 deadline, irrespective of the outcome.

Procurement process

2.30. With regard to the procurement strategy, experience from recent tenders suggested that medium sized management contractors are currently providing competitive prices for this value of work. Therefore, in accordance with treaty principles, and in order to ensure good competition, it was decided that a procurement process that was initially accessible to all firms for selection would provide the best value for money.

2.31. The works were therefore procured in compliance with Contract Standard orders and the Public Contract Regulations 2015 (sub-OJEU). The process was

undertaken through the ProContract London tenders portal E-tendering system to an advertised estimated construction cost of £3 million.

2.32. The selection stage enabled five suitably experienced construction companies to be shortlisted on the basis of quality though submissions of a Selection Questionnaire, and then the selected contractors were invited to tender on the basis of providing a compliant tender to price.

2.33. The five bidders invited to tender were required to provide a full priced submission based on the Council's tender documents and to provide a formal price offer capable of acceptance by the Council. The lowest priced compliant tender was therefore to be appointed.

2.34. The form of contract for the Works will be the JCT Standard Building Contract without Quantities, 2016 Edition ("the Contract")

2.35. The tender documents were issued to five contractors for return on 2 November 2017.

2.36. The companies and their formal offer prices are summarised in the table below:

Company Name	Tender Figure
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

2.37. The project manager and quantity surveyor analysed the tenders. A summary of his tender report is as follows

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- 2.44. It is therefore recommended that the Council agrees to enter into a contract with [REDACTED] for the sum of [REDACTED]. The implementation of this decision is subject to the conditions outlined elsewhere in this report.
- 2.45. It is proposed to run a voluntary standstill prior to the contract being formally awarded.

3 ALTERNATIVE OPTIONS

Alternative sites to High Path for a new school

- 3.1. In July 2016 the EFSA and Cabinet agreed that High Path was the only viable option for the new school out of the short-listed sites. The full details of the site search and the conclusion for High Path being the preferred site is outlined in the 4 July 2016 report.
- 3.2. Having reviewed again the options identified in the Capita report and the advice to Cabinet in July 2016, officers can confirm that none of the alternative sites shortlisted in the original report presents a viable alternative site for the school.
- 3.3. Officers have also considered whether the Virgin Active site at Battle Close could provide a site for a new secondary school. However, a spatial study confirms that due to adjacent housing only a low rise building could be provided at this site, and so the site is not large enough.

Alternative site for Elim Church

- 3.4. For July 2016 Cabinet officers identified Merton Hall as the most practical solution to enable Elim to move for their present site. While there has been some opposition to this solution, 17 months later this remains the case, and there is even less time to identify any alternative solutions. Any alternative solutions would take too much time to deliver, if it could be delivered at all, and would cost the Council considerably more money. Merton Hall was chosen as the most appropriate facility since:
- It is a relatively under-used asset for LB Merton to maintain; all 12 of the regular hirers (only 5 of which used the main hall) could be accommodated elsewhere, and the facility is now closed.
 - With the capital investment by the Council it is an appropriate size for Elim to enable them to vacate their present site.

- The restrictive planning permission potential of the Merton Hall site is such that the Council is able to demonstrate the value for money of an effective land swap with Elim's existing site and the payment of construction costs to provide a suitable replacement building.
- A further alternative option that has previously been considered is that the Council exercise its CPO (Compulsory Purchase Order) powers to acquire the site compulsorily. The council would be required to pay the market price for the site plus statutory compensation. However, the use of CPO powers is to be used only very sparingly and is intended as a last resort after all other options have failed. The process is long and can result in a public enquiry, which would delay the process possibly taking up to 24 months to see the CPO through. Consideration needs to be given on when and whether the council would want to go down this route as it is likely to be seen as a hostile act by Elim and the hope of negotiating an early settlement may be lost.

Deferring Harris Wimbledon opening by a year, or deferring opening of the school indefinitely

- 3.5. The next alternative is that the school is either deferred by a year or indefinitely. However, the need for school places is clear - the Council would need to find at least four forms of entry per year for at least six years to meet sufficient provision. The implications of deferring the school are as follows:

Defer opening for a year

- 3.6. If additional places are to be provided in the Wimbledon area, officers would need to negotiate the temporary classroom provision for 2 extra classes each at existing Wimbledon schools to replace the Harris Wimbledon school places. Negotiation would be very difficult as these schools have previously stated they do not wish to permanently expand. Assuming that the schools can be persuaded, the estimated cost is in the region of £1 million.

Defer opening indefinitely

- 3.7. In this instance, the Council would need to provide the expansion for all five year groups of the secondary school. If the "bulge" lasts 6 years, then the schools would need to have some of the accommodation for 11 years until it feeds through the school and for much longer if the retention rate from primary to secondary school reverts towards previous levels. Therefore, it would be very difficult to avoid a solution that is not permanent accommodation, with an approximate cost of approaching £20 million to provide 120 extra places per year. The new school will provide 180 places per year so if demand is towards the higher range, as suggested by the recent admissions applications, then the cost to the Council would be in excess of £20 million. It should be recognised that the DfE would not meet these additional costs as it would not be part of the Free School programme.

Procurement options

- 3.8. As outlined in section two, a review of procurement options concluded that best value for money could be achieved through a restricted competitive tender rather than accessing a compliant framework agreement.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1 The Council publicised its plans for the school with land implications in autumn 2016 and a public meeting was held on 21 November 2016. The scheme at Merton Hall required a planning application, which included a representation period. This included a high number of objections to the scheme. A petition has so far raised over 3,500 signatures asking LB Merton: (1) To lead the way in respecting our dwindling heritage and planning law. (2) To shelve its plans for unnecessary demolition of a solid and fit-for-purpose building steeped in history and public legacy, and (3) To find an alternative site for Elim Church or issue it with a compulsory purchase order (CPO).
- 4.2 The Harris Federation ran a 6-weeks consultation on the establishment of the Academy and the Admissions arrangements in February/March 2017. 448 questionnaires were returned and 425 (94.9%) supported the proposal that the school should open.

5 TIMETABLE

- 5.1. The ESFA is responsible for deciding the opening date of the school. They have strongly suggested that the opening will be deferred from September 2018 if a confirmed timescale is not available by the end of January 2018 that provides a clear site at High Path for the permanent school in early 2019, enabling construction works to commence in early 2019 and complete for September 2020. The recommendation to provisionally award the contract in the anticipation that it can be implemented in January 2018 is therefore important to avoid this deferral and the costs outlined in this report.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

The EFSA is meeting the full cost of adapting Whatley Avenue for a temporary school and to build the new school at High Path (circa £25-30 million). The Council's costs are for site purchases and construction projects to enable a clear site at High Path. The EFSA has also agreed to make a payment to the Council of £5.85 million in return for the 125 year lease. The Council's capital programme currently provides the following funding for the Council's contribution to the new school. This includes all associated costs and fees to provide a clear site, and project contingencies.

	2016/17	2017/18	2018/19	2019/20	Total
Expenditure	6,558,601	1,267,020	5,474,230	1,300,000	14,599,851
Capital grant agreed by the DfE *					(5,850,000)

*Subject to completing the lease - Draft lease confirms 75%: £4,387,500 to be paid on exchange of conditional contracts and 25%: £1,462,500 to be paid on completion of the lease i.e. vacant possession.

- 6.1. The contract price is within the estimated budget for this component of the scheme and the overall budget authorised by Cabinet on 4 July 2016.
- 6.2. If the new build school is deferred to September 2019 it is envisaged the Council would need to provide at least four forms of entry in temporary classrooms at existing schools, which would need to remain at the schools for at least five years. The cost would be in the region of £1 million and it would depend on how these items were sourced on whether they were classified as capital or revenue.
- 6.3. There will be a DSG revenue cost implication as the Council would have to provide schools with “bulge” class funding for these classes at a cost of £80k per class. This will be met from the DSG growth fund

Value for money

- 6.4. The construction cost of a 1,050 place secondary school is at least £25-30 million and, with land costs in London, it is not untypical for the total cost of a new secondary school to be above £40 million. The construction cost of the Harris Wimbledon school is entirely the responsibility of the ESFA but on the basis of it being £25-30 million the total cost to the public sector of this scheme is £40-45 million.
- 6.5. Providing places through existing schools is generally less expensive and depends on the existing infrastructure in the school. The ESFA expectation is that secondary school expansion can be delivered for £20,920 per place, so £21.97 million for a 1,050 place school, but many councils struggle to deliver to this rate and have to supplement such expansions from their local resources. In Merton’s case the non-faith schools in Wimbledon are PFI schools and have already expanded significantly with the associated strain on infrastructure. The cost of these additional 1,050 places could therefore have been around £24 million.
- 6.6. When Free Schools provide Basic Need places the ESFA expects a financial contribution from the Local Authority and would expect the Local Authority to donate its land. However, the council negotiated a contribution of £5.85 million from the ESFA, therefore enabling the net liability to be a maximum £8.75 million
- 6.7. Therefore, if the council had not negotiated for the new school to be part of the Free School programme it would have cost the council approximately £35 million more. If the council had delivered the extra places at existing schools it would have cost the council approximately £15 million more.
- 6.8. The Elim Church site is the remaining portion to be finalised in the much larger site compilation for the new school, and all costs to the council are within the figures outlined above. The ‘land swap’ of Merton Hall and Elim Church land and the construction project meets best consideration of value for money for the Council as the High Path site has the potential to become residential development with its associated land values, while there is no reasonable prospect of Merton Hall being brought out of community use and into commercial or residential use. With the assistance of external valuation advice, the Director

of Environment and Regeneration therefore concluded in July 2016, and is still of the opinion, that this agreement represents best value for the Council.

Property

- 6.9. The property implications are in the main body of the report and were included in the report to Cabinet on 4 July 2016.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The legal and statutory implications arising from the applications received to add Merton Hall to the National Heritage List for England, to list it as an ACV and other matters are contained in Counsel's advice, which has been made available to Cabinet members.
- 7.2. With regard to the ACV the Council must comply with the moratorium provisions but is not obliged to accept any bid made by a local community group or to enter into negotiations with such group and is entitled to simply allow the 6-month moratorium period to expire. The Council will however still be bound by its duty to obtain best consideration to comply with Section 123 of the Local Government Act 1972.
- 7.3. The issue of timing is vital in relation to completion of the works and the land swap with Elim Church to ensure that all can be completed before the 12 month protection period expires. This timing is made even more vital to ensure the delivery of the school project at High Path.
- 7.4. As to the works to be undertaken to Merton Hall, the ACV restrictions do not cut down on the existing planning permission. Accordingly, Counsel is of the view that the works authorised by the planning permission can be carried out in accordance with that permission irrespective of any ACV listing.
- 7.5. This is a below OJEU threshold procurement and accordingly is not subject to the full rigours of the public contract regulations, but has been procured in accordance with the Treaty principles of transparency, equal treatment and non-discrimination and in accordance with the tender documents issued to all bidders.
- 7.6. The tender documents for the construction contract stipulated that the Council reserved the right for the Council not to award the contract so there is no legal issue with withdrawing from the procurement in the event that the conditions are not met regarding the listed building application. The contract is below threshold and provided it has been procured in accordance with the treaty principles and conducted in the manner set out in the tender documents the risk of any successful challenge is unlikely.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. An Equalities Assessment (EA) was carried out dated 1 July 2017 at the time of the Cabinet decision, although this concentrated on the perceived equalities issues in relation to council services at that time, and so impact on High Path Day Centre and Merton Abbey Primary School rather than South Wimbledon Community Centre (SWCA) at Merton Hall. The 4 July 2017 Cabinet report outlined that SWCA could continue to provide for the majority of its lettings if a

smaller facility could be provided, and progress could be made in facilitating their work with local primary schools to improve lettings of hall facilities. Since this time a new community facility at 3 Pincott Road SW19 has been provided and SWCA now operate lettings to the hall at All Saints Primary School out of school hours.

8.2. A revised EA is Appendix 1 to this report and includes the matter of Merton Hall. The conclusion is that the EA has identified adjustments to remove negative impact and to better promote equality, and the action plan provides the following in relation to potential displacement of existing community groups including religious and other groups in relation to Merton Hall:

- 3 Pincott Road SW19 has been converted from being a vacant office space to provide two community rooms operated by SWCA,
- All Saints Primary school hall is now being operated by SWCA out of school hours,
- The Council has worked with SWCA on any group that may need a community facility;
- Ensure there is confirmation from the Elim Church that when letting the facility it will be available to all persons, including Lesbian, Gay, Bisexual and Transgender people, as required by equalities legislation; and
- Ensure that when built, the new Harris Wimbledon School will open extensive community facilities out of school hours.

9 CRIME AND DISORDER IMPLICATIONS

9.1. There are no specific crime and disorder implications.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. This is a complicated project with a series of risks to be managed throughout the process. The various risks are outlined in the main body of the report.

10.2. Cabinet needs to balance the risk of not implementing the Merton Hall scheme as quickly as possible, with the implications of the deferred opening of the school.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

Appendix 1 – Equality Analysis

12 BACKGROUND PAPERS

21 September 2017 Merton Hall Planning Application Committee Report

27 September 2017 Planning Decision Notice

4 July 2016 Cabinet report approving Harris Wimbledon site assembly

Tender report (confidential)

The Council's website provides further background including the scheme design for Merton Hall

<https://www2.merton.gov.uk/learning/schools/moreschoolplaces/harriswimbledon.htm>

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Committee: Cabinet

Date: 4th July 2016

Wards: Borough wide implications

Subject: **Harris Wimbledon Secondary School – Required Site Approvals**

Lead officers: Yvette Stanley – Director of Children, Schools and Families
Chris Lee – Director of Environment and Regeneration

Lead members: Caroline Cooper-Marbiah – Cabinet member for Education
Mark Allison Deputy Leader and Cabinet Member for Finance

Contact officers: Tom Procter – Head of Contracts and School Organisation
Paul Ballatt – Assistant Director, Commissioning, Strategy and Performance
James McGinley - Head of Sustainable Communities

Recommendations:

- A. That Cabinet agrees recommendations A – G as set out in the exempt full Cabinet report contained at Appendix One
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The subject of this report is the site assembly to provide for a new secondary school in Wimbledon - Harris Wimbledon. The report provides an executive summary of the exempt full Cabinet report contained at Appendix One.
- 1.2. This report provides all elements of the report that can be on non-confidential 'white' paper.

2 DETAILS

Executive summary of Exempt Full Cabinet Report

- 2.1. The requirement for a site for a new secondary school has been established for some time, with council reports to 11 November 2013 Cabinet, 15 October 2014 Children and Young People Overview and Scrutiny Panel, 8 June 2015 Cabinet and 18 January 2016 Cabinet.
- 2.2. Since the Secretary of State's approval of Harris Wimbledon as a Free School, officers have been working closely with the EFA to identify a suitable site.
- 2.3. Officers are now in a position to request Cabinet on 4 July 2016 for financial authority to purchase the required sites in South Wimbledon with related property transactions, with the final details to be agreed by the Director of Environment and Regeneration. For commercial reasons the sites need to remain confidential until heads of terms are formally agreed.
- 2.4. Once terms are formally agreed it will take some time for the site to be cleared so it is envisaged construction will not commence until summer/early autumn 2017 at the earliest and the permanent school will therefore not be completed until summer 2019 at the earliest.

- 2.5. In view of the significant need for additional school places by at least September 2018 a temporary site is required to provide for the first two cohorts of pupils.
- 2.6. The Whatley Avenue Adult Education centre is a former small high and middle school, and will be surplus to council requirements in August 2016. It has sufficient capacity for about 360 pupils, and as the new school will only be filling by 180 pupils per year Whatley Avenue could provide a temporary school for a maximum of two years. These pupils would be in school years 7 and 8; aged 11-12 and 12-13.
- 2.7. It is therefore proposed this building is used as a temporary school for the Harris Federation for up to two academic years, and a short term lease at a peppercorn rent should be provided for this purpose before reverting back to the council. The adaptation costs and the costs for the security of the building from September 2016 would be met in full by the EFA.

3 ALTERNATIVE OPTIONS

- 3.1. Details in the exempt full Cabinet report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Details in the exempt full Cabinet report.

5 TIMETABLE

- 5.1. The pre-opening approval from the Secretary of State is for the school to open in September 2017. For the council, the essential requirement is that the school must open to year 7 places by September 2018
- 5.2. The timetable is therefore for Whatley Avenue to be used as a temporary site for either the two academic years 2017/18 and 2018/19 or 2018/19 and 2019/20 for the new school site to be ready for either September 2019 or September 2020.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. Details in the exempt full Cabinet report

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The council has a duty under section 14 of the Education Act 1996 to secure that sufficient schools for providing primary and secondary education are available for its area. The Act provides that schools available for an area shall not be regarded as sufficient unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. The local authority must exercise its functions under section 14 with a view to securing diversity in the provision of schools, and increasing opportunities for parental choice.
- 7.2. There is a statutory presumption that new publicly-funded schools should be academies. The DfE has confirmed that all new provision academies are

now classified as “free schools”. Under section 6A of the Education and Inspections Act 2006, if the council thinks that a new school needs to be established in its area, it must seek proposals for the establishment of an academy (free school) and specify a date by which proposals must be submitted. In considering the need for a new school, the council can take account of any other free school projects that the DfE has approved and are due to open.

- 7.3. The council has power to acquire land by agreement for the purpose of a school which is to be maintained by a local authority or which the authority has power to assist, under section 531 of the Education Act 1996 and section 120 of the Local Government Act 1972. The Secretary of State may authorise a local authority to purchase compulsorily any land required for the purpose of an academy (whether established or to be established) under section 530 of the Education Act 1996.
- 7.4. The council may assist an academy (including a free school) under section 6 of the Academies Act 2010.
- 7.5. Section 123 of the Local Government Act allows a local authority to dispose of land in manner they wish provided they obtain the best consideration reasonably obtainable. A disposal includes a lease of seven years or more
- 7.6. Further details in the confidential Cabinet report. .

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. Details in the exempt full Cabinet report.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None specific

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. Details in the exempt full Cabinet report.

11 APPENDICES – APPENDIX ONE: EXEMPT CABINET REPORT

12 BACKGROUND PAPERS

- 12.1. Previous council reports on secondary school expansion:
- 11 November 2013 Cabinet
 - 15 October 2014 Children and Young People Overview and Scrutiny Panel
 - 8 June 2015 Cabinet
 - 18 January 2016 Cabinet

Committee: Cabinet

Date: 4 July 2016

Wards: Borough wide implications

Subject: Harris Wimbledon Secondary School – Required Site Approvals

Lead officers: Yvette Stanley – Director of Children, Schools and Families
Chris Lee – Director of Environment and Regeneration

Lead members: Caroline Cooper-Marbiah – Cabinet member for Education
Mark Allison Deputy Leader and Cabinet Member for Finance

Contact officers: Tom Procter – Head of Contracts and School Organisation
Paul Ballatt – Assistant Director, Commissioning, Strategy and Performance
James McGinley - Head of Sustainable Communities

Recommendations:

- A. To authorise the Director of Environment and Regeneration to complete the freehold purchase of the following land for the provision of a new secondary school and to lease the land to the Harris Federation for the Harris Wimbledon School on a 125 year lease at a peppercorn rent:
 - (i) The land edged red on plan A from Domex to a maximum price of [REDACTED] excluding stamp duty and fees
 - (ii) The land edged blue on plan A from Elim and to transfer in exchange the freehold of Merton Hall (the land edged red on Plan B) to Elim and to adapt and re-build the majority of the building for use by Elim to a maximum cost of [REDACTED] excluding stamp duty and fees
- B. To agree that the High Path Day Centre land (edged green on plan A) should be leased to the Harris Federation for the Harris Wimbledon School on a 125 year lease at a peppercorn rent , with the day centre service moved to an adapted and extended 21 Leyton Road SW19 1DJ, and that Children Schools and Families services in this building will be located to other LB Merton accommodation
- C. To authorise the Director of Children Schools and Families to enter into an agreement with the Harris Federation to enable the Harris Wimbledon School to use part of the grassed area of the Merton Abbey Primary School playing field at times to be agreed and to note that for this agreement to be implemented the playing field will need to be converted to a synthetic turf pitch to provide for the more intensive use required – these costs will be met by the Education Funding Agency
- D. To agree that the Adult Education site in Whatley Avenue (land edged red on plan C) should be leased to Harris Federation on a short term lease at a peppercorn rent to provide school places for up to two academic years prior to the school on the High Path site being completed, either 2017/18 and 2018/19 or 2018/19 and 2019/20 depending on the agreed school opening date

- E. To note that in view of the displacement of South Wimbledon Community Centre from Merton Hall, officers are seeking to provide replacement accommodation on similar rental terms with an interim offer made for the currently vacant Pincott Road SW19
- F. To note that £16.55 million is included in the capital programme in the financial years 2016/17 to 2018/19 for the purposes of a new secondary school but the agreement with the EFA (Education Funding Agency) to pay for the construction cost and contribute to the council's land purchase ensures that the council's contribution to enable the new school and associated works after receipts from the EFA should be in the region of [REDACTED] (maximum of [REDACTED] prior to EFA contributions)
- G. To note this item will go for pre-decision scrutiny to the Children and Young People Overview and Scrutiny Panel on 29 June 2016, with an invitation to members of Sustainable Communities Overview and Scrutiny Panel.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The requirement for a site for a new secondary school has been established for some time, with council reports to 11 November 2013 Cabinet, 15 October 2014 Children and Young People Overview and Scrutiny Panel, 8 June 2015 Cabinet and 18 January 2016 Cabinet.
- 1.2. Since the Secretary of State's approval of Harris Wimbledon as a Free School, officers have been working closely with the EFA to identify a suitable site.
- 1.3. Officers are now in a position to request Cabinet on 4 July 2016 for financial authority to purchase the required sites in South Wimbledon with related property transactions, with the final details to be agreed by the Director of Environment and Regeneration. For commercial reasons the sites need to remain confidential until heads of terms are formally agreed.
- 1.4. Once terms are formally agreed it will take some time for the site to be cleared so it is envisaged construction will not commence until summer/early autumn 2017 at the earliest and the permanent school will therefore not be completed until summer 2019 at the earliest.
- 1.5. In view of the significant need for additional school places by at least September 2018 a temporary site is required to provide for the first two cohorts of pupils.
- 1.6. The Whatley Avenue Adult Education centre is a former small high and middle school, and will be surplus to council requirements in August 2016. It has sufficient capacity for about 360 pupils, and as the new school will only be filling by 180 pupils per year Whatley Avenue could provide a temporary school for a maximum of two years. These pupils would be in school years 7 and 8; aged 11-12 and 12-13.
- 1.7. It is therefore proposed this building is used as a temporary school for the Harris Federation for up to two academic years, and a short term lease at a peppercorn rent should be provided for this purpose before reverting back to the council. The adaptation costs and the costs for the security of the building from September 2016 would be met in full by the EFA.

2 DETAILS

Background

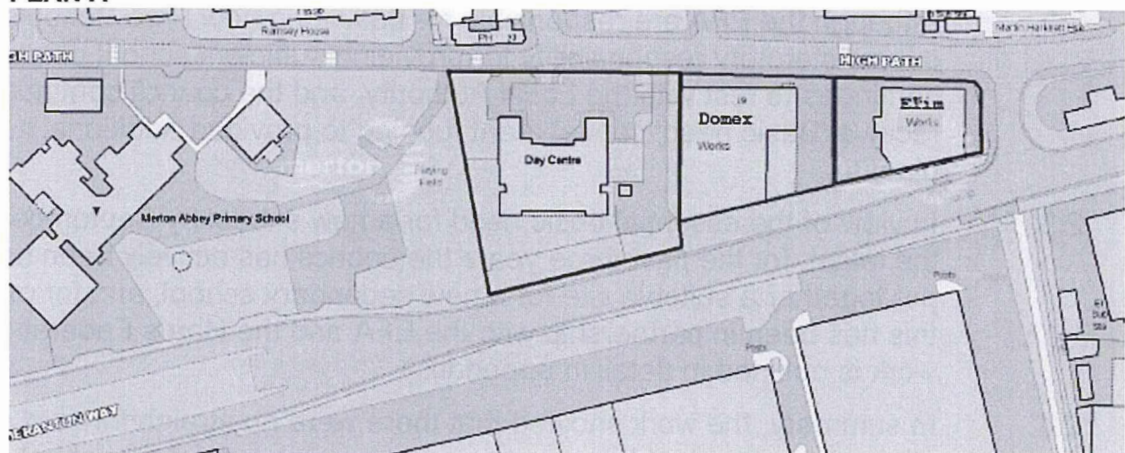
- 2.1. Following the requirement to provide significant additional primary school places, Cabinet has been aware of the need for additional secondary school provision for some time, with the following reports:
- At 11 November 2013 Cabinet it was identified that a new secondary school was required to complement expansion of existing secondary schools to enable the council to provide sufficient places, and that a search for additional school sites had been undertaken by Capita Symonds that identified a small number of potential options, though all had complications
 - At 15 October 2014 Children and Young People Overview and Scrutiny Panel it was reported that while expansion through existing schools could be delivered to meet expansion needs to the east of the borough, options for school expansion were limited to the west and a new school would therefore be better located towards the west of the borough. In view of there being more than one Free School application in the borough at that time it was noted that the administration's first preference for a new Free School would be for a Harris Federation school.
 - At 8 June 2015 Cabinet it was noted that the new school would be provided as Harris Wimbledon School following the Secretary of State's "pre-opening" approval as a Free School. It was recognised that while responsibility for identifying a site rests with the Department for Education under the Free School programme (and its executive agency the Education Funding Agency – EFA), the council can facilitate this process
 - At 18 January 2016 Cabinet it was reported that there was negotiation for the purchase of two possible sites, and that the opening date for the school currently agreed by the Secretary of State was September 2017, though the council's greater concern was for the school to provide sufficient places by September 2018
- 2.2. Although the EFA are responsible for delivering new Free Schools, the overall statutory responsibility for providing sufficient school places continues to rest with the Local Authority, and the council continues to receive 'Basic need' capital grant funding to provide additional school places.
- 2.3. In view of the essential basic need for a new school by September 2018 at the latest, for the past three years the council has actively been seeking to put together a suitable site for a new secondary school, and for over a year this has been in partnership with the EFA and the Harris Federation. This work is outlined in detail in appendix 1.
- 2.4. In summary, the work showed that there were no straightforward options as all require either building on open space, using a primary school site, or seeking multiple properties to establish a site large enough for a new secondary school.

- 2.5. In autumn 2015 the council and EFA therefore considered the feasibility of assembling land in High Path, South Wimbledon, owned by Domex and the Elim Church, and the Council's High Path Day Centre site. A high level feasibility study undertaken by Atkins in autumn 2015 concluded it was feasible for the 1,050 place school if it is 5-storey, and use could be made of Merton Abbey Primary School's playing field for some play and PE space.
- 2.6. After extensive evaluation the EFA, with the support of LB Merton officers, has agreed this as the preferred site as:
- All other options are unacceptable as they would involve using a primary school site, building on open space, or involve purchasing greater multiples of sites to establish the required site area of at least 8,000 to 10,000 metres square
 - The proposed site is in the ideal general location for a new school, being accessible to Wimbledon, Colliers Wood and to the north of Mitcham
 - Although a very small site compared to other LB Merton secondary schools it is large enough with shared provision with Merton Abbey Primary School, and only involves the purchases of two sites outside the council's control, with both land owners currently demonstrating a willingness to sell for the market price and/ or in exchange for replacement accommodation
 - The EFA has agreed to meet extensive costs for this option, meaning the council's net cost for the delivery of the school should be in the region of [REDACTED] depending on the agreed contribution from the EFA, although it also involves the council losing two assets (High Path Day Centre and Merton Hall).

Details on the High Path site

- 2.7. Officers are now in an advanced stage of detailed negotiation with establishing the site. The plan below shows the four elements of land at High Path that are required to provide a site for Harris Wimbledon School

PLAN A



- Purchase of the privately owned Domex site (No.61 High Path outlined red)

- Purchase of the Wimbledon Elim Pentacostal church site (No. 59 High Path outlined blue).
- Taking over the High Path Day Centre site owned by LB Merton (outlined green)
- Agreement for shared use of grassed element of Merton Abbey Primary School playing field, which would need to be converted to be a synthetic turf pitch (note Merton Abbey School has expanded buildings compared to this plan)

2.8. The details of these four elements, and related property transaction are outlined below.

Domex site.

2.9. Officers have been in detailed negotiations with Domex, with an initial offer made in October 2015. After a series of discussions and sharing of valuation evidence the Director of Environment and Regeneration concludes that, on the basis of alternative use value, an agreement to purchase for up to a maximum of [REDACTED] excluding stamp duty and fees would represent best value for the council. This is based on the council approaching Domex to leave their site on a timescale that meets the reasonable needs of the council with the intention that a Compulsory Purchase Order could be enacted if necessary. On this basis the maximum value based on viable alternative use is [REDACTED] but the compulsory purchase order costs would be in the region of [REDACTED] cost has been allowed.

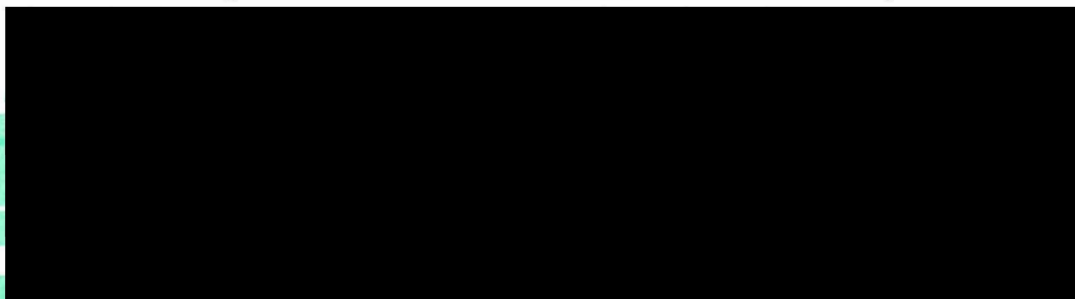
Elim Pentacostal church site (and Merton Hall)

2.10. Officers also made contact with the Elim Church in October 2015, and started more detailed discussion in early 2016. This established that Elim were prepared to move but only on the basis that they were provided with similar or better accommodation in SW19 to continue their church and related activities. It quickly became clear that the only practical site within the council's ownership to offer in exchange was Merton Hall, 76 Kingston Road SW19 1LA.

2.11. If the purchase was being progressed under a CPO, Elim would be entitled to opt for compensation on the basis of equivalent reinstatement. The position of the Elim Church is that they wish to be provided with Merton Hall being fit for their purpose for their church and they would not have the capacity to manage a major construction project for this purpose, particularly since it needs to be completed for the council in a timely way to provide a clear site for the new school on High Path. To enable Elim and the council to be satisfied that a viable scheme could be delivered, the council commissioned architects to undertake a feasibility study to understand the requirements of the church and the cost to deliver this. This demonstrated that the majority of the building (with the exception of the frontage) would be demolished and re-built to meet the equivalent needs of the Elim church. The estimate cost from a Quantity Surveyor is that this development would cost [REDACTED] including fees but excluding VAT (which the council can claim back if the property is in the ownership of the council) and removal costs. With the requirement for a contingency, a budget of [REDACTED] would be advisable for the council to manage this construction project.

2.12. As a further test of value for money, valuation advice has been received which concludes that, on the basis of alternative use value, and an allowance of [REDACTED] of the likely CPO costs, an agreement to purchase for up to a maximum of [REDACTED] excluding stamp duty and fees would represent best value for the council. Although the site size of Merton Hall is only moderately smaller than the Elim site, the advice in respect of the planning potential of this site is that there is no reasonable prospect of the site being brought out of community use and into commercial or residential use. Its existing use value is therefore based on its community use.

2.13.



2.14. The difference between the value of [REDACTED] and [REDACTED], and is therefore broadly the same as the budget required to provide the replacement facility under the equivalent reinstatement requirements. The Director of Environment therefore concludes that an effective land swap of the Elim and the Merton Hall site and the council completing a construction project of up to [REDACTED] represents best value for the council.

2.15. Merton Hall is currently occupied on a lease from the council to South Wimbledon Community Centre, with a six month break clause. The Community Centre provides facilities for community groups and other organisations to let. The centre could continue to provide for the majority of its lettings if a smaller facility could be provided, and progress could be made in facilitating their work with local primary schools to improve lettings of hall facilities. A property at Pincott Road SW19 has been identified for their use, which only requires minor refurbishment.

High Path Day Centre site

2.16. Discussion with officers in Community and Housing Department established that while this provision was not location specific, a replacement facility to a similar specification was required. Therefore the council's building at 21 Leyton Road SW19 1DJ was identified as a suitable alternative. A feasibility study estimated the cost to refurbish, adapt, and extend this facility was circa £1.2 million.

2.17. 21 Leyton Road is currently occupied for a variety of uses by the council's youth service administration and management, used as additional space by Children's Social Care contact activities, a lease to Catch 22 for a commissioned service, and a lease to Homestart. These services will need to be moved before adaptation work can commence to allow High Path Day Centre to move in. However, officers are confident a solution will be found to re-house all these services as necessary to other council buildings without unduly delaying the project.

Merton Abbey Primary School

- 2.18. The three parcels of land at Domex, Elim and High Path are collectively circa 6,565m². This is extremely small for a secondary school by any standards, especially within the context of LB Merton secondary school which are between 20,000m² (Ursuline which currently has 1363 pupils) and 65,000 m² (Harris Merton including on-site playing field which currently has 1117 pupils). The new school is approved to be 1,050 places (900 aged 11-16 plus 300 post-16 places).
- 2.19. Merton Abbey Primary School is adjacent to the new proposed site and is circa 10,500 m². LB Merton has 27 primary schools with the same pupil capacity (420 places plus 56 full time equivalent nursery places – 2 form entry) and it is the 10th largest site although it houses a small Children's Centre.
- 2.20. To ensure that Harris Wimbledon can benefit from some outside PE space on-site it is expected that use would need to be made of some of the grassed area of the Merton Abbey playing field. This area totals 3,300m². Once mature trees are avoided, it is envisaged about two-thirds of this would be converted to be a synthetic turf pitch that could be used far more intensively by Merton Abbey School and Harris Wimbledon. The Education Funding Agency has offered to meet all costs related to providing a synthetic turf pitch.
- 2.21. Even if this space of circa 2,200m² was simply taken from Merton Abbey Primary School, there would still be nine 2-form entry Merton primary schools with a smaller site size. In fact, the principle is that by making this area synthetic turf it would get far greater, more intensive use for Merton Abbey Primary School children, especially during the winter when the grass area can be too wet to use.
- 2.22. It is envisaged the area would remain under the management of Merton Abbey Primary School but with Harris Wimbledon being entitled to use it for some periods of the school day, with the details still to be negotiated. However, the governors of Merton Abbey Primary school have raised concerns regarding the impact on the children's access to varied play space and organised sport. Officers are in continuing dialogue with the school on the detail of an arrangement that could receive their support.
- 2.23. **Whatley Avenue (temporary site)**
- 2.24. As outlined in the timescales section, the completion of a new school on the High Path site is not realistically achievable until summer 2020, though there is some possibility of a phased completion by summer 2019.
- 2.25. In summer 2018 there will be a cohort of pupils leaving primary school that is circa 300 more than the present numbers, and 250 more than the previous year. While the exact number of pupils requiring a year 7 (first year of secondary school) place can vary depending on a number of factors, it is clear that the council must ensure the school opens to year 7 places by September 2018 if it is to fulfil its statutory obligation to provide sufficient school places.

