

**London Borough of Sutton
Council: 14 November 2016
Questions from Councillors
Standing Order 8.6**

1. From Councillor Neil Garratt to Councillor Wendy Mathys, Chair of the Children, Family & Education Committee

Looking at the timeline of events surrounding the new secondary school site decision:

Spring 2014: During the local election campaign, Conservatives warn that the council needs to make a prompt decision over new school sites, or risk schools opening late. Liberal Democrats dismiss this as "scaremongering".

November 2014: At full Council and in an accompanying press statement, in answer to Paul Scully, Councillor Mathys announces Rose Hill and Belmont as the two preferred sites for the two new secondary schools we need.

September 2015: Liberal Democrats throw away nearly a year of work, by pulling the rug from under the Rose Hill school plans without warning, just days before it was due to go to the Strategy & Resources Committee.

January 2016: Conservatives requisition the school site decision to full Council, strongly arguing that we revert to the November 2014 "twin track" approach of progressing both sites, in order to reduce the risk of delays as both schools will need to be built in any event. Liberal Democrats vote against, insist on progressing only the Belmont school.

Autumn 2016: It is now openly admitted that the new Belmont school will not be complete on time; children starting life at the new school will have to spend months in temporary accommodation, creating disruption and wasting money.

November 2016: Liberal Democrats finally admit that they were wrong in January 2016, and wrong in September 2015. Having wasted nearly a year since January 2016, and a full two years since November 2014, we are now back to where we started - two new secondary schools, to be built at Rose Hill and Belmont.

This is a sorry tale of years of dithering and indecision from the natural party of fence-sitting. How much of the blame does the administration accept, if children have to spend their first months of high school in temporary accommodation?

Reply by Councillor Wendy Mathys

Thank you Mr Mayor. Good evening Councillor Garratt, thank you for your question which makes quite a stab at rewriting history. You seem to have overlooked that it was always our intention to build a school at the Sutton Hospital site if we could purchase the land from the NHS, which we did, and if feasibility investigations were satisfactory, as they were. But you also completely missed the point here.

What we are discussing is putting a school in a park, which you and your conservative colleagues and indeed your MP have been pressing for over many months, even years, without any apparent regard as to how much of that park land would be lost to residents who value it. As Liberal Democrats, we have never been prepared to put a school building in a park as long as there is still a brownfield, previously developed site available as in this case. So that is why we are not planning to use Rose Hill for our first school, and it is with great reluctance that we have to use Rose Hill Park at all.

However, the local plan consultation has confirmed our previous assessment that there is currently no other site available so that is why it is likely that part of Rose Hill will be agreed at the HEB (Housing, Economy and Business) Committee in December for the second school. But, the good news here is that the arrangement of the Education Funding Agency, the EFA, is now likely to make with Greenshaw Learning Trust, who will build a second school, is a much better prospect than that available previously only a few months ago. This is because the tennis centre recently changed hands and the new owners seem likely to sell part of their own tennis centre buildings for the school which considerably reduces the area of parkland needed for new school buildings. So we were not wrong in September 2015, nor in January 2016. Indeed, we are well on the way to submitting a planning application for the first school in Belmont and by waiting we expect to secure a much better deal for the residents near Rose Hill Park. Had we gone with your proposals, Councillor Garratt, much more of the park would have been at risk from being taken over by school buildings and things would have been a whole lot worse for our residents.

Supplementary Question asked by Councillor Neil Garratt

Thank you, I do have a supplementary. So on this question of rewriting history, is it true or is it false that almost two years ago to the day in November 2014 Councillor Mathys made a statement that there are two secondary schools required and we have two preferred sites, being Rose Hill and the land on the former Sutton Hospital site, and that the Council would proceed and build whichever of those two sites was ready first, is that true or false?

Reply by Councillor Wendy Mathys

Yes, that is correct, and as I've already said, Councillor Garratt, we had always intended that we would build on the Belmont hospital site first if that was available. However, it became of increasing concern during that period in the run up to spring 2015, that the hospital site might not be available in time and that is why we then, at that stage, looked at an alternative site. And that is why we did the feasibility studies because knowing that if we didn't use it, it was highly likely we would need a second site if no other site became available in the intervening period. But as I've already said, the site that we're now talking about building on is somewhat different from that because there is an area of orchard land, known as the orchard, at one end of the park, which we will not now have to build on and had we gone along with plans at that stage we would have had to build on a much bigger area of the park land.

