

DONCASTER METROPOLITAN BOROUGH COUNCIL
OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

WEDNESDAY, 2ND NOVEMBER, 2016

A MEETING of the OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE, DONCASTER on WEDNESDAY, 2ND NOVEMBER, 2016 at 1.00 PM

PRESENT:

Chair – Councillor John Mounsey
Vice Chair – Councillor Charlie Hogarth

Councillors – Jane Kidd, Paul Wray, Richard Allan Jones, John Cooke, Cynthia Ransome, Neil Gethin

ALSO IN ATTENDANCE:

Councillors;

Councillor Majid Khan

Call-In Group;

Councillor Jane Cox
Councillor Steve Cox
Councillor Clive Stone
Councillor Nick Allen

Officers;

Scott Fawcus - Assistant Director - Legal & Democratic Services
Peter Dale - Director of Regeneration and Environment
Adam Goldsmith - Head of Service (Local Investment Planning)
Sarah Fish - Commercial Property Surveyor

		<u>ACTION</u>
29	<u>APOLOGIES FOR ABSENCE.</u>	
	Apologies were received from Councillors Rachael Blake	
30	<u>TO CONSIDER THE EXTENT, IF ANY, TO WHICH THE PUBLIC AND PRESS ARE TO BE EXCLUDED FROM THE MEETING.</u>	
	None	
31	<u>DECLARATIONS OF INTEREST, IF ANY.</u>	
	There were no declarations of interest made.	
32	<u>CALL IN OF THE FOLLOWING EXECUTIVE DECISION: DISPOSAL</u>	

OF HOUSING REVENUE ACCOUNT (HRA) LAND AT GOODISON BOULEVARD, CANTLEY, AND THE ACQUISITION OF GATTISON HOUSE AND PLANTATION VIEW.

The Chair outlined the format of the meeting, including the options available to the Committee when forming their recommendations. The Committee then proceeded to consider a decision taken by Cabinet on Tuesday the 4th October, 2016 in respect of Disposal of Housing Revenue Account (HRA) Land at Goodison Boulevard, Cantley and the Acquisition of Gattison House and Plantation View.

To support their reasons for calling-in the decision, Councillors Clive Stone, Jane Cox, Steve Cox and Nick Allen highlighted as part of a presentation the issues they considered to be additional new evidence and raised areas of concerns. These included the following: -

- That they supported a new 'state of the art' care home for some of Doncaster Councils' most vulnerable residents. It stated that they welcomed the investment and a modern facility which was vital to the borough.
- That leasing a valuable asset for £1 over 125 years was not the best use of Council tax payers' resources without due consideration of other options.

It was suggested that the two cleared sites come back to Council ownership wherever the new home is built. Concern was raised that no other options had been given for consideration by Cabinet within the report and in respect of the preferred option it was questioned who was it was preferred by.

Through the presentation, the following issues were raised;

Land Value and Calculations

- That the Goodison Boulevard site had been valued differently to the cleared Plantation Site.
- It was questioned why the value of the two sites in Cantley were valued as they were.
- That the report presented out of date values.
- Reference was made to the valuations that '2 acres of Goodison Boulevard had been valued at £692,307 and 2 acres of Rossington had been valued £585,879 leaving a difference of £106,482.
- Finally, it was questioned whether an asset not on the Council's asset register can be disposed of.

Asset Board

- It was questioned what recommendations the Asset Board made to the Asset Decision Board and how they were incorporated within the Cabinet report and integrated into the Cabinet decision.

- It was stated that other Local Authorities constituted similar Asset Boards where Elected Members were allowed to join and participate. It was added that these boards function like other Committees and allow Members of the public to attend too as part of an open and transparent process.
- Members were informed that in other local authorities, valuable asset leases were granted with clauses to share profits so that the Council could benefit from long term growth.

Consultation

- A Member of the Call-In Group commented that they felt the consultation process (with the care home residents and their families) had been flawed. It was stated that only one option had been provided and that the decision over the asset use and the need to modernise care facilities had been lengthy. It was added that some residents and family members had been going through the process for nearly four years.

Anti-Social Behaviour

- It was noted that the Cantley site is a known hotspot for anti-social behaviour.
- Many residents have been in contact with Ward Members about their concerns regarding the site and its suitability to be a care home for vulnerable adults.
- It was commented that the Rossington site is quiet and safe, that it has no known anti-social behaviour issues and is easy to access.
- It was questioned whether or not it was the Council's duty of care to keep its' residents safe. It was therefore felt that the Rossington site was more appropriate.

Scrutiny is about process

- It was stated, that there had been problems with the allocation of Section 106 money and questioned what processes were used to allocate the money and questioned whether officers and Councillors were fully involved and consulted.
- It was felt that the Mayor and Cabinet had been given poor quality information upon which to base their decisions. Concern was raised that the Mayor and Cabinet could have made a different decision if given the "correct" information.

