

Wormwood Scrubs Charitable Trust Committee Minutes

Wednesday 26 June 2019

PRESENT

Committee members: Councillors Wesley Harcourt (Chair), Alexandra Sanderson and Belinda Donovan

Advisors to the Trust

David Burns, Mahmood Siddiqi, Richard Gill, Ian Ross, and David Abbott (Clerk)

3 members of the public also attended the meeting.

1. APPOINTMENT OF CHAIR

RESOLVED

1. Councillor Wesley Harcourt was unanimously agreed as Chair of the Committee for the municipal year 2019-20.
2. Councillor Alexandra Sanderson was unanimously agreed as Vice Chair of the Committee for the municipal year 2019-20.

2. APPOINTMENT OF CO-OPTED MEMBERS

RESOLVED

Sir Stephen Waley-Cohen and Miriam Shea, representatives of the Friends of Wormwood Scrubs, were unanimously agreed as co-opted members of the Committee for the municipal year 2019-20.

3. MINUTES OF THE PREVIOUS MEETING

Grounds Maintenance - Members asked that it be clarified that the Committee should consider options in the interest of the Scrubs, rather than options in the interest of the Council. Stephen Waley-Cohen felt that the current cross-borough contract wasn't providing value for money and recommended a sovereign contract in future. The Chair asked for the re-procurement of the contract to be on the Committee's next agenda.

ACTION: Mahmood Siddiqi

RESOLVED

The minutes of the previous meeting were agreed as a correct record.

4. APOLOGIES FOR ABSENCE

Apologies for lateness were received from Councillor Belinda Donovan (who entered the meeting at 7.06pm).

5. DECLARATIONS OF INTEREST

There were no declarations of interest.

6. MANAGER'S REPORT

Mahmood Siddiqi, Advisor to the Trust, presented the report.

External Auditors

Mahmood Siddiqi noted that the report requested the Committee's approval of the appointment of Grant Thornton LLP as the Trust's external audit for the accounting year 2018/19, subject to final approval by the Chair upon receipt of an acceptable quote. The Committee agreed the recommendation.

Linford Christie Stadium

The Chair asked why the majority of wash basins were still out of action. Councillor Belinda Donovan said it was a health and safety issue and needed resolving ASAP. Mahmood Siddiqi said it was down to the Council's property services team. A report had been drafted and was going through the Council's decision-making process. The Chair asked for a written update to be circulated to the Committee.

ACTION: David Burns

Benches

Stephen Waley-Cohen noted that a bench had been removed from Chestnut Walk because it was unsafe, but it hadn't been replaced.

OPDC Local Plan

Richard Gill noted that he had met with the Friends of Wormwood Trust to discuss the OPDC local plan approach. The planning inspector took on board the Trust's concerns about access points. Each access point and its impact had to be considered individually.

David Burns noted that the planning inspector had set aside three dates for Car Giant's evidence to the GLA and he would circulate dates to committee.

ACTION: David Burns

Kensington Dragons Football Club

Richard Gill reported that he had met with Kensington Dragons and resolved all outstanding issues (or put plans in place to resolve them). The Council would need to provide funding to take the proposals forward.

Chris Shirley, of Kensington Dragons, said they had an initial cost plan but needed an investigation into the condition of the grounds. They also need a specification which the Dragons were happy to fund. The budget for the works were estimated

at £1.6m of which a portion would be provided by the Council due to an arrangement to maintain the surfacing.

So as not to hold up the process any longer than necessary, the Committee agreed to delegate the decision to grant a lease or license to the Council's Assistant Director for Growth (David Burns) in consultation with the Chair of the Committee, Councillor Wesley Harcourt.

Miriam Shea asked advisors to circulate a one-page summary of the Linford Christie lease to the Committee.

ACTION: David Burns

Stamford Brook Sewer

Stephen Waley-Cohen noted that when works commenced in Spring of last year there was a large area cordoned-off for safety reasons. Advisors said they expected full safety fencing for the works in Spring 2020. The Committee requested clear notices were put up at the time.

Community Safety

The Chair asked for a breakdown of the incidents in the report to be circulated to the Committee.

ACTION: Mahmood Siddiqi

Dog Walkers

Stephen Waley-Cohen noted the Committee had previously discussed requiring professional dog walkers to obtain a license. He asked for a short report on how the Royal Parks handled the issue and how something similar could be put into place on the Scrubs.

Medical Research Council building project

Advisors noted that the Council was recommending approval of the application at the next planning committee meeting. The Committee agreed to delegate the negotiation of the final terms and granting of the license to the Council's Assistant Director for Growth (David Burns) in consultation with the Chair of the Committee, Councillor Wesley Harcourt.

Kensington Aldridge Academy

David Burns advised that the DfE had asked for a further 3 years planning permission. Advisors were recommending a 12-month licence with a review at the end of the period.

The committee asked why the recommendation was for just 12-months. Advisors said it was to protect the Trust. The MoD asked for the recommendation in case they had any need for the land within three years.

The Committee agreed to delegate to H&F officers to negotiate the final terms and to ensure the appropriate legal agreements were in place as outlined in the report.

Financial Outturn 2017/19

Mahmood Siddiqi noted there would be a surplus this year of £232,000. The Committee asked why parking income had increased - was it due to the new cashless payment system? Mahmood said cashless payments had increased revenue across the borough. The Chair asked if the figure included the money from TfL for rapid charge points. Mahmood said he would follow this up after the meeting.

Financial Forecast for 2019-20

Mahmood Siddiqi reported that the Trust was anticipating a surplus of £13,000 - but that excluded the income from Kensington Aldridge Academy and other payments that hadn't been confirmed at the time of the report being written. The Committee asked for an update on these figures at the next meeting.