Supplementary Question asked by Councillor Tim Crowley

Thank you Mr Mayor. Councillor Mathys, can I ask you whether the Belmont hospital site will open on time in September 2018 and is there actually a possibility, the way that things are going, that the site at Rose Hill might actually in fact open before the Belmont hospital site?

Reply by Councillor Wendy Mathys

Well as I understand it, the Rose Hill site will not be needed until 2019 and I think that's unlikely because they haven't even submitted plans yet, they haven't even finalised arrangements with the tennis centre as far as I'm concerned. But that is actually an issue for the EFA and the GLT and we're not involved in it.

It is possible the school won't be completely built by September 2018 and we have made it very clear that should that be the case, which we don't yet know, but in order to cover all eventualities, there is alternative provision being made available on the adjoining hospital site at premises which I understand have previously been

used for education and training and will be very suited for a short time to use as temporary accommodation. And please remember, it will only be one year's intake at that stage and we certainly expect that by halfway through that year the building will be complete.

2. From Councillor Nick Mattey to Councillor Simon Wales, Deputy Leader of the Council

As we are aware, some charities in Sutton that care for the elderly have recently been experiencing a number of financial problems. These are currently being investigated by the Charity Commission.

1. Sutton Seniors Forum appointed a new treasurer in February 2016. In September it was revealed that on 31 December 2015 it had a debtor of £3680. This is an unusual state of affairs as the charity does not have a consumer credit licence and is therefore not licensed to lend money. Will this matter be investigated by the Council's Trading Standards officers, it is illegal to lend money to individuals without having a consumer credit license?
2. While Trading Standards are investigating this, could someone point out to the Forum's treasurer that the accounts should be independently audited?

Reply by Councillor Simon Wales

Thank you very much Mr Mayor and thank you for your question Councillor Mattey. With the introduction of new consumer credit regulations in 2014, business conduct of all retail and financial services is now regulated by the Financial Conduct Authority. The FCA has the power to bring criminal and civil proceedings against non compliant businesses. Trading standards can give advice to victims of illegal money lending through the National Illegal Money Lending scheme hosted by Birmingham City Council and it is for this reason that Sutton Council Trading Standards has not received any complaint or allegation from Sutton Seniors Forum.

Other issues concerning the governance of the charity would be more appropriately considered through a formal complaint to the Charity Commission's investigations team.

Supplementary Question asked by Councillor Nick Mattey

The Council on its crackdown on scams and frauds, would it not be appropriate for the Council to find out why this charity's moved into the money lending business?

Reply by Councillor Simon Wales

Such scams and frauds which have been perpetrated on the public have been reported to trading standards. A question of illegal money lending is taken up by the Trading Standards Authority, or National Illegal Money Lending Scheme hosted by Birmingham Council, and that's the forum for that to be investigated.

3. From Councillor David Hicks to Councillor Jayne McCoy, Chair of the Housing, Economy and Business Committee

Councillor McCoy recently put out a statement condemning Councillors for releasing confidential information that pre-empted Committee decisions. The following week Councillor McCoy put out a statement pre-empting the Housing, Economy and Business Committee's decision on the choice of secondary school sites.

Can Councillor McCoy please explain the obvious discrepancy in her opinions?

Reply by Councillor Jayne McCoy

Thank you for your question Councillor Hicks. I'm afraid in this situation you forced our hand on this. Following the Conservatives' entirely speculative statement about a new school going on the Croygas site, we felt pressurised to reassure the public. In contrast to yourselves, we did actually wait until the task and finish group and then we also felt confident enough to make our statement. The evidence at that stage showed that there really was only one remaining site left for the second secondary school. So in those circumstances, and knowing that the Conservatives had wanted to put a school on Rose Hill Park from the start. We felt that this was what the task and finish group would recommend to the Housing, Economy and Business Committee, and was able to reduce speculation about other sites.

Supplementary Question asked by Councillor David Hicks

I must say it's with some sadness I do ask this question because we worked very diligently on the task and finish group, making discussions and decisions which

could cause problems both politically and publically. We were under clear instructions that no information should be shared with the public, Councillor McCoy. Political speculation is one thing, dealing with confidential information and releasing it to the public in advance of its full approval is another. Your party actually released some information about the gypsy and traveller site before the proposal had even come to the task and finish group. So there is a difference between politics and the business of the Council.