Access to Site

- It was noted that the report stated there is limited access to the Rossington site. Councillor Clive Stone as Ward Member of Rossington and Bawtry stated that he had a good knowledge of the site and questioned the statement made to him by officers that the

site is "land locked". It was suggested that photographs clearly show that the statement was incorrect.

For the next part of the meeting, the Chair reminded the Committee of the format of the meeting.

Members of the Committee were then given the opportunity to question the Executive Members and those Members who triggered the Call-In with both parties having a chance to respond. The following issues were further discussed.

Anti-Social Behaviour

In respect of anti-social behaviour, Councillor Steve Cox informed Members that there were numerous incidents such as rubbish being left out on a daily basis without being removed and garage doors being damaged with little being done to address it.

It was later questioned by a Member of the Committee whether building upon a site with such problems would reduce incidents of anti-social behaviour.

Members were advised that responses from the Neighbourhood Teams had indicated that there was not a disproportionate amount of anti-social behaviour present compared to other areas. Members were later informed that although there was a hotspot in this area, there were no raised tensions associated with the site.

Alternative Options

It was stated that there had been limited options presented for this decision. It was commented the option to choose either Gattison lane or Goodison Boulevard for the new home had not been included.

It was explained to the Call-In Group that as a private company, Runwood made its own business decisions. Provided that the proposal passed the due diligence of the Council and was acceptable to it, it was not the role of the Council to determine how Runwood Homes conduct its business. Some Members expressed that in their opinion, it was the responsibility of the local authority as to where the home was located as it was using Council land.

Members were informed that Runwood had already been through extensive consultation and put forward a strategy to build a state of the art building, care home facility and to dispose two clear sites. It was emphasised that there will be a cash advantage as well as significant benefits to residents of care homes and the borough of Doncaster.

Councillor Ransome questioned the financial benefit to the Council and raised comments relating to Runwood gaining an advantage at the

expense of the Council in respect of this proposal.

In respect of rent, it was clarified that the current sites occupied by Runwood were also held at a 'peppercorn rent' following a Council tender process to identify a company to manage the former Council residential homes. It was added that Runwood had made it clear in its tender documents at the time that they would look to seek and modernise the care homes which were not fit for purpose.

It was explained that the site proposal was put forward by Runwood, it was advantageous to Doncaster and not for the Council to determine where a private care home should be built by a private company. It was further acknowledged by the Director of Finance and Corporate Services that the Council considers this proposal worthwhile and would present a better situation as the Council will obtain two cleared pieces of land which have a higher value.

It was clarified that Runwood had determined that the Rossington site was not viable.

Members were reminded that valuations had been clarified at Cabinet, and that the value had not only been assessed internally but had external verification from the District Valuer. It was clarified that there would be £178K benefit to the authority and that the land was worth £2.5 million.

It was questioned whether Rossington needed additional housing sites and stated that more options should be considered.

It was outlined that the Council owns the freehold of all the pieces of land, it does not own the properties on them, the freehold of these are owned by Runwood. The Council will continue to own the freehold of the land at Goodison Boulevard.

It was questioned what value for money was being provided and whether leasing over 125 years was the best use of Council resources. Members were reminded that the proposal was to build a new £5 million facility that was fit for purpose, with improved standards and include development possibilities to further enhance both parts of the Borough through new housing for Cantley and Rossington. It was added that it would be a shame for the Borough and its residents to lose out on this opportunity.

It was questioned if Runwood would have looked for and chosen somewhere else viable had Cabinet not agreed to this proposal.

It was clarified that the land was on the asset register and had not yet been published on the digital version. It was confirmed that this would occur in due course and the land was not precluded from any sale from not being on the digital version of the asset register.

Section 106

Clarity was sought regarding Section 106 money as Ward Members reported that they had not been approached about how the money was being used. It was questioned why this money should be used for landscaping along the side of a home being developed by a private company as it was viewed that it should be specifically for the community's own benefit.

It was clarified that the money to be used is Section 106 money which is ring-fenced to that particular site.

It was clarified that Runwood intend to use 2 acres of the available 2.6 acre site at Goodison Boulevard for the new development and the remaining 0.6 acre will remain as open space which will be enhanced. It was added that Members will be consulted with during the planning process.

There was further debate in respect of Section 106 money and it was stated that site specific allocation was determined by the Planning Committee. The Chair stressed that there was a need to make sure that issues relating to Section 106 were brought to Ward Members attention to be discussed and the process agreed.

Consultation

It was put forward by a Member of the Call-In Group that any consultation had been one-sided and involved residents at Goodison Boulevard but none at Gattison House. It was felt that consultation had not been properly undertaken and residents had not been provided with the full story. It was believed that responses may have been different if residents had been provided with the full facts. A Member of the Committee suggested that residents of Gattison House had no knowledge of the new proposal.

Members were later informed that Runwood have held conversations with residents including proposals for new sites and in total 3 sets of consultation had taken place. It was added by the Cabinet Member for Regeneration and Transportation, that traffic impact assessments will take place and that the community would be able to fully input into the consultation process.