- 2.26. The Whatley Avenue Adult Education centre is a former small high and middle school, and will be surplus to council requirements in August 2016. It has sufficient capacity for about 360 pupils, and as the school will only be filling by 180 pupils per year it could provide a temporary school for a maximum of two years. These pupils would be in school years 7 and 8; aged 11-12 and 12-13.
- 2.27. It is therefore proposed this building is used as a temporary school for the Harris Federation for up to two academic years, and a short term lease at a peppercorn rent should be provided for this purpose before reverting back to the council. The adaptation costs and the costs for the security of the building from September 2016 would be met in full by the EFA.

3 ALTERNATIVE OPTIONS

- 3.1. The council has been considering options for a secondary school site since 2013. Appendix 1 outlines these steps in detail to demonstrate how officers reached the conclusion that the High Path site is the most viable option.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Once the site is approved it is the responsibility of the EFA to undertake a consultation on the new school. There will also need to be a consultation regarding the planning application process. Officers have been in discussion with the Headteacher and Chair of Governors of both Joseph Hood and Merton Abbey Primary School regarding the council's plans and will continue to be in dialogue.
- 4.2. Other services impacted by this proposal will also need to be consulted when the council's plans are able to be made public, including staff and key users of High Path Day Centre, 21 Leyton Road, and Merton Hall.

5 TIMETABLE

- 5.1. The pre-opening approval from the Secretary of State is for the school to open in September 2017. For the council, the essential requirement is that the school must open to year 7 places by September 2018
- 5.2. The timetable is therefore for Whatley Avenue to be used as a temporary site for either the two academic years 2017/18 and 2018/19 or 2018/19 and 2019/20 for the new school site to be ready for either September 2019 or September 2020.
- 5.3. The key to the project timetable is therefore for High Path to be a clear site to build the new secondary school.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1 Merton's approved Capital Programme 2016-20 contains the following budget for the development of a new 6 form entry school:

Financial Year	2016/17	2017/18	2018/19	2019/20	Total
	£000s	£000s	£000s	£000s	£000s
New 6fe School	5,070	7,000	4,479	0	16,549

A further £10.008 million is provisionally included within the indicative programme from 2020 to 2025. The two phase provision within the approved and indicative programme was to cover the net cost of a two phase scheme for the development of the school.

6.2 The major benefit of a Free School to the council is that the EFA is responsible for the delivery and most of the cost, but where it meets a basic need requirement, they also expect councils to provide some contribution.

6.3 Council officers have negotiated funding from the EFA that ensures:

- The EFA undertake the construction for the temporary and permanent school (and therefore fully meets all costs associated),
- The EFA provides the council with £1 million to recognise the costs of moving the High Path Day Centre
- The EFA provides 40% towards the site assembly costs to a maximum of [REDACTED]

6.4 The estimated cost to the council of the scheme is summarised in the table below:

Expenditure	£000s
Domex purchase £[REDACTED]m plus fees and stamp duty	[REDACTED]
Elim [REDACTED] inclusive construction budget plus fees and stamp duty	[REDACTED]
Leyton Road development feasibility estimate excluding removals, furniture etc.	1,200
Other associated costs e.g. to vacate Leyton Road and Merton Hall, removals, F&E and contingency for Leyton Road and related contingencies	500
General contingency	[REDACTED]
Sub total	[REDACTED]
Income from EFA	£000s
Site purchase costs contribution (40% contribution up to a maximum of [REDACTED])	[REDACTED]
Leyton Road reimbursement	(1,000)
Sub total	[REDACTED]
Likely maximum net cost to the council	[REDACTED]

6.5 Currently, there is insufficient detail to determine that all expenditure to progress the scheme would be of a capital nature e.g. it is envisaged that the removal costs from High Path to Leyton Road would be revenue. Based on the information currently available the proposals in this report would reduce the capital funding required in the approved programme by nearly [REDACTED] and remove the need for any provision within the indicative Capital Programme.

- 6.6 Within the capital model it is currently envisaged that the Authority will need to externally borrow in 2024/25, reductions to the capital programme of this magnitude will push back the need to start externally borrowing outside the modelling period. The table below shows the annual impact of reductions in capital expenditure on the Medium Term Financial Strategy:

Annual savings from Reduction in Budgeted Expenditure for the new Scheme	million £000s	Million £000s
Savings if internally borrowing		
Savings if externally borrowing		

- 6.7 Since the sites will not have vacant possession until at least the start of the 2017/18 financial year, the majority of the expenditure will be in the 2017/18 financial year so there will be some slippage of expenditure from the 2016/17 to 2017/18 financial year. The financial monitoring report elsewhere on the agenda progresses the re-profiling of the scheme.

- 6.8 The proposals in respect of the 125 year lease would be classified as a finance lease and result in the asset being taken off of Merton's balance sheet.

Value Added Tax Implications

- 6.7 The authority can recover the VAT incurred on the works to build the new school, and to adapt Merton Hall provided the contracts are in the name of the Council and invoices made out to the authority. The leases are at a peppercorn and so there is no VAT on them.

- 6.8 The transfer of Merton Hall as consideration for the sale of the Elim Church will need to be examined so that this transaction is reflected correctly in the Council's VAT accounts.

Property implications

- 6.9 The provision of a new 1,050 secondary school is clearly a major project, with just the construction cost being in the region of £25-30 million, and substantial site assembly costs.

- 6.10 As a result of this scheme the council will be transferring two properties currently within the council's freehold (a) High Path Day Centre will be leased to the Harris Federation for 125 years and (b) Merton Hall will be disposed of on a freehold to the Elim Church.

- 6.1. Whatley Avenue will only be transferred on a short term basis, to summer 2020 at the latest, and would then be available for a capital receipt to the council or another alternative use

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The council has a duty under section 14 of the Education Act 1996 to secure that sufficient schools for providing primary and secondary education are available for its area. The Act provides that schools available for an area shall not be regarded as sufficient unless they are sufficient in number,

character and equipment to provide for all pupils the opportunity of appropriate education. The local authority must exercise its functions under section 14 with a view to securing diversity in the provision of schools, and increasing opportunities for parental choice.

- 7.2. There is a statutory presumption that new publicly-funded schools should be academies. The DfE has confirmed that all new provision academies are now classified as “free schools”. Under section 6A of the Education and Inspections Act 2006, if the council thinks that a new school needs to be established in its area, it must seek proposals for the establishment of an academy (free school) and specify a date by which proposals must be submitted. In considering the need for a new school, the council can take account of any other free school projects that the DfE has approved and are due to open.
- 7.3. The council has power to acquire land by agreement for the purpose of a school which is to be maintained by a local authority or which the authority has power to assist, under section 531 of the Education Act 1996 and section 120 of the Local Government Act 1972. The Secretary of State may authorise a local authority to purchase compulsorily any land required for the purpose of an academy (whether established or to be established) under section 530 of the Education Act 1996.
- 7.4. The council may assist an academy (including a free school) under section 6 of the Academies Act 2010.
- 7.5. Section 123 of the Local Government Act allows a local authority to dispose of land in manner they wish provided they obtain the best consideration reasonably obtainable. A disposal includes a lease of seven years or more.
- 7.6. The nature of the various occupants in the council owned properties need to be considered to establish the nature of their occupation and how they can be terminated.

Contract Standing Orders and Procurement

- 7.7. Any works carried out by the council are subject to the council’s contract standing orders (CSOs).
- 7.8. CSO 21 requires that contracts for works over £100,000 but below the relevant threshold set out in the Public Contracts Regulations 2015 (SI 2015/102) (the “PCR”) (that limit currently being £4,104,352) are procured either via an existing framework agreement or via a competitive tendering process.
- 7.9. Any works carried out by the council are also subject to the PCR.
- 7.10. The value of the works at Merton Hall and Leyton Road are both less than the limit at which the PCR requires a more formal approach to the procurement (£4,104,352). However, the procurements are still subject to the PCR and still have to be carried out in a transparent, fair and non-discriminatory way.
- 7.11. If it is proposed that framework agreements are used to procure the developers, the council must lawfully be able to use the proposed framework agreements.

- 7.12. If framework agreements are not used, as CSO 21 requires the contract opportunities to be advertised, the PCR also requires them to be advertised on Contracts Finder, the Government's database of contract opportunities.
- 7.13. Other minor/incidental works carried out by the council will be subject to CSOs and the PCR, the impact of which will depend upon the value of those works.
- 7.14. Where Harris Academy or the Education Funding Agency carry out any construction works (either to the new school or the temporary school), CSOs would of course not be relevant.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. This project is to provide sufficient school places for the local community, particularly in the Wimbledon, Colliers Wood, and North Mitcham areas. As a result other services will be displaced but the replacement arrangements ensures that any disruption or changes would be mitigated and any disadvantage to protected groups would be minimal and would be outweighed by the need for sufficient secondary school places. The play and PE arrangements between Merton Abbey and Harris Wimbledon will be carefully thought out to meet the needs of all children.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None specific

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. A major site assembly has required significant risks, but these have been managed in the context of the need to provide sufficient statutory school places.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix 1 – Alternative Options considered before recommending High Path site
- Appendix 2 - Plan A: High Path site
- Appendix 3 – Plan B: Merton Hall site
- Appendix 4 – Plan C: Whatley Avenue site

12 BACKGROUND PAPERS

- 12.1. Previous council reports on secondary school expansion:
- 11 November 2013 Cabinet
 - 15 October 2014 Children and Young People Overview and Scrutiny Panel
 - 8 June 2015 Cabinet
 - 18 January 2016 Cabinet

APPENDIX 1

DETAIL ON ALTERNATIVE OPTIONS BEFORE THE RECOMMENDATION THAT HIGH PATH IS THE PREFERRED SITE

- 1.1. The council has been considering options for a secondary site since 2013. These are outlined below to demonstrate how officers reached the conclusion that the High Path site is the most viable option.

First step – the Capita report and related follow up work

- 1.2. The starting point was to commission a site search, which was undertaken by Capita Symonds (now Capita plc). This looked at all areas of the borough with the exception of the wards to the far east of the borough. For transparency, the Capita report was published on the council's website in 2015:
http://www.merton.gov.uk/learning/schools/moreschoolplaces/new_secondary_school_site_options.htm
- 1.3. The site search undertaken by Capita was an extensive and thorough piece of work, involving:
1. "Top-down" review of market availability
 2. "Bottom-up" detailed search for non-residential property
 3. Compilation of a 'long list', assisted by CSF and E&R officers
 4. Site visits to all properties on the long list
 5. First sift for suitability (not already developed, sufficient access, appropriate setting)
 6. Planning policy review of properties assisted by the Future Merton team
 7. Second sift for suitability and production of a short-list
 8. Title review, market assessment and capacity assessments
 9. Priority sites for detailed design and feasibility studies
- 1.4. Open space sites were not considered and the report noted the council's large primary school sites over 25,000m² where a secondary school might be provided on the site. However, it did not consider them in further detail.
- 1.5. The report considered 200 sites including many in the commercial sector. However, the only options in the commercial sector that were of sufficient size were industrial sites in the South Wimbledon and Colliers Wood area. The report stated these were not considered practical for purchase within a reasonable timescale due to their multiple ownership. The former Manuplastics site, Kingston Road SW20, was also discounted although it had been suggested several times by ward Members. This is because it is only 5,500m² so too small for a standalone secondary school, and the landowners made it clear that they were not willing to sell to the council for any reasonable market sum.
- 1.6. Only four sites were identified by Capita as potentially suitable, and all are within the control of the council. Atkins were then commissioned to undertake more detailed feasibility work on these four sites according to the latest Education Funding Agency (EFA) guidance. Canons Leisure centre and surrounding was entirely discounted due to heritage issues so only 3 sites were then identified as having any potential. These are summarised in the table below.

Site	Site capability to provide places
Merton Adult College (Whatley Avenue) as part of a split site (reduced specialist facilities including no sports hall)	3FE (450 places) no 6 th form
Worsfold House incorporating Melrose site	6FE (900 places) plus 6 th form
Chaucer Centre incorporating SMART centre	4FE (600 places) no 6 th form

- 1.7. However, as outlined below there are significant issues with these sites:
- 1.8. Merton Adult College: With some extension to the existing building, the site could only accommodate a maximum of approximately 450 places, and even then it would be challenging to manage the school provision due to the lack of any immediate open space.
- 1.9. Worsfold House and surrounding: This site has potential in that it is a sufficient size for a secondary school as long as the adjacent playing fields were utilised for outdoor PE and Melrose Special School was relocated. With the adjacent Cricket Green Special School also needing to expand to meet the rising need for special school places there would also need to be major re-modelling to ensure this could be provided alongside the new secondary school, and even then it may leave Cricket Green with insufficient space. In addition, this site is clearly to the east of the borough so a substantial number of children residing in Wimbledon would need to attend the school for it to fill. While public transport access is good e.g. through the tramlink, the experience of officers from primary school admissions is that it would be extremely challenging persuading parents of the children residing in Wimbledon to travel to Mitcham for their secondary school.
- 1.10. Chaucer Centre including SMART centre: This site could only accommodate a small school, 4FE with no 6th form, and would also have similar location issues as identified above for Worsfold House, as well as requiring the re-location of the pupil referral unit. It is less accessible generally for Merton residents than Worsfold House, near the borough boundary with Sutton, and in an area where there has not been the increased demand to expand any of our primary schools.
- 1.11. In conclusion, since Merton Adult College and Chaucer Centre were established by the Atkins study as being too small, the only site with any merit from the Capita study was Worsfold House. However, as well as its complications regarding the need to move Melrose Special school and also compromising Cricket Green Special School, its location in Mitcham means that there would be concerns regarding whether it could attract the extra pupils from the schools that have expanded in Wimbledon.

Next steps – further appraisal of options

- 1.12. In view of none of the sites identified by Capita being considered suitable, officers considered whether (i) industrial units could be viable despite Capita's recommendations, (ii) part of an open space could be used and (iii) use of primary school sites.

- 1.13. These alternative options were considered on the basis that the minimum recommended site area for a secondary school is in the region of 9,000m² (Area guidelines for mainstream schools BB 103, published April 2014).

(i) industrial units:

- 1.14. Future Merton undertook additional investigations on two specific non-residential sites that had been identified in the Capita report that appeared most viable:
- Nelson Trading Estate (industrial estate at the end of Merantun Way)
 - Lyon Road industrial site (part of the South Wimbledon Business Area)
- 1.15 Nelson Trading Estate is an industrial site accessed from Morden Road (A24) SW19 nearly opposite the junction of Merantun Way, and adjacent to Abbey Recreation Ground. It is approximately 2ha in size and is occupied by a series of relatively modern industrial type sheds: occupied by Staples close to Morden Road at the Merantun Way end with 16 further similar sized industrial units behind, well-occupied by businesses including plumbing supplies, builders and a Safestore . Capita flagged it up as possibly having potential for school use due to its size, location and non-residential land use, subject to land ownership
- 1.16 The Future Merton team investigated the site further in summer 2014. Land registry searches for the whole of Nelson Trading Estate show that the estate has one freeholder and is occupied by at least 16 separate business leaseholders, occupying similar sized premises, with lease ends varying from 2017 to 2028. There are also various utilities and access rights that apply to the estate. In conclusion, the site is not available for school use in the near future (i.e. by 2018) and, given the length and complexity of the lease structure, is unlikely to be available within the next 10 years.
- 1.17 Lyon Road industrial site runs north-south within South Wimbledon Business Area, to the east of the site where it meets Merantun Way to the north. It is made up of multiple sites, varying in size from over 3,000sqm to much smaller units. However, investigations found that the area is owned by at least eight separate freeholders (not including the financial institutions who have a financial investment in the sites) with a wide variety of plot sizes.
- 1.18 Some of these freeholds are further subdivided into a total of more than 20 leaseholders, with a wide variety of dates for lease endings. There are a few single ownership sites but, at under 2,000sqm, these are not of a size that would support a secondary school.

(ii) open spaces:

- 1.19 The council has extensive open spaces and the most appropriate considered were Nursery Road Playing Field (adjacent to Abbey Recreation Ground) and Morden Recreation Ground. However, it is recognised that the administration and government are normally opposed to building on open space and there are significant issues with these sites as outlined below:

Morden recreation ground: This would require building on Metropolitan Open Land ("MOL") which has the highest possible planning presumption against building. Past

efforts to develop the area demonstrates that there is likely to be strong opposition from local residents. Lastly the location is to the south of the area of demand.

Nursery Road playing fields: This would be building on an open space, although not Metropolitan Open Land or a park that is open to the public at all times. The school building footprint would be about 10% of the area, but more land would be required to be reserved for the school. However, this space is well used for sports provision and the loss of playing field would lead to an objection from Sport England and the requirement for central government to make the planning permission decision. Lastly, the freeholder is Rutlish Foundation (the council is in the middle of a long term lease) so the Rutlish Foundation would have a veto and informal discussion is that they would not agree, especially as the field is officially part of Rutlish School's provision to provide sufficient playing field space.

iii) primary school sites:

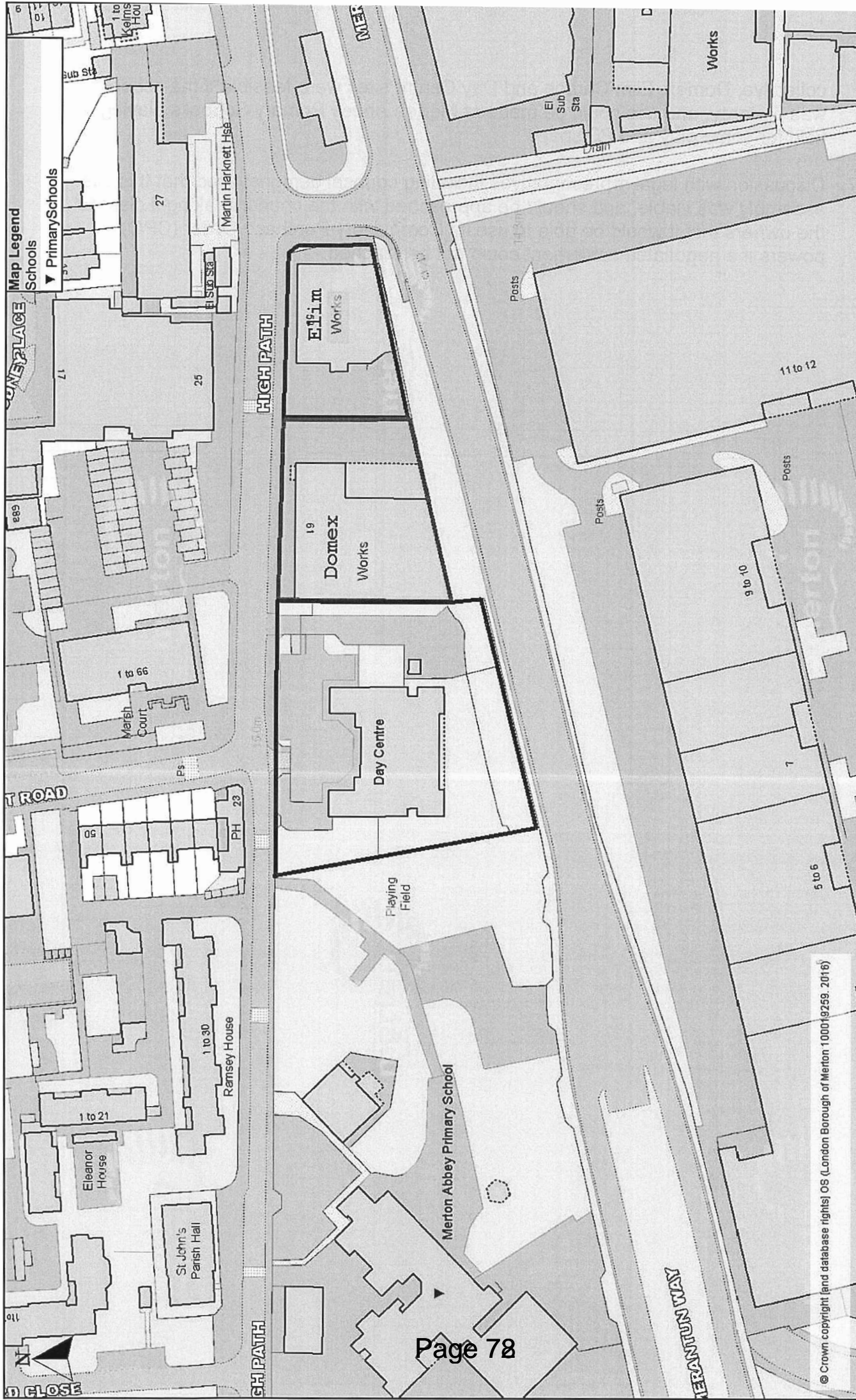
- 1.20 As acknowledged in the Capita report, the council has some large primary school sites that were previously high and middle schools. Cranmer, Hillcross, Wimbledon Chase, Liberty and Abbotsbury Primary Schools were all acknowledged in the Capita report to have a site area of over 20,000 m² (though in the case of Abbotsbury the large area is a protected meadow and in the wrong location in any case).
- 1.21 Building the secondary school on one of these four sites would mean expansion onto the school playing field involving the entire loss of the playing fields. All the schools have been expanded over the past eight years so already provide for 630 children plus nursery, so expansion would also provide highways related difficulties. In the case of Hillcross and Wimbledon Chase, the schools are surrounded at all sides by residential houses making extensive development particularly difficult.
- 1.22 The option of using a primary school site for a secondary school was not considered viable due to the continuing need for primary school places.

Further considerations to reach a conclusion

- 1.23. In summer 2015 the EFA started working with the council to identify a site and the EFA undertook their own site search. This provided no further viable options.
- 1.24. Officers therefore looked again to consider whether there were any further options. The possibility of utilising part of South Thames College was considered but, as well as not being in the ideal location, South Thames College made it clear to the EFA that they needed their site so would not sell for any reasonable sum.
- 1.25. The possibility of establishing a site at High Path was therefore considered in detail. Initially it was considered whether a new school could be established on the housing site as part of the overall housing regeneration project. However, it was quickly established that the site area for a new secondary school made this prohibitive, preventing the estate being able to be redeveloped and the timescale of estate regeneration and requirement for a new school did not match.
- 1.26. Therefore the proposed site in this report was considered for its viability. A high level feasibility study undertaken by Atkins in autumn 2015 established that the

collective, Domex, Elim Church and Day Centre sites were feasible if the school was 5-storey, and use could be made of Merton Abbey Primary School's playing field for some play and PE space.

- 1.27. Discussion with legal representatives including counsel demonstrated that this site assembly was viable, and should be approached with the council making it clear to the owners that it would be able to use its Compulsory Purchase Order (CPO) powers if a negotiated settlement could not be reached



Land at High Path, Colliers Wood

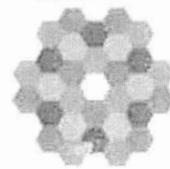


MERTON COUNCIL

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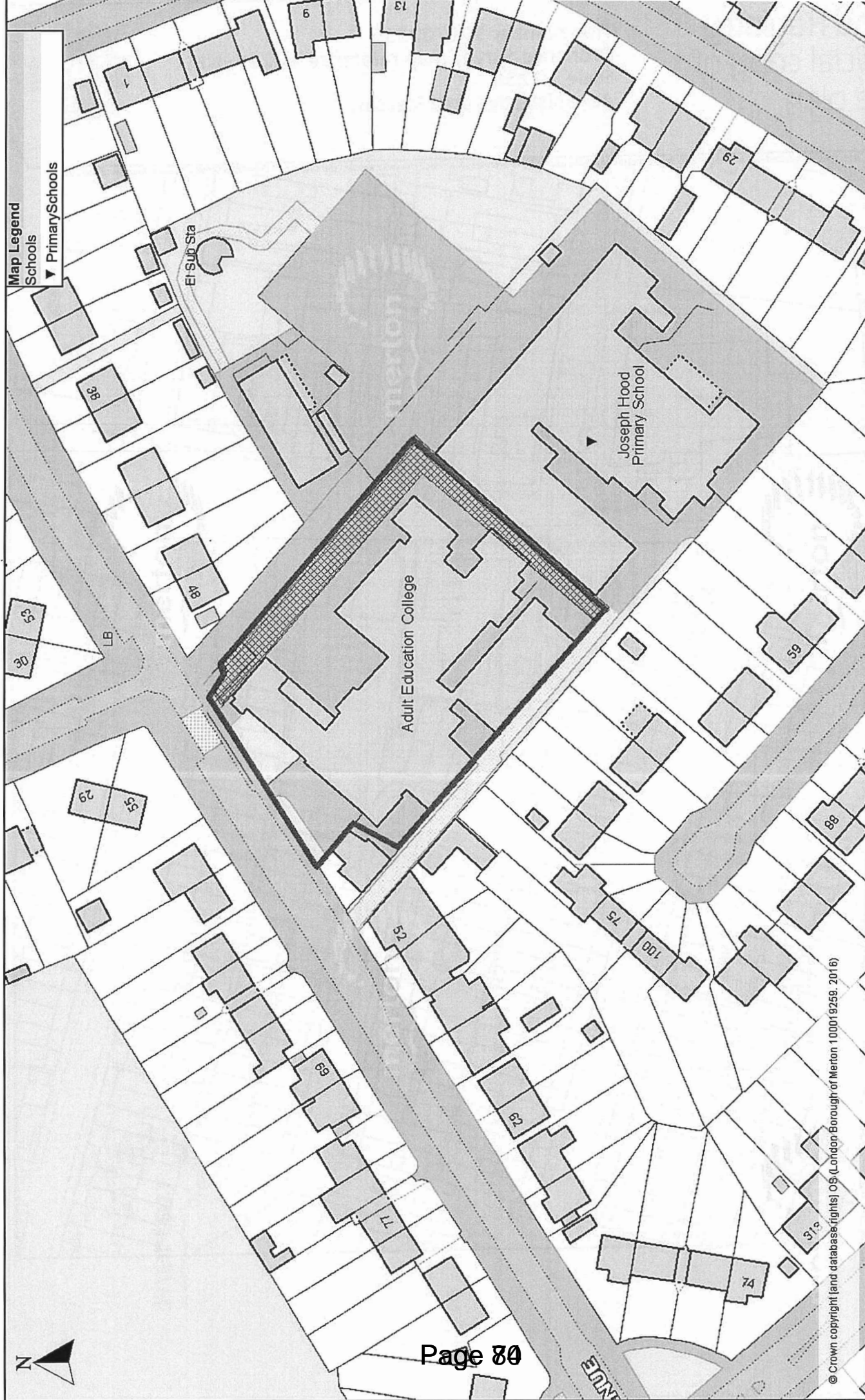
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title plan

Title number SGL702536
Ordnance Survey map reference TQ2569NE
Scale 1:1250
Administrative area Merton



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Harris Wimbledon Site - edged in red. Hatched brown **- rights of access for Joseph Hood Primary School**



MERTON COUNCIL

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Committee: Cabinet

Date: 4 July 2016

Wards:	Borough wide implications
Subject:	Reference from the Children and Young People Overview and Scrutiny Panel – Pre decision scrutiny of Harris Wimbledon Secondary School site approval
Lead officer:	Annette Wiles, Scrutiny Officer, 0208 545 4035
Lead member:	Councillor Dennis Pearce, Chair of the Children and Young People Overview and Scrutiny Panel
Reason for urgency:	The Chair has approved the urgent submission of this item in order that Cabinet may have regard to the outcome of scrutiny when considering the substantive item found elsewhere on this agenda.
Reason for exemption:	This report is exempt from publication virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Recommendation:

That Cabinet takes account of comments made by the Children and Young People Overview and Scrutiny Panel when taking decisions on Harris Wimbledon Secondary School site approval (set out in paragraph 2.2 below);

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To inform Cabinet of the recommendations and comments resulting from pre decision scrutiny of the Harris Wimbledon Secondary School site approval recommendations at a Panel meeting on 29 June 2016.

2 DETAILS

- 2.1. Members received the Cabinet report with all accompanying appendices. The Director for Children, Schools and Families and the Deputy Leader and Cabinet Member for Finance presented the report and answered questions.
- 2.2. With the agreement of the chair, the Head of Ursuline High School, representing Merton Secondary Heads, also provided a short presentation. This supported the new school but only on the basis of it opening in September 2018 rather than September 2017; opening in 2017 would be before the forecast significant rise in pupil numbers so would lead to spare places in existing LB Merton secondary schools with significant financial consequences.
- 2.3. Members acknowledged the considerable work and effort of officers that has gone into developing the site proposal. Comments on the recommendations in the Cabinet report were agreed as set out below:

Discussions should continue with the Education Funding Agency (EFA) regarding the opening date of the new school with a view to supporting existing secondary schools for Harris Wimbledon School to open in September 2018 rather than 2017. (Members noted the information tabled at the meeting by officers on the supply and demand for secondary school places in Merton which is attached to this report);

The design of the Harris Wimbledon School should be developed with the EFA to seek to provide its pupils with the same advantage enjoyed by children at other secondary schools in Merton;

Merton Abbey Primary School should be supported through the negotiation process to ensure it achieves maximum benefit from the shared use agreement;

To ensure the borough's financial interests are protected in the sale of the Merton Hall site; the borough should ensure a share of the financial benefit of any follow on sale in the event of the Elim Church ever selling the property for higher value uses such as commercial or housing;

The borough should actively seek to sustain the level of available space for community rental; and

During the design and development of the school, traffic around the site should be carefully reviewed and steps taken to appropriately accommodate the development of the new school and to ensure the safety of pupils entering and exiting the school premises.

Recommendations are endorsed.

3 ALTERNATIVE OPTIONS

- 3.1. Cabinet is required under the terms of the constitution to receive, consider and respond to recommendations from Overview and Scrutiny.

4 CONSULTATION UNDERTAKEN OR PROPOSED.

- 4.1. None for the purposes of this report.

5 TIMETABLE

- 5.1. None for the purposes of this report.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None for the purposes of this report.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. None for the purposes of this report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. None for the purposes of this report.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None for the purposes of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None for the purposes of this report.

11 APPENDICES

11.1. Appendix 1: Paper tabled at the Panel meeting; supply and demand for secondary school places.

12 BACKGROUND PAPERS

12.1. None

Supply and demand for secondary school places

Introduction

The main Cabinet report presented to CYP overview and scrutiny panel concentrates on site approvals for Harris Wimbledon school rather than whether there is a ‘basic need’ for a school, but references previous Cabinet report from 11 November 2013 to January 2016 where the need was evidenced.

A new secondary school in the area has the potential to change admissions patterns of existing schools, and it is natural that these schools feel an element of threat when a new school is proposed. In this context, Merton Secondary Heads’ meeting has raised concern regarding whether there is a need to provide a new school, especially when three of LB Merton’s 8 secondary schools have not been able to fill all their places for this September 2016, collectively meaning there are presently 128 vacancies. With an allowance for some further late applications and placements it is expected there will be around 110 spare places (6.5%) in the official roll count.

Review of demand –Cabinet paper on Secondary School expansion 18 January 2016

Due to the wide variety of choice for secondary education, the key challenge in forecasting secondary school numbers is the retention rate between year 6 and year 7 (the first year of secondary school). The Cabinet paper on 18 January 2016 reviewed the supply of demand of school places on the basis of 2015/16 academic year rolls, and preference information for 2016/17 year 7 entry. This identified that:

- Our analysis from the number of resident admissions applications for September 2016 shows that the expected additional number of pupils up to September 2016 requiring a secondary school place is as forecast - there have been over 200 additional on-time admissions applications from Merton residents from 2014 to 2016 (139 extra in 2015 and a further 66 in 2016).
- However, to date this extra demand has not fully translated itself into numbers on roll in LB Merton state funded secondary schools in September 2015, or projected through the admissions preferences for LB Merton secondary schools for September 2016 which have recently been received

It concluded that the demand for secondary school places may not be as high as previously forecast due LB Sutton ‘front loading’ its expansions, and that while the council should proceed with plan for the new school (6 forms of entry) and the expansion of Harris Academy Merton (2 forms of entry), officers should continue to monitor the position before committing to the expansion of Harris Academy Morden and St. Mark’s Academy.

Latest position

LB Merton projects secondary places through a local model based on historic retention panels from previous school year groups, and from a more sophisticated model by the GLA. The latest GLA model forecasts a slightly lower demand than the LB Merton model for places up to 2018/19, but a higher demand from 2020/21. The tables below are based on the Merton model as it is more flexible to adjust:

TABLE 1 - SHOWS ACTUAL AND FORECAST RISE IN YEAR 6 NUMBERS, ACTUAL YEAR 7 NUMBERS AND FORECAST BASED ON CIRCA 79% RETENTION RATE

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Year 6 roll actual/forecast											
Merton model	1837	1817	1848	2024	2081	2133	2378	2369	2332	2380	2392
Year 7 roll actual/forecast											
Merton model	1457	1454	1465	1492	1578	1651	1687	1879	1873	1844	1882
Transfer percentage	84.5%	79.2%	80.6%	80.7%	78.0%	79.3%	79.1%	79.0%	79.1%	79.1%	79.1%

Note - should read diagonally to see the transfer i.e. 2014/15 year 6 is 2015/16 year 7. Forecasts in italics, others actual roll. 5% is circa 100 pupils, so 100 pupils 'lost' in 5 years

TABLE 2 - SHOWS ACTUAL AND FORECAST SURPLUS YEAR 7 PLACES AGAINST ADMISSION NUMBERS WITH EXPANSION PLANS

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Total planned admission number*	1669	1669	1669	1669	1669	1699	1729	1909	1909	1909	1909
Surplus places	212	215	204	177	91	48	42	30	36	65	27
Surplus percentage	12.7%	12.9%	12.2%	10.6%	5.5%	2.8%	2.4%	1.6%	1.9%	3.4%	1.4%

*Based on current PAN then expansion of Harris Merton (30 extra in 2016/17 and 60 from 2017/18), and Harris Wimbledon opening 2018/19

If Harris Wimbledon opens in September 2017 with 120 places, surplus forecast in 2017/18 would be 162 (8.8%)

Traditional recommendation from Audit Commission is 5-10% surplus places for ideal balance between efficiency and parental preference

These tables show how the year 6 roll has risen by 264 over the past 3 years, but only about half of this has translated into additional year 7 places. Over the 2 years to 2017/18 (which will be year 7 in 2018/19) there is forecast to be a further 297 year 6 children requiring secondary school places.