Why was the information released again please?

Reply by Councillor Jayne McCoy

Well I've explained the point about the Rose Hill site which was in response to a leak that you and your party acted upon and put information out about so it was in respect of that.

In regard to the traveller site, that was a genuine mistake by our ward councillors who had been briefed by officers that they would be making the recommendation and they hadn't realised about the timeline because they're outside of the process both of the local plan and the task and finish group. Now I noticed this and immediately told them to take this down and to explain to residents on social media what the situation actually was, that nothing official had been made and they did that. I don't think this post was up on the website for any more than two hours at most. So in contrast to yourselves we took that down almost immediately once we realised and it was a genuine mistake.

However, regarding the Rose Hill Park statement, as your party chair, Mr Maxwell Scott, was apparently on social media telling everyone about the decision on the Rose Hill site before we'd even issued our press statement, I don't think you can be lecturing me on this matter.

Supplementary Question asked by Councillor Tim Crowley

Can I ask Councillor McCoy whether it is not the case that the Beddington South councillor in question also distributed well over 2000 emails to ward members, to residents in the ward about the gypsy and travellers proposed site not being in his ward. You say that he was also briefed. Can you tell me why councillors who were affected by travellers sites in other wards were also not briefed at the same time?

Reply by Councillor Jayne McCoy

Councillors are entitled to request information about their ward at any time from officers, so that's possible. But at the previous task and finish group, the earlier one where we did discuss the gypsy and traveller site, it was even then that this information was about, that there was discussion about looking further and those sites not being suitable and I remember Councillor Garratt tweeting immediately after the meeting about the information that was discussed at that meeting. So again please don't lecture us on confidential information.

4. From Councillor Tony Shields to Councillor Jayne McCoy, Chair of the Housing, Economy and Business Committee

Why was there no meaningful consultation with residents regarding the London Borough of Sutton funded hard drug and alcohol addict clinic / prescription service at Orion House in Cedar Road?

I note that Liberal Democrat Councillors for the ward attended a briefing of which I can find no record of from the Council funded operator and that even after that privilege, not one word of communication as to the potentially serious risk to the public at large by encouraging multiple large amounts of drug addicts to congregate in this residential area.

Will, given the serious impact of this centre, Sutton Council instruct the service provider to locate in a far more appropriate and less controversial place?

I note that this planning application was swept through even though I asked for deferment to consult openly and honestly with residents and that the application was granted in just four weeks. Is this something of a record for the planning department, and given the general tone of Planning meetings, how now can any resident take comfort in a planning committee that seems to refuse to consider the impact of the decisions on residents by just forcing serious issues through without meaningful public engagement?

Reply by Councillor Jayne McCoy

Thank you. I understand Councillors Shields' question is about an alcohol addict clinic and prescription service proposed for Orion House in Cedar Road. I'm advised that this application not only met but exceeded the statutory guidance for consultation on planning applications and not only that, but having originally been

on the planning committee agenda for 7 September, the application was actually subsequently withdrawn to improve the flexibility of its lawful use class. And so underwent two rounds of consultation prior to being heard by the planning committee on 19 October. As officers would contest your statements that this facility poses a risk to the public, there is no evidence that it required any additional consultation with residents over and above the prescribed process. And there was also significant debate at the planning committee on the application itself which you, Councillor Shields, participated in.

Supplementary Question asked by Councillor Tony Shields

Glad to hear Councillor McCoy wouldn't be happy for one of these well consulted, not, facilities near her, but thank you for confirming the disdain and contempt in which you hold the public. Residents had no chance to get to grips with the information as it was hidden in planning speak. So, as it seems the administration is happy to bring havoc to Cedar Road and its local area with this, will this administration wake up to the potential that 50 drug addicts a day in one place is a danger and install, this is asked for by residents, working CCTV, a constant police presence, and a twice daily street clean to ensure all hypodermic needles and related drug paraphernalia are cleared for safety reasons? These are the requests of the public. This Council has acted despicably in hoodwinking residents for this very serious development, and it should be placed somewhere with far less density of population. There are quieter places in the borough. We have done a terrible thing.