Process

The Call-In Group felt that other local authorities did things differently with assets and Doncaster would lose a valuable asset which was financially viable. It was commented that the process had not happened as part of a clear and transparent process, that different values had been raised, different answers been offered and other

providers who could have been contacted had not.

It was recognised that Doncaster needed good quality care for their elderly residents. Members of the Call-In group were of the opinion that a private company should not be able to profit in this way from the Council's assets and that if they chose to sell the business they could make a substantial profit.

In relation to Plantation View being put forward as an option, it was explained that when approached by Runwood, the Council was asked to consider any sites under the Council's control within 3 miles radius of Gattison House or Goodison Boulevard. It was noted that a trawl was undertaken of sites for the required size, with reasonable access and the right facilities. It was concluded that there was only one piece of land that fulfilled the requirements.

The Assistant Director of Adult Social Care added that as part of transfer agreement, any modernisation proposals had to come back to the Council. It was made clear that Runwood knew what they were taking on and to the point of transfer had the intention to invest heavily in Doncaster. It was acknowledged that had the footprint been big enough, there would have been a conversation about the land to the rear of Gattison House. It was noted that the team had looked at alternative sites and that the Goodison Boulevard site was the one that met the needs of Runwood and the one they agreed to pursue.

Land Values

There was a further conversation about the new land values and it was clarified that they had previously been checked on the 4th October 2016 and then refined following that. It was explained that the new values were as recent as 22nd October 2016, prior to Cabinet and had been marginally adjusted by an independent District Valuer at £150,000 from £178,000 which is what Cabinet based their decision on.

It was stated by the Cabinet Member that there had been total transparency and that the valuation from the District Valuer was definitive and had confirmed the valuation of Officers.

Summary

Councillor Mounsey thanked the Call-in group, Members and Officers for their part in the debate and summarised the following key points from the discussion.

These included that;

- Land values were correct and up-to-date and had been verified by the District Land Valuer.

- All residents were satisfied with the proposals and further consultation would be undertaken.
- In respect of Section 106 money, that Ward Members will make the final decision and be kept up-to-date of developments.
- That proposed new housing developments would in turn improve and enhance the local community and help address problems with anti-social behaviour and rubbish.

The Chair sought the individuals opinions of Committee Members and the following comments were provided:

Councillor Hogarth felt that the proposal presented a 'win-win' scenario for the Council, who would gain a 'state of the art' home as well as land for housing. For Runwood, it was considered that they would have a fiscally better business, that they have decided on a site that is a Council owned one and that the Council will have the opportunity to develop two sites.

Councillor Neil Gethin expressed his agreement with Councillor Hogarth and comments made in respect of Section 106 money that Ward Members should be consulted with and be made aware what the money is being used for. Councillor Gethin commented that he didn't agree with the proposal that there would be a 125 years lease with peppercorn rent although ultimately felt that the Council was not losing out on the deal.

Councillor Wray commented that all objections put forward had been responded to in a satisfactory manner and that he favoured no action.

Councillor Richard Allan Jones referred to the discussions concerning Section 106 money and stated that Ward Members should be in agreement with what they are used for and should be quite specific in what it is being used for. Councillor Jones questioned whether the Council was approaching this proposal from a commercial point of view. He commented further that the Council was losing out with this deal and that Runwood will want a reasonable return on their leasehold. Finally, Councillor Jones added that he did not understand how the peppercorn rent of a pound was determined and that value for money needed further consideration.

Councillor John Cooke stated that he was not happy about the position, being told that it was Runwood's choice after approaching the Council. Councillor Cooke added that he would rather it was the Council who had made the decision about which site could be used. It was added that information had been revealed during the meeting that should have been included within the Cabinet report such as traffic access to Gattison House when it was known that there is clear access. Finally it was commented that there had been no clear consultation undertaken with local Members.

Councillor Cynthia Ransome stated that in regards to Section 106 money that Member decisions should not have been dealt with in the way it had been. It was added that the process had not been open and transparent and had been undercover in areas. Finally concern was raised regarding residents who should have been considered three years ago when the homes had been closed.

Councillor Jane Kidd commented that the decision was the right one which had been made clearer at the meeting today and welcomed the opportunity.

The Chair proposed that recommendations should be put forward relating to Ward Members being informed about the use of Section 106 money and that all Ward Members should be consulted with in relation to future housing developments at both sites.

Councillor John Cooke stated that he was not going to agree with recommendations put to the Panel.

Each four specific courses of action were detailed under 'Agreeing an Outcome', paragraph 9 on page 3 of the agenda. In summary, the preferred option chosen was as follows: -

RESOLVED that:-

Take no action in respect of the Called In decision but request that:

- 1) All Ward Members receive updates regarding Section 106 money for their ward area on an annual basis and are provided with clarification of the specification it was originally designed for.
- 2) In future, if there are possible housing developments at the Gattison House and Plantation View sites that all relevant Ward Members be consulted with.