On the basis of a consistent retention rate of 79% the plans for Harris Wimbledon and Harris Merton forecasts that the council will be providing sufficient places, but with a surplus of only circa 2%; this is lower than the traditional recommendation from the Audit Commission to balance parental choice and efficiency.

If the new school opens in September 2017 as preferred by the EFA then the forecast is for 8.8% surplus places in 2017/18; this may impact on the roll and budget of existing schools.

The very latest admissions information shows that the retention rate for 2016/17 will be only 76%, and if this continues the surplus in 2018/19 and beyond would be closer to 5%. However, even this will be lower than the current year and significantly lower than in recent years for LB Merton secondary schools.

Conclusion

The latest admissions information confirms that the retention rate from year 6 to year 7 will be lower in 2016/17, but this may well be temporary as LB Sutton has 'front loaded' its school expansions of popular schools. In the 5 years from 2012/13 to 2017/18, the rise in year 6 places will be 561 pupils, yet Harris Wimbledon and Harris Merton will only collectively provide an additional 240 places.

Any new school provides some risk to existing schools but a new school is needed to meet basic need. Indeed, the greater long-term risk is that the council will not be providing sufficient places. This is alleviated by its contingency plan of being able to expand existing schools at short notice, particularly St. Mark's Academy and Harris Morden. Opening the new school in 2017/18 is likely to lead to more surplus places than preferred for one year only.

4 JULY 2017 CABINET EXEMPT MINUTE

The Leader of the Council announced that he would be taking item 7 Reference from Scrutiny, on Harris Wimbledon Secondary School - Required Site Approvals as part of this item's discussion.

The Cabinet Members for Finance and Education presented the report which details a proposed site for a new secondary school in Wimbledon – Harris Wimbledon. The Cabinet were guided through the exempt comprehensive report that provided details of the proposed site, legal and financial aspects and other practical implications aligned to the proposal including the role of the Education Funding Agency (EFA) in setting the opening date of the new school. It also noted that the report included information over the possibility of using the Whatley Avenue Adult Education centre as a temporary school, for pupils in year 7 and 8, for a period of 2 years whilst Wimbledon Harris was being built.

Councillor Dennis Pearce, Chair of Children and Young People Overview and Scrutiny Panel presented to the Cabinet the Panel's reference, highlighting their views as contained in paragraph 2.3 of the reference, including that the need for further discussion with the EFA and with the landholders on the project.

RESOLVED

That Cabinet:

- 1). authorises the Director of Environment and Regeneration to complete the freehold purchase of the following land for the provision of a new secondary school and to lease the land to the Harris Federation for the Harris Wimbledon School on a 125 year lease at a peppercorn rent:
 - (i) The land edged red on plan A from Domex to a maximum price of [REDACTED] excluding stamp duty and fees
 - (ii) The land edged blue on plan A from Elim and to transfer in exchange the freehold of Merton Hall (the land edged red on Plan B) to Elim and to adapt and re-build the majority of the building for use by Elim to a maximum cost of [REDACTED] excluding stamp duty and fees
- 2). agrees that the High Path Day Centre land (edged green on plan A) should be leased to the Harris Federation for the Harris Wimbledon School on a 125 year lease at a peppercorn rent, with the day centre service moved to an adapted and extended 21 Leyton Road SW19 1DJ, and that Children Schools and Families services in this building will be located to other LB Merton accommodation
- 3). authorises the Director of Children Schools and Families to enter into an agreement with the Harris Federation to enable the Harris Wimbledon School to use part of the grassed area of the Merton Abbey Primary School playing field at times to be agreed and to note that for this agreement to be implemented the playing field will need to be converted to a synthetic turf pitch to provide for the more intensive use required – these costs will be met by the Education Funding Agency

- 4). agrees that the Adult Education site in Whatley Avenue (land edged red on plan C) should be leased to Harris Federation on a short term lease at a peppercorn rent to provide school places for up to two academic years prior to the school on the High Path site being completed, either 2017/18 and 2018/19 or 2018/19 and 2019/20 depending on the agreed school opening date
- 5). notes that in view of the displacement of South Wimbledon Community Centre from Merton Hall, officers are seeking to provide replacement accommodation on similar rental terms with an interim offer made for the currently vacant Pincott Road SW19
- 6). notes that £16.55 million is included in the capital programme in the financial years 2016/17 to 2018/19 for the purposes of a new secondary school but the agreement with the EFA (Education Funding Agency) to pay for the construction cost and contribute to the council's land purchase ensures that the council's contribution to enable the new school and associated works after receipts from the EFA should be in the region of [REDACTED] (maximum of [REDACTED] prior to EFA contributions)
- 7). notes that item will go for pre-decision scrutiny to the Children and Young People Overview and Scrutiny Panel on 29 June 2016, with an invitation to members of Sustainable Communities Overview and Scrutiny Panel.

Appendix 4 - Call-in for Sustainable Communities Overview and Scrutiny Panel 20 January 2018 - Schedule of Documents requested

The table below provides a schedule of all the documents requested. Where available the relevant documents are provided as follows:

Appendix 5 - Documents prior to decision making process on Merton Hall/Elim Church property transaction (These were provided as exempt documents for Overview and Scrutiny Commission on 4 August 2016 - the report is still showing this although it can now be disclosed with the blacked out information that is still commercially sensitive)

Appendix 6 – Meeting notes and correspondence between the council and Elim Church including on the land swap and lettings policy

Appendix 7 – The meeting notes of the new school group

Appendix 8 - Copies of correspondence on the request for a Temporary Building Preservation Notice for Merton Hall

Appendix 9 – Valuation report

Appendix 10 – Usage of Merton Hall before its closure

All papers provided to the Director of Environment and Regeneration, the Director for Children, Schools & Families, the Leader of the Council, the Cabinet Member for Regeneration, Environment and Housing, the Cabinet Member for Finance and the Cabinet Member for Education, prior to, during and subsequent to the decision making process on Merton Hall.	This was provided as exempt information for the OSC call-in meeting on 4 August 2016 and is reproduced as Appendix 5
All emails, reports and associated documentation relating to the land swap and construction works proposed for Merton Hall provided to the relevant Cabinet Members, Leader of the Council, Chief Executive, Director of Environment and Regeneration, Director for Children, Schools & Families, Director of Corporate Services and other council officers over the last 5 years.	This was provided as exempt information for the OSC call-in meeting on 4 August 2016 and is reproduced as Appendix 5
Meeting notes of all meetings between officers / Cabinet Members and Elim Church on the land swap and construction works proposed for Merton Hall.	The meeting notes between the council and Elim Church are provided as Appendix 6
Any correspondence between officers / Cabinet Members and any other external organisations on the possible re-siting of the Elim Church.	The meeting notes of the new school group are provided as Appendix 7
Copies of all correspondence between the Council and Elim Church on its future lettings policy for any community facilities provided at Merton Hall once within Elim Church's ownership.	This correspondence is provided as Appendix 6

Copies of all correspondence between council officers and Cabinet Members on a) the application to make Merton Hall an Asset of Community Value and b) the request for a Temporary Building Preservation Notice for Merton Hall.	There is no written correspondence between officers and Cabinet members on this matter but with regard to (b) Appendix 8 provides the officers' correspondence and advice
Any other equalities analyses carried out in relation to the land swap with Elim Church and the proposed construction works on Merton Hall.	The two equalities analysis, from July 2016 and for the 11 December 2017 Cabinet report, have already been published
The risk analysis conducted in relation to the various options for procuring the current Elim Church site at High Path.	This is contained within the valuation report (Appendix 9)
Detailed financial analysis of a) the various options available to the Council for procuring the Elim Church site on High Path; and b) the Cabinet's current and previous decisions on construction works to Merton Hall.	The financial analysis is contained in the Cabinet reports of 4 July 2016 and 11 December 2017
A copy of the latest commercial valuation of the Elim Church site on High Path.	This is provided as Appendix 9
A copy of the latest commercial valuation of Merton Hall	This is provided as Appendix 9
Details of the assets (financial and otherwise) held by Elim FourSquare Gospel Alliance	This information is not held by the council
A breakdown of precise details of the revenue generated for the Council from lettings at Merton Hall over the last 5 years	This information is not held by the council - the revenue from lettings is received by South Wimbledon Community Association (SWCA) who effectively get the building rent free with the council also meeting maintenance liabilities
The detailed analysis by Merton Council of the community usage of Merton Hall over the past 5 years.	The information received by the council from SWCA of use over the past 18 months is provided as Appendix 10
Analysis of the community usage of 3 Pincott Road thus far since being leased to the SWCA and any feedback received.	This information is not held by the council
Details of any informal consultations carried out with key stakeholders (including a list of who these 'key stakeholders' were) on the re-siting of Elim Church and the proposed redevelopment of Merton Hall.	<p>The council held a well-publicised briefing meeting on 21 November 2016 at Merton Hall which was well attended, and included this element of the wider new school project.</p> <p>The Elim/Merton Hall element was also included in a council</p>

	<p>press release on 22 November 2016.</p> <p>Two planning applications for Merton Hall had consultation periods. The comments and representations received are available on Merton's Planning Explorer, under the following references: 17/P2668 ; 16/P4747</p>
A copy of the draft conditional contract between Merton Council and Elim Church referred to in the 11 December 2017 Cabinet report.	<p>The draft contract is at an advanced stage but is subject to change so will not be disclosed. However, officers can confirm the parameters of the contract which is a freehold land swap and that the council will undertake works to Merton Hall as agreed by Planning Applications Committee. There is an overage on any future sale from Elim Church for a set time period</p>
A full list of all industrial premises currently within the ownership of Merton Council	<p>The list of all council properties is provided on the council's website.</p> <p>https://www.merton.gov.uk/council-and-local-democracy/data-protection-and-freedom-of-information/council-property-register</p> <p>We can confirm that all significant spaces are fully let</p>

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Annex B

(To Appendix 5 for Overview and Scrutiny Commission 4 August 2016)

Minutes of meetings and correspondence with EFA relating to Harris Wimbledon School (February 2015 to the present)

**Whilst previously restricted, this document has been approved for
publication except where information has been redacted.**

Tom Procter

From: [REDACTED]@education.gsi.gov.uk
Sent: 17 June 2016 16:07
To: Tom Procter
Cc: Paul Ballatt; James McGinlay
Subject: RE: Harris Wim site LSG 20 June 2016 - Copy

Hi Tom

Thanks for sending this all through. The report reads really well...why can't other LAs produce such clear, easy to read plans?!

With regard to the EFA's contribution, I have confirmed at the last few meetings that I was prepared to review our stance and, having looked at your figures below and the report, I can confirm the following:

- The EFA will pay up to £1m for the relocation of the day centre to Leyton Road;
- The EFA will meet the cost of converting the playing field at Merton Abbey Primary School to an all-weather surface. I am also prepared to consider some additional 'sweeteners' but this will not be extensive and I should be grateful if you would ensure the school's expectations are managed carefully until we can agree what we may be able to offer;
- The EFA will meet the cost of any works required to the Whately Avenue Adult Education Centre to allow Harris Wimbledon to operate from a temporary site for up to 2 academic years;
- The EFA will meet the cost for the resurfacing of the tennis courts close to the temporary site (Tom, I am so sorry, I cannot recall the name of this park!) to provide a suitable external PE facility and play space for the school. This cost will be capped. Details of who should procure the work to be discussed as part of the HOTs for the temporary site; and
- The EFA will meet the costs for the development of the permanent site.

Regarding the costs in association with the purchase of Domex and the land swap/construction works required for Elim Church, I am prepared to increase the EFA's contribution up to a maximum of £4.85m (rounded up). Please note, this does not include the contingency sum totalling £290k for both projects. The EFA will not fund a contingency sum of this nature. However, as part of our regular review meetings, your updates will advise on whether there is a financial implication arising which may need to be reconsidered.

I trust that this offers you the reassurances needed for your LSG meeting and the cabinet meeting on 4 July. If you want to clarify any points raised, please do give me a call on Monday morning and I would be happy to discuss further.

Kind regards,
Sarah

Sarah Crocker
Project Director – Free Schools Capital Team

From: Tom Procter [mailto:Tom.Procter@merton.gov.uk]
Sent: 17 June 2016 13:39

To: CROCKER, Sarah
Cc: Paul Ballatt; James McGinlay
Subject: Harris Wim site LSG 20 June 2016 - Copy

Hi Sarah – here is the confidential LSG report for any comments and to show our figures with the expectation that you can increase the site contributions above £4 million.

Below is the breakdown of the maximum financial authority we are asking the Council's Cabinet.

	Value	CPO 50% compensation allowance	Total maximum offer	Sub total after offset for Merton hall value	3% fees allowance their side	1.5% fees allowance our side	Stamp du 5%
Domex							
Elim							
Total							
Stamp duty for Elim is calculated as as we will have to pay Elim's costs to sell their land							

Regards

Tom

Tom Procter
 Head of Contracts and School Organisation
 Children Schools and Families Department
 London Borough of Merton
 Tel: 020 8545 3306

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Debbie Maleci

From: [REDACTED]@education.gsi.gov.uk
Sent: 12 May 2016 10:54
To: Paul Ballatt; Tom Procter
Cc: [REDACTED]@education.gsi.gov.uk
Subject: Harris Wimbledon - acquisition progress and actions needed

Dear Paul and Tom

As we discussed in yesterday's meeting, I agreed to write to you both to summarise where we need to be, in relation to the site acquisitions, relocation of the day centre (and the knock-on relocations for the Community Association and CSF staff at Leyton Road), and the timescales.

We agreed last year that, should the High Path site progress, the LA would lead on the acquisition of the Domex and Elim Church sites due to the likelihood of either of the purchases needing to go down the CPO route. We now have one site following the withdrawal of STC back in March and therefore progress on the two High Path acquisitions needs to move forward and progress; something we all acknowledged at our meeting on 18 March 2016. The last three meetings have been informative regarding the status of each site but progress has been extremely slow, regardless of identifying clear actions and reiterating such actions in the notes of each meeting.

I understand that a project board has been set up within the LA with an aim to focus on delivery of the High Path site. Whilst I am pleased that this is finally in place, the first meeting is today and I question how quickly the board will be in a position to undertake the necessary work required to provide the information for the cabinet report in time for the meeting and to progress with the acquisitions and relocations in the timescales necessary. My concerns remain with regard to the LA's ability to deliver.

In addition to the limited progress being reported, I had a response from James yesterday morning, declining the conference call on the 27 May. He is a crucial player at this stage of the process and I have significant concerns that, without him being party to the meeting, both of you will be asked some quite challenging questions about progress in relation to the acquisitions.

I think we made it very clear yesterday that both the EFA and Harris Federation wish for the school to open in September 2017 and, based on this, the comments below focus on this as a target date; both for the temporary site and also the availability of the permanent site to ensure phased works can commence Summer 2017 to allow for the school to move to the permanent site by September 2019.

Temporary site:

Task	By whom	Completion date	Comments
Early Design work (Joseph Hood Adult Ed. Centre)	EFA	July 2016	We will ensure that at least one design meeting is with Harris Fed. And the neighbouring primary school to discuss security and ingress/egress. An outline budget will be produced by our Regional Technical Adviser (RTA)
Response to HOT	LA	w/c 16 May 2016. Discuss/response	Response required in relation to draft HOT and addition of the tennis courts

		27-5-16	at JH Rec.
Caretaker's house	LA	w/c 16 May 2016. Discuss on 27-5-16	View of likely rental value expected should this form part of the temporary site. It should be noted that this is unlikely to be required.

Permanent site:

Task	By whom	Completion date	Comments
ELIM CHURCH:			
Merton Hall feasibility study	LA	3-6-16. share prior to meeting on 14-6-16	LA to conclude feasibility study and undertake cost assessment (appoint a QS through our framework)
Agree relocation package with Elim Church "subject to agreement"	LA	Check progress on 27-5-16. Expect agreement to be reached by 14-6-16	
Final valuation/cost of providing alternative site	LA	27-5-16	To be shared with Noelize
Due Diligence	LA	3-6-16	Will need to be in place for cabinet report
HOT to be drafted in readiness	LA	Confirmation that this is underway on 27-5-16	Date of vacation to be dictated by feasibility study outline programme
DOMEX:			
Revised valuations to be shared with EFA	LA	13-5-16	RBV, Domex's valuation and revised valuation to take account of hope value etc.
LA to seek confirmation from Domex of agreed acquisition [cost] price	LA	27-5-16 – confirmation that this has been achieved	Is there a requirement for a meeting between planners, Domex and LA to allow this to proceed? If the valuations are already close, why is such a meeting required?
HOT to be drafted in readiness.	LA	Confirmation that this is underway on 27-5-16	Vacation of site early summer 2017. Will Domex require a relocation site to be secured first?
DAYCARE RELOCATION:			
Feasibility completed for Leyton Rd site. Planning requirements? LA to confirm what likely timescales will be	LA	27-5-16	Planning requirements (change of use/permitted development) How will this affect the programme?
Programme of works	LA	27-5-16	TP to review programme to show how works can progress to ensure site is vacant by Summer 2017. Construction is likely to be IRO 6 months. Planning requirements will dictate the likely risk of relocation by Summer 2017
COMMUNITY			

ASSOCIATION:			
Meeting with Group to consider alternative site	LA	11-5-16	Report back on 27-5-16
OTHER MATTERS:			
Standard free schools model 125 year lease to be [developed] used for permanent site	LA to commence	Draft status by 14-6-16	
Project Board	LA	27-5-16	<ul style="list-style-type: none"> - Confirmation of property lead - Terms/remit for the group.
Cabinet report	LA	27-5-16 Prior to 27-5-16 Following meeting on 27-5-16	<ul style="list-style-type: none"> - Confirmation that this can be dealt with as a confidential paper due to the commercial sensitivities surrounding the site acquisitions - List of recommendations to be shared to ensure all key decisions are included in one report - Draft report for comment
Letter of comfort	LA	17-5-16	Letter of comfort to clearly define the LA's commitment to purchasing the sites and exactly what needs to be done to achieve this, i.e. what authority is required to make the purchases happen, and when.

I hope this will be helpful for your meeting on Friday. By all means let me know if you would like to discuss in more detail.

Regards,
Sarah

Sarah Crocker

Project Director, Free Schools Capital

Ext: – Web: www.gov.uk/efa

Address: 4th Floor, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT



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Debbie Maleci

From: [REDACTED]@education.gsi.gov.uk
Sent: 09 May 2016 13:54
To: Paul Ballatt; Tom Procter; [REDACTED]@harrisfederation.org.uk;
[REDACTED]@education.gsi.gov.uk; [REDACTED]@education.gsi.gov.uk; James
McGinlay; Tara Butler
Cc: [REDACTED]@education.gsi.gov.uk
Subject: FW: FS0 447 Harris Wimbledon:- Actions from Meeting of 12 April 2016

Dear All

Apologies for the delay in getting these minutes to you. I had two urgent acquisition that needs to be completed in the last few weeks and before the Mayoral elections.

Please see below actions from the meeting of 12 April 2016.

Attendees:

Chris Randall, Paul Ballatt, Tom Procter, James McGinlay, Ian Runeckles, Noelize Mesmain, apologies Sarah Crocker and Andy Baker

	Meeting of Meeting 12 April 2016	
		Actions
1.	Meeting with South Wimbledon councillors and Harris Federation still to be arranged.	PB/TP & CR
2.	Merton Abbey and proposed shared space: LA to arrange meeting.	PB/TP
3.	Temporary site – key points from site visit that took place before the main meeting:- <ul style="list-style-type: none"> Harris Fed happy with space available – adapted as necessary. Vehicular access with Joseph Hood primary needs to be managed to allow for deliveries to kitchen. Emergency access/egress from kitchen area needs to be agreed. How to treat shared utilities to be decided. Limited outside space so use of Joseph Hood Rec ground tennis courts to be explored – would require resurfacing. Meeting with Harris Fed and Joseph Hood Primary to be arranged Current occupiers leave in July 16. Who maintains the building from that date to be decided. Decision needed as to whether to include caretakers house in demise. LA would expect recompense for loss of rental income to private residential tenant EFA technical advisor to provide temp budget. Inspection to be arranged via JMcG Draft heads of terms. LA comments still awaited. 	JMcG PB/TP/JMcG PB/TP/JMcG/EFA PB/TP/JMcG/EFA EFA/JMcG JMcG
4.	High Path:- <ul style="list-style-type: none"> Domex opinion of value based on a mixed use (resi) scheme. LA commissioned revised valuation supports [REDACTED] Domex offer. Agreed EFA can have sight of valuation. Meeting to be arranged with Domex, architects, LA and planners to agree a scheme for the site. Possibility of a phased development with [REDACTED] coming on 	JMcG LA/EFA/Harris

	later. This option to be explored further. <ul style="list-style-type: none"> 4 weeks to agree terms. 	Fed
5.	Elim Church:- <ul style="list-style-type: none"> Church happy with alternative site, Merton Hall, but have concerns that it looks too much like a church. Elim agreed to work with LA to re design. Façade locally listed making demolition difficult. LA to seek planners/architects view on what can be done to property. LA view is of 1 year programme of refurbishment/rebuild, estimated at [REDACTED] 4 weeks to agree terms. 	PB/TP/JMcG
6.	Communications:- carried over from meeting of 18 March 16	
7.	Key dates to note: 2 July 2016 – Cabinet meeting w/c 9 May 16 - Agreement on both land deals at High Path	All to note
8.	Next meeting: <ul style="list-style-type: none"> Tuesday 10th May 16 11.30am-1.00pm 	All to note

Debbie Maleci

From: [REDACTED]@education.gsi.gov.uk
Sent: 25 March 2016 10:22
To: [REDACTED]harrisfederation.org.uk; Paul Ballatt; Tom Procter;
 [REDACTED]@education.gsi.gov.uk; [REDACTED]@education.gsi.gov.uk; James
 McGinlay; Tara Butler; [REDACTED]@education.gsi.gov.uk
Subject: Harris Wimbledon - notes of meeting 18-3-16

Dear all

Very concise snapshot of key actions from our meeting last week.

		Actions
1.	STC withdrew from further negotiations with EFA. Details of decision sent to all parties.	SC
2.	Domex site: Still no response from their agent. Await James return and push for a response.	JMcG
3.	Church: South Wimbledon Community Centre are now aware that of the church potentially moving into the building. Pastor to visit w/c 21-3-16 and discuss with community association.	
4.	<p>Risk and Issues analysis/viability report: a summary report identifying the following points is required from the LA (document will also support cabinet report):</p> <ul style="list-style-type: none"> • Details of each site involved, including sites to be considered as relocation opportunities; • LA's current position with users at each site, including knock-on to other parties; • Proposed action plan – discussions, approvals required, Key decisions, process, negotiations and how purdah fits in; • Next steps and timescales; • Likely risks and issues for each option; • RAG rated viability to meet timescales. <p>Paul and Tom to discuss with James in some detail upon his return from jury service. To be shared prior to next meeting. Noelize offered to meet with James prior to the next meeting to assist with this task.</p>	PB, TP and JMcG
5.	LA to consider whether there is a requirement to undertake revised RBVs for the three sites.	JMcG
6.	Key dates to note: 6 June 2016 – Cabinet meeting	To note
7. ✓	<p>South Wimbledon councillors are keen to meet with Harris Federation. Agreed that EFA does not need to be involved at this time as focus is not on property related matters. To be arranged between LA and CR.</p>	PB/TP & CR

8.	Merton Abbey and proposed shared space: No formal response received from the governing body. Agreed to arrange a visit for later in the summer term. LA to arrange nearer the time.	PB/TP
9.	Due Diligence: Noelize confirmed that she has commenced some early investigations but the acquiring party (LA) needs to undertake this activity. LA to advise at next meeting.	JMcG
10.	<p>Planning meeting – key points:</p> <ul style="list-style-type: none"> i) TfL: site adjacent to main trunk road so urgent to discuss roads, buses and tramlink; ii) Sport England consultation/early discussion required; iii) Main 'High Path' estate to be developed and outline plan approval expected in June/July 2016; iv) Public engagement with all stakeholders. <p>Next agenda item: communications</p>	To note
11.	<p>Temporary site – key points:</p> <ul style="list-style-type: none"> • Car-free primary school (Joseph Hood) but emergency vehicle access for fire tenders and disabled along front of adult education building; • Caretaker's house will remain outside the demise; • Adult education will be vacant by 1 September 2016; • Holding statement issued regarding the future use of the adult education building; • Tom and Paul met with Joseph Hood on 17 March and advised them that we were actively pursuing an alternative option but consideration is being given to the adult education centre for temporary use. • LA is brokering a meeting between the school and Harris Federation after Easter. • Site visit planned for after Easter (See future meeting details below). • Schedule of accommodation developed which shows that the adult education building could accommodate two year groups – 120 and 180. Accommodation would be too small for two year groups of 180. 	
12.	Draft heads of terms (temporary site): Noelize has drafted but there remains a number of gaps in the document. To be populated with information following the Whatley Ave site visit. Tom to be CC'd into all correspondence.	JMcG and NM
13.	Sarah to feedback to LA urgently about basic need allocations and the impact on the authority's allocation in future years.	SC
14.	<p>Programme: Andy shared two programmes – Non-CPO and CPO route. Key dates (est) are:</p> <ul style="list-style-type: none"> • 6 June – cabinet report to seek approval to High Path proposals and LA's contribution • CPO route: Start on site June 2019, complete December 2020 • Non-CPO route: Start on site May 2017, complete November 	

	2018	
15.	Next meetings: <ul style="list-style-type: none"> • Adult Education (Whatley Ave): 12 April, 10am. Meet on-site. • Main meeting: 12 April, 11:30am. Meet at LB Merton offices. 	All to note

Sarah Crocker

Project Director – Free Schools Capital Team

Email: [REDACTED] [education.gsi.gov.uk](mailto:[REDACTED]@education.gsi.gov.uk)

Web: www.gov.uk/efa



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Debbie Maleci

From: Paul Ballatt
Sent: 18 March 2016 16:36
To: [REDACTED]@education.gsi.gov.uk
Subject: RE: Harris Wimbledon - STC option

Thanks Sarah – hopefully we're edging forward together!

Have a good weekend.

Paul

Paul Ballatt
Assistant Director Commissioning, Strategy & Performance
Children Schools and Families Department
020-8545 4066
paul.ballatt@merton.gov.uk
www.merton.gov.uk



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From: [REDACTED]@education.gsi.gov.uk [mailto:[REDACTED]@education.gsi.gov.uk]
Sent: 18 March 2016 14:21
To: Tom Procter; Paul Ballatt
Subject: FW: Harris Wimbledon - STC option

Dear Paul and Tom

Thanks for your time yet again this morning. Below is the ditty I sent Chris to provide the audit trail of why STC is no longer an option.

Kind regards
Sarah

Sarah Crocker
Project Director – Free Schools Capital Team
[REDACTED]

From: CROCKER, Sarah
Sent: 17 March 2016 09:41
To: [REDACTED]@harrisfederation.org.uk
Cc: BAKER, Andy; MESMAIN, Noelize
Subject: Harris Wimbledon - STC option

Dear Chris

Thanks for your time on the phone a moment ago. I just wanted to clarify, in writing, the STC position for your files and to share with colleagues in the Harris Federation.

As you are aware, we have now completed a revised RBV which took into account the accommodation we were looking to acquire, land value, cost of works for the school and also the work required for the re-provision of STC's reduced facilities. The RBV came in significantly lower than the [REDACTED] that the college were seeking. I was hoping that we could negotiate with Chris Wright and agree an acquisition figure that would be lower than the [REDACTED] but above our RBV.

Unfortunately, Chris has informed me that he wishes to 'draw a line' under the discussions. He tells me that the Lambeth merger is taking a considerable period of time and that the free school proposal was something that could have been financially beneficial for the college if the [REDACTED] figure was achievable. He is not prepared to enter into negotiations for anything less than this figure.

I have informed Chris that, although this is disappointing, it is also understandable at this time in the college's development and should their position change, to get in touch.

I will share this with LB Merton tomorrow at the meeting.

Our focus now must be on the High Path option. As we discussed, the Joseph Hood permanent option is not really viable due to the significant sensitivities surrounding the closure/relocation of a good primary school. The site is also an unusual shape and very small for a secondary school. We will continue to develop the HOT for the use of the adult education centre as a temporary base and I am very pleased that the LA is prepared to work with us and retain this accommodation for Harris Wimbledon's use.

Regards,
Sarah

Sarah Crocker
Project Director – Free Schools Capital Team

Email: [REDACTED]

Web: www.gov.uk/efa



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Debbie Maleci

From: [REDACTED]@education.gsi.gov.uk
Sent: 16 March 2016 12:11
To: [REDACTED]@education.gsi.gov.uk; [REDACTED]@harrisfederation.org.uk; Tom Procter; Paul Ballatt; James McGinlay; [REDACTED]@education.gsi.gov.uk; Chris Lee; Tara Butler
Cc: [REDACTED]@education.gsi.gov.uk
Subject: RE: Harris Wimbledon: AGENDA 18-3-16 (main meeting)

Thanks for the Agenda Sarah.

James/Tara

I am conscious that we haven't received your comments on the temp site HOTS. Will we get this before our meeting, or do you want to discuss at the meeting.

Regards
Noelize

From: CROCKER, Sarah
Sent: 16 March 2016 11:35
To: [REDACTED]@harrisfederation.org.uk; 'Tom Procter'; 'Paul Ballatt'; 'james.mcginlay@merton.gov.uk'; MESMAIN, Noelize; BAKER, Andy; 'chris.lee@merton.gov.uk'; 'tara.butler@merton.gov.uk'
Cc: RONECKLES, Ian
Subject: RE: Harris Wimbledon: AGENDA 18-3-16 (main meeting)

Good morning all

Please find below the email with the notes of the last meeting and a gentle reminder to each of us that there are actions to complete.

The planning meeting will commence at 9:30am with the main meeting following after at 10:30am. Planning meeting attendees from EFA will be Andy and Ian Runeckles; I will not be in attendance.

Proposed agenda (aide memoire) for Friday's main meeting:

1. Actions from last meeting 23 February 2016
2. Acquisition update:
 - a. High Path:
 - i. Update from LBM on LA's current position, timescales and next steps
 - ii. Domex update
 - iii. Church update and Merton Hall implications
 - b. STC:
 - i. Valuation
 - ii. Update on discussions with STC (Chris Wright)
 - c. Day Centre: anything new?
 - d. Anything fundamental from planning meeting?
 - e. Cabinet meeting 6 June 2016: preparation and information required
 - f. Site options analysis (to be tabled at meeting)

3. LBM response regarding contributions and ownership
 - a. BN grant allocations
 - b. Merton Abbey Primary – environmental imps
 - c. 125 year lease of High Path land.
4. Programme – review of CPO process
5. Temporary site:
 - a. Schedule of Accommodation
 - b. HOT
6. Purdah
7. AOB
8. Next meetings

Regards
Sarah

Sarah Crocker

Project Director – Free Schools Capital Team

Mob: 07468 714 342

From: CROCKER, Sarah

Sent: 01 March 2016 15:42

To: [REDACTED]@harrisfederation.org.uk; 'Tom Procter'; Paul Ballatt; 'james.mcginlay@merton.gov.uk'; MESMAIN, Noelize; BAKER, Andy; 'chris.lee@merton.gov.uk'; 'tara.butler@merton.gov.uk'

Cc: RONECKLES, Ian

Subject: Harris Wimbledon: action points from meeting 23-2-16

Good afternoon everyone

Here are the action points from yesterday's meeting. Invites already sent for the proposed planning meeting and next project review meeting on 18-3-16

Attendees:

Chris Randall, Paul Ballatt, Tom Procter, James McGinlay, Noelize Mesmain, Sarah Crocker

Copied to:

Andy Baker, Chris Lee, Tara Butler, Ian Runeckles

		ACTION
1.	<p>Tom provided an outline programme detailing likely timescales if CPO route was followed. It was noted that to go through the CPO route, the LA has been advised to ensure planning permission has been secured on the site.</p> <p>Actions:</p> <ol style="list-style-type: none"> i) Andy to add Tom's dates to the outline programme/create an alternative programme. Review at next meeting. ii) Sarah and Andy to start considering early funding requests and procurement options for design work up to and including a planning application. Consider frameworks and 	<p>AB SC/AB</p>

	limitations	
2.	<p>Domex update: LA offer of [REDACTED] has not formally been rejected but it is believed that this would not be accepted. Domex has not responded within timescale set by LA and they are aware of the CPO possibility. Savilles are acting on behalf of Domex. Agreed to wait for counter-offer from Domex/Savilles. Agreed could increase offer to [REDACTED]</p> <p>Action:</p> <ul style="list-style-type: none"> i) James to circulate details of the LA's current position, next steps and timescales. 	JMcG
3.	<p>Church: Has agreed to move but there may be some concerns about the size/capacity of Merton Hall. Merton Hall has been occupied by a Community Association for the last two years. This is sensitive as they have been moved more than once.</p> <p>Should Merton Hall not be suitable for the church, it is likely that the purchase will move quickly to a CPO.</p> <p>Action:</p> <ul style="list-style-type: none"> i) Could Merton Hall be extended to appease the Church and accommodate the Community Assoc? 	TP/PB/JMcG
4.	<p>Daycentre: Property review underway for other children's services and running in parallel to negotiations for Leyton Road site.</p> <p>Action:</p> <ul style="list-style-type: none"> i) Update needed at next meeting to check risk/issue status. 	TP/PB/JMcG
5.	Pre-planning meeting re-arranged to 18-3-16 at 9:30am.	To note
6.	Access to playing fields for High Path option: Tom explained the possibility of using Nursery Road playing fields. This is owned by the Rutlish Foundation and linked to the Rutlish School who are interested in the possibility of installing an all-weather pitch. LA is currently the custodian of the site (55 years remaining of 100 year protected lease).	To note
7.	<p>Temporary site: Visit to Whatley Road Adult Education Centre is sensitive at present, in particular with Joseph Hood Primary School. Agreed to wait until permanent site is agreed which would offer the primary school some assurances. LA confirmed that should the school opening be deferred beyond September 2017, the temporary site will remain available for Harris Wimbledon.</p> <p>Actions:</p> <ul style="list-style-type: none"> i) Noelize to further develop the HOT for temporary site with Chris and James. ii) Tom to provide plans of adult education buildings and a red line plan of the site to support the HOT. iii) Consideration to be given to how playtime and lunchbreaks could be accommodated on the site with Joseph Hood Primary School. Meeting to be convened in the future. iv) Noelize to consider holding costs for adult education accommodation, should the school opening be deferred beyond September 2017. v) Chris and Andy to commence developing the schedule of accommodation for the temporary accommodation. 	<p>To note</p> <p>NM TP Future action</p> <p>NM</p> <p>AB/CR</p>

8.	<p>South Thames College site: A formal valuation has now been commissioned to replace the desktop study recently completed. This will offer a more realistic value of the site and buildings.</p> <p>Action:</p> <p>i) Noelize to update all at next meeting regarding negotiations with STC.</p>	NM
9.	<p>LA response to proposed contribution: a response has been drafted to Noelize's E-mail dated 12-1-16. PB/TP to send to Sarah and Noelize.</p>	PB/TP
10.	<p>Approval processes: LA confirmed that the council has monthly Cabinet meetings (excluding August). Lead-in time for papers:</p> <ul style="list-style-type: none"> • Papers published 10 days before meeting • Leaders Strategy Group (LSG) – 3 weeks before Cabinet • Key decision call-in period – 10 days after Cabinet. <p>Next likely meeting dates for report seeking approval to enter into acquisitions and use of proposed temporary site: 18 May and 6 June.</p> <p>Actions:</p> <p>i) Focus on taking paper to 6 June 2016 Cabinet. To be monitored at future meetings.</p> <p>ii) LA to keep all updated regarding purdah</p>	Future action PB/TP
11.	<p>Next meeting: 18 March at 10:30am.</p>	All to note

Kind regards
Sarah

Sarah Crocker

Project Director – Free Schools Capital Team

Mob: [REDACTED]

Email: [REDACTED]@education.gsi.gov.uk

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Debbie Maleci

From: [REDACTED]@education.gsi.gov.uk
Sent: 05 February 2016 16:06
To: Tom Procter; Paul Ballatt; Tara Butler; Chris Lee;
 Chris.Randall@harrisfederation.org.uk; [REDACTED]@education.gsi.gov.uk;
 [REDACTED]@education.gsi.gov.uk
Subject: Harris.Wimbledon: Action points from meet 4-2-16

Good afternoon everyone

Here are the action points from yesterday's meeting. Invite(s) to follow for planning meeting and next main meeting.