Reply by Councillor Jayne McCoy

Councillor Shields, such a facility would not have been proposed or approved for such an area if it was believed that it posed any risk to the public, because the Council actually has a duty of care to its residents. Your own personal prejudice against a facility designed to help people free themselves from their addictions is actually an attack on those who are vulnerable and need help.

Local pharmacies, which we will be discussing later tonight, often prescribe prescriptions for adults in a similar way, and only this weekend I heard the story of a pharmacist whose customer had failed to collect their methadone medication. That pharmacist voluntarily made a personal house call to deliver the medication and the rationale was that without that medication, then they may turn to crime or antisocial behaviour because they'd not had the medication. This is a preventative measure and your statement, and your prejudice against the people who need that

help goes against, well it just symbolises what the Conservatives stand for. Thank you.

5. From Councillor Patrick McManus to Councillor Jill Whitehead, Chair of the Environment and Neighbourhood Committee

As opposition transport spokesman, I regularly receive feedback from residents about many things. Top of the list are courtesy crossings on main roads. What lessons has Sutton Council learned from Heart of Hackbridge?

Reply by Councillor Jill Whitehead

As you are aware, the Hackbridge scheme was chosen by the Hackbridge Neighbourhood Forum and was funded by the Greater London Authority (GLA). At the time, the GLA under Boris Johnson was promoting these kinds of schemes and they were also being rolled out elsewhere. The Hackbridge scheme was designed in accordance with national and regional highways guidelines produced by the government. The design was also safety audited by an independent organisation and the design was found to be safe under the existing guidelines.

However, since the scheme was implemented, there's been a lot of debate about national standards and guidelines and the implications they have on different disability groups, but in particular visually impaired people. The Council has been actively involved in these debates at national level including one held at the House of Lords and we've worked with the local community to replace two courtesy crossings with controlled crossings at Hackbridge. I understand the review of national guidelines is still ongoing by the government. In the meantime, the council will ensure that all schemes take into account disability needs.

Supplementary Question asked by Councillor Patrick McManus

Well I think, Councillor Whitehead, thank you for your response there. I think we're quite lucky that the M25 doesn't fall within the London Borough of Sutton because I just wonder at what level you would stop at putting courtesy crossings on main roads. Is it true or false that it now takes a long time compared to previously to cross the road in front of Sutton Station for example? I've witnessed it myself. Is it true or false it now takes a long time to wait for a fleeting phenomena of confused urban courtesy to be able to cross the road in front of the station, is that true or false?

Reply by Councillor Jill Whitehead

It's false because there is a controlled crossing in front of the station.

Supplementary Question asked by Councillor Tim Crowley

Is it true or false Councillor Whitehead that anything that goes wrong in this borough, especially connected with things like courtesy crossings, is always somebody else's fault, and when it goes right you try and claim credit for it?

Reply by Councillor Jill Whitehead

I'm not aware that anything has gone wrong because the crossings at Sutton Station are working perfectly.

6. From Councillor Nick Matthey to Councillor Simon Wales, Deputy Leader of the Council

I have written to Sutton Council for the Voluntary Sector and asked them if they were aware that Sutton Seniors Forum appears to have moved into the money-lending business.

Earlier this year, Sutton Council for the Voluntary Sector approved a grant of £6000 to Sutton Seniors Forum. I have asked Sutton Council for the Voluntary Sector if they would have given this grant had they known about this charity's debtor. They are yet to reply.

Can the council please ask all charities that have links with the Lib Dems or Sutton Council to publish up to date and independently audited accounts?

Reply by Councillor Simon Wales

Thank you Mr Mayor, thank you Councillor Matthey for a variation on a theme. All charities are regulated by the charity commission which requires them to prepare and either make available or publish their accounts depending on the charity's level of income. If gross income is more than £25,000 a year, the charity's accounts must be filed with the commission. Likewise the charity commission requires charities with a gross income of more than £25,000 a year to have their

accounts either independently examined or audited depending on the level and assets of the charity. Broadly speaking, an independent examination is needed if gross income is between £25,000 and £500,000 and an audit is needed where the gross income exceeds £500,000. An audit would also be needed if total assets before liabilities exceed £3.26 million and the charity's gross income is more than £250,000.