A member of the public felt the accounts didn't reflect the true picture as they didn't include the subsidy from the Council of around £250,000 per year. He had produced consolidated accounts and asked if they could circulate them to the Committee. David Burns said a report could be brought to a future meeting on this.

RESOLVED

1. The Committee approved the appointment of Grant Thornton LLP as the Trust's external auditors for the accounting year 2018/19, subject to final approval by the Committee Chair upon receipt of an acceptable quote.
2. The Committee agreed to delegate the decision to grant a lease or license for Kensington Dragon's Football Club to the Council's Assistant Director for Growth, David Burns, in consultation with the Chair of the Committee, Councillor Wesley Harcourt.
3. Medical Research Council building project - the Committee agreed to delegate the negotiation of the final terms and granting of the license to the Council's Assistant Director for Growth, David Burns, in consultation with the Chair of the Committee, Councillor Wesley Harcourt.
4. Kensington Aldridge Academy - The Committee agreed to delegate to H&F officers to negotiate the final terms and to ensure the appropriate legal agreements were in place as outlined in the report.

7. LINFORD CHRISTIE OUTDOOR SPORTS STADIUM - OUTCOME OF THE PUBLIC CONSULTATION

David Burns, Advisor to the Trust, presented the report that summarised the outcome of the public consultation on the options available to the Trust for the future of Linford Christie Outdoor Sports Stadium. He noted an error in 4.10 of the report – there were actually 16 responses. Officers were seeking consent from respondents before publishing their submissions.

The Chair asked if the same Council officers had written the report to the Trust and the Council's Executive. David Burns said there was a clear separation of advice and different officers had written each report, though they were based on the same information.

Members had concerns that the report seemed to suggest option three was the preferred option. Advisors said the options appraisal would look at all three options again in more detail. Each option's costs and benefits would be assessed before making a recommendation.

David Burns made clear that the consultant would be advising the Trust, at the Council's expense, if the Council agrees to the funding. The advice would be independent of the Council.

The Committee asked for more analysis of the consultation – including the impact of QPR supporters, how many people were represented by the group submissions, and the potential impact of including non-H&F adjacent areas like W10.

The Chair asked what arrangements were in place at the Council to separate the work being done by advisors to the Trust and other officers. David Burns said beyond this report Council officers were not doing any further work. It would be taken forward by independent consultants.

The committee felt the terms of reference for the consultant were key and asked to agree the terms before any appointments were made.

The Chair asked if there was a legal duty on the Trust to carry out a London-wide consultation. David Burns said he anticipated that there would have to be a wider consultation on any recommendations that came out of the business case review.

RESOLVED

That, subject to final approval of the specification, Wormwood Scrubs Charitable Trust Committee:

1. Notes the results of the public consultation.
2. Approves the Procurement Strategy in Appendix 2 of the report for the appointment of multidisciplinary advisors for the Trust, to consider the consultation responses in more detail, to develop a business case, and to complete any necessary surveys, technical and planning work that may be required.
3. Delegates the award of contracts for multi-disciplinary advisors as set out in the Procurement Strategy in Appendix 2 of the report to the Council's Assistant Director of Growth acting on behalf of the Trust in consultation with the Chair of the Wormwood Scrubs Charitable Trust Committee subject to the Council's agreement to provide sufficient funding to the Trust.
4. Delegates authority to the Council's Assistant Director of Growth acting on behalf of the Trust to develop an outline business case for the different options, on the basis that regular updates and reports are provided to the Trust Committee.
5. Notes the requirements in relation to conflict of interests and decision-making procedures set out in this report.
6. Delegates authority to the Council's Assistant Director of Growth acting on behalf of the Trust to consult with the Charity Commission in relation to the Trust's decision making process in connection with the future of the Stadium and for ongoing dialogue with the Charity Commission and to provide a report to the Trust following the discussions with the Charity Commission.

Note: The Committee requested an additional meeting to be held to agree the final specification of the advisors (recommendation 2).

ACTION: David Burns

8. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED

Members of the public or press were excluded from the meeting during consideration of the following items of business, on the grounds that they contain the likely disclosure of confidential information.

Two members of the public left the meeting.

9. LINFORD CHRISTIE OUTDOOR SPORTS STADIUM - CONFIDENTIAL ELEMENTS

NOTE: The following discussion took place under an exempt item but the minutes of the item are not exempt

David Burns presented the exempt procurement strategy noting that it set out what was needed at a high level, the options for procurement, and recommendations on next steps.

The Chair asked how the Trust could ensure its goals were recognised in this process. David Burns said the specification had to be created and he could share all relevant documentation with the Committee. The Committee said they would approve the recommendations subject to final approval of the specification.

Members made the following points on the specification:

- The brief needed to be to look at all options - and variations of those options.
- There should be proper analysis of the environmental impact of each option, and detail of the legal obstacles to overcome for each option.
- It would be helpful for someone to do an analysis of the potential conflicts of interest of the Local Authority in its role as planning authority and sole Trustee.
- Attention should be drawn to the risks of the cancellation of HS2 by the Government, and the failure of OPDC to implement its proposals.

AOB

The Chair, on behalf of the whole Committee, thanked Mahmood Siddiqi and Ian Ross for the work they have done for the Trust over many years. He wished them well in their future endeavours.

Meeting started: 7.00 pm
Meeting ended: 8.45 pm

Chair

Clerk: Amrita Gill
E-mail: amrita.gill@lbhf.gov.uk