Attendees:

Chris Randall, Paul Ballatt, Tom Procter, Tara Butler, Chris Lee (apologies if I have spelt your surname wrong Chris!), Andy Baker, Noelize Mesmain, Sarah Crocker

		ACTION
1.	High Path sites: All agreed to focus on completing heads of terms by end of April 2016. Key actions: <ul style="list-style-type: none"> - LA to consider who will own the sites – Sec of State or LA with a 125 yr peppercorn lease to Harris. - NM to provide a list of bullet points for the LA to consider when drawing up the heads of terms, including a requirement for - access prior to vacant possession for surveys etc. - LA to start briefing in-house legal team - Domex and Church sites: TP/PB to keep all updated regarding negotiations. 	TP/PB/CL/TB NM PB/TP/CL/TB TP/PB
2.	Timescales for securing sites: Outline timescales to be provided by Tom, showing the process for a CPO. Andy to add to programme/create a second programme to identify the impact on the opening date for the school.	TP/AB
3.	Chris confirmed that the school would not wish to be in temporary accommodation longer than 2 academic years. Sarah to feedback to FSG for information and all to note.	SC and all to note
4.	Shared use of primary school site: At appropriate time, plan for early (pre-planning) discussions with Sport England.	AB
5.	Planning pre-application meeting: To be arranged between LA Planners, Tom, Andy and Ian Runeckles who is the new EFA Regional Planner for South London. Date provisionally agreed as 23-2-16 at 10am.	AB, TP, CR. SC to send invite out.
6.	STC site: Agreed this should be pursued further. Noelize to make contact with Chris Wright to investigate whether there is the possibility to negotiate. Option to remain open until risks have been reduced with the High Path option.	NM

7.	Temporary site: <ul style="list-style-type: none"> - Noelize to commence drafting heads of terms for the use of the Joseph Hood Adult Education building. Share with all for comment. To be agreed by end of April 2016 along with other heads of terms. - Visit to be arranged. Tom to consider the best timing for this regarding Joseph Hood Primary School. Andy, Noelize and Chris to attend a visit. 	NM TP
8.	LA proposed contribution: LA to respond to SC and NM regarding E-mail dated 29-1-16.	TP/PB
9.	Approval processes: Tom to provide details of likely political approval stages that should be included in the programme as milestones. Andy to update programme accordingly.	TP/AB
10.	Sarah to seek clarification on changes to how properties are purchased after April 2016 and what impact this will have on trusts	SC
11.	Next meetings: 23 February 2015 i) 10am for planning meeting, ii) 11:30am for main meeting.	All to note. Sarah to send invites

Kind regards
Sarah

Sarah Crocker

Project Director – Free Schools Capital Team

Mob: [REDACTED]

Email: [REDACTED]@education.gsi.gov.uk

Web: www.gov.uk/efa



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Tom Procter

From: [REDACTED]@education.gsi.gov.uk
Sent: 30 October 2015 18:28
To: Tom Procter
Cc: Paul Ballatt; [REDACTED]@harrisfederation.org.uk;
[REDACTED]@education.gsi.gov.uk
Subject: RE: HIGH PATH SITE AND OTHER MATTERS

Tom

Thanks for confirmation that negotiations on the two High Path pieces of land can occur in parallel to talks with the college.

The matters I think would be useful to know for our meeting are:-

- before we next meet, to have sight of your valuations of the land and the assumptions upon which they are based.
- Red line plan of whole site detailing the different ownerships i.e. LBM and the two commercial land owners. I think this was part of the feasibility but in pdf format
- a full update on where you are at with your negotiations.
- the legal advice on whether EFA can take over negotiations without prejudicing the council's right to cpo the land.
- what contribution (if any) the council is looking to efa to fund for the land purchase
- the council's view on the structure of the deal to the free school i.e. 125 year lease
- the timeframe and process for moving the High Path Community Resource from the site
- the timeframe and process for making the temporary site (Whatley Avenue Adult Education) available for 2016.

With regards to the college site. Please can you ask for the following:-

- red line drawing of the whole site in the college ownership. We can do some early legal due diligence once we have this
- the proposed red line for the free school
- the terms upon which the college would allow the free school to occupy the land. i.e. freehold sale or long lease, capital receipt, rent etc.

I look forward to hearing back once you have met with the college.

Regards
Noelize

From: Tom Procter [mailto:Tom.Procter@merton.gov.uk]
Sent: 28 October 2015 13:54
To: MESMAIN, Noelize
Cc: Paul Ballatt; [REDACTED]@harrisfederation.org.uk; WEBSTER, Tom
Subject: HIGH PATH SITE AND OTHER MATTERS

Hi all

Following yesterday's meeting I am pleased to confirm that we have now got everyone agreed in LB Merton that we will continue negotiations to purchase the two pieces of land on High Path. Noelize – our Head of Sustainable

Communities in our Environment Department who is leading this is happy to meet with you. Since we agreed our next meeting for 16 November which is only just over 2 weeks away I suggest we do this as part of that meeting. We are just checking his availability, but if there is anything specific you would like him to bring to the meeting please let me know.

Finally, just a reminder Noelize, that if you forward me the specific information you want from South Thames College to enable a valuation I will request it of South Thames College, and both Tom and I can also bring it up when we meet them next week.

Thanks

Tom

Tom Procter, Head of Contacts and School Organisation,
Children Schools and Families Department
London Borough of Merton
Tel: 020 8545 3306

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Tom Procter

From: [REDACTED]@education.gsi.gov.uk
Sent: 07 October 2015 17:08
To: Tom Procter; [REDACTED]@harrisfederation.org.uk;
[REDACTED]@education.gsi.gov.uk; Paul Ballatt; [REDACTED]south-thames.ac.uk
Cc: [REDACTED]education.gsi.gov.uk
Subject: RE: FS0 447 Harris Wimbledon - Meeting at Merton Offices Friday 9 October

Dear All

You may not be aware that Sarah is off sick at present and won't make the meeting on Friday. I will still attend and Tom Webster will come along in Sarah's place. I believe this meeting is to get an update on:-

- the feasibility carried out on the south Thames college site
- update on talks with land owners at High Path

Tom

You were also to arrange for your property person to attend the meeting and to get to check that you could send me the valuation that was carried out on the High Path site. Could we have this and the feasibility study before we meet on Friday please?

Regards
Noelize

Noelize Mesmain
Property Project Manager (Free Schools, UTCs & Studio Schools)

Mob [REDACTED] **Web:** www.gov.uk/dfes

PA: Moji Adetosoye, email: [REDACTED]@education.gsi.gov.uk

Direct Tel: [REDACTED]

Reception: 0207 340 7000 Ext: [REDACTED]



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Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

From: Tom Procter [mailto:Tom.Procter@merton.gov.uk]
Sent: 28 September 2015 12:45
To: Chris Randall (HF); CROCKER, Sarah; Paul Ballatt; [REDACTED]@south-thames.ac.uk
Cc: MESMAIN, Noelize
Subject: RE: Harris Wimbledon - joint valuation and fields

Thanks Sarah and Chris

On 1 – Noted!

On 2 – Yes – I'm speaking to our head of leisure this week so will feed back, but I can say now that the new leisure centre location was agreed several months ago to be immediately the other side of the access road adjacent to the College/close as possible to the main highway.

On 3 – Yes the 8,820m² (well 4m² less to be precise!) is what we are working to but there will have to be acknowledgement that there will be some inefficiencies from adapting an existing building rather than new build. I provided the attached draft brief to Chris Wright on Friday afternoon with ideal schedule to allow the architect to understand the scope to price. Chris R – this is based on the standard school EFA schedule but with some adjustment to take out D&T and put in more general classrooms as per the general Harris model. It is just a feasibility study, but if you want to adjust further before the architects start, please feel free!

Tom

From: Chris Randall (HF) [mailto: [REDACTED]@harrisfederation.org.uk]
Sent: 28 September 2015 12:25
To: [REDACTED]@education.gsi.gov.uk; Tom Procter; Paul Ballatt; [REDACTED]@south-thames.ac.uk
Cc: [REDACTED]@education.gsi.gov.uk
Subject: RE: Harris Wimbledon - joint valuation and fields

Thanks Sarah – Tom you can ignore my email just now asking for that figure (8820 sq m)!

chris

From: [REDACTED]@education.gsi.gov.uk [mailto: [REDACTED]@education.gsi.gov.uk]
Sent: 28 September 2015 12:22
To: Tom.Procter@merton.gov.uk; Paul.Ballatt@merton.gov.uk; [REDACTED]@south-thames.ac.uk
Cc: [REDACTED]@education.gsi.gov.uk; Chris Randall (HF)
Subject: Harris Wimbledon - joint valuation and fields

Dear all

Few points following our meeting last week:

1. I can confirm that the EFA is prepared to agree a joint valuation of the College site but we would propose that this is undertaken following completion of the feasibility study and when we understand that this option is preferred/feasible and we have a defined red line. I have copied in my colleague, Noelize Mesmain, Property Manager. Noelize will liaise with Ralph following the feasibility study and a clear understanding that this option is one to move forward with.
2. New leisure centre – Paul/Tom, please can we discuss this in more detail at our meeting on 9-10-15? I would like to understand timescales in a little bit more detail and who best to speak to about the possibility of developing a sports centre as part of the proposal and also using some of the old playing fields.
3. Size of floor area for a 900 place secondary school with a 250 post 16 unit would be 8,820m². This is as per Building Bulletin 103.

Regards
Sarah

Tom Procter

From: [REDACTED]@education.gsi.gov.uk
Sent: 22 September 2015 11:25
To: Paul Ballatt; Tom Procter
Subject: Harris Wimbledon - costing visit

Morning Paul and Tom

Just to let you know, I am taking my Regional Technical Adviser to the High Path site on Wednesday 30th @ 10:30am. Would it be possible to get access to the Daycentre site or is this too sensitive at present? I suspect we can see all we need from the highway (both in High Path and Merantum Way) but, if possible, access may be useful to just walk the site.

You are most welcome to join us. I suspect it will be about ½ hour and my RTA will then go away and come up with a budget figure which will then give us an EFA perspective of likely cost and then we can really knuckle down to what type of a contribution we would be talking about.

See you tomorrow at the College.

Regards
Sarah

Sarah Crocker
Project Director – Free Schools Capital Team

Mob: [REDACTED]
Email: [REDACTED]@education.gsi.gov.uk
Web: www.gov.uk/efa



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Tom Procter

From: [REDACTED]@education.gsi.gov.uk
Sent: 10 September 2015 18:14
To: Tom Procter
Subject: Re: Meeting with Chief Executive

My apologies Tom, I did say I would get back to you.

Attendance will be myself, Juliet Yates and Michael Couzens and Hannah Sheehan who are all part of the DfE Free School Group responsible for implementation of the school whereas I am EFA and responsible for capital. I may be accompanied by my Director Sarah Maclean but as I explained on the phone, I think, there is a WIP meeting with Lord Nash which clashes with our meeting.

Regards
Sarah

From: Tom Procter [mailto:Tom.Procter@merton.gov.uk]
Sent: Thursday, September 10, 2015 05:02 PM
To: CROCKER, Sarah
Subject: RE: Meeting with Chief Executive

Hi Sarah – please would you confirm who is attending on Monday from the EFA/DfE and their titles, as I need to brief my chief executive by the end of tomorrow.

Thanks

Tom

From: [REDACTED]@education.gsi.gov.uk [mailto:[REDACTED]@education.gsi.gov.uk]
Sent: 04 September 2015 15:02
To: Paul Ballatt
Cc: Tom Procter; Yvette Stanley
Subject: Re: Meeting with Chief Executive

Many thanks Paul. Have a good week off.

Regards
Sarah

From: Paul Ballatt [mailto:Paul.Ballatt@merton.gov.uk]
Sent: Friday, September 04, 2015 02:15 PM
To: CROCKER, Sarah
Cc: Tom Procter <Tom.Procter@merton.gov.uk>; Yvette Stanley <Yvette.Stanley@merton.gov.uk>
Subject: Meeting with Chief Executive

Sarah,

Thanks for confirming you can make the meeting with our Chief Executive on the 14th September. He has asked for our Director, Yvette Stanley, and the Corporate Services Director responsible for finance, Caroline Holland, to attend the meeting so I'm wondering if you have plans/or want to consider inviting any EFA colleague to accompany you? The scope of the meeting is likely to include both the practicalities and difficulties involved in site identification as well as the financials.

I have a week's leave next week so if you wish to discuss anything, do contact either Tom or Yvette Stanley.

Regards.

Paul

Paul Ballatt
Assistant Director Commissioning, Strategy & Performance
Children Schools and Families Department
020-8545 4066
paul.ballatt@merton.gov.uk
www.merton.gov.uk



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Tom Procter

From: [REDACTED]@education.gsi.gov.uk
Sent: 14 July 2015 13:10
To: Paul Ballatt; Tom Procter; [REDACTED]@harrisfederation.org.uk
Subject: Harris Wimbledon - EFA comment on draft report

Dear Paul, Tom and Chris

I agreed to provide a response from the EFA about the two site options – Whatley Avenue and High Path. I have tried to comment on each site and then summarise at the end. I didn't envisage writing such an essay but I believe that the importance of the report warrants such a response.

Whatley Avenue:

This option offers a reasonable sized site for a new secondary school, with the added benefit of the nearby Joseph Hood Recreation ground. However, the site includes an existing adult education centre and a primary school which is rated 'good' by OfSTED (February 2013).

It is acknowledged that the Council has already agreed that the delivery of adult education should move to a commissioning model and that the Whatley Avenue Adult Education Centre is likely to become surplus, subject to the decision by Cabinet on 14 September 2015. However, as part of this option, the primary school would need to close.

the impact that such a closure has on a school community, and the potential emotional fall out, should not be underestimated.

The cost for this option is above the EFA funding threshold and therefore the council will be asked to contribute towards the overall capital cost to address basic need in the Borough (shortfall circa £7m - £8m).

High Path:

This option identifies a small sized site, made up of three parcels of land, in differing ownership, but with the possibility that the neighbouring Merton Abbey Primary School playing field could be improved and shared with the free school, as well as the use of the nearby Abbey Recreation Ground.

There is a significant concern that the owners of 59 and 61 High Path may be unwilling to negotiate with the council and therefore consideration would need to be given to the council using its Compulsory Purchase Order (CPO) powers to secure the two sites for the new school. The unknown timescales and purchase costs creates a significant impact upon the delivery of the free school and available funding.

In addition to the two site purchases, High Path Community Resource ("Day") Centre will need to be re-provided within the Borough which will generate an additional capital cost. However, it is noted that it would be possible to commence constructing the new school prior to the centre being relocated and therefore this element does not add such a timescale risk.

The possible programmes for delivery can only be based on best/worst case scenarios due to the unknown timescales in relation to the purchase of land.

There are four key risks for this option: unknown timescales in relation to purchasing land, negotiations with Merton Abbey Primary School to agree shared use of the playing field, Sport England objection in relation to the playing field shared use, significant capital costs including site purchases, re-provision of day centre and a 5-storey school building.

The cost for this option is significantly above the EFA funding threshold and therefore the council will be asked to not only contribute towards the capital cost to address basic need in the Borough but also the purchase of land (shortfall circa £18m - £22m)

Summary:

The Harris Wimbledon Free School was due to open September 2016. However, due to the difficulty in finding a suitable site, the opening has been deferred until September 2017.

The Free School programme provides funding to deliver new free schools in new, or remodelled, accommodation. The cost of providing free schools is monitored across the country and funding thresholds are set, based on actual costs, per pupil place. The current thresholds for a secondary school in the Greater London area is between £7m and £22m less than the current capital costs identified in the report and therefore the viability of either of these options is dependent on the council's level of contribution.

The EFA is happy to work with either option, subject to a suitable funding contribution, from the council, to support the project and a rigorous on-going review of timescales to ensure a plan of action is in place to address the basic need issue expected in September 2018.

I have not included a comment that Harris Wimbledon is also happy with either option as I wanted to put a caveat on the EFA's view.

Please do let me know if you would like to discuss in more detail, or tweak any of the above. I am out all afternoon but I will check emails sporadically and can amend later tonight or first thing Thursday morning.

Regards
Sarah

Sarah Crocker
Project Director – Free Schools Capital Team

Mob: [REDACTED]

Tom Procter

From: [REDACTED]@education.gsi.gov.uk
Sent: 05 June 2015 12:32
To: Tom Procter
Cc: [REDACTED]@harrisfederation.org.uk
Subject: RE: SITE REQUESTED FOR FURTHER INVESTIGATION

Dear Tom and Chris

Many thanks for sending this through.

My initial view is that the site is far too small for a secondary school, is costly and has a significant number of complications which would have a potential impact on the timescales for this new school, most of which is succinctly detailed in your email below.

I would very much like to discuss in more detail on Monday when we can meet face-to-face. At present, I do not think a site visit would be beneficial but I am happy to go to site afterwards if we think there is some merit in visiting. Hopefully we can make such a choice on Monday.

Chris – for your information at this point and forewarning for Monday!

Kind regards
Sarah

From: Tom Procter [mailto:Tom.Procter@merton.gov.uk]
Sent: 04 June 2015 17:24
To: CROCKER, Sarah
Cc: 'Chris Randall (HF)'
Subject: SITE REQUESTED FOR FURTHER INVESTIGATION

Hi Sarah

As discussed earlier today, at our meeting with Cabinet Members last week they requested that more work was undertaken on a combined site in south Wimbledon, which comprises two sites that would need to be purchased (at an estimated cost of circa £8.7 million) and a council Day/Community Centre.

As you can see from the text in the report below we are sceptical about whether this site has any merit but have agreed to do an intensive piece of work on it over the next month. Clearly the EFA and Harris Federation's view on the site will also be important! The essence is that our Cabinet Members want to ensure that all alternative options have been looked at properly.

I also attach my brief to Atkins to undertake a high level feasibility study, which shows a plan of the site.

It could be helpful to have a site visit before or after our meeting on Monday, and clearly we can discuss the matter in more detail on Monday.

I have copied this to Chris

- (a) *Land to the south of the High Path Estate* – This considered the feasibility of utilising land on the south side of High Path and adjacent to Merton Abbey Primary School. It comprises three parcels of land - the Day Centre, industrial unit (51 High Path) and Pentecostal church. The Day Centre is within the ownership of the council but the

industrial unit and Pentecostal church would need to be purchased. The total area of the three parcels of land is circa 7,100m².

There are the following issues associated with this option as follows

- Whether the council or the EFA would be able to make the timely purchase of two parcels of land, complicated by the proposed regeneration of the estate, and without the power of CPO
- Moving of the day centre
- Whether the site, at 7,100 m² and an irregular shape, is of sufficient size for a secondary school
- Whether this would be a sufficiently attractive site, at least in the short term, opposite the High Path Estate in need of regeneration, and then subject to approximately 10 years regeneration construction works, and backing onto Merantun Way.

The site size and shape has not been subject to a detailed feasibility study but has been considered by CSF officers on the basis of the EFA's standard 3-storey model footprint against plans of the site. This building would not fit on the site due to the narrowing of it to the east, and a four of five storey building would probably be required to an irregular design to fit onto the site. While schools can have detached playing field they do need some immediate outside space to operate safely and effectively and it is difficult to see how the site could work, even if four and five storey, without use of the adjacent Merton Abbey Primary School site.

This proposal was put forward to the EFA and their agents DTZ for consideration. The conclusion of DTZ was that given the programme issues this proposal is not considered deliverable but discussions can be opened up with the relevant parties if desired. The view of the EFA project manager for the Harris Wimbledon school was that this should not be pursued.

Given the complexity of two site purchases and therefore the time and uncertainty, the site size and specific location, and the view of the EFA that they expect projects to be lower risk, officers are sceptical about whether this option is worth further detailed consideration

Regards

Tom

Tom Procter, Service Manager Contacts and School Organisation,
Children Schools and Families Department
London Borough of Merton
Tel: 020 8545 3306

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<u>AGENDA: HARRIS WIMBLEDON FREE SCHOOL</u>	
Date:	Thursday 14 May 2015
Location:	Civic Centre, London Borough of Merton SM4 5DX
Attendees:	Chris Randall, Harris Federation Sarah Crocker, EFA Project Director John Tweedie, EFA Property Project Manager Tom Procter, LB Merton School Organisation Service Manager Paul Ballatt, LB Merton
Distributed to:	All listed above

TIME	AGENDA ITEM	LEAD
1.	Amendments to minutes dated 14 April 2015: 5.0 – A site search was undertaken in July 2013 (and not December 2014, as stated).	
2	<p>A site search has been commissioned by the EFA and undertaken by DTZ. The search identified a number of potential properties but, following a lengthy discussion, it was agreed that none of the options were suitable due to time, cost, size and/or availability issues.</p> <p>PB/TP clarified that the Whatley Avenue site had been put forward as an option by the LA following extensive site search work to find a site in the general Wimbledon area. The DTZ study reinforces the view that there appears to be no reasonable alternative. Due to its existing use it has a lot of uncomfortable service impacts and the matter is to be discussed again</p> <p>It was agreed, in principle, by all present that the preferred site was the option tabled by the LA – Whatley Avenue site.</p>	<p>TP/PB</p> <p>To note</p>
3	<p>Feasibility study: Whateley Avenue Secondary School</p> <p>The feasibility study has been completed by LBM, identifying three options for the site. The feasibility study has been undertaken using the standard EFA accommodation brief. CR informed all parties that the Harris Federation would likely 'tweak' the accommodation schedule to include one extra science space in lieu of a DT room.</p> <p><u>Option 1:</u> Retains part of the Joseph Hood Primary building (newest extension) and part of the Adult Education Centre. Key points: three storey; no staff car park; stand alone sports centre (two-courts); and the main entrance on the heart of the site.</p>	

	<p><u>Option 2:</u> Retains part of the Joseph Hood Primary and no other accommodation. Key points: superblock on the site of the old Adult Education Centre; integral sports hall (two-courts); no staff car park; and main entrance at front of site.</p> <p><u>Option 3:</u> All new build, including a four-court sports hall. This option has a significant impact on external space.</p> <p>Phasing costs to be provided by TP when completed.</p> <p>It was agreed that the preferred option would be option two.</p>	TP
4	<p>Playing field access: The preferred site offers limited space for a full sized sports hall or external space for the delivery of the PE curriculum. TP and PB to commence initial discussions with Leisure Services and Planners at LBM regarding the use of the Joseph Hood Recreation Ground. Consideration could be given to the installation of an all-weather pitch (or similar provision) which would also offer an additional community facility (out of hours).</p> <p>Cost provision for an all-weather pitch to be included in the brief.</p>	TP/PB
5	<p>Next meeting: 8 June 2015 at 1pm. Venue: Merton Offices.</p> <p><u>Outline agenda for the next meeting:</u></p> <ul style="list-style-type: none"> Primary school options Response from Leisure and Planners Feedback from Leader Strategy Group meeting (26-5-15) Programme Procurement Adult Education update 	

	<p>and agree a suitable solution. The ICT Adviser will set the ICT budget, scope and specification, in agreement with the Technical Adviser (see above). This person will also provide support on the procurement options available.</p> <ul style="list-style-type: none">Legal Adviser: Will provide advice, carry out due diligence against potential site options and progress property and construction contracts to completion.													
3.0	<p>Overview of project timeline (capital):</p> <p>SC explained that the programme will be dependent on a number of factors, in particular the time it takes to secure a site. However, the following is a good rule-of-thumb for a new free school capital project:</p> <table><tr><td>3 to 6 months</td><td>Agreeing site and Heads of terms with landowner/landlord (until this time, no mention should be made to any third parties about the potential site).</td></tr><tr><td>6 weeks</td><td>Capital approval process and due diligence checks.</td></tr><tr><td>2 to 3 months</td><td>Procurement and building design team.</td></tr><tr><td>3 months</td><td>Design and preparation of planning application</td></tr><tr><td>4 to 8 weeks</td><td>Discharging planning conditions and judicial review (6 weeks).</td></tr><tr><td>12 to 18 months</td><td>Construction (if new build)</td></tr></table> <p>CR confirmed that the Harris Federation still wishes to aim for a September 2016 opening and this was acknowledged by SC.</p>	3 to 6 months	Agreeing site and Heads of terms with landowner/landlord (until this time, no mention should be made to any third parties about the potential site).	6 weeks	Capital approval process and due diligence checks.	2 to 3 months	Procurement and building design team.	3 months	Design and preparation of planning application	4 to 8 weeks	Discharging planning conditions and judicial review (6 weeks).	12 to 18 months	Construction (if new build)	To note
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12 to 18 months	Construction (if new build)													
4.0	<p>Understanding of premises requirements:</p> <p>PB explained that there is a significant need for additional secondary school places in the borough and the LA is committed to the delivery of the new free school.</p> <ul style="list-style-type: none">11 to 18 6FE secondary school with 250 place post 16Planned opening: September 2016Year 1, 2 and 3 intake:<ul style="list-style-type: none">Year 1 = 120 (to be discussed)Year 2 = 180Year 3 = 180Estimated Gross Floor Area for permanent site = 8,820m² <p>The consultation process for the new free school is due to commence Autumn 2015. This consultation will not form part of the coordinated admission arrangements run by the LA.</p>													
5.0	<p>Site solutions and property search:</p> <p>A site search was undertaken in December 2014 in relation to another project. At that time, no suitable site options were identified.</p>													
5.1	<p>the Whatley Centre, which is currently used as an adult education centre and the adjacent primary</p>													

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SITE KICK-OFF MEETING: HARRIS WIMBLEDON FREE SCHOOL

Date:	Tuesday 14 th April 2015
Location:	Civic Centre, London Borough of Merton SM4 5DX
Start:	11am
End:	12pm
Attendees:	Chris Randall, Harris Federation (CR) Juliet Yates EFA Pre-School Opening Team (JY) Bhavini Tailor, EFA Lead Contact (BT) Mark Sarjant, EFA Regional Head of Free Schools (MS) Sarah Crocker, EFA Project Director (SC) John Tweedie, EFA Property Project Manager (JT) Tom Proctor, LB Merton School Organisation Service Manager (TP) Paul Ballatte, LB Merton, Assistant Director (PB)
Distributed to:	All listed above

ITEM	AGENDA ITEM	ACTION
1.0	No apologies received. JY explained that BT would be covering the role of Lead Contact until Helen Fawcett returns from maternity leave at the beginning of May 2015. A separate kick-off meeting with the Pre-School Opening Team has been arranged for Friday 24 April 2015.	
2.0	<p>Roles and responsibilities of attendees were explained. Other parties involved in the process of implementing the new school were briefly explained. The key roles and responsibilities are as follows:</p> <ul style="list-style-type: none"> • Project Director: SC will have a strategic overview of the project and will be a point of escalation. SC will ensure the project manager (see below) is delivering the project and adhering to all internal processes. SC will also be responsible for the development of ministerial submissions, approvals and provide guidance and expertise when required. • Project Manager: will be appointed and work to SC. The project manager will be responsible for the day-to-day project activities and will be the primary point of contact for the EFA. The project manager is responsible for seeing the project through to completion. • Property Project Manager/Adviser: JT will carry out site searches, arrange planning assessments and will negotiate property acquisitions. • EFA Technical Adviser: Once a site is secure, the technical adviser will undertake a site assessment and will determine whether the preferred site is viable. The TA will set the capital budget, inclusive of FF&E (furniture, fittings and equipment) and ICT (see below). He will also select the procurement route most suitable for the project. • ICT Adviser: Will discuss all IT requirements with the school 	

	<p>school site, Joseph Hood Primary School which includes The Avenue Children's Centre.</p> <p>The proposal would provide a site suitable for the building and some external space needed for an 11-18 6fe secondary school, with sixth form. However, provision for the PE curriculum would need to be carefully considered. Access to the Joseph Hood Recreation Ground was discussed as a possibility. It was suggested that a sports hall and/or a plastic pitch could be provided as part of the project, providing the necessary facilities for the school and also providing improved community facilities. Careful consideration will need to be given to this matter due to the Recreation Ground being surrounded by housing.</p> <p>A feasibility study has been commissioned by the LA, funded by the EFA, to develop this option further. The outcome of the study should be known by the end of April 2015. TP to issue to SC prior to circulation.</p>	TP/SC
5.2	<p>PB confirmed that adult education services in Merton will become a commissioned service but it may be necessary to find an alternative location for them as part of the project. South Thames College was considered as a possible option. TP/PB to consider further for discussion at the next meeting.</p>	PB/TP
5.3	<p>SC questioned the implication of closing a Sure Start Children's Centre and the likely capital claw back. PB confirmed that the Children's Centre is a small facility and the capital works included refurbishment of a modular classroom. Reprovision to be discussed at next meeting.</p>	
5.4	<p>The future of Joseph Hood Primary School and the reprovision of school places will need to be considered as part of any negotiations.</p> <p>It would be possible to expand an existing primary school approximately ¾ mile from Joseph Hood Primary School.</p> <p>To be discussed in more detail at the next meeting.</p>	CR/PB/TP
5.5		

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5.6	<p>JT to commission a new site search, considering also a split site option (subject to the two sites being in close proximity).</p> <p>Post meeting: CR, JT and TP developed a red line plan showing the preferred area for the new school. Site search to be based on this plan.</p>	JT
5.7	<p>LA timeline:</p> <p>The LA will be discussing the outline proposals and the likelihood of the Adult Education/Joseph Hood campus being the preferred option</p> <p>It is anticipated that approvals to move forward could be completed during the summer with a public announcement early Autumn 2015.</p>	
6	<p>Procurement of building works:</p> <p>There are a number of contractor frameworks available through the EFA and these will be discussed in more detail once the site has been secured. It is probable that the capital works will be undertaken through a design & build procurement route. The route of procurement to be discussed at a future meeting.</p>	
7	<p>Next meeting: 14th May at 11am Venue: Merton Civic Centre</p>	All to note

Annex C

(To Appendix 5 for Overview and Scrutiny Commission 4 August 2016)

Minutes of officers School Expansion meeting related to secondary school

(November 2015 to the present)

School Expansion Meeting 9.6.16

Present :

Chris Lee

Paul McGarry

Paul Ballatt

Tom Proctor

Damian Hemmings

1. Site Acquisitions

Domex – Upper limit of [REDACTED] excl fees] offer based on latest valuations agreed earlier in week .
Meeting with Agents on 10/6 to discuss this.

Elim – Work progressing on feasibility study for works to rear of Façade at Merton Hall . Meeting scheduled for 14/6 with QS / Project Manager . CSF taking responsibility for delivery of all works once agreed . Upper limit of [REDACTED] cost of works / fees agreed earlier.

Pincott Rd – No change SWCA like this relocation site , needs limited work and this is factored into CSF calculations of total scheme cost.

Whately Avenue – Likely to be vacated from July . Need to check arrangements for security and responsibility from then [TP] EFA have agreed to take on responsibility for refurb/ adaptation costs and responsibility for site once Heads of Terms agreed for Elim / Domex acquisition.

2. Funding

Cost of scheme likely [REDACTED] at present including contingencies and additional cost of Leyton Rd works . [excluding works at Whately Ave which are fully funded by EFA]

Funding from EFA in 2 tranches - [REDACTED] gap on site acquisition plus £1m for Leyton Rd.

CSF to negotiate further with EFA to seek improvement particularly if costs increase following offers in 1 above.

Cabinet Report

Cabinet report for decision on 4th July. This will deal with the key decisions on site acquisition and back to back leases to Harris together with all other related decisions on organisation / service site moves and costs. To be taken to Pre-Decision Scrutiny on 29/6 and E&R to attend as necessary .[JM/ PM]

3. Communications

PB has met with comms to begin to prepare comms / engagement plan to sit alongside the acquisitions etc.

Bring outline to next meeting or circulate [PB]

Next Meeting

To reconsider Special Education matters as well as above matters

Date 22nd June 2016

NOTES

School Expansion Meeting

24th May 2016

Present:

Chris Lee (CL)
Paul Ballatt (PB)
Paul McGarry (PM)
James McGinlay (JM)
Caroline Holland (CH)

Apologies:

Tom Proctor

Notes of last meeting 13th May 2016

Agreed

1. Site Acquisition

Domex

JM responded that we are still expecting to make an offer before the end of May.

Elim

Architects commissioned to do work on feasibility at Merton Hall.

Day Centre

Need to seek clarification of relocation timescales and work requests for next meeting.

Action: AOS

PB suggested that there should be little difficulty in CSF decanting from Leyton Road.

Pincott Road

To be relocated for SW Community Association.

Whateley Avenue

PB to check whether security will be needed

Next Meeting: Thursday 9th June at 9am

NOTES

School Expansion Meeting

12th April 2016

Present:

Chris Lee (CL)
Tom Proctor (TP)
Paul Ballatt (PB)
Paul McGarry (PM)
James McGinlay (JM)
Caroline Holland (CH)

Apologies:

None

Notes of last meeting 22nd March 2016

Agreed

1. Site Acquisition

Domex

Very little disagreement over value. Some discussion over volumemassing as they seek to justify the valuation of [REDACTED] We are looking to discount this due to the absence of a need to market the site for 2 years to exhaust any interest in current use .
Completion aimed for by August 2017.

Elim

Site visit with pastor to Merton Hall completed.
Some concerns from Elim about suitability and seeking extension and contemporary frontage. LBM Offering some architectural support and advice.
CWU club not a viable proposition since this is likely to come forward for housing and would be a significant extra cost.

2. Timescale Issues

TP presented paper following discussions with EFA based on conclusion timescales. Working to September 2020 for High Path opening Whatley Avenue from September 2018 for 2 years will require Secretary of State agreement to slip to September 2018.

Leyton Road site – amend from Green to Amber.

Discuss with EFA taking over lease at Whatley Avenue from earliest opportunity to remove any risk to LBM from vacant site.

TP to clarify timings for payments of one contribution to site acquisitions.

TP to amend paper taking into account amendments proposed by CH and others before discussing with EFA .

Next meeting to be rearranged to allow 60 mins min with Jane McSherry attending re SEN

NOTES

School Expansion Meeting

22nd March 2016

Present:

Chris Lee (CL)
Tom Proctor (TP)
Paul Ballatt (PB)
Paul McGarry (PM)
James McGinlay (JM)

Apologies:

Caroline Holland (CH)

Notes of last meeting 15th March 2016

Agreed

STC have withdrawn any interest in disposal following EFA discussion and offers.
EFA have asked for LBM risks/ issues and timescale paper for after Easter.

Elim Church

Visit being arranged for them to view the SWCA and Merton Hall, visit to be arranged this week.

Action: JM

Whateley Avenue

Discussion with Joseph Hood School about potential for use of the Adult Education Site for 2 years.

Domex

Awaiting further response from Domex before further offer.
Awaiting refreshed valuation on AUV basis before making further offer to them.
Awaiting to get final offer considered by Domex before end of April.

Nursery Road

Need to look at arrangements and plan for curriculum needs at this site and whether any EFA money is needed.

Next Meeting 12th April at 9.00 a.m.

NOTES

School Expansion Meeting

15th March 2016

Present:

Chris Lee (CL)
Tom Proctor (TP)
Paul Ballatt (PB)
Paul McGarry (PM)

Apologies:

Jane McSherry (JM)
Caroline Holland (CH)

1. Notes of last meeting

Agreed

2. Site acquisition update

a) High Path

Domex site no further update

b) Elim Church

Potential move to Merton Hall is still being explored along with SWCA possible move to Pincott Road. Visits being arranged.

c) South Thames College

No further progress

Cllr Judge requested ward member invitation to meet with Harris Federation as well as a visit to the Leyton Road site to better understand the day centre relocation.

Action: TP/ PB to contact Cllr Judge and arrange site visit

Press interest in Whateley Avenue future use.

Action: TP/ PB should discuss with Cabinet Member and release advice that the site with almost certainty be required for temporary class rooms for at least 2 years.

Virgin Active Site off Garfield Road

Action: PMc to meet with property and tenants to better understand the lessee's interest and future plans.

This site not to be considered as possible education site as there is no present certainty over its availability or suitability.

3. **Special Needs report**
Deferred until early April
4. **Critical path/ timetable**
To be considered at next meeting

Next Meeting 22nd March 9.00 a.m.

School Expansion Meeting

2ND March 2016

Notes

1. Notes of last meeting – to follow
2. Progress with site acquisition

High Path – JM updated on progress with offer to Domex and their consideration. They are looking at Alternate Use Value and we agreed we would obtain valuation on this basis to speed up any negotiations [**Action JM**]

Purchase will be a key decision delegated to the Director. **Action JM** to arrange for this to be added to Forward Plan as key decision.

TP confirmed that the school site had been added to the Forward Plan from their perspective [**Action TP and JM** to check that the 2 Forward Plan items complement and not duplicate]

Elm church – alternate sites still being explored . Merton Hall is preferred site and discussions with Community Association to progress .

Virgin Active site Off Haydons Rd to be explored as possible opportunity site. **Action TP/JM**

South Thames College – No further progress and no meaningful dialogue but remains open as an option. This remains with EFA to progress and purchase or reject.

3. Discussions with EFA remain positive. Financial support is subject to negotiation and with the possible costs at Domex increasing this will be necessary . Heads of terms of legal agreement are being discussed.

Land deal would include leasehold interest to be sold to Harris by LBM after we have secured freehold interest.

4. AOB –

Timetable / critical path – TP tabled latest version . **Action – TP** to add in other elements of the critical path – Cabinet decisions etc..

Negotiated purchase currently has c6 months window to secure opening in 19/20 Academic year .

SE paper to be deferred to next meeting and Jane McSherry to present. **Action PB**

Next Meeting 15th March 9.00 a.m.

School Expansion Meeting

2nd February 2016

NOTES OF MEETING

Present: CL, CH, JM, TP, AOS

1. Notes of last meeting/ updates

TP advised that EFA do not have a standard formula for allocation of Capitals. TP still obtaining information on how much capital provided to other LAs and will update at next meeting.

Action: TP

Update 02/02/16: TP has raised with several other LBS. Their experience is not having to contribute to cost other than land.

EFA meeting on the 14th January 2016 postponed; rescheduled for the 4th February 2016
TP/ AOS confirmed that refurbishment cost for Day Centre is £1.1m. TP to provide cost or re-provision of 9 staff and move at next meeting.

Action: TP

Update 02/02/16: Not seen as major risk in deliverability or cost.

SEN papers may be delayed – expected in 4 weeks max

Action: TP

Update 02/02/16: Now 2 weeks

Paper on alternate locations for special Schools in 4 weeks

Action: JM

Update 02/02/16: Now 2 weeks

Merton Hall site is being explored and to be discussed

Update: JM

Agreed paper on proposals/ options and land ownership issues in 4 week's time.

Action: JM

Update 02/02/16: Now 2 weeks

Timeline and critical path paper presented by TP and discussed.

Paper to be represented and discussed at meeting in 2 weeks.

Action: TP

Update 02/02/16: TP circulated to all; needs to clarify the Day Centre with Critical Path users

2. Progress with site acquisition options

a) High Path

- Meeting held with Elim Church Wimbledon
- Agreed that, subject to a suitable alternative site, they would be willing to move
- They have supplied details of their space requirements
- Potential sites being determined:
 - Merton Hall, Kingston Road and community space at the new Colliers Wood library identified
- Consultation with local ward members underway
- Consultation with South Wimbledon Community Association to be undertaken
- Subsequent site visit by Elim Church Wimbledon to be arranged

Offer sent to Domex – awaiting their response (due end of January 2016) – currently being chased.

JM to clarify financial implications of Elim Church proposals re: Merton Hall

Action: JM

b) STC

No progress

3. Upcoming EFA meeting

EFA have written to clarify their consultation for regeneration.

Basic need funding – needs to be chased

Need to clarify when EFA will make a decision

Nursery Road Playing Field – JM raised.

4. AOB

Nothing to report

School Expansion Meeting

19 January 2016

AGENDA

Notes of Meeting

Present: CL, PB, JM, ADS, TP & CH

1. Notes of last meeting

TP advised that EFA do not have a standard formula for allocation of Capitals. TP still obtaining information on how much capital provided to other LAs and will update at next meeting.

Action: TP

EFA meeting on the 14th January 2016 postponed; rescheduled for the 4th February 2016
TP/ AOS confirmed that refurbishment cost for Day Centre is £1.1m. TP to provide cost or re-provision of 9 staff and move at next meeting.

Action: TP

SEN papers may be delayed – expected in 4 weeks max

Action: TP

Paper on alternate locations for special Schools in 4 weeks

Action: JM

2. Progress on site acquisition

JM advised that response from Domex agents is expected by end of January

Elim Church negotiations progressing positively

Reposition of site for Church seen as priority

Merton Hall site is being explored and to be discussed with Cabinet member Cllr Andrew Judge.

Action: JM

South Thames College

Little progress since STC cancelled meeting with EFA in January.

EFA indicating their preference would be to take over delivery or whichever site is selected.

3. AOB

Timeline and critical path paper presented by TP and discussed.

Paper to be represented and discussed at meeting in 2 weeks.

Action: TP

CSF report to Cabinet now likely to be March.

School Expansion Meeting

5.1.16

AGENDA

1. Feedback from LSG discussions on 4.1.16
 2. Progress with site acquisition options
 - a. High Path
 - b. STC
 3. SEN
 4. AOB
-

Notes of Meeting

Present : CL,CH,PB,JM,TP,AOS,PMcG

1. All noted the Members discussion and draft report for Cabinet which agrees to proceed with school expansion at Harris Merton and noted the work to progress a site and negotiate funding with EFA
 - **Action** – TP to check with other Local Authorities the funding levels that they were receiving from EFA before 14/ 1 meeting
2. JM updated on offer to DMOEX and discussions ongoing with Elim church. STC meeting with EFA on STC site on 14th Jan and planning to submit a bid after that date .Next meeting between LBM and EFA is also on 14th Jan and CSF colleagues expect to obtain better clarity on timetable and after that
 - **Action-** AOS/TP to finalise Refurbishment costs for Day centre relocation to Layton Road
 - **Action-** TP to confirm costs of reprovision of 9 staff and move
3. Jane McSherry has been progressing work to assess need for SEN . This will be brought to this meeting in 4 weeks time so colleagues can review the demand side evidence. Assumed at present that c100 extra places are required for off site provision allied to Cricket Green school . Work to look at options for location will now be developed
 - **Action** – PB to bring forward SEN demand side evidence in 4 weeks for consideration / information
 - **Action** – JM to consider options for off site development to meet c 100 places of SEN need and b/f for discussion at a future meeting.
4. AOB – Need for timetable / critical path was reinforced
 - **Action** – TP to bring timetable / critical path to next meeting for consideration

Actions from meeting on Tuesday 24th Nov and following CMT on same date updated on 8/12 .

Present :

CH,PB,TP,CL Plus PB and JM at CMT

1. Work ongoing to assess feasibility and cost of reprovision of Day centre at High Path noted with clearer analysis by end of Nov. [AOS / TP progressing] TP/AOS to liaise with D Leeds on layout and costs before next meeting
2. TP raised issues regarding Sutton school provision that may affect STC site usage . No change though recent GLA report suggests this is geographically an area of low growth in school age population.
3. Harris now preferring STC site . No change
4. Assumptions about any exclusive use by the STC site school of the Leisure centre should not be made and will need to be discussed with Planning [PB] Noted . To continue to discuss both issues – MUGA and use of MPP with Planning
5. **Both options require the use of Whately Ave. Noted**

From CMT

1. More work to be done on STC site in terms of possibility of whole site acquisition
2. Need to clarify EFA timetable for decision asap. TP/P[B to contact EFA and seek urgency in their actions to obtain valuations and to progress negotiations at STC site whilst twin tracking discussions at High Path with LBM . Need to seek to obtain position for meeting with EFA on 16th
3. All 4 options need to remain in scope – High Path , STC , Whateley Ave and school expansion
4. Elim church seeking SW19 site for replacement provision. Farm Rd not suitable – JM to update please

SEN to be discussed at next meeting – JM to attend

Need pre-meet before meeting with EFA on 16th to decide our position – TP to arrange please

Aiming for discussion with Members in January 2016

Need to better understand what the plan is should schools sites not be available in timescale provided for.

Next meeting 22/12 at Chaucer centre

Actions from meeting on Tuesday 24th Nov and following CMT on same date .

Present :

CH,PB,TP,CL Plus PB and JM at CMT

1. Work ongoing to assess feasibility and cost of reprovision of Day centre at High Path noted with clearer analysis by end of Nov. [AOS / TP progressing]
2. TP raised issues regarding Sutton school provision that may affect STC site usage
3. Harris now preferring STC site
4. Assumptions about any exclusive use by the STC site school of the Leisure centre should not be made and will need to be discussed with Planning [PB]
5. **Both options require the use of Whately Ave**

From CMT

1. More work to be done on STC site in terms of possibility of whole site acquisition
2. Need to clarify EFA timetable for decision asap
3. All 4 options need to remain in scope – High Path , STC , Whately Ave and school expansion
4. Elim church seeking SW19 site for replacement provision. Farm Rd not suitable

Aiming for discussion with Members in January 2016

Need to better understand what the plan is should schools sites not be available in timescale provided for.

New Secondary School in Merton – Steering Group meeting
Notes of Meeting 10.11.15

Attendance

Caroline Holland
Chris Lee
James McGinlay
Paul McGarry
Paul Ballatt
Andy Otaway Searle

Discussed :

- High Path – negotiations with landowners – progress update
- South Thames College – update
- Day Centre relocations
- EFA position / possible meeting
-

Agreed :

1. JM to proceed with making qualified “offer” to DOMEX and Elim church in order to establish best sale price for comparison with other site options and consideration by LBM / EFA
2. Continue to explore Farm Rd Church site as possible alternative location for Elim church
3. TP to ensure that feasibility study for STC site makes clear ref to challenges in allowing separate / fenced MUGA or other such facility in MOL pays attention
4. Complete feasibility assessment of Leyton Rd day centre as alternative location for HP Day centre and assess outline costs – TP/AOS
5. Discount options of all Saints day centre being included for purposes of this exercise
6. Noted meeting with EFA Monday 16.11.15 2.00pm to discuss progress [JM/PB attending] CL possibly attending
7. Noted the other options of Whateley Ave and School expansions that will remain in scope
8. Fortnightly meetings and timeline to be discussed at future meeting



ENVIRONMENT AND REGENERATION DEPARTMENT
Chris Lee - Director

Sarah Bale
Elim International Offices
De Walden Road
Malvern
WR14 4DF

Sustainable Communities
London Borough of Merton
Merton Civic Centre
London Road
Morden
SM4 5DX

Please Ask For: James McGinlay
Direct Line: 020 8545 4154

Date: 24 June 2016

Dear Sarah,

Elim Pentecostal Church, 59 High Path, Wimbledon, SW19 2JY

Further to our previous discussions, and the good progress that has been made on negotiations to date, I am writing to outline our commitments and the agreed next steps.

To help move this matter forward, we have agreed to the following:

1. To secure a new church premises for Elim at Merton Hall, 78 Kingston Road, South Wimbledon, SW19 1LA. Our initial cost estimate for the associated works is [REDACTED] million (excluding VAT). This is currently being reviewed to ensure that it includes appropriate allowance for acoustics, construction, removals and all fees. We will seek to confirm the final cost envelope for works with you by early July 2016.
2. To lead on the procurement, planning and construction phases of the new church premises at 78 Kingston Road, as discussed previously. The scheme will be delivered in partnership with Elim, and in line with the floor areas and general design approach of the feasibility study.
3. To deliver the new church premises in accordance with the following indicative timescales:
 - a) Procurement of architects (to be undertaken in line with our public procurement requirements) with a view to delivery of detailed design: July / August 2016
 - b) Completion of design to submit planning application: 31 October 2016
 - c) Completion of full design information to go out for procurement: 30 January 2017
 - d) Commencement of construction: 9 May 2017
 - e) Site completion: 30 June 2018
4. To provide a turn-key approach that will allow Elim to move in to the new church premises at Kingston Road at the earliest opportunity, after completion of the necessary works.

5. To finance the acquisition of the current Elim Church premises at 59 High Path, Wimbledon, SW19 2JY. Our intention is for this to take place when the contract for the build-out of the new church premises at 78 Kingston Road has been awarded.
6. To cover all reasonable costs incurred by Elim in relation to this matter, as previously agreed.

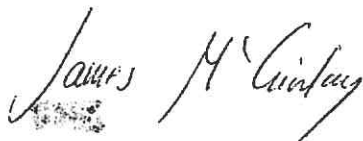
I trust that the above steps demonstrate our commitment to the project and give you confidence in our wish to expedite the scheme. In return, I would like to express our appreciation to Elim for your helpfulness and willingness to work with us towards securing a new school for the borough.

Next steps:

I understand that you intend to discuss the above arrangements at the next Elim Board meeting on 19 July 2016, after which you will respond with a formal agreement.

I hope that this is agreeable and look forward to progressing matters with you.

Yours sincerely,

A handwritten signature in black ink, reading 'James McGinlay'. The signature is written in a cursive style with a large 'M' and 'G'.

James McGinlay
Head of Sustainable Communities
London Borough of Merton

ENVIRONMENT AND REGENERATION DEPARTMENT

Chris Lee - Director



Sarah Bale
Elim International Offices
De Walden Road
Malvern
WR14 4DF

Sustainable Communities
London Borough of Merton
Merton Civic Centre
London Road
Morden
SM4 5DX

Please Ask For: James McGinlay
Direct Line: 020 8545 4154

Date: 11 July 2016

Dear Sarah,

Elim Pentecostal Church, 59 High Path, Wimbledon, SW19 2JY

Further to my letter dated 24 June 2016, and your subsequent email, I am writing to update you on recent progress and clarify the proposed arrangements for delivery of the new Elim church premises at 78 Kingston Road, SW19 1LA.

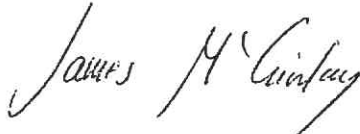
The matters for clarification are as follows:

1. *Cost envelope:* As indicated in my previous letter, I can now confirm that the cost envelope for redevelopment of Merton Hall is [REDACTED] million (excluding VAT and inclusive of our contingency allowance). I have enclosed a copy of the Preliminary Budget Estimate from our Quantity Surveyor for your reference.
2. *Procurement of architects:* In order to comply with public procurement requirements we will need to procure new architects to manage the project through one of our existing frameworks. Unfortunately this precludes Brady Mallalieu Architects from participating. However, we have identified DHP as an alternative suitable design consultant who are in compliance with our procurement requirements and are able to commence work immediately. We would therefore like to introduce you to their senior partner at the earliest opportunity to enable design work to commence. In addition, please be assured that we will instruct DHP to take the Brady Mallalieu feasibility study as the basis for their work and to develop the design in full consultation with your designated contact.
3. *Detailed design and planning:* Once appointed, the new architects will manage the project through from the existing feasibility to detailed design and planning (RIBA Stages 3-5). As previously indicated, we anticipate completion of the building design and submission of the planning application by the end of October 2016.
4. *Scheme delivery:* Subject to planning approval, we anticipate commencing works on site in May 2017 with completion by 30 June 2018. I have enclosed a copy of the project programme for reference.

In addition, we are currently in advance negotiations with the owners of the site adjacent to Elim (61 High Path) and hope to finalise terms soon. We are therefore committed to progressing matters for the acquisition of both sites and ensuring a smooth and timely transition for all parties.

I hope that the outlined approach is agreeable and addresses any concerns you may have. Please feel free to contact me should you wish further clarification on any of the above matters.

Yours sincerely,

A handwritten signature in black ink, reading 'James McGinlay'.

James McGinlay
Head of Sustainable Communities
London Borough of Merton

Encl.

1. Elim Pentecostal Church - Preliminary Budget Estimate
2. Merton Hall Master Programme





Sarah Bale
Elim International Offices
De Walden Road
Malvern
WR14 4DF

Sustainable Communities
London Borough of Merton
Merton Civic Centre
London Road
Morden
SM4 5DX

Please Ask For: James McGinlay
Direct Line: 020 8545 4154

Date: 12 August 2016

Dear Sarah,

Elim Pentecostal Church: Secondary school communication update

Further to Damian Hemmings' earlier telephone call, I'm writing to inform you of recent developments regarding the negotiations for your premises at 59 High Path, Wimbledon, SW19 2JY.

Unfortunately information relating to the council's plans to build a new secondary school in South Wimbledon, including its intended location and the associated relocation of the High Path Community Centre, has come into the public realm. It is likely that your site, and the adjacent site at 61 High Path, will also be identified.

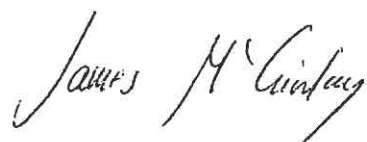
As a result, the council has escalated its stakeholder engagement plans and will be notifying residents, and the High Path Community Centre employees and users, of its intentions today.

We do not anticipate that these communications will have an adverse impact on our negotiations to date; however I wanted to contact you out of courtesy to inform you of these recent developments and ensure that you are able to inform your congregation members, accordingly.

Please be assured that we still intend to progress matters with you regarding the acquisition of your site and the subsequent transition to the new premises at 78 Kingston Road. In addition, we are grateful for the positive nature of our discussions to date, and hope that this will still continue.

Please feel free to contact me should you have any concerns or queries regarding this matter.

Yours sincerely,

A handwritten signature in cursive script, reading "James McGinlay". The signature is written in dark ink and is positioned below the "Yours sincerely," text.

James McGinlay
Head of Sustainable Communities
London Borough of Merton

From: Jacquie Denton

Sent: 10 August 2016 16:38

To: Sarah Bale [REDACTED]

Cc: James McGinlay <James.McGinlay@merton.gov.uk>; Damian Hemmings <Damian.Hemmings@merton.gov.uk>

Subject: Elim Wimbledon

Dear Sarah,

Further to our meeting I promised to come back to you regarding the proposed overage.

I know that when we met at your offices and I mentioned a restrictive covenant on the Merton Hall site you advised that your Board would not be able to accept this but that an overage provision would be an option. I also understand from our recent meeting that you also have some concerns regarding overage provisions.

The proposed transaction consists of the council acquiring your current site in return for transferring to you Merton Hall, following the agreed works being carried out to provide a building suitable for your use. This transaction "balances" because the Merton Hall site is currently valued on the basis of community use. As you will understand if the Merton Hall site were able to be valued for say residential use the value would be higher and the transaction would no longer balance. Like yourselves we have a legal duty to ensure that we obtain best consideration and have strict financial and audit guidance which must be followed.

To outline what is proposed,

- There would be no restriction on your ability to dispose of the site in the future.
- The overage provisions would only entitle the council to a proportion of any increase in value attributed to any alternative use (other than community) on disposal. This would not apply to any increase in value due to market conditions.

Where we have used overage provisions on disposals in the past it has been on the basis of a fixed percentage over 25 years, that said I would be happy to recommend that in this case we look at a stepped figure as you suggested.

I hope that this helps to clarify what the council is looking to achieve and the reasons for this, I, or James would be very happy to discuss this if it would be of assistance.

Regards

Jacquie

**Jacquie Denton | Principal Estate Surveyor
London Borough of Merton**

Merton Civic Centre, London Road, Morden, Surrey SM4 5DX
Direct : 0208 545 3080 | Switchboard : 0208 274 4901
jacquie.denton@merton.gov.uk
www.merton.gov.uk

From: Damian Hemmings
Sent: 22 August 2017 13:56
To: 'Jon Featherstone' [REDACTED]
Subject: RE: Elim - Community use

Jon,

Thank you for confirming, and for the additional information, it's much appreciated.

I hope that you enjoy Amsterdam without further interruption!

Many thanks,
Damian

From: Jon Featherstone [mailto:[REDACTED]]
Sent: 22 August 2017 13:42
To: Damian Hemmings
Cc: James McGinlay; [REDACTED] Sarah Bale; Tom Procter
Subject: Re: Elim - Community use

Hi Damien

Just to be clear yes we will be offering the church when it is available to the local community for groups and individuals to hire.

Regards

Jon

From: Jon Featherstone [mailto:[REDACTED]]
Sent: 22 August 2017 13:38
To: Damian Hemmings <Damian.Hemmings@merton.gov.uk>
Cc: James McGinlay <James.McGinlay@merton.gov.uk>; [REDACTED] Tom Procter <Tom.Procter@merton.gov.uk>
Subject: Re: Elim - Community use

Hi Damien

I hope you are well

The current activities taking place in the hall are as follows and these will move with us. We are also open to hosting other groups.

Our Sunday service and Wednesday Service
Our Worship Team Thursday
Brazilian Church Tuesday and Saturday
Salem Church Wednesday
River Church Sunday

Slimming World Thursday
Sun Group(Counselling group) Thursday
Pilates Monday
Mums and Tots Monday
Foodbank Monday, Tuesday and Thursday
Youth group Friday

We also host various events and birthday parties on certain occasions.

I hope this helps. I am currently in Amsterdam but I am available on email if you require any more information.

Regards

Jon

On Tue, 22 Aug 2017 at 10:16, Damian Hemmings <Damian.Hemmings@merton.gov.uk> wrote:

Good morning Jon,

Further to my email of last week, are you able to provide any further information on the intended local uses of the new church at Kingston Road?

Many thanks,

Damian

From: Sarah

Bale [mailto: [REDACTED]]

Sent: 16 August 2017 10:54

To: Damian Hemmings

Cc: Tom Procter; James McGinlay; Jon Featherstone ([REDACTED])

Subject: RE: Elim - Community use

Hi Jon

Can you respond to Damian please? (Damian, Jon will have a better idea of the local use of the church as each of our churches operates their own activities).

Many thanks

Sarah

Sarah Bale

Administrator | Elim International Centre

Tel: [REDACTED]

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Elim International Centre, De Walden Road, West Malvern, Worcs. WR14 4DF

Tel: 0345 302 6750 | Fax: 0345 302 6752 |

www.elim.org.uk

From: Damian Hemmings [mailto:Damian.Hemmings@merton.gov.uk]

Sent: 16 August 2017 10:42

To: Sarah Bale <[REDACTED]>

Cc: Tom Procter <Tom.Procter@merton.gov.uk>; James McGinlay
<James.McGinlay@merton.gov.uk>; Jon Featherstone ([REDACTED])
<[REDACTED]>

Subject: Elim - Community use

Hello Sarah,

I hope you're well.

I'd be grateful for your help with some information re: community use at the new Elim church on Kingston Road. Tom is currently away on leave for a couple of weeks, so apologies if this repeats matters that you've already discussed.

The information included in the planning application indicates that the current church on High Path is available for other community use lettings, in addition to supporting the foodbank, parent and child groups, and study groups. Presumably these activities will continue at the new church on Kingston Road, but can you also confirm if you are intending to offer private hire of rooms/facilities to community groups not directly associated with the church?

I just need to check on potential wider community use of the church in anticipation of any questions arising from the planning application.

Please do come back to me if you have any queries.

Many thanks,

Damian

Please help to reduce waste and do not print this message unless you really need to.

From: Sarah Bale [mailto:[REDACTED]]
Sent: 13 November 2017 09:18
To: James McGinlay
Subject: RE: Homosexuality

Hi James

There would be no restriction on these groups for accessing services, meetings, clubs etc. However, as with any organisation we would consider bookings of our premises on a case by case basis and would take bookings that did not conflict with the Constitution of our charity.

Many thanks

Sarah

Sarah Bale
Administrator | Elim International Centre
Tel: [REDACTED]

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Tel: 0345 302 6750 | Fax: 0345 302 6752 | www.elim.org.uk

From: James McGinlay [mailto:James.McGinlay@merton.gov.uk]
Sent: 10 November 2017 15:15
To: Sarah Bale [REDACTED]
Subject: FW: Homosexuality

Hi Sarah.

I've got a meeting on Monday morning, will you be able to get back to me?

Regards.

James

James McGinlay
Assistant Director for Sustainable Communities
Environment and Regeneration
Merton Council
Tel: 020 8545 3889
james.mcginlay@merton.gov.uk

From: James McGinlay
Sent: 07 November 2017 12:44
To: 'Sarah Bale'
Subject: RE: Homosexuality

Good afternoon Sarah.

Thank you for sending the link.

We discussed the lettings, use of the hall etc. Can you confirm that there are no restrictions on these groups accessing the hall for bookings, attending meeting, clubs etc. as well as attending services and participating in the life of the church as set out in the link.

Many thanks.

James

James McGinlay
Assistant Director for Sustainable Communities
Environment and Regeneration
Merton Council
Tel: 020 8545 3889
james.mcginlay@merton.gov.uk

From: Sarah Bale [mailto: [REDACTED]]
Sent: 07 November 2017 10:34
To: James McGinlay
Subject: Homosexuality

Hi James

Thanks for the phone call today and the various explanations of the ongoing situation.

As stated in our conversation Elim subscribe to the Evangelical Alliance affirmations regarding homosexuality which can be found [here](#).

Many thanks

Sarah

Sarah Bale
Administrator | Elim International Centre
Tel: [REDACTED]

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From: Sarah Bale [mailto: [REDACTED]]
Sent: 11 December 2017 09:01
To: James McGinlay
Cc: Jon Featherstone
Subject: Elim Wimbledon

Hi James

I hope you've had a good weekend without too much snow. We are snowed out of our offices today – the joy of being located in the Malvern Hills.

Attached is our building hire agreement and T&Cs which I said I'd send during our Skype meeting.

Many thanks

Sarah

Sarah Bale
Administrator | Elim International Centre
Tel: [REDACTED]

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Conditions of Hire

1. Interpretation

In these conditions the following terms shall have the following meaning: "The Church" shall mean *[insert name of your church]*. "The Premises" shall mean the building occupied by the church at *[insert your church address]*. "The Hirer" shall mean any person who has made an application for a booking. "The Caretaker" shall mean the church Caretaker or his/her authorised deputy. Words which impart only the singular shall include the plural and vice versa. Where two or more persons are included in the term "the hirer" they are jointly and severally responsible for the observance and performance of these conditions.

2. Acceptance of conditions

The occupation of the premises is permitted only on the following conditions. The owners reserve the right to alter or modify these conditions or to impose other conditions in any particular case. The booking of the premises shall constitute an acceptance of the conditions of letting. The hirer shall ensure that all legislation relating to the use of the centre for the event, and the duty to obtain any licence or approval from any person or authority, is complied with.

The church will not hire its premises to individuals or groups where the proposed use is inconsistent with the charitable objects of the Elim Foursquare Gospel Alliance (registered charity 251549) as set out in Appendix 1 or conflicts with its doctrines.

3. Application for hire

A provisional booking will only be confirmed once written confirmation has been received along with an authorised signed booking form. Applications will not be accepted for persons applying on behalf of other persons, unless this is declared at the time of the application. The purpose of the hire must be stated at the time of the booking, and the hirer must use the premises for that purpose only. The owners reserve the right to refuse any application or to cancel bookings at any time.

4. Payment for hire rates

All hire rates are payable in advance - 50% of the total hire charge to accompany the completed booking form. The balance of 50% of the total hire charge must be paid by 14 days prior to the due date of hire and no bookings will be considered firm until full payment has been received.

5. Maximum capacity

The hirer shall not permit more than the maximum number of people notified to him by the church to be in any room at any time. The church shall have the right to require people in excess of the maximum permitted number to leave the premises.

6. Cancellation fee

A cancellation fee is charged for any cancellation of hire from 28 days of the hire date at 50%. For cancellation of hire within 28 days or less of the hire date the full cost of the hiring will be charged. If cancellation is within seven days a cost may be incurred for staff and equipment hire. The church shall use its best endeavours on behalf of the hirer to relet the premises and if successful shall refund to the hirer the contracted amount .

7. Force majeure

The church shall not be liable for any loss or damage caused by any interruption in or failure to provide any staff, services or rooms where such failure is due to causes beyond its control.

If the hire agreement terminates under this condition, the hirer shall be repaid all sums paid under the hire agreement, subject to the deduction of an amount equal to the sum of costs incurred by the church up to the date of termination, and that part of the hire charge attributable to that part of the hire period which has elapsed prior to such termination.

In this condition "causes beyond its control" includes, without prejudice to its generality, fire, flood, tempest, riot, civil commotion, national emergency, explosion of any kind, strike, lockout, labour difficulties, war, shortage of materials, interruption of transport, water, electricity, gas, communication links or other services, and the need to execute urgent repairs to the premises.

8. Loss, damage and injury

The church shall not be responsible for any loss or damage whatsoever to any property arising out of the hiring, nor for any loss, damage, personal injury or death which occurs during the hiring suffered by any person or persons visiting the premises in connection with the hiring, except to the extent that such loss, damage etc is caused by the negligence of the church, its staff or agents. The hirers shall indemnify the church against all claims arising out of such loss and damage or injury, and shall be responsible for taking all necessary safety precautions.

9. Damage to premises

- a) The hirers shall indemnify the church against all damage which may be done to the premises and all damage to, and loss of, any fixtures, fittings, furniture or other moveable effects thereon, arising through or in the course of any hiring and against the making good, repairing, replacement thereof. In no circumstances may anything be affixed to any part of the premises, nor shall any other furniture be brought onto the premises without the express previous consent of the church, its Caretaker or deputy. The hirer is responsible for any contractors or subcontractors and will reimburse the church for any damage caused.
- b) In the event that the hirer is a key-holder, the hirer understands and agrees that:
 - i. All keys/cards issued by the Church remain the property of the Church and are to be returned to the church Caretaker immediately on completion of the period of hire.
 - ii. The hirer will not loan, duplicate or use the keys/cards issued in any unauthorized manner.
 - iii. The hirer will ensure the keys/cards remain in their possession or are appropriately secured at all times.
 - iv. The hirer accepts responsibility for the cost of replacement keys/cards, rekeying locks and any associated damage or losses should the keys/cards be lost, stolen or misused while in their possession.

10. Signage

No external or internal decorations, flags, emblems, posters, placards, advertisements or notices shall be displayed upon the outside the premises without the previous express authority of the church. The hirer shall use the premises so that it is at all times maintained in a clean, tidy and safe condition. The hirer shall ensure that no person fixes anything to the structure or contents of the centre, marks, soils or damages the centre or its contents in any way. The hirer shall ensure that no person leaves anything in, or in any way obstructs, an emergency exit or stairwell, or obstructs any notice of any emergency exit.

11. Use of Premises

The hirer shall not use the premises for any purpose other than that described in the hiring contract and shall not sub-hire or use the premises or allow the premises to be used for any unlawful purpose or in any unlawful way nor do anything or bring onto the premises anything which may endanger the same or render invalid any insurance policies in respect thereof nor allow smoking, gambling, activities relating to lotteries or betting in the premises. No chewing gum is allowed on the premises. Elim is not registered for the sale of alcohol on the premises.

The church will not hire its premises to individuals or groups where the proposed use is inconsistent with the charitable objects of the Elim Foursquare Gospel Alliance (registered charity 251549) as set out in Appendix 1 or conflicts with its doctrines.

Animals

The Hirer shall ensure that no animals (including birds) except guide dogs are brought into the premises. No animals whatsoever are to enter the kitchen at any time.

12. Cleaning of the Centre

The hirer shall no later than the end of the hire period ensure that the rooms are clean, undamaged and free from rubbish and remove from the premises any items which have been brought onto the premises in connection with the event, other than items brought in by the church. If, in the opinion of the church, the hirer has failed to comply with this condition the church may, at the hirer's expense, do all that is necessary to ensure compliance. The church shall have the right to remove and discard anything left in the premises after the hire period has ended. The church may at its sole discretion store at the hirer's risk any item that appears to be valuable. A charge determined by the church may be incurred by the hirer for storage.

13. Special lighting, amplification or audio-visual equipment

All special lighting, amplification, loudspeakers and audio-visual equipment is in the sole charge of the church. No alteration, modification or addition thereto whatsoever, shall be made without the previous express permission of the Caretaker or deputies. The church accept no responsibility for technical problems experienced on the day of hire if a technician has not been ordered through the church.

14. Electrical equipment and installation

The hirer shall ensure that no electrical equipment is used in such a way as to damage or otherwise interfere with the electrical installation of the premises. The church may, at its sole discretion, require that any electrical equipment shall not be used, and, if the church think fit, may require such equipment to be removed from the premises. All temporary electrical installations are to be provided by approved electrical contractors and must comply with the requirements of the current edition of IEE "Regulations for Electrical Installations". Any electrical equipment brought into the premises by the hirer shall be PAT (Portable Appliance Tested).

15. Health and safety

The hirer and his servants or agents shall comply in all aspects with the Health and Safety At Work Act 1974 and all subsequent related legislation and regulations.

16. Insurance risks and indemnity

The hirer shall in all respects comply with all conditions, which may be imposed by the church's insurers in respect of any special or additional risks involved in the letting. The hirer shall take out before the event and maintain during the hire period insurance in respect of their liabilities under conditions 8 & 9..

17. Sub-letting

The hirer shall not sub-let the premises.

18. Right of entry

The right of entry to the premises is reserved to the Caretaker and to any other person or persons authorised by him/her, or by the church.

19. Maintenance of order

The hirer shall be responsible for good order being kept in the premises throughout the hiring and for providing stewards at suitable places on the premises, including the street level entrance and in the meeting itself, during the hiring. The church reserve the right to refuse admittance to or eject any person or objects from the centre.

20. End of hire

The hirer shall be responsible for leaving the premises and surrounding area in a clean and tidy condition, properly locked and secured unless directed otherwise and any contents temporarily removed from their usual positions properly replaced, otherwise the church shall be at liberty to make an additional charge.

21. Noise

The hirer shall ensure that the minimum of noise is made on arrival and departure, particularly late at night and early in the morning.

22. Auction Sales

Auction sales are prohibited; no part of the premises shall be used for the purpose of an auction.

23. Public Safety Compliance

The hirer shall comply with all conditions and regulations made in respect of the premises by the Fire Authority, Local Authority, or otherwise, particularly in connection with any event which is attended by children.

The hirer acknowledges that they have received instruction in the following matters:-

- The action to be taken in event of fire. This includes calling the Fire Brigade and evacuating the premises.
- The location and use of fire equipment.
- Escape routes and the need to keep them clear.
- Method of operation of escape door fastenings.
- Appreciation of the importance of any fire doors and of closing all fire doors at the time of a fire.

24. English Law

The proper law of the hire agreement shall be English Law and the hire agreement shall be deemed to have been made in England.

25. Compliance

The hirer must comply with any instructions from the Caretaker or deputies given before, during or after the hiring. In the event of the hirer refusing or failing to comply with any of the instructions, the hirer may be asked to leave the premises and any standing hiring agreement will be terminated.

APPENDIX 1

The Objects of the Alliance are:-

1. to spread and propagate the full Gospel of our Lord Jesus Christ and primarily but not exclusively the Fundamental Truths hereinafter Fourthly set forth;
2. to demonstrate the full Gospel of our Lord Jesus Christ by the relief of people who by reason of their disability, age, infirmity, sickness, social or economic circumstances or caring responsibilities have a need of health, social care or other related community services or recreational facilities by the provision of information, advice, support and other services and facilities calculated to relieve those needs; and
3. to demonstrate the full Gospel of our Lord Jesus Christ by the advancement of education in such ways as may from time to time be charitable.”
4. The means by which the said objects shall be carried out shall be such means as may be lawfully employed or adopted by a body having exclusively charitable objects and as the National Leadership Team hereinafter mentioned shall from time to time prescribe (but subject always to such limitations and directions [if any] as may be imposed or given by the Conference hereinafter mentioned) and in particular (without derogating from the generality of the foregoing) the training and sending out of Ministers and Evangelists the establishment of Churches the formation of Sunday Schools, the provision of social care facilities and the issue of religious publications throughout Great Britain and elsewhere.

BOOKING FORM

Premises To Be Used:		
Date of Hire:		
Period of Hire:	From	To
Purpose of Hire:		
Name & Address of Hirer:		

I confirm that I am /am the authorised representative of the hirer. I have read the Conditions of Booking and agree to abide by them.

I enclose the deposit of £ _____, being 50% of the hire fee and agree to pay the balance 14 days prior to the event.

Dated _____

Signed _____

PRINT NAME _____

NOTES

School Expansion Meeting

24th May 2016

Present:

Chris Lee (CL)
Paul Ballatt (PB)
Paul McGarry (PM)
James McGinlay (JM)
Caroline Holland (CH)

Apologies:

Tom Proctor

Notes of last meeting 13th May 2016

Agreed

1. Site Acquisition

Domex

JM responded that we are still expecting to make an offer before the end of May.

Elim

Architects commissioned to do work on feasibility at Merton Hall.

Day Centre

Need to seek clarification of relocation timescales and work requests for next meeting.

Action: AOS

PB suggested that there should be little difficulty in CSF decanting from Leyton Road.

Pincott Road

To be relocated for SW Community Association.

Whateley Avenue

PB to check whether security will be needed

Next Meeting: Thursday 9th June at 9am

SCHOOL EXPANSION MEETING NOTES

09 JUNE 2016

Present:

Chris Lee (CL); Paul McGarry (PM); Tom Procter (TP); Paul Ballatt (PB); Damian Hemmings (DH)

Apologies:

Caroline Holland; James McGinlay

Notes/Actions:

1. Site Acquisition

- E&R will lead on the land acquisition aspect of the project. DH will provide project management support for this activity in the short term.
- CSF will lead on the building transfer and construction elements of the project. A project manager for the construction element will be appointed in due course.

Domex

- Site valuation: approx. [REDACTED]
- Allocated LBM budget [REDACTED]
- Heads of terms to be agreed by e/o June 2016

Elim

- Total costs: [REDACTED]
- Feasibility study currently being undertaken
- LBM will project manage the delivery of the fit-out
- Merton Hall freehold to transfer to Elim

Leyton Road

- Decant site for High Path Day Centre
- Feasibility: indicated £1.2m to upgrade and move
- Education Funding Authority (EFA) funding: £1.0m
- Allocated LBM budget: £0.2m

Pincott Road

- South Wimbledon Community Association (SWCA) in favour of the move
- Premises will require limited work
- Budgeted for within contingency

Whatley Avenue

- EFA have committed to the refurbishment/adaptation and security costs
- Merton Adult Education to leave the site in July 2016
- Facilities will continue to manage the site until September 2016. Beyond this date further arrangements will need to be put in place (e.g. extension of security arrangements with Facilities).

Sites Budget:

[REDACTED]	Domex (LBM)
[REDACTED]	Elim (EFA – 40% of costs up to a max. of £4m)
£200,000	Leyton Road (LBM)
[REDACTED]	Total

2. Cabinet Report

- TP confirmed it will be a key decision and will be subject to call-in
- Children Services Scrutiny meeting on 29 June 2016
 - This will provide Cllrs with an opportunity to review and may avoid need for later call-in
 - CSF request officer from E&R attend to support
- Recommendations in Cabinet report:
 - Agree deals on Elim & Domex to maximum limit
 - High Path to move to Leyton Road
 - Whatley Avenue as temporary school for two years
 - Merton Hall freehold to transfer to Elim
 - Merton Abbey to surrender sole use of their playing field – shared use with new school
 - Site to be leased to the Secretary of State for 125 years

3. Communications

- Confidential issues:
 - Advance stage sites in South Wimbledon
 - Location and upper limits of agreement
- Remaining issues to be white paper

School Expansion Meeting 17.08.16

Present:

Chris Lee; Caroline Holland; Damian Hemmings; Andy Otterway-Searle; James McGinlay; Tom Proctor and Sophie Poole

Apologies:

Paul McGarry and Paul Ballatt

1. **Domex** – Agents sought [REDACTED] on completion. Preference is to complete asap and grant license to Domex and sub tenants. Sub tenant lease is till February ~~2017~~ 2018 at [REDACTED] p.a.
Agreed: purchase and complete expected by October.
2. **Elim** – progressing well. They are looking through design details and intended to go to DRP in September and full Planning Approval in October.
Draft Conditional Contract to be signed off following planning application in October.
“Overage” discussion is continuing.
3. **Pincott Road** – SWCA discussions are proceeding and exploring how Hall provision can be offered. Morden Assembly Hall and All Saints School also being explored.
4. **Whateley Avenue** – TP reported that they are still exploring when EFA will take responsibilities. In the interim CSF will pick up cost of decants from September 2016.
5. **High Path Day Centre** – TP reported progressing Leyton Road decant. 2 leases for Children Services, Cata 22, Homestart and Contact Centre for Children Social Care.
6. **Nursery Road** – ongoing negotiations with Rutlish over use of playing fields and artificial pitch power
7. **Comms** – SP set out position in responding to press interest. Letter had been circulated to all – day centre uses.
Agreed: to limit the information we will share with press, focussing on the area of school needs and the reason for South Wimbledon. Commercial matters and reference to shared play facilities and relations of class lessons will not be covered in any detail.
8. **AOB** – MALE appointed to do Site Survey's by EFA. Agreed we would look to defer any survey work including bore holes until we are closer to securing land deals.

Next Meeting Date

31st August 2016

School Expansion Meeting

18th July 2017

Present:

Chris Lee, Tom Proctor, Caroline Holland, Paul McGarry, James McGinlay, Damian Hemmings, Jane McSherry and Andy Ottaway-Searle

Apologies:

None

1. Relocation of Leyton Road

- Considered paper presented by TP
- Agreed to complete a piece of work on accommodation schedule @Chaucer Centre to Leyton Road for 2 weeks' time – JM

2. Land Assembly

- Elim Church now content with design and draft planning application which is expected imminently
- Still aiming for 21/9/2017 TPAC
- Conditional contract being finalised this week.

3. EFA Funding

- No change
- TP to check whether any change in Free School Funding

4. A.O.B

- TP reported that he had met with Ward members to brief them on the scheme and they were pleased with the changes made

Next meeting date: 1st August 9 am, Chris Lee's office

School Expansion Meeting

14th September 2017

Present:

Chris Lee, Caroline Holland, Paul McGarry, Tom Proctor, Sophie Poole, Damian Hemmings

Apologies:

James McGinlay

1. Planning Application – Merton Hall

- TP to focus on key planning issues in presentation to PAC on 21/09
 - No change of use
 - Green rating at DRP
 - No loss of community use
 - Parking issues addressed
- Need to clarify whether ward Councillor speaking (KN)
- TP and PMc/ DH to meet and finalise the presentation to PAC.

2. Forward timetable + further risks

- Award of contract for works – mid November cabinet.
- CH to raise with opportunity to seek clarification as to whether a call in is likely.
- Consider mitigation plan at future meeting including pencilling in a meeting for call in to be heard asap after any call in.
- Planning application for school at high path – this now isn't expected until Jan/ Feb 2018 and PAC in late Spring. Will need to consider how we develop a positive campaign in support of the school in advance of this.
 - Action: DH to bring updated risk assessment to next meeting along with an updated Project Plan.

Next meeting date: Tuesday 26th September at 0900, Chris Lee's office

School Expansion Meeting

13th November 2017

Present:

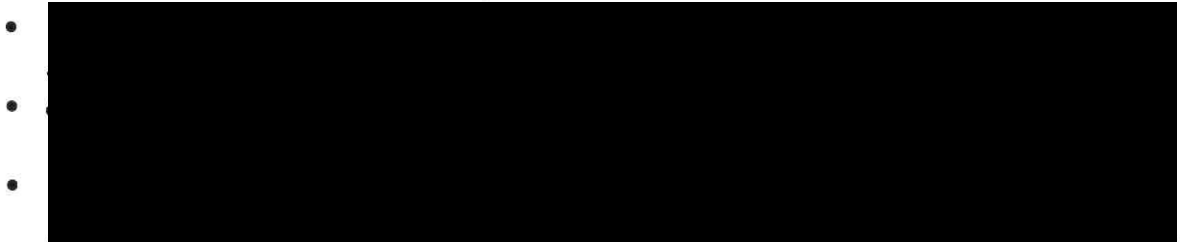
James McGinlay, Paul McGarry, Tom Proctor, Damian Hemmings, Jacquie Denton, Paul Evans, Claudette Valmond

Apologies:

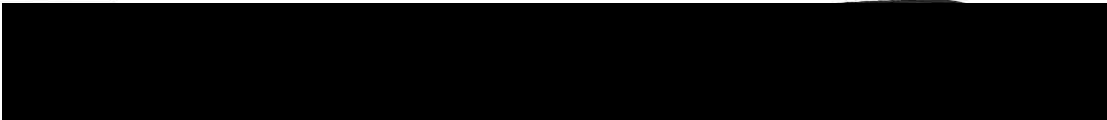
N/A

1. Battle Close

- Paper on Battle Close to Cabinet this evening (13/11/17)
- Decision on Battle Close likely to be called in
 - Officers to explore whether arranging special scrutiny on all key decisions re: to the new school could be beneficial (e.g. Battle Close, Merton Hall construction contract, lease on the new school site)



2. Merton Hall

- 

3. Domex

- Potential option to extend tenancy of Domex at High Path for further six months
 - Action: JD to approach Domex with offer of six-month extension

Next meeting date: Monday 20th November at 09:00

Appendix 8 – Building Preservation Notice correspondence

From: David Fellows

Sent: 08 November 2017 13:36

To: Neil Milligan <Neil.Milligan@merton.gov.uk>

Cc: Jill Tyndale <Jill.Tyndale@merton.gov.uk>; Chris Lee <Chris.Lee@merton.gov.uk>; Paul Evans <Paul.Evans@merton.gov.uk>; James McGinlay <James.McGinlay@merton.gov.uk>; Damian Hemmings <Damian.Hemmings@merton.gov.uk>; Jock Farrow <Jock.Farrow@merton.gov.uk>; Jonathan Lewis <Jonathan.Lewis@merton.gov.uk>

Subject: RE: Building Preservation Notice request. Merton Hall

Neil

Thank you for advising me of Cllr Najeeb Latif's prospective formal request for the Council serve a Building Preservation Notice (BPN) in respect of Merton Hall.

As you know Local planning authorities (LPAs) may serve a BPN on the owner and occupier of an unlisted building where it considers the building is of special architectural or historic interest and is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest.

If a BPN is served, an application to list the building must be made at the same time to Historic England (HE).

A BPN takes effect immediately on service and protects the building for up to 6 months until either the Secretary of State (for Digital, Culture, Media and Sport) (SoS) lists the building, or informs the LPA that he does not intend to do so. Whilst the BPN is in place, the building is subject to the same protection as a listed building and any works to the building will require listed building consent. If works are carried out without listed building consent the LPA may take enforcement action or institute civil/criminal proceedings.

LPAs are encouraged to use BPNs to protect important buildings of value to society from being irretrievably lost or damaged without the LPA first being able to consider its merits and any proposals for development.

In this instance the Council is the owner of the Building and has secured a planning permission which will result in works of alteration, extension and partial demolition and so potentially prejudicing the building.

The Authority cannot however serve a BPN on itself, as owner. This is because LPA cannot to enforce any non-compliance against itself.

In any event the purpose for which a BPN would be serve namely, to protect a building from being irretrievably lost or damaged pending consideration of an application for its listing, does not apply. The Council has so far as I am aware decided not to implement the planning permission pending the determination of the SoS/HE's consideration of the application. That process is underway and

the Authority provided comments on HE's initial assessment of the building on 06/11/17.

Accordingly, the building is not, in any event at risk. Moreover, the Authority has considered its special architectural or historic interest and listed it locally, being of the view it does not merit statutory listing which would preclude the service of a BPN in any event.

In the circumstances, any such request by the Councillor would be misconceived.

Please let me know if I can assist further.

David

David Fellows

Assistant Head of Law – Planning & Highways
Litigation, Housing & Planning Team
South London Legal Partnership
Gifford House, 67c St Helier Avenue, Morden, SM4 6HY
DX 161030 Morden 3

Direct: 020 8545 4568

Mobile: 07583 814023

Fax: 020 8545 3244



From: Neil Milligan

Sent: 08 November 2017 12:01

To: Chris Lee <Chris.Lee@merton.gov.uk>; Paul Evans <Paul.Evans@merton.gov.uk>; David Fellows <David.Fellows@merton.gov.uk>; James McGinlay <James.McGinlay@merton.gov.uk>; Damian Hemmings <Damian.Hemmings@merton.gov.uk>; Jock Farrow <Jock.Farrow@merton.gov.uk>; Jonathan Lewis <Jonathan.Lewis@merton.gov.uk>

Cc: Jill Tyndale <Jill.Tyndale@merton.gov.uk>

Subject: RE: Building Preservation Notice request. Merton Hall

Chris

Yes we will liaise with legal

Neil

From: Chris Lee

Sent: 08 November 2017 11:53

To: Neil Milligan <Neil.Milligan@merton.gov.uk>; Paul Evans <Paul.Evans@merton.gov.uk>; David Fellows <David.Fellows@merton.gov.uk>; James McGinlay <James.McGinlay@merton.gov.uk>; Damian Hemmings <Damian.Hemmings@merton.gov.uk>; Jock Farrow <Jock.Farrow@merton.gov.uk>; Jonathan Lewis <Jonathan.Lewis@merton.gov.uk>

Cc: Jill Tyndale <Jill.Tyndale@merton.gov.uk>

Subject: RE: Building Preservation Notice request. Merton Hall

Thanks Neil ,

I assume you will obtain legal advice on how we handle and where any such decision is taken.

Thanks

Chris Lee | Director of Environment & Regeneration

London Borough of Merton

Merton Civic Centre, London Road, Morden, Surrey SM4 5DX

Direct: 020 8545 3050 | Switchboard: 020 8274 4901

chris.lee@merton.gov.uk

www.merton.gov.uk

Merton is bidding to become London Borough of Culture 2019, find out more at

<https://www.merton.gov.uk/leisure-recreation-and-culture/lboc>

Support us at www.facebook.com/mertonculture

From: Neil Milligan

Sent: Wednesday, November 8, 2017 10:50 AM

To: Paul Evans <Paul.Evans@merton.gov.uk>; David Fellows <David.Fellows@merton.gov.uk>; James McGinlay <James.McGinlay@merton.gov.uk>; Chris Lee <Chris.Lee@merton.gov.uk>; Damian Hemmings <Damian.Hemmings@merton.gov.uk>; Jock Farrow <Jock.Farrow@merton.gov.uk>; Jonathan Lewis <Jonathan.Lewis@merton.gov.uk>

Cc: Jill Tyndale <Jill.Tyndale@merton.gov.uk>

Subject: Building Preservation Notice request. Merton Hall

Dear all

This is just to let you know that Cllr Najeeb Latif came into the office this morning and stated that he will be making a formal request that the Council serve a Building Preservation Notice on Merton Hall.

I explained that the Council has already responded to the Department of Digital Culture Media and Sport regarding the request to list the building and corporately there is unlikely to be any change in that stance and Merton is of the view the building should not be statutorily listed. The approval of the planning application by PAC also formally demonstrates the Council's view of the Historic value of the building in the context of the development proposal.

In terms of process and how a decision is made regarding his request, this will require some thought as I doubt there has been such a request historically in the borough by an individual Councillor, but we will check.

Here is a useful link regarding the issue

<https://historicengland.org.uk/advice/hpg/has/bpns/>

Regards

Neil

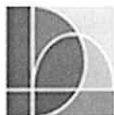
Neil Milligan

Building and Development Control Manager

Neil.milligan@merton.gov.uk

0208 545 3099

David Lock Associates
Town Planning and Urban Design



APPENDIX 9
CSCRUTINY PANEL 10 JAN '18)

[REDACTED]
Development Consultant

David Lock Associates
50 North Thirteenth Street
Central Milton Keynes
MK9 3BP

T. [REDACTED]

e-mail: [REDACTED]

Visit our web site at: www.davidlock.com

Proud to be one of the:



There are four general tests that must be satisfied to justify payment of the reasonable cost of reinstatement:

- **The land must be used for a purpose which would continue if it was not to be acquired.** This is clearly the case for the Elim Church
- **There must be no general demand or market for land for the purpose.** The most common use to which equivalent reinstatement applies is Churches. The Elim Church, whilst originally an industrial unit, has been comprehensively refitted inside and is now a fully functioning place of worship. Whilst churches do occasionally trade for the same use, there is no clear or established market.
- **There must be a “bona fide” intention to reinstate – this is generally a question of fact.** The Elim Church is very clear that it intends to relocate within its catchment, as will not co-operate with negotiations unless it is able to do so on a turnkey basis.
- **If the cost of reinstatement would be disproportionate to the value of the whole enterprise then compensation for equivalent reinstatement may not be allowed.** The Lands Tribunal has discretion as to whether to allow a claim on this basis.

After a review of potential relocation options, it became apparent that the only realistic opportunity within the catchment area of the existing Church, and within the control of the Council, is the site of Merton Hall, a local community building. This has therefore been proposed as a suitable location for the re-provision of the facility, and design discussions have commenced on the basis of providing as close an equivalent of the existing facility as possible.

The extent of the compensation will therefore comprise the opportunity cost of the Merton hall site, based on its current value, together with the costs of reinstatement.

The advice in respect of the planning potential of this site is that in the no scheme world, there is no reasonable prospect of the site being brought out of community use and into commercial or residential use. Its existing use value is therefore based on its community use.

As for churches, there is no established market for community facilities, and their value is generally determined for accountancy purposes by way of an assessment of their depreciated replacement cost. This represents the estimated current day cost of replacement of the facility, depreciated by its age and condition. This would usually be the basis of the book value included in the Council's accounts. Based on the planning advice provided, the current book value of [REDACTED] therefore represents a reasonable and representative site value for Merton Hall.

The costs of reinstatement will depend on agreement to a final design and timing of letting the contract. These matters are yet to be finalised, but the current indication is that a budget of in the order of [REDACTED] would be appropriate. Given the likely cost of acquiring the Domex premises, this cost does not appear to be disproportionate to the value of the whole enterprise.

As an alternative, the Elim Church could opt for the alternative use (i.e. potential development value) of their site as a basis for compensation. This is however irrelevant here as they have clearly opted, as is their discretion under a CPO arrangement, for equivalent reinstatement.

[REDACTED] MRICS
Development Consultant
David Lock Associates

20.6.16

London Borough of Merton

Briefing note in respect of the proposed Acquisition of the South Wimbledon Elim Church, High Path, to enable the provision of a secondary school

Background

Negotiations have been progressed for the purchase of land at High Path, Merton, for the acquisition of nos 59-61, which include an industrial unit owned and occupied by Domex, a company that services white goods, and a former industrial unit now converted into a Church, occupied and used by the Elim Church of South Wimbledon.

If these properties cannot be acquired by negotiation, then the intention is that they will be the subject of a compulsory purchase order. It is only with the threat of a CPO that the parties can be brought to the negotiating table as neither otherwise has any intention to sell, and both acquired the premises for their operational purposes.

Planning advice to date (as provided by Paul McGarry of LBM) has highlighted that both premises would be likely to secure consent for alternative use, including residential development, should an application be made and taken through an appeal process.

Domex

The advisers for Domex have therefore valued their premises on the basis that it could secure consent for a mixed use development incorporating replacement employment uses at ground floor and residential uses above. They are therefore seeking development value as the basis for compensation for the acquisition, rather than existing use value plus disturbance. The best local evidence for the value is the marketing and proposed sale of the Wisepress printing works, almost immediately opposite to the subject site, which is understood to be under offer for £6.2 million.

Negotiations with Domex are ongoing.

Elim Church

With regard to the Elim Church, the Church representatives have made it absolutely clear that they do not wish to dispose of their premises, and will not be prepared to do so unless and alternative church can be provided within their target catchment area for their South Wimbledon congregation.

If the purchase was being progressed under a CPO, they would be entitled to opt for compensation on the basis of equivalent reinstatement:

Rule 5 of section 5 of the Land Compensation Act 1961 states:

'Where land is, and but for the compulsory acquisition would continue to be, devoted to a purpose of such a nature that there is no general demand or market for land for that purpose, the compensation may, if the [Upper Tribunal (Lands Chamber)] is satisfied that reinstatement in some other place is bona fide intended, be assessed on the basis of a reasonable cost of equivalent reinstatement.'

Effectively, wherever premises are used for a purpose for which there is no market and hence where no market value can be ascertained, Rule 5 may apply. Commonly quoted examples include churches and members' clubs (such as Conservative, Labour and Liberal Clubs). Rule 5 has also been held to apply to a private railway, a cattle market and a building used as a house for Polish and Central European refugees.

London Borough of Merton

Potential acquisition of land at High path for the provision of a secondary school

Financial implications and options

Private and confidential - contains commercially sensitive information

The purpose of this paper is to consider the financial implications of a potential purchase of land at High path Merton to enable the development of a secondary school to meet identified education needs.

The site

The site consists of existing commercial and church premises identified as 59 – 61 High Path, Merton. The existing buildings on the site are of the nature of large two storey warehouse style premises with associated car parking.

59 High Path is currently in use as an Elim church and food bank.

61 High Path comprises a business premises with workshop space on the ground floor and newly fitted offices above, owned and occupied by Domex Ltd, who service household appliances. We understand that the building also accommodates one to two sub tenants, details of which are awaited.

The site is located between High Path and Merantun Way, immediately to the South of the Circle housing High path Estate. The area is predominantly commercial in nature, but with increasing pressure for residential development. The sites are circa 0.3 miles from South Wimbledon underground station and circa 0.5 miles from Merton park tramline. The site is therefore very well located for public transport.

The site extends in total to some 0.3ha (circa 0.74 acres).



Principles of acquisition:

As the Council is seeking to acquire these properties to enable the development of the land for a school, it is assumed that if no agreement can be reached by negotiation, that the Council will consider use of its powers of compulsory purchase to ensure site assembly.

The approach to negotiations therefore reflects the principles that would apply if the land was to be acquired compulsorily.

The key principle of acquisition by compulsory purchase is that the party being acquired is put in no lesser a financial position than it would have been in had the acquisition not taken place.

The property to be acquired is valued on an open market basis either for its existing use, or for an alternative development value where it has acquired a certificate of alternative development from the local planning authority. In this case it is considered likely that a certificate of alternative use would be forthcoming for residential development.

Where a property is valued for its existing use, for commercial premises, in addition to the value of the property, the vendor is entitled to payment for a range of costs, including:

- Costs associated with finding and acquiring an alternative property, such as legal fees, agents fees, costs of adaptation, stamp duty
- Cost associated with moving the business, such as new stationery, communication of change of address, relocation costs, removals etc.
- Any loss of profit arising from the change of circumstances, such as loss of rental income from sub tenants.

There will also be costs associated with securing vacant possession from sub tenants including compensation based on 2 x rateable value.

Full details of such costs for the two occupiers involved will be specific to their relocation requirements, and cannot be fully assessed until such time as an alternative premises has been identified. It is however prudent to make an allowance for such costs.

Where a property is valued for alternative use, i.e. for development value, then it is assumed that the business is not relocating, and therefore no associated costs are payable, other than fees and costs in relation to the disposal.

Existing uses

59 High Path is a former commercial building currently in use as a church and community facility. Its existing use value is either as a Church, for which there is a limited open market, or as its former use as a commercial building.

The site was acquired by the Elim Church on 21.8.2007 for a sum of £975,000

61 High Path is in commercial use as the headquarters and operational facility of Domex appliance servicing company. The organisation acquired the building on 19.11.2013 for a sum of £1,400,000.

The District Valuer undertook a valuation of this site together with adjacent land to the east on 8th April 2015, and determined an overall estimated existing use value of in the order of [REDACTED] of which some [REDACTED] would be apportioned to this site.

The total purchase price amounted to in the order of £2.375 million. Subsequent to the purchase, considerable investment has been made in the Domex building to provide high quality offices at the upper levels, some of which is let to a third party for a period of 5 years from 12.2.15. We also understand that a further area of the building is in the process of being let.

No formal existing use value can be established until we are provide with full details of the sub tenancies, however based on the information available we consider it unlikely that the properties could be acquired by negotiation on an existing use value basis for less than circa [REDACTED]

Alternative use

The most likely alternative use that would be approved for these sites is residential. The valuation undertaken by the District Valuer in April 2015 also identified residential use as a suitable alternative for the sites.

Appraisals have been undertaken based on the assumed density of development adopted by the District Valuer, which assumes that the proposed High path regeneration project promoted by Circle Housing is not in existence.

This assumes a four storey high density flatted development, which for this site amounts to circa 4089M2 gross (3476 m2 net) of residential development. This indicates a potential residual value of in the order of [REDACTED]. The pro-rata split between the two ownerships is as follows:

Elim Church: [REDACTED]

Domex: [REDACTED]

A copy of the summary appraisal is provide at Appendix 1.

In addition, a further financial appraisal has been carried out based on the visioning development capacity for this site prepared by PRP architects for circle housing. This assumes that a higher 5 storey development may be appropriate for this location in conjunction with the proposals for the regeneration of the high path estate. This indicates a total site value of in the order of [REDACTED]. The pro-rata split between the two ownerships is as follows:

Elim Church: [REDACTED]

Domex: [REDACTED]

A copy of the summary appraisal is provided at Appendix 2.

In each case it is assumed that the development would provide a policy compliant level of 40% of affordable housing, and would meet Merton and Mayoral CIL liabilities.

The actual value will to some extent be determined by the advice of the planning authority on what would reasonably be permitted as residential development on the site.

Approach to negotiations

It will be for the owners of the property to be acquired to decide whether they would prefer an existing use value approach and support with the costs of relocation of their organisations, or to dispose on the basis of alternative use value.

Both parties will require professional advice, and it is customary, under a CPO situation, for the cost of this advice to be met by the acquiring body.

The approach to negotiations, in this case, would be on an open basis, setting out the position for each party and suggesting they seek such advice before proceeding to more detailed discussions on price. This reflects that the acquiring body is a local authority and must be seen to act reasonably.

Discussions have already been opened with Domex, who are in our opinion most likely to wish to proceed on the basis of an alternative use value, as this clearly provides them with the best financial outcome. Discussions are however at a very initial stage, and no formal decisions or negotiations have yet commenced.

Contact has yet to be made with the Elim Church, however, Circle housing have advised that in past discussions with them they have been willing to consider disposal subject to securing a suitable relocation, or re-provision of a new church facility. The figures again indicate that the best route for them in financial terms would be to secure alternative use value, and find another site at their own expense.

The aim of the approach to negotiations is to seek to secure agreement by negotiation as soon as possible, to enable the school project to proceed within the required timescale (delivery by 2020) and to avoid the cost and time impact of having to use formal CPO procedures if at all possible. This will minimise risk to the Council and secure the most cost effective way forward.

Potential cost liability to the Council

In terms of potential cost liability to the Council, this can only be a provisional estimate at this stage, but assuming a worst case scenario, the position could be as set out in the table overleaf.

This indicates that on the basis of both parties seeking a value based on the alternative use of their sites for residential redevelopment, then the total cost liability, including an allowance for the council's fees, could be in the order of [REDACTED]. This represents a worst case scenario, and it is hoped that savings would be made against this figure.

This does not include the costs associated with mounting a formal CPO process and executing a CPO inquiry. Based on experience elsewhere, this could amount to an additional [REDACTED] of costs if contested.

Risks

There are a number of potential risks to the Council in progressing the acquisitions and in entering into a CPO:

Financial risks

- Unforeseeable costs that might arise – e.g. additional costs resulting from delay in reaching agreement in a rising market, or unexpected disturbance costs
- Reaching agreement in a strong market, followed by any fall in prices that could impact on overall value for money
- The additional cost of having to make a formal CPO and inquiry

Operational risks

- If a full CPO is required, the timescale for securing this will depend on having planning in place for the school, and could take 9 -15 months after the order is made, which may mean the timescale for delivery of the school is beyond the point at which the need for the spaces arises. This could give rise to additional costs of temporary accommodation.

Reputational risks

- Impact on reputation of failure to provide school places on time
- Impact on reputation if church operation is adversely affected, and community is disrupted
- Impact if for any reason this results in loss of jobs and business – such as lack of suitable alternative business locations within the borough.

Interest	Existing use value	Alternative use value 4 storeys	Alternative use value 5 storeys	Disposal fees, 1.5% agents, 0.5% legals, plus other professional advice, say 3% allowance	Disturbance costs (EUV basis only) Provisional allowance*	Costs associated with sub-tenants – estimated provisional sum only	Contingency for unforeseen expenses	Total EUV basis Provisional allowance, worst case	Total alternative use basis Provisional allowance, worst case
Elim Church						None known			
Domex									
							Totals		

*Cannot be assessed to any degree of accuracy until further detailed information relating to losses and relocation costs is known
This assumes that agreement is reached by negotiation, and does not allow for the costs of a CPO enquiry. This could amount to an additional
contested.

In addition, an allowance should be made for the Council's agents and legal fees – suggest in the order of £150,000.

Appendix 1

Domex and Elim Chirch sites DV assumed development

Summary Appraisal for Phase 1

Currency in £

REVENUE

Sales Valuation

2 bed flats

Affordable 2 bed flats

Totals

NET REALISATION

OUTLAY

ACQUISITION COSTS

Residualised Price

Stamp Duty

Agent Fee

Legal Fee

Town Planning

Survey

CONSTRUCTION COSTS

Construction

2 bed flats

Affordable 2 bed flats

Totals

Contingency

Demolition

Road/Site Works

Statutory/LA

PROFESSIONAL FEES

Architect

Other Professionals

MARKETING & LETTING

Marketing

DISPOSAL FEES

Sales Agent Fee

Sales Legal Fee

FINANCE

Debit Rate 7.000%, Credit Rate 0.000% (Nominal)

Land

Construction

Total Finance Cost

TOTAL COSTS

PROFIT

Performance Measures

Profit on Cost%

Profit on GDV%

Profit on NDV%

IRR

Profit Erosion (finance rate 7.000%)

Appendix 2

Domex and Elim Chirch sites

Summary Appraisal for Phase 1

Currency in £

REVENUE

Sales Valuation

1 bed flats
2 bed flats
3 bed flats
Affordable 1 bed flats
Affordable 2 bed flats
Affordable 3 bed flats
Totals

NET REALISATION

OUTLAY

ACQUISITION COSTS

Residualised Price

Stamp Duty
Agent Fee
Legal Fee
Town Planning
Survey

CONSTRUCTION COSTS

Construction

1 bed flats
2 bed flats
3 bed flats
Affordable 1 bed flats
Affordable 2 bed flats
Affordable 3 bed flats
Totals

Contingency
Demolition
Road/Site Works
Statutory/LA

PROFESSIONAL FEES

Architect
Other Professionals

MARKETING & LETTING

Marketing

DISPOSAL FEES

Sales Agent Fee
Sales Legal Fee

FINANCE

Debit Rate 7.000%, Credit Rate 0.000% (Nominal)
Land

Construction
Total Finance Cost

TOTAL COSTS

PROFIT

Performance Measures

Profit on Cost%
Profit on GDV%
Profit on NDV%

IRR

Profit Erosion (finance rate 7.000%)

David Lock Associates

26.8.15

NB: This paper does not constitute a formal valuation and should not be relied upon as such.
It is provided only in the context of estate agency advice.

Appendix 10 - Usage of Merton Hall before its closure

Use of Merton Hall up to 2016 (Note - SWCA provided all info on users. The time periods were selected for periods prior to any announcement from us or SWCA on the ending of their lease at Merton Hall to avoid any impact of 'user blight')

- 12 regular user groups (as of July 2016)
- 97 casual user bookings over the period Jan 2015 – Sept 16.

Merton Hall (SWCA) Regular bookings		
Day	Name of User	Time
Monday	Capoeira Adults Main Hall	20:00-21:30
Tuesday	Siegeris Main Hall/Balcony	16:00-19:30
	C P Fitness Balcony	19:15-20:45
Wednesday	Sanga 7 Balcony	19:00-21:00
Thursday	Perform Workshop Balcony	15:45-18:00
	Shogun Martial Arts Balcony	19:00-21:00
Friday	Johane Masowe Balcony	08:45-17:00
	Om Sakthi Pooja Bar Area	10:00-14:00
	Ratnavadivel Hindu Balcony	18:00-22:00
	Kenshukai Karate Main Hall	18:30-22:00
Saturday	Rugby Tots Main Hall	09:00-12:00
Sunday	New Life Church Main Hall	10:00-13:00

SUMMARY CASUAL USERS/EVENTS	
Birth/ Baptism / Funeral / Wake / Memorial	20
Party / gatherings	27
Religious / Cultural	9
Training / Professional	12

Musical / Dance / Theatrical	19
Misc / Other	8
Wedding	2
TOTAL	97

Analysis of regular groups previously at Merton Hall:

Group	Status
Capoeira Adults	Opted to move to alternative accommodation (non-SWCA)
Siegeris	Moved to All Saints School Hall and Victory Road Annexe (managed by SWCA)
C P Fitness	Opted to move to alternative accommodation (non-SWCA) as Pincott Rd was unsuitable for their needs
Sanga 7	Opted to move to alternative accommodation (non-SWCA)
Perform Workshop	Moving to All Saints School Hall in January (managed by SWCA)
Shogun Martial Arts	Opted to move to alternative accommodation (non-SWCA) - All Saints Church Hall
Johane Masowe	Moved to King George V park (council facility managed by idverde) in October
Om Sakthi Pooja	Moved to Pincott Road in November (managed by SWCA)
* Wimbledon Mandram (Ratnavadivel Hindu)	Offered Pincott Road and although raised concern and one point they have now moved here
Kenshukai Karate	Moved to All Saints School Hall (managed by SWCA)
Rugby Tots	Opted to move to alternative accommodation (non-SWCA) - Raynes Park High School
New Life Church	Group closed (unrelated to move from Merton Hall)



Sustainable Communities Overview and Scrutiny Panel Questions for Clarion Housing 10 January 2018

1. Merger/Restructure

1.1 What have residents fed back about the merger between Circle and Clarion? Is there awareness amongst residents of the merger?

Every Circle resident was consulted prior to the merger but the response was minimal. A further communication confirming the creation of Clarion Housing Association will be sent when the legal process completes in January 2018.

1.2 How does Clarion ensure that the voice of residents is heard and embedded within all decisions about its properties?

Clarion is about to launch a new Resident Involvement Strategy that will provide a range of ways for residents to be involved in issues and decision making. These will include membership of the Board, Regional Scrutiny Panels as well as traditional Resident Associations. There will also be options for those who prefer to engage digitally.

1.3 How does Clarion support and engage residents within Street properties who are often single dwellings unlike on the larger estates?

All the methods described above apply equally to those in street properties. There is also a separate consultation every year to consider how Estate Improvement funding should be spent.

2. Repairs

2.1 Since becoming Clarion, what is the rate of customer satisfaction with repairs?

The level of overall satisfaction with the repairs service was 84.6% in October 2017. This has been consistent for the last six months.

2.2 How many repairs that are unresolved after 6 months do you have ongoing?

There are currently no jobs over six months. Our oldest current 'work in progress' dates back to September. This is monitored weekly. In some cases permanent repair maybe pending planned works, but temporary works will have been undertaken.

2.3 With regard to Morden House:

2.3.1 Why communal doors (which had been working fine) were deactivated in November 2016, and since then have not been working despite resident efforts to get resolution? The property has been deprived of a security door. A number of residents have written about this several times to the management. Everyone's security is affected, drug users are using this part of the building and nobody feels safe with police officers attending regularly inside the building. There was an attempt to break into one flat, homeless people and drug takers congregate within this part of the building.

The ASB issues affecting the block are being actively addressed including patrols by the Neighbourhood warden team. The communal entrance doors to block 1-16 are currently not

working. The repairs have been completed, but this has additionally required new fobs to be produced, which is currently underway. We apologise for the delay in completing this work. The Door Entry systems to the other two entrances are fully functioning.

- 2.3.2 Were Delta (the contractor) paid for the work they did not carry out in relation to these doors and was that cost passed on to residents through the service charge? If so are residents going to pay again for the same works? Residents have asked this question many times over the last year and no response has been provided.**

All costs are scrutinized before Service Charges are calculated. Orders over the last 12 months for door entry works will be reviewed and only costs attributable to works completed will be passed on.

- 2.3.3 Who is the Morden House property manager? What is the role of the property manager? What is the contact point? Why is this information not displayed in the building? How many buildings does one property manager manage? Why is there no central point of contact within Circle/Clarion to which residents can go to in the event of a problem?**

The Neighbourhood Officer is currently Wayne Roberts–Read. Information on this and other important matters should be displayed in the communal areas: New Notice Boards will be provided for this purpose. The average patch size is 600 properties. In the event of a problem, residents should contact us via the Contact Centre number 0300 500 3000, through the website or in person at The Grange.

- 2.4 Why it is that residents/leaseholders have to go through Councillors for everything? Why have multiple emails to Wayne Roberts-Read and Dee Tyrie all been unanswered and ignored? Why, when residents make visits to the office in Central Road, are they refused a meeting? The staff take messages but nothing happens. Nobody within the administration cares about anything. Why is it that staff morale is so low?**

Residents should only contact Councillors if they have been unable to get a satisfactory response from Clarion staff. It would be helpful if Members would direct constituents to Clarion for any new matter that is raised with them. Ms Tyrie left the organisation some months ago. If there are examples of issues of non-response from other officer, these will be looked in to by the relevant manager. A duty system operates at the Grange to ensure a Neighbourhood Officer is available should the reception staff not be able to deal with a query. The Neighbourhood Officers spend much of their time out on their estates so will not be available without a specific appointment. The management team at The Grange are experienced and competent professionals and care very much about the service they provide, the customers they serve and the reputation of Clarion. Staff morale, on the whole, is fine and the camaraderie amongst the teams very marked: The uncertainty that inevitably comes with any major change has had some impact but managers are all undergoing specific change management training to better enable them to support colleagues.

- 2.5 Could tenants/residents receive information explaining the organisation's management structure: exactly who does what? Who should residents approach when staff do not do their jobs after many attempts to chase up complaints?**

If any resident is unhappy about the service there is a formal complaint process whereby a specialist team will objectively review the matter.

- 2.6 Why does Clarion use a wrong system of procurement for refurbishment? It is too widely spread across the country and does not take into consideration local provision. This ends up much more expensive to the tenants as they have to deal**

with high end bureaucracy and administrative costs, instead of appointing local workers who are usually much cheaper and approachable and care about clients.

Circle is currently bound by the procurement that took place in 2013 and will run until April 2019. Clarion is reviewing the procurement and delivery of major works with a view to starting new arrangements in 2019. Current arrangements do include local labour and apprenticeship requirements and this will continue.

2.7 Why were tenants originally quoted an amount of £4,600 per flat for recent electrical work and, when pressure was applied and the tenants lobbied a number of councillors, why was that figure was more than halved?

A Section 20 Notice was served for works on 19 November 2015, we then received observations from residents which is the normal S20 consultation process. We had due regard to the observations, which prompted the works to be re-scoped and revised estimates were issued.

2.8 Why does Clarion/Circle issue money demands that are late, quoting the wrong figures and sometimes sent to the wrong correspondent address despite having the correct address on file? Why do they chase and threaten tenants with legal action when the tenants are pointing out that Clarion is quoting the wrong sum? They need to listen instead of using computer-generated letters.

Noted. It is hard to comment further without specific details. Some short comings with the process are acknowledged and every effort will be made to minimise these in future.

2.9 It took four full days to unblock a main drain where the waste was flooding into one of the bathroom of one of the flats. The same drain has had a blockage three times in the last 18 months. The management was asked to investigate and still had no answer or confirmation that it was being handled. The last time took four days to resolve. The day team did not see it as an emergency and the night team passed it to the day team. It took at least eight phone calls, speaking to six different staff, explaining the story on every phone call before it was resolved.

This is not acceptable service and any further training needs will be identified and procedures reviewed.

2.10 With regard to Byfield Court flats:

2.10.1 On a recent inspection of Byfield Court flats, Cllr Lewis-Lavender learnt of a demand for payment of nearly £5,000 from each flat towards the cost of repairs after a fire in the electricity cupboard of Byfield Court. The Cllr believes the fire happened around 2012 and was in the cable that supplied the flats that then connected to the electric meters. He has been informed that this cable was of VIR style and was long overdue for replacement and had not been regularly inspected. Also, only a couple of weeks after the repairs were completed, cleaners washed down the electricity cupboard and shorted out the supply again. If the original problem was in the cable that fed the meters, why were leaseholders charged with the repairs and not the landlord? Also if additional repairs were necessary following the cleaners spraying water on the electric cables, was that cost also charged to leaseholders and not the maintenance team? Do leaseholders know what the facts are regarding this charge.

In July 2012 we consulted about Lateral Mains Renewal, and associated works, all of which are re-chargeable to leaseholders as per the terms of their leases. The work to individual properties was not recharged to leaseholders and the final account was sent out this summer. None of this was

anything to do with a fire or any subsequent damage caused by cleaning staff. All leaseholders are entitled to request full details of any charges that are levied.

2.10.2 Why has a request for replacing the front door, repairing the broken glass above the door and repairing the broken cill at number 22 has still not been carried out for ten years.

No.22 is a leaseholder owned property. The flat entrance door, frame, glazing above and cill have been replaced by the resident.

2.11 Concerns have been raised by residents with Cllr Moulton about Clarion Housing failing to uphold its contract for the Brickfield Road traveller site and failing to ensure that the licensees receive value for money. There are a number of problems that have been highlighted:

2.11.1 Missed appointments for repairs and upgrade works

We monitor completion of appointments, carry out an independent sample survey of completed works, and welcome feedback from residents. We are unaware of any current uncompleted works beyond their target date. The overall level of reported repairs is quite low, with a number of pitches not reporting any repairs.

2.11.2 Not keeping the site clean and failing to ensure regular cleaning occurs

A mobile cleaning team sweep the site but there is an expectation that residents will co-operate with this

2.11.3 Failing to maintain the property to a liveable standard

The living accommodation on the pitches is provided by the residents. On each pitch there is a separate day room with washing & toilet facilities, and another room for utility equipment. Under the management agreement, Circle undertake responsive repairs and discussions are on-going with the Council regarding re-investment options in the day rooms and shower facilities which were last upgraded before the stock transfer.

2.11.4 Failing to maintain fire hoses in accordance with the law

These installations are maintained on a service contract every six months. They were last serviced in November 2017 and all four hoses were left in full working order. Unfortunately these hoses are subject to regular vandalism/unauthorised use.

2.11.5 Not placing new licensees on empty pitches in good time leading to potential issues with ASB and fly tipping

It is the Council's responsibility to maintain a waiting list and identify new tenants.

2.11.6 Not keeping the site to a good standard for people to live in

Regular estate inspections are carried out and this includes residents. Three residents attended the last inspection. The Neighbourhood Officer and Estate Services Team will deal with any issues that are reported.

2.11.7 Failing to remove rubbish from the site left in piles in the roadway.

We work closely with the Council and other agencies in managing the site but rubbish left on the highway is the responsibility of the Local Authority.

2.11.8 Failing to meet residents and update them on works and repairs meaning residents are not updated and are waiting months for vital works to be completed

We are always happy to meet with residents when this is requested.

2.11.9 Failing to ensure Clarion Housing has a housing officer that has experience of working with the traveller community.

The previous Neighbourhood Officer was highly experienced in traveller site management and also a government advisor on this matter, which was fortuitous. The Housing Services Manager for this area has extensive experience and prior to the stock transfer worked for London Borough of Merton so is very familiar with the site.

3. Regeneration

3.1 What experience does Clarion have of delivering three estate regenerations of the scale proposed in Merton?

Clarion already builds over 1700 new homes every year. We have completed or are currently delivering over £2bn worth of regeneration projects, the majority here in London and the South East, with large scale projects (i.e. over 250 homes) in Ealing, Sutton, Havering and Kensington and Chelsea.

Our current regeneration and development plans allow for almost trebling that to 5,000 per annum, making us one of the largest housebuilders in the UK.

At its peak (i.e. with all three estates under development simultaneously) the Merton Regeneration Project will generate circa 500 new homes – a considerable number and a sizable proportion of the Borough's housing targets, but well within the organisation's delivery capacity.

3.2 Why is there not an up-lift in affordable properties in the High Path when the proposal for the regeneration is to more than double the density?

There is an up-lift in affordable properties. The proposed affordable housing provision on the estate has been developed following a detailed analysis of current and future housing need. The proposals for High Path (inclusive of Phase 1) will provide between 23% to 24% affordable housing on a habitable room basis. This includes a net uplift of 71 affordable habitable rooms compared with existing in response to current levels of overcrowding – no family will be rehoused in overcrowded conditions. All the affordable homes will be social rented or affordable rent (the great majority social rented).

Clarion have committed to replacing every socially or affordable rented property with a socially or affordable rented property across all three neighbourhoods. The term "affordable" has been consistently degraded in recent years where many homes classified as "affordable" are in reality well out of the reach of even average income families and individuals. In other instances socially rented properties have been replaced with shared ownership units.

In London over 50,000 socially rented properties have been lost as part of regeneration programmes in the past ten years, replaced with shared ownership and other intermediate and sale products. That will not be the case here. In the whole of England last year just 1,102 homes

for social rent were completed. The Merton Regeneration Project alone will deliver 717 such homes.

3.3 What assurances can Clarion provide that within the proposed estates regeneration they will ensure that improving health outcomes for all residents is embedded?

A commitment to build on the strengths of the existing communities and create new places where people can live long, healthy and happy lives has been a cornerstone of Clarion's regeneration plans for High Path from their earliest iteration. This is reflected not only in the design of new homes and public spaces but also in the approach to regeneration and support packages available to both existing and new residents.

Retaining and supporting existing communities

In the early stages of consultation about regeneration many residents expressed a desire to stay in High Path. In response Clarion has developed a Residents Offer to support them in doing so. This package of housing and financial support was developed off the back of extensive community consultation. It means that any resident who wishes to stay can do so in a home of a suitable size (for Clarion tenants) or comparable size (for resident homeowners and at no cost to them). Accommodating this clearly expressed desire by residents within the Business Plan has been challenging – there is no equivalent offer anywhere else in London at this scale – but seen as critical to Clarion's place making objectives.

Rehousing residents during regeneration

The regeneration of the three neighbourhoods will require multiple phases of development. The Phasing Plan has been constructed to minimise disruption to existing residents and their earliest possible rehousing. We acknowledge this period of rehousing will be stressful so we will support residents as much as possible in advance and through the rehousing process itself. The will include:

- Regular face to face contact with the Regeneration Manager to confirm exact housing need (size, accessibility issues, location) at least one full phase (i.e. at least two years) in advance
- Regular follow ups to check for changes in circumstances
- Advance written confirmation of what home will be offered, in what phase and in what location
- Managed removals for Clarion tenants with a free packing and removals service paid for by Clarion

Clarion will employ staff specifically to support residents through this rehousing irrespective of tenure. Their role will be to offer help where required to arrange removals and move dates, support residents to get power and their utilities in place, deal with any unexpected difficulties on the day.

Provision for Vulnerable Residents

In recognition that the rehousing process may affect vulnerable families and individuals more, Clarion have commissioned Merton Centre for Independent Living (MCIL) to help establish how to best contact, support and accommodate disabled people and other vulnerable groups. This research will inform not only our rehousing processes but the continued engagement of this section of the population throughout the regeneration work and beyond.

In addition to handyperson support to help older and vulnerable residents establish their new homes Clarion will also offer individual support to all households through CLARION FUTURES. This will involve bespoke money and digital advice to all residents as part of the package of support when they move to their new home.

Stewardship and Ongoing Involvement

In parallel with the regeneration plans Clarion have been working with residents to explore new ways of managing the neighbourhood when regeneration is underway and completed. This reflects the change the regeneration represents which will see a significant growth in population, a change in the tenure mix across the neighbourhoods and many new facilities and public spaces to be maintained and looked after. Consequently we are **developing** new models of estate management which would see local residents play a much more prominent role in the ongoing management of their neighbourhood.

As part of the preparation for those changes Clarion have already undertaken a series of workshops and site visits with residents run by OPEN CITY. A further initiative to work with existing residents to establish what they see as the best things about their community, and would like to see retained in the new neighbourhood, is scheduled to run through the winter 2017 and spring 2018.

Building Design Public Realm and Greenspace

All new homes will meet London Housing Design Guide space standards. In most case these exceed those of the existing home and Clarion have confirmed no new home will be smaller than the home it replaces. Every home will have private outdoor space (e.g. currently only one third of homes on High Path have this). 100% of homes will meet the Lifetime Homes standard.

The regeneration plans allow for 10% of all properties to be fully accessible. The regular face to face contact with the Regeneration Manager will ensure that the individual needs of disabled residents will be addressed in terms of location, layout, car parking access and adaptations. Effectively this allows for a bespoke response to particular requirements.

The replacement for Wile Miles Court (High Path) which currently houses a number of particularly vulnerable residents, will be designed to HAPPI standard, reflecting the particular needs of this community.

The public spaces are being designed to help encourage activity and reduce social exclusion. This involves the creation of streets, with front doors and active, overlooked spaces. New public and semi-public green spaces will be created including a 4,500 sqm public park at High Path and a much larger community hall at Ravensbury. Unusually the lighting design forms part of this very early stages of planning, reflecting the desire to create spaces which work well by day and by night, where residents feel safe and streets are legible and easily moved through.

The street patterns which underpin the regeneration plans have been designed to help connect neighbourhoods back into the surrounding area.

Employment and training

The social contact and physical and mental activity that come from employment and training are well established as contributors to health and wellbeing. The regeneration plans for High Path for example allow for a new bespoke employment building on Merton High Street to support small businesses and start-ups; new retail units along both Morden Road and Merton High Street; a secondary street running parallel to the High Street which includes several small business units offering "move on" space and room for small business grow

All the main procurement contracts will include training and local employment requirements, in line with Clarion's well established practices. Clarion Futures supported 1,800 into work last year with a target of 4,000 set for future years.

We will be applying Circular Economy principles at High Path and throughout the Merton Regeneration Project with work already underway to establish the added value such an approach

can bring to the local community and local businesses. High Path has been identified as a test case of Circular Economy in the built environment.

Monitoring Impacts

Clarion will be commissioning baseline research as part of a longitudinal study tracking and measuring the impacts of the regeneration programme. These will include health and wellbeing outcomes and we would welcome the opportunity to work with Public Health colleagues in the design and implementation of that research.

3.4 As part of the regeneration project, will there be any reflection of the fact that the High Path estate is located on the site of Lord Nelson's former home i.e. through house/street names, history boards, plaques etc.?

We are fortunate in that all three neighbourhoods have interesting and rich histories. High Path has the well-known links with Lord Nelson and William Morris; Eastfields its farming and fireworks connections; and Ravensbury as a site of industrial heritage with its adjacent mill and industrial artefacts. These elements have an important part to play in the place-making objectives underpinning the regeneration project, building on the positives and history of the neighbourhoods.

Given almost all the early occupants of High Path already live there, it will be local people who take the lead on the naming of their own streets and key buildings. However there is a clear desire to see Lord Nelson and William Morris both recognised locally and there are early plans for marking key locations with connections to Lord Nelson in the fabric of buildings and in the footpath. The process of developing a cultural and arts strategy to underpin the regeneration work is already underway with meetings with arts organisation and Wimbledon College of Art arranged for January.

4. Fire Safety

4.1 Does the Staying Put policy apply in any Clarion residencies in Merton? If so, how is this adequately explained to residents?

The Stay Put policy applies to all purpose built blocks including the ten storey plus blocks in Merton (Hudson Court, May Court, Marsh Court and Frensham Court). These blocks are designed with one hour fire separation between flats. Following the Grenfell Tower tragedy, further inspections were undertaken to ensure none of the fire safety measures had been compromised. The Stay Put policy does not apply to converted street properties. Briefings were issued to all affected residents after Grenfell and new notices and signage has been provided in all blocks.

This is a common evacuation policy which is nationally accepted as the normal arrangement for purpose built blocks of flats. The procedure is explained to residents at sign up as part of the welcome information pack, it is contained within the fire action notices displayed within the blocks (we are currently reviewing and reinstating fire action notices across all out property portfolio). We also write to residents following an incident or fire to remind them of the fire arrangements in a block. Following Grenfell we sent every resident in blocks over six storeys a comprehensive fire safety advice including information on the stay put arrangement and what to do in the event of a fire.

4.3 What is Clarion doing to encourage the safety of electrical appliances in its housing?

We have information on our external website regarding fire safety and this includes electrical appliances. We contained some advice on the leaflets sent out to residents which included some advice around electrical safety.

4.3. Does Clarion, as landlord, have plans in place for the fire evacuation of vulnerable residents? The London Fire Brigade is campaigning on this issue and is trying to get legislation changed to put this responsibility onto landlords.

We have sought legal advice regarding this aspect and are currently reviewing our internal procedure and process for the fire safety arrangements in relation to vulnerable residents. Evacuation arrangements for vulnerable persons differ depending on the type of accommodation they live in. We are also working with the London Fire Brigade and other Fire Authorities in relation to the arrangements for vulnerable persons.

4.4 What evidence can Clarion provide of how it is ensuring the safety of its residents?

Clarion holds FRA reports for all properties that require one in accordance with the Regulatory Reform Fire Safety Order 2005. Currently 24 hour patrols are being undertaken in the four blocks of ten storeys in the Borough.

We have robust procedures and arrangements in place for the safety of our residents which complies with the relevant legislation for both Health and Safety and Fire Safety. We have a competent team of Health and Safety and Fire Safety Managers and Officers who are reviewing and checking the processes and procedures in place. We have comprehensive testing and maintenance regimes in place for equipment together with a comprehensive process for fire risk assessments of our property in place.

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Committee: Sustainable Communities Scrutiny and Overview Panel

Date: 10th January 2018

Wards: All

Subject: Performance monitoring of the street cleaning and waste contract delivered by Veolia Environmental Services.

Lead officer: Graeme Kane, Assistant Director of Public Space

Lead member: Cllr Ross Garrod, Cabinet Member for Street cleanliness and Parking

Contact officer: Graeme Kane, Assistant Director of Public Space

Recommendations:

1. **Performance monitoring:** Members are asked to note the contents of the report and provide officers with any comments regarding their experiences, or reports they have received, relating to the waste, recycling, street cleaning and greenspaces services.
2. **Wheeled bin size:** Wheeled bins are due to be introduced in October 2018 for residual/ general waste and for paper and card. It is now appropriate to choose the final size of the wheeled bin. Panel Members are requested to consider the bin size options and make a recommendation to Cabinet on either option A or B. Option A is recommended. The final decision will be taken by Cabinet on 15th January 2017.

	Residual/ general waste	Paper and card
Option A	180l wheeled bin	180l wheeled bin
Option B	240l wheeled bin	240l wheeled bin

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. At their meeting on 2nd November 2017, Members of the Sustainable Communities Overview and Scrutiny Panel requested that they receive performance data from the commencement of the contract updated monthly to allow them to readily understand the developing performance of the service. Data has been provided below. This information will be provided to the Panel for the remainder of the municipal year.
- 1.2. The decision to introduce wheeled bins for residual/general waste and a separate wheeled bin for paper and card was made by Cabinet in July 2016. The Cabinet will be asked to confirm the size of wheeled bin to be used. The service is due to be introduced in October 2018 in order to: encourage greater recycling; keep Merton's streets cleaner; be safer for residents and operatives, and; be cost-effective.

2 DETAILS

- 2.1. At their meeting on 2nd November 2017, Members of the Sustainable Communities Overview and Scrutiny Panel requested that they receive

performance data from the commencement of the contract updated monthly to allow them to readily understand the developing performance of the service. Data has been provided below. Where possible this information has been included since the beginning of the Veolia contract (3rd April 2017) and includes comparable data from before the contract began and the service was delivered in house. In some cases the way in which the data is collated or defined has changed as a result of the enhanced technology or specification of the current contract and therefore the figures are not comparable with previous years.

2.2. Missed bins

- 2.3. To enable comparison from one month to another, the performance of missed bins is measured against 100,000 collections. This can be equated to a percentage of bins missed. LBM's performance monitoring target for missed bins per 100,000 collections is 75/month.

2017	April	May	June	July	Aug	Sept	Oct	Nov
Missed bins per 100,000 collections	48	68	77	90	75	107	148	126
Percentage of collections missed	0.05	0.07	0.08	0.09	0.08	0.11	0.15	0.13

- 2.4. The average for the first eight months is 93 missed bins per 100,000 collections. This is above the target of 75.
- 2.5. Owing to the in-cab technology and improvements to LBM's on-line reporting functions, the system to record missed bins is now more accurate than before the Veolia contract began and the methodology of calculating the number of missed bins has changed. Therefore, the number of missed bins recorded before the Veolia contract is not directly comparable with the current reported performance.

2.6. Household waste recycled and composted

The percentage of household waste sent for recycling or composting includes materials collected from the kerbside, Neighbourhood Recycling Centres and the Recycling and Refuse Site. The target for 2016 was 38% and for 2017 is 42%. It is unlikely that the recycling target will be reached in 17/18.

- 2.7. The change in autumn 2018 to alternate weekly collections with wheeled bins limiting the capacity of residual waste is expected to bring about a significant increase in the recycling rate. In April this year, Sutton introduced wheeled bins for residual as well as a new food waste service. This resulted in their recycling rate increasing from 38%, 40% and 40% in the months April, May and June 2016 to 53%, 50% and 53% in those same months in 2017. The same increase is not likely in Merton given food waste collections already occur but is an indication that recycling rates are set to increase under the new collection arrangements.

% Household waste recycled and composted								
	April	May	June	July	Aug	Sept	Oct	Nov

2016	36.92	36.64	36.75	36.41	37.47	38.03	37.31	32.58
2017	40.52	37.21	39.07	38.16	37.98	38.45	39.7	TBC

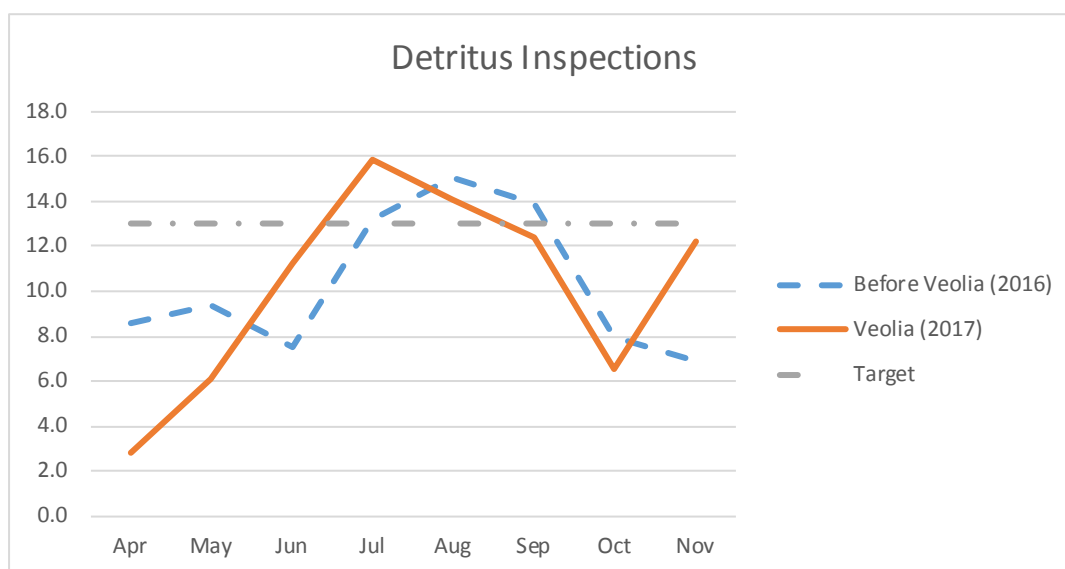
2.8. Fly tips

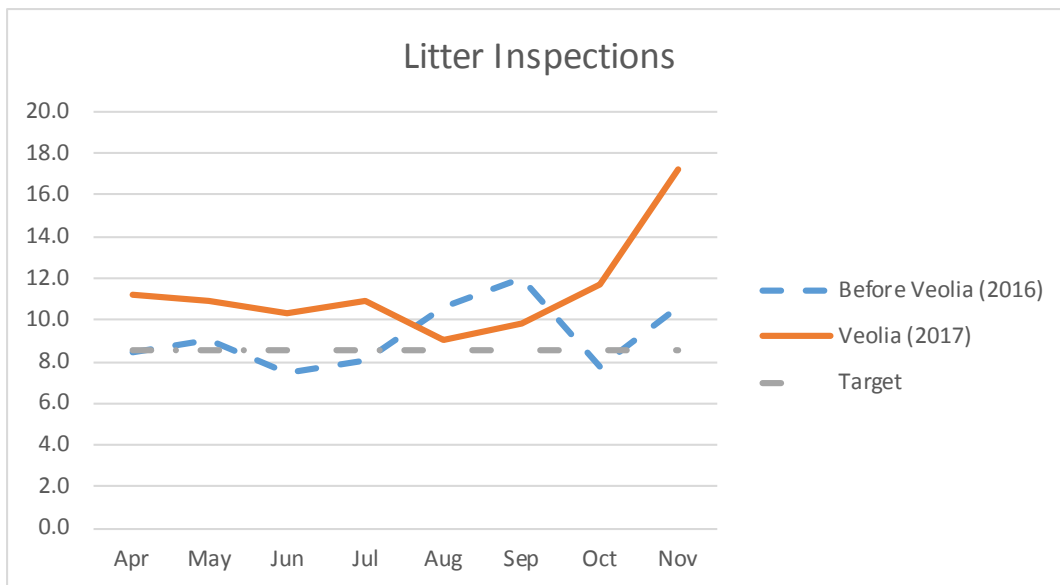
- 2.9. The table below presents the number of fly-tips reported (previous fly-tip records are not comparable given the changes in data capture and reporting technology). Whilst some reports may be duplicates, it gives an impression of the volume of fly-tips that Veolia are required to clear each month across the borough.

	April	May	June	July	Aug	Sept	Oct	Nov	Dec
2017	600	523	523	629	542	745	832	890	TBC

2.10. Street cleaning

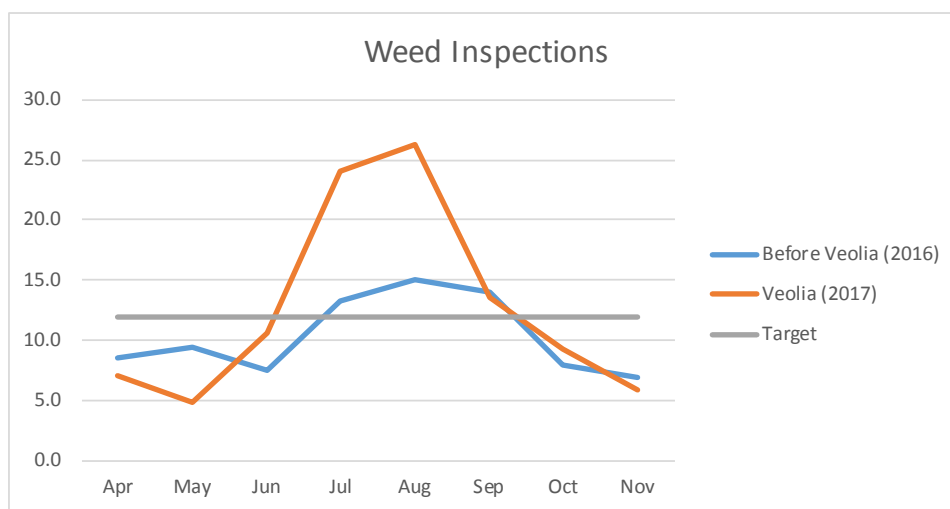
- 2.11. LBM's Performance Monitoring Officer undertakes monthly and quarterly inspections at random across the borough to assess for litter and detritus separately. The data from these inspections provides an insight into the street cleanliness of Merton's roads over time. The graphs below compare the results of these inspections between April - November 2016 (before Veolia) and April - November 2017 (with Veolia). The scores are based on the former Defra National Indicator 195 for street cleanliness; LBM's performance target are as follows: 8.5% of streets inspected should be below a grade B- for litter and less than 13% of streets inspected should be below a grade B- for detritus; both of which are stricter targets than previous years. The contract with Veolia requires streets to be maintained to a grade B or above.





2.12. Weeds

- 2.13. The third and final application of weed killer was applied throughout November and December and has been completed. Inspections have indicated that the presence of weeds is within our target: 12% of streets inspected should be below a grade B- for weeds



2.14. Collection of street cleaning sacks (green sacks)

- 2.15. The clearance of green sacks has improved in the last month. The expectation of LBM is that green sacks should be removed from the streets on the same day as they were deposited. Through the inspections of the client team, this situation has improved. Analysis of the fly-tipping reports indicates that 5% of reports in November made reference to street cleaning/ green sacks being part of the fly-tipped material.

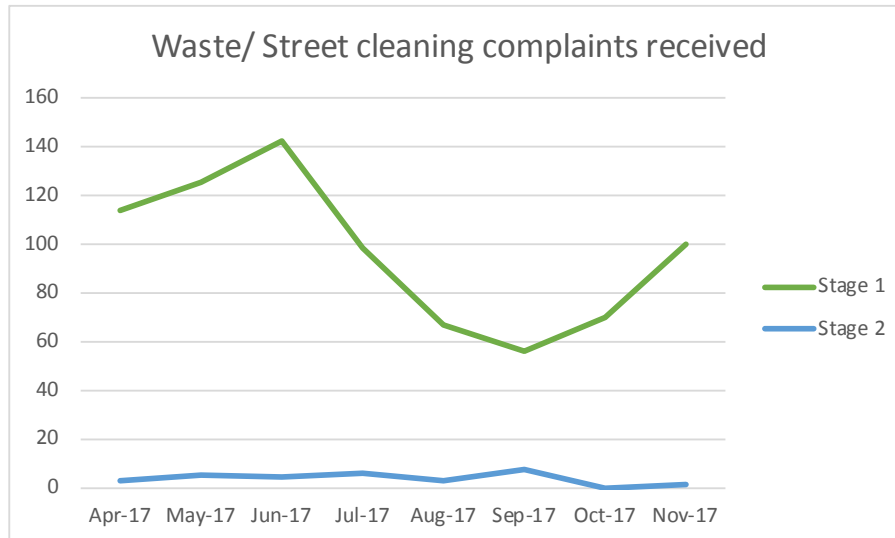
2.16. Graffiti

- 2.17. LBM is responsible for clearing graffiti on public property. The responsibility for clearing graffiti from private property remains with the property owner. LBM, through Veolia, do offer a service to clear graffiti from private property once a

waiver has been received from the property owners; a charge may be levied by LBM to the property owner for this service. In November, 11 reports of graffiti were made, of which 10 were reported as cleared.

2.18. Customer complaints

- 2.19. The number of customer complaints received per month relating to the waste, recycling and street cleaning service.



3 ICT INTEGRATION

- 3.1. Panel members also requested updates on the integration of Merton's customer relationship management (CRM) system and the contractor's operational systems.
- 3.2. Together with reporting a missed bin, the following street cleaning services are now integrated between LBM's on-line reporting with LBM's Customer Relationship Management (CRM) system and Veolia's operational system (ECHO).
- 3.3. Integrated from 13th October onwards:
- Fly-tipping
 - Street below grade.
- 3.4. Integrated from 16th November onwards:
- Bring Bank (Neighbourhood Recycling Bank) Issues
 - Dead Animals
 - Drug Waste on the Street
 - Fly-posting
 - Graffiti
 - Litter Bin Issues
- 3.5. The following services are yet to be integrated and are expected to be complete in December and January:
- Replacement/ new container

- Bulky waste collection

- 3.6. Recent improvements to the reporting system have also included the ability for residents to upload a photograph of up to 2.3MB for all street cleaning reports.
- 3.7. Residents are able to submit reports regarding street cleaning either by phone to the Council's Contact Centre or through the Council's on-line reporting functions. Reports are also made by LBM's Neighbourhood Client Officers (NCOs) when they are inspecting their areas. The table below provides a breakdown of the way in which reports were made in November.

Report Type	Phone	Web	NCO
Bring Bank Issue	10	3	7
Dead Animal	6	11	2
Fly-Posting		2	
Fly-tipping	315	444	229
Graffiti	3	10	1
Litter Bin Issue	24	12	16
Street Cleaning Veolia Request	1		
Street Requires Cleaning	365	479	108
Grand Total	724	961	363
Percentage	35	47	18

- 3.8. This indicates that the largest proportion of reports are made by residents using the Council's on-line report it function. By using these channels, the reports reach the contractor and client team as quickly as possible so problems can be solved as efficiently and effectively as possible. This also ensures all resident reports are logged in CRM and any repeat issues can be identified before they become bigger problems.
- 3.9. Street cleaning reports can be made on-line here: www.merton.gov.uk/street-cleaning
- 3.10. Missed bin reports can also be made on line: www.merton.gov.uk/rubbish-and-recycling/report-a-missed-collection
- 3.11. The table below indicates that the total number of missed bin reports on-line remains at just below 50% of all reports made by residents.

Missed bin reports		
	Phone	Web
Month	%	%
Apr	55	45
May	52	48
Jun	53	47
Jul	53	47
Aug	57	43
Sep	51	49
Oct	56	44
Nov	58	42
Grand Total	54	46

4 CONTRACT MANAGEMENT AND MONITORING

- 4.1. On a daily basis, the operational performance of the contract is overseen by the Neighbourhood Client Team consisting of three experienced Neighbourhood

Client Officers (NCOs). Together, they monitor the contract through site visits and daily interaction with the contractors' Environmental Managers, residents, stakeholders and local Members. They respond to customer requests, queries and complaints in order to resolve waste/ recycling collection, street cleaning or green space issues. They also gather intelligence and information from analysing data held in the Council's customer management system. Recently they have held meetings with local Councillors and residents in Graveney, Longthornton, Figges Marsh and Abbey.

- 4.2. Regular contract management meetings are held between South London Waste Partnership (SLWP), representatives from each of the boroughs and the contractors in order to oversee and progress the delivery of the contract.
- 4.3. Weekly operational meetings take place with both contractors and the client team to address immediate services issues. Monthly meetings with senior managers from Veolia and idverde also take place to address strategic and commercial elements of the contract to ensure contract compliance and service delivery.
- 4.4. During November, the Executive Member for Street Cleanliness and Parking together with the Leader of the Council, met with Veolia's Regional Director to express their concern about Veolia's performance and emphasise their expectations of the service their residents should be receiving. Following the meeting, the Executive member wrote to the Regional Director to express his concern and seek reassurances; a response from Veolia to that letter is included in Appendix B.
- 4.5. Within the contract there are mechanisms by which poor performance can be addressed. The Service Performance Indicators provide an insight into how the contract is performing. These indicators are reported and reviewed on a monthly basis. Where performance is below the required standard, financial deductions can be applied to the monthly contract payments. The calculation of the indicators and deductions is reliant on having a fully integrated ICT system, which is progressing but not yet complete. Financial deductions are routinely applied to the contract where appropriate to address poor performance. In July and August, deductions were levied by LBM on Veolia for performance failures. The combined total of these deductions is approximately £13,000.

5 TRAINING AND SUPERVISION

- 5.1. Since the last report to the Panel in November, Veolia have introduced additional supervisors and managers to oversee the performance of their street cleaning and waste collection crews. This is intended to be a short-term measure to raise standards of cleaning and behaviour. The crews continue to receive training in relation to ensuring they are aware of the requirements of the 'as is' service specifically the careful replacement of recycling containers to an appropriate position, the collection of waste from the edge of the property, and the avoidance of spilled material onto the pavement or roads.

6 SERVICE CHANGE

- 6.1. In accordance with the contract and previous decisions by Cabinet, service changes will be implemented for the waste and recycling services from the autumn of 2018. The introduction of alternate weekly waste and recycling collections is expected to incentivise recycling, particularly the use of the food

waste service. The introduction of wheeled bins is intended to keep Merton's streets cleaner as well as providing a more cost effective and safer method of collection. The collection regime is similar to many boroughs and councils across the country, including those with the highest rates of recycling. Advice for residents is already provided on LBM's website to help residents keep their bins clean. <https://www.merton.gov.uk/rubbish-and-recycling/changes-from-2018>

- 6.2. Plans for the service changes are being developed by Veolia in conjunction with LBM officers and the SLWP. The plans will include: ordering, delivering and commissioning of new vehicles; ordering and delivering of new bins; and route adjustments and day changes. A crucial work stream will be the development of clear and comprehensive communications to residents. An update on the planned service changes will be presented to the Sustainable Communities Panel in February 2018 for their information and comment.
- 6.3. Originally the size of both wheeled bins was to be 240litres. Based on analysis of operations in other local authorities, a review of best practice and taking note of guidance from WRAP, it is recommended that both wheeled bins should be 180litres. This reduction in size is expected to: encourage food and dry recycling; reduce waste disposal tonnages and costs; and, make the bins easier for residents to store and handle. A presentation is attached in Appendix A. This outlines the issues to be considered in deciding on the appropriate size of the wheeled bin for residual waste.
- 6.4. Through informal feedback regarding the service change, residents have indicated their concern about the size of wheeled bins in relation to their properties. These views have influenced the decision to recommend a 180l wheeled bin over a larger one. By listening and responding to residents, it is hoped their concerns will be alleviated to some degree.
- 6.5. Once the new service has been introduced, residents in larger households (likely to be those with 5 or more permanent occupants) will be able to request a 240l wheeled bin for residual waste and residents who prefer a 140l wheeled bin for residual waste will have the option to request one. These alternatives will be developed further by officers during the later planning stages of the new service.
- 6.6. **ALTERNATIVE OPTIONS**
- 6.7. **Performance monitoring:** This is an update on the performance of the Council's key waste, recycling and street cleaning services and therefore there are no decisions required or recommended. Members are asked to note the contents of the report and provide officers with any comments regarding their experiences, or reports they have received, relating to the services.
- 6.8. **Wheeled bin size:** Members have the choice of either option A or B.

	Residual/ general waste	Paper and card
Option A	180l wheeled bin	180l wheeled bin
Option B	240l wheeled bin	240l wheeled bin

- 6.9. The use of smaller bins as the standard sized wheeled bin is are considered to be inappropriate as it risks providing residents with insufficient capacity to safely contain and dispose of their waste. Insufficient capacity can lead to increased

fly-tipping, additional visits to the Household Reuse and Recycling Centre, and the need for increased street cleansing.

6.10. **CONSULTATION UNDERTAKEN OR PROPOSED**

6.11. No formal consultation has contributed to the creation of this report.

6.12. **FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.13. Option A may result in reduced Capital costs but it is too early to determine at this stage. If a smaller bin (180l rather than 240l) encourages greater recycling and an overall reduction in residual/ general waste then this will have a positive effect on LBM's waste disposal costs. The scale of these changes is not yet known.

6.14. The approved Capital programme 2017-21 includes £2.674 million for the purchase of waste bins in 2018/19.

6.15. **LEGAL AND STATUTORY IMPLICATIONS**

6.16. There are no legal or statutory implications as a result of this report.

6.17. **HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

6.18. There are no human rights, equalities or community cohesion implications as a result of this report.

6.19. **CRIME AND DISORDER IMPLICATIONS**

6.20. There are no crime or disorder implications as a result of this report.

6.21. **RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

6.22. There are no risk management or health and safety implications as a result of this report.

6.23. **APPENDICES - THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

6.24. Appendix A: Powerpoint presentation: "Waste/ recycling service change: Autumn 2018: Wheeled bin size".

6.25. Appendix B: Letter from Veolia dated 22nd December 2017

6.26. **BACKGROUND PAPERS**

6.27. N/A

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Waste/ recycling service change: Autumn 2018

Wheeled bin size

New service model

Existing



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Residual	Food	Recycling	Garden
unlimited	23l	55l	240l*

Veolia's original bid



Food	Mixed recycling	Paper/card	Residual	Garden
23l	55l	240l	240l	240l*

*Optional paid-for service

Recommendation

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Food	Mixed recycling	Paper/ card	Residual	Garden
23l	55l	180l	180l	240l*

*Optional paid-for service

WRAP study (2012/13)

- Key determinates to higher recycling rates include:
 - The affluence of the area (more affluent = higher recycling)
 - The urban/rural nature of the authority (more rural = higher recycling)
 - Whether the authority provided a food waste service (food waste = higher recycling overall)
 - The capacity (in litres) of the general waste collection (lower capacity of general waste = higher recycling)

Whilst WRAP have established a link between capacity and recycling rate, they do not conclude the optimum size of wheeled bin.

[http://www.wrap.org.uk/sites/files/wrap/priv_download/Analysis of recycling performance and waste arisings%20in%20the%20UK%202012%2013.pdf](http://www.wrap.org.uk/sites/files/wrap/priv_download/Analysis_of_recycling_performance_and_waste_arisings%20in%20the%20UK%202012%2013.pdf)

Potential savings

- Theoretically based on the WRAP study:

Bin size	Collection frequency	Effective capacity/week	Increase in recycling rate	Savings/yr (approx)	Cumulative savings/yr
240l bin	weekly	240l	0%	0	0
240l bin	fortnightly	120l	7.2%	£91,300	£91,300
180l bin	fortnightly	90l	+ 1.8%	+£22,800	£114,100
140l bin	fortnightly	70l	+ 1.2%	+£15,200	£129,300

- Actual savings will depend on the real reduction in overall general waste achieved and the increase in recycling. There are many contextual factors that determine these changes, many of which are outside of the local authority's control.
- If the size of the bin proves to be insufficient, it is likely it will cause additional fly-tipping and 'side-waste', which is costly to clean up thus negating any savings in waste disposal.

London authorities

Local Authority - London	Residual			Dry Recycling				Recycling % (2015/16)
(all those with AWC residual)	AWC	Container	Volume (l)	Weekly	AWC	Container	Volume (l)	
Islington	Yes	blk sack	240/360	Yes		reuseable sacks, boxes, wheeled bins	35-180	29.4
Sutton	Yes	Wheeled bin	140/240		Yes	Wheeled bin	140/240	34.7
Southwark	Yes	Wheeled bin	240	Yes	Yes	Wheeled bin/boxes	240	35.0
Haringey	Yes	Wheeled bin	180/240	Yes		Wheeled bin	180/240	36.2
Croydon	Yes	Wheeled bin	180/240	Yes		Boxes	55	37.8
Brent	Yes	Wheeled bin	140/240	Yes		Wheeled bin	240	38.4
Bromley	Yes	blk sack	-		Yes	Boxes	55	45.9
Kingston	Yes	Wheeled bin	180/240	Yes		Boxes, reusable sacks	-	45.8

- These figures indicate that there are a range of collection services in operation. Range between 240l/week capacity to 70l/week.
- These services have been introduced at different points in time and have been introduced for a range of different reasons depending on factors at that time. In some cases the service has been changed since the last officially recorded recycling rates from Defra e.g. Sutton.
- There is no clear link between container size and recycling rates.

Bin dimensions

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Volume (litres)	140	180	240
Height (mm)	1070	1080	1080
Width (mm)	490	480	580
Depth (mm)	550	725	730
Indicative price	£14.38	£17.37	£18.42

Sample only: prices & dimensions differ between manufacturers



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Cllr Ross Garrod
London Borough of Merton
Merton Civic Centre
London Road
Merton
SM4 5DX

22 December 2017

Dear Cllr Garrod,

Thank you for your letter of 19 December 2017 with regards to the collection and cleansing services in LB Merton provided by Veolia. I will address your concerns one by one.

Street Cleansing standards and schedules:

The street cleansing schedules are under constant review, we view them as 'live documents' that will change with the changing requirements of the borough. We have undertaken the following steps to make the necessary improvements to the service.

- **Management team;**
 - We have changed the Environmental Manager (EM) for the East of the Borough and have seen almost immediate improvements.
 - There is an additional Environmental Manager to assist the existing staff with the ECHO element of their tasks.
 - We have seconded an additional Operations Manager from LB Richmond to instruct and mentor the Environmental Managers in delivering the services in the 'Veolia way'.
- **Scheduling and resource alignment.** The Environmental Managers are constantly reviewing their schedules and resources to achieve and maintain standards. Examples of this include a re-evaluation of the use of the Schmidt sweepers in the East of the Borough to better support the barrow sweepers. In addition to this we have reassessed the hand tools being used by the barrow sweepers themselves in order to meet the standards that we expect.
- **Additional resources.** To remove some of the burden of the fly tipping from the Mobile Response Teams (MRTs) we have put on two additional MRTs that exclusively deal with fly tipping. This allows the four scheduled MRTs – one above bid – to undertake their other duties in;
 - Supporting the barrow sweepers by collecting their arisings;
 - Litter bin emptying, and;
 - Ad-hoc cleansing to return streets to grade.

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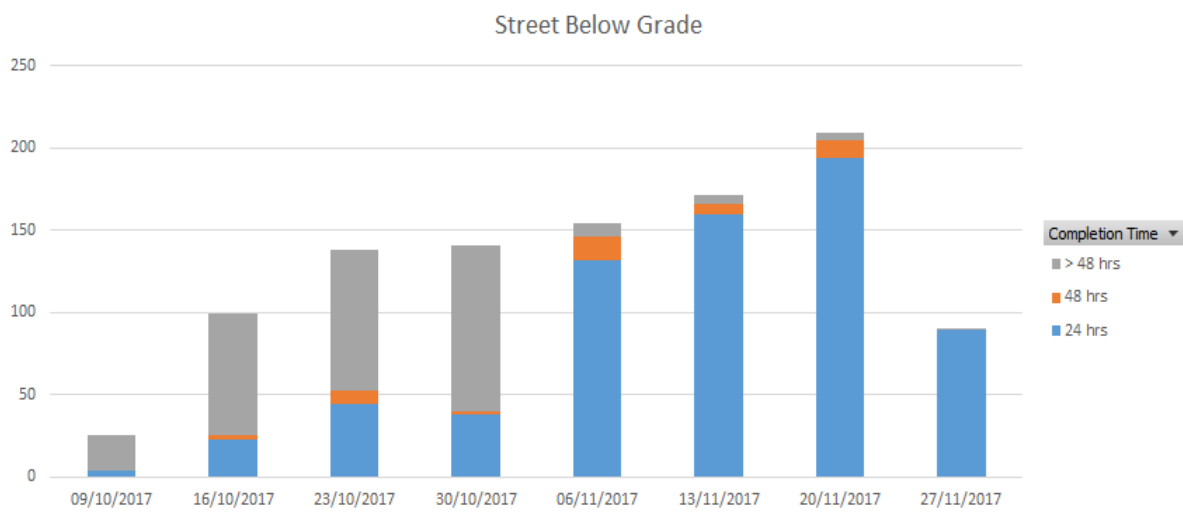
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The only metric we can evidence this by at the moment is our responsiveness to reports of street below grade. The graph below (Table 1.1) illustrates that both total reports of streets below grade have fallen and our responses within 24 hours have improved since this part of the service was integrated with ECHO in October 2017.

Table 1.1 Streets below grade reports and responses from w.c. 09.10.2017 – w.c. 27.11.2017



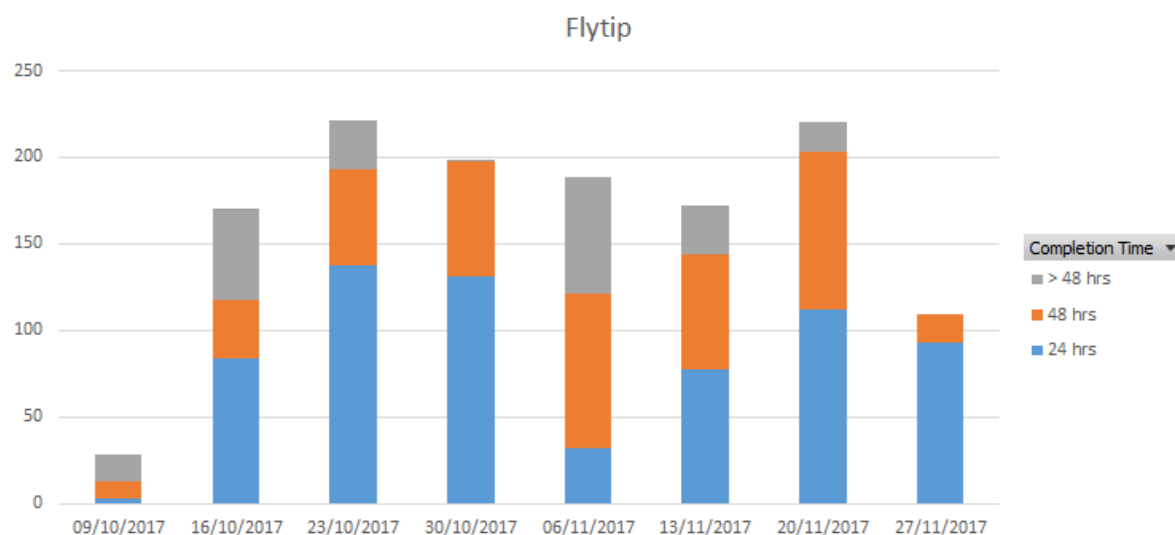
This includes reports from all stakeholders, internal reports by Veolia EMs, LB Merton Officers and member of the public.

Please accept our commitment to achieving upper quartile standards in the street cleansing service for LB Merton and the SLWP. Our cleansing service for the RB Kingston has just received the latest tranche of NI195 scores. Outstanding results of 2% for litter and 6% for detritus with a combined score of 4% using methodologies and resource organisation that we have implemented in the LB Merton and across the SLWP, however the cleansing services throughout the rest of the SLWP are supported by a containerised collections methodology, so we must be mindful that achieving the very highest standards may not be possible until the LB Merton collection services have a containerised solution after October 2018.

Fly tipping.

The additional resources that we have deployed have been outlined above (two additional MRT crews). This has improved our ability to respond which is illustrated in Table 2.1 below.

Table 2.1 Fly tip response

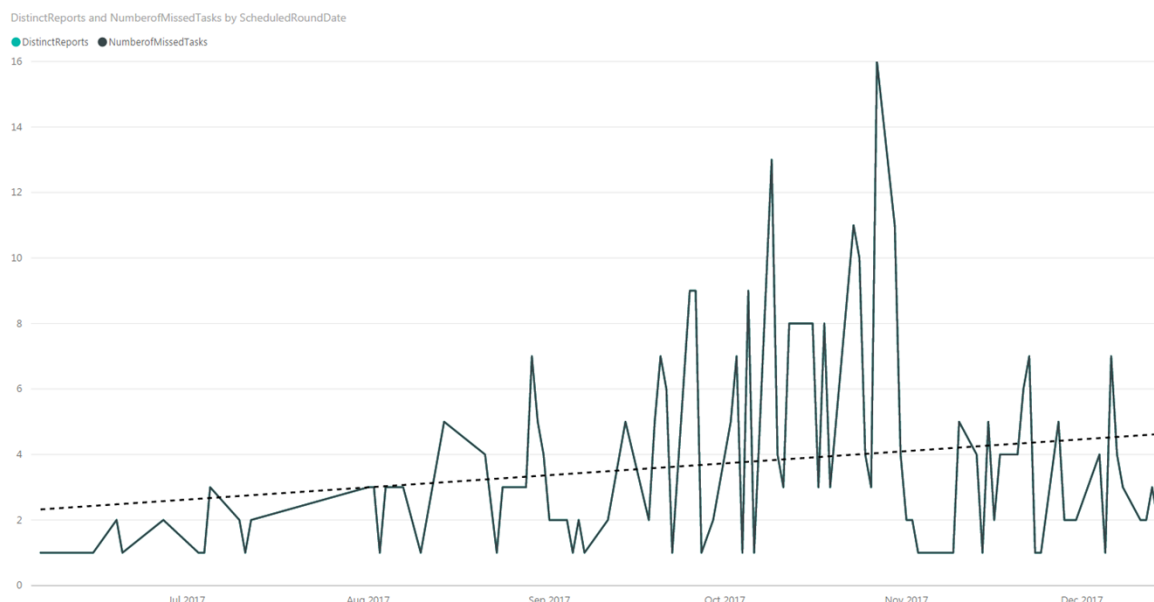


We are responding to far more fly tips within the 24 hour timescale than we were previously. However the numbers of fly tips we are responding to and proactively clearing will be far in excess – over four times as many – of the number of fly tips we would have expected given the numbers provided in the bid (c. 3,800). We will continue to mobilise additional resources and adjust the resource distribution until we are responding to all reports within the 24 hour period, however we would hope that LB Merton are mindful that Veolia are supplying all the additional resources at our own cost when the MRT element of the services was resourced to cope with c. 4,000 fly tips pa rather than closer to 20,000.

Communal Collections.

The rescheduling of the communal work was necessary to capture all the data in ECHO rather than the crew memory, old paper sheets and ECHO data streams that existed before the change. Table 3.1 illustrates that missed collections on the communal collection services since ECHO integration in June. None of the service elements are performing at the level that we would want them to, however following the spike in poor performance in October and November when the changes to the kerbside and communal services took place the metric measures have improved. In the w/c 11.12.2017 there were around four missed collection reports per day from the communal service, a return to “business as usual”.

Table 3.1 Missed collections on the communal collection services



The communications strategy for the changes to the kerbside collection services will be laid out in the mobilisation plan for the new services in 2018. We accept that the communications for the changes in this service were minimal and could have been better.

However now that the days of the communal collection match the ‘wave’ of the kerbside collections we do not envisage any further day changes on the communal collection service as the kerbside collections are likely to have minimal day changes in the new service from October 2018. All communications for the new services will be comprehensive and residents at all property types will begin receiving notices about the new service following the conclusion of the local elections in May 2018.

Social Media Lead.

Sheila Chauhan, our Education and Outreach Manager has been tasked with recruiting a resource to managing the social media responses within the SLWP.

Vehicle reliability.

It is an industry reality that vehicles in the sixth and seventh year of their life require greater levels of maintenance. We knew this when we inherited the LB Merton collections fleet back in April 2017. To better manage the fleet and the workshop resources we have replaced [a former employee] with an experienced workshop manager who having assessed the fleet and his staff has requested more support from operations. This support has included two hired 26tonne RCVs to

allow his staff more time to carry out preventative maintenance on vehicles coming into the workshop.

There will be five new 26tonne RCVs arriving from Dennis Eagle at the end of January. As soon as these vehicles are 'bedded in' they will take more pressure off the workshop and allow them more time to work on the 2010 and 2011 registered vehicles.

The Christmas catch-up period.

To maintain service levels across the Christmas catch-up period we have taken the following steps.

- Management and Supervision. There will be a full compliment of managers to direct the resources over the period, including Scott Edgell, the General Manager who will be onsite at Amenity Way every day.
- Managing staff holidays. We have had to honour the annual leave granted by LB Merton HR prior to 01.04.2017 over the catch-up period. However we have suspended any further annual leave over the period and there are additional resources available from CUE, our agency staff partner and RB Kingston, LB Sutton, LB Croydon, LB Lambeth, LB Richmond and LB Bromley.

I share your expectation that the services will continue to improve both in the near future and throughout 2018.

Kind regards,

Pascal Hauret
Regional Director
Veolia UK

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E&R Public Protection performance report

PI Code & Description	Nov 2017					2017/18					YTD Status
	Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend	
Parking services estimated revenue	1,671,741	1,685,941				12,283,110	10,005,607				
% Parking permits issued within 5 working days	95%	90%				76.25%	90%				
Sickness- No of days per FTE from snapshot report (parking)	1.77	0.66				12.36	5.28				
% Cases won at PATAS	60%	54%				61.75%	54%				
% Cases lost at PATAS	24.21%	21%				26.42%	21%				
% Cases where council does not contest at PATAS	15.79%	25%				12.35%	25%				
% Public Spaces CCTV cameras working	92.83%	95%				97.52%	95%				
% Service requests replied to in 5 working days	93.84%	96%				94.49%	96%				
Income generation by Regulatory Services	£117,744	£85,000				£354,004	£269,000				
No. of underage sales test purchases	Measured Quarterly					56	42				
% licensing apps. determined within 28 days (Quarterly)	Measured Quarterly					94.85%	95%				
% Inspection category A,B & C food premises	Measured Annually					N/A	98	N/A			N/A
Annual average amount of Nitrogen Dioxide per m3	Measured Annually					N/A	40	N/A			N/A
Days Nitrogen Dioxide levels exceed 200 micrograms per m3	Measured Quarterly					0	18				
Annual average amount of Particulates per m3	Measured Annually					N/A	40	N/A			N/A
Days particulate levels exceed 50 micrograms per m3	Measured Quarterly					7	17				
% Food premises rated 2* or below	Measured Quarterly					8.17%	15%				

E&R Public Spaces

PI Code & Description	Nov 2017					2017/18					YTD Status
	Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend	
% of sites surveyed on local street inspections for litter that are below standard	17.27%	8.5%				11.44%	8.5%				
No. of fly-tips reported in streets and parks	890	700				5,284	5,600				
% Sites surveyed on street inspections for litter (using NI195 system) that are below standard (KBT)	Measured Quarterly					14.73%	8.5%				
% Sites surveyed below standard for graffiti	Measured Quarterly					6.14%	5%				
% Sites surveyed below standard for flyposting	Measured Quarterly					1.82%	1%				
% Sites surveyed below standard for weeds	Measured Quarterly					7.72%	12%				
% Sites surveyed below standard for Detritus	Measured Quarterly					13.94%	13%				
% Residents satisfied with street cleanliness	Measured Annually					N/A	57%	N/A			N/A
% of fly-tips removed within 24 hours	62%	90%				62%	90%				
No. of refuse collections including recycling and kitchen waste missed per 100,000	126.00	75.00				92.38	75.00				
% Residents satisfied with refuse collection	Measured Annually					N/A	72%	N/A			N/A
% Household waste recycled and composted (One Month in Arrears)	39.7%	42%				38.69%	42%				
Residual waste kg per household (One month in arrears)	43.94	45				322.23	315				
% Municipal solid waste sent to landfill (waste management & commercial waste) (One month in arrears)	52%	59%				50%	59%				
% Residents satisfied with recycling facilities	Measured Annually					N/A	70%	N/A			N/A
Total waste arising per households (KGs) (One Month in arrears)	72.86	75				525.56	525				

Environment and Regeneration November Dashboard

PI Code & Description	Nov 2017					2017/18					YTD Status
	Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend	
% FPN's issued that have been paid	73%	68%	✓	↓	↓	74%	68%	✓	↑	↑	✓
Income generated - Merton Active Plus activity	£0	£1,500	✗	↓	↓	£33,984	£45,000	✗	↓	↓	✗
Income from Watersports Centre	£4,440	£9,340	✗	↓	↓	£372,420	£349,950	✓	↑	↑	✓
% Residents rating Leisure & Sports facilities Good to Excellent	Measured Annually					N/A	45.5%	N/A	?	?	N/A
14 to 25 year old fitness centre participation at leisure centres	8,394	8,454	⚠	↓	↓	78,545	69,425	✓	↓	↓	✓
No. of Leisure Centre users	82,941	66,600	✓	↓	↓	687,707	570,165	✓	↓	↓	✓
No. of Polka Theatre users	Measured Quarterly					40,851	38,500	✓	↓	↓	✓
% of residents who rate parks & green spaces as good or very good	Measured Annually					N/A	75%	N/A	?	?	N/A
Young peoples % satisfaction with parks & green spaces	Measured Annually					N/A	74%	N/A	?	?	N/A
No. of Green Flags	Measured Annually					5	5	5	?	?	✓
No. of outdoor events in parks	2	3	✗	↓	↓	125	126	✗	↓	↓	✗
Average % time passenger vehicles in use	Measured Annually					N/A	85%	N/A	?	?	N/A
% User satisfaction survey	Measured Annually					N/A	97%	N/A	?	?	N/A
In-house journey that meet timescales	Measured Annually					N/A	85%	N/A	?	?	N/A
% who agree that Merton is making the area a better place to live	Measured Annually					N/A	75%	N/A	?	?	N/A

E&R Sustainable Communities

PI Code & Description	Nov 2017					2017/18					YTD Status
	Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend	
Income (Development and Building Control)	70,938	175,000	✗	↓	↓	1,087,641	1,314,080	✗	↓	↓	✗

Environment and Regeneration November Dashboard

PI Code & Description	Nov 2017					2017/18					YTD Status
	Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend	
% Major applications processed within 13 weeks	60%	67%				74.07%	67%				
% of minor planning applications determined within 8 weeks	64%	66%				57.14%	66%				
% of 'other' planning applications determined within 8 weeks	67.71%	85%				67.14%	85%				
% Market share retained by LA (Building Control)	63.93%	54%				50.73%	54%				
No. of enforcement cases closed	22	38				149	300				
% appeals lost (Development & Building Control)	Measured Quarterly					25%	35%				
No. of backlog enforcement cases	682	650				682	650				
Volume of planning applications	295	370				2,651	2,965				
New Homes	Measured Annually					N/A	411	N/A			N/A
% Streetworks inspections completed	Measured Quarterly					20.1%	36%				
% Emergency callouts attended within 2 hours (traffic & highways)	100%	98%				99.53%	98%				
% Streetworks permitting determined	100%	98%				99.88%	98%				
Average number of days taken to repair an out of light street light	Measured Quarterly					1.17	3				
Footway & Carriageway condition - unclassified roads non-principal defectiveness condition indicator	Measured Annually					N/A	95%	N/A			N/A
Number of publically available Electric Vehicles Charging Points available to Merton Residents	Measured Annually					N/A	30	N/A			N/A
Number of business premises improved	Measured Annually					N/A	10	N/A			N/A
% Vacancy rate of property owned by the council	Measured Quarterly					0.1%	3.3%				
% Debt owed to LBM by tenants inc businesses	Measured Quarterly					10.1%	8%				
Property asset valuations	Measured Annually					N/A	150	N/A			N/A

Performance Monitoring Report – Sustainable Communities – November 2017

Dept.	PI Code & Description	Polarity	Nov 2017					YTD Result	Annual YTD Target	YTD Status
			Value	Target	Status	Short Trend	Long Trend			
Housing Needs & Enabling	CRP 061 / SP 036 No. of households in temporary accommodation (Monthly)	Low	178	230	✓	↑	↑	186.13	230	✓
Housing Needs & Enabling	CRP 062 / SP 035 No. of homelessness preventions (Monthly)	High	314	300	✓	↑	↑	314	300	✓
Housing Needs & Enabling	SP 037 Highest No. of families in Bed and Breakfast accommodation during the year (Monthly)	Low	3	10	✓	↓	↓	2.25	10	✓
Housing Needs & Enabling	SP 038 Highest No. of adults in Bed and Breakfast accommodation (Monthly)	Low	2	10	✓	-	↓	1.5	10	✓
Libraries	CRP 059 / SP 008 No. of people accessing the library by borrowing an item or using a peoples network terminal at least once in the previous 12 months (Monthly)	High	63,812	56,000	✓	↓	↓	63,812	56,000	✓
Libraries	CRP 060 / SP 009 No. of visitors accessing the library service on line (Monthly)	High	169,608	138,390	✓	↑	↑	169,608	138,390	✓
Libraries	SP 279 % Self-service usage for stock transactions (libraries) (Monthly)	High	98%	97%	✓	↑	↑	98%	97%	✓
Libraries	SP 280 No. of active volunteers in libraries (Rolling 12 Month) (Monthly)	High	290	220	✓	↓	↓	290	220	✓
Libraries	SP 282 Partnership numbers (Libraries) (Monthly)	High	43	30	✓	-	↓	43	30	✓
Libraries	SP 287 Maintain Library Income (Monthly)	High	£295,735	£214,608	✓	↑	↑	£295,735	£214,608	✓

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