I'm sure there are many voluntary sector organisations in Sutton that would love to have income of that level. Where the Council commissions or contracts directly with charities as service providers, they are required to produce financial information to the Council as set out in the Council's contract standing orders, which again require different levels of assurance depending on the sums of money involved in the contract. Regulation has to be proportionate and it is not within the Council's role or powers to require charities to go beyond the Council commission's, the charity commission's requirements, or their own governing documents.

Supplementary Question asked by Councillor Nick Matthey

What appears to have happened if we look at the balance sheet of 1 December 2015 is that an auditor is named as signing off the accounts but it appears that the auditor is a friend of the treasurer who happens to be the mother of the council leader. Therefore it is very difficult for people in Sutton to understand that this is truly independent. What would you say to residents who are concerned that cronyism is the only reason that this charity gets money from Sutton Council?

Reply by Councillor Simon Wales

I would say quite categorically that an independent examiner of a charity's accounts, is bound by the professional code of conduct. As a qualified accountant, I don't know if this person is chartered or certified, as a qualified accountant they are bound by the law and also by the guidelines of their governing body to offer independence and examination of those accounts and I believe that that was the case on this occasion.

7. From Councillor Nick Matthey to Councillor Jayne McCoy, Chair of the Housing, Economy and Business Committee

Lidl are planning to redevelop their supermarket in Wallington. As befits a highly professional retailer they have sent out thousands of leaflets to local residents informing them of this decision. They clearly state their aims and refer to it as a supermarket and make no attempt to hide its real purpose by using acronyms such as ERF. Furthermore, they actively seek the opinion of residents on this development.

Could Lidl act as an object lesson in being transparent with planning and the impact it has on its community?

Lidl is mentioned as being a potential customer for SDEN in Hackbridge, can I be assured that no one from Sutton Council might suggest that connecting a store to SDEN may be seen as a positive step in looking favourably on this store's redevelopment?

Reply by Councillor Jayne McCoy

Thank you. I wish to congratulate Councillor Matthey on his continuing ability to conflate two completely separate issues in order to promote your personal agenda but I will stick to planning issues on this one. Officers in the planning department would always recommend that developers of significant size engage with the community before submitting an application. Indeed, it is advocated in the National Planning Policy Framework as best practice. However, as the local planning authority, the Council has the duty to assess each case.

Supplementary Question asked by Councillor Nick Matthey

I'd like to congratulate Lidl for calling it a supermarket and not an advanced merchandising operation or some other acronym that would be used by the Lib Dems to hide the, say something like an incinerator. But what worries me is that SDEN have identified Lidl, if they move into Felnax, as a customer for the heat network, and what I don't want to see is a quid pro quo with Lidl being granted permission for their development in Wallington on the condition that they sign up to the heat network. What guarantees can you provide that this will not happen?
Thank you.

Reply by Councillor Jayne McCoy

Thank you. I've referred to the point in my previous answer, Councillor Matthey, that the Council acts as the local planning authority and has a duty not to make those

quid pro quo arguments that you talk about. Councils across the country, as part of their statutory duty, make decisions as the local planning authority that are quasi judicial and entirely independent of all the other functions of the Council. Now this Council has an excellent reputation for carrying out this duty diligently and fairly including under the intense scrutiny of the judiciary due to high profile applications recently. And if you have, well, your insinuations are incorrect and misleading.

8. From Councillor Nick Matthey to Councillor Jayne McCoy, Chair of the Housing, Economy and Business Committee

Orchard Hill College wants to vacate its site in Carew Manor, Beddington, saying it is no longer fit for purpose. The College wants to build a new school in Sheen Way.

Sheen Way, Godalming Avenue and The Chase already have appalling parking and access problems. Will the Council follow the example of Lidl and carry out a detailed consultation with residents before discussing any planning applications with Orchard Hill?

Reply by Councillor Jayne McCoy

This project is being managed by the Education Funding Agency and Orchard Hill College and it is those who will be responsible for the delivery of the project and the preparation of any planning application. As it's their project, and not the Council's, it is for them to consult with residents and the local community.

Supplementary Question asked by Councillor Nick Matthey

I'll do my best. Well of course I was surprised when the principal of Orchard College wrote to me and thanked me for my continued support for the elderly of Wallington and Sutton. To the best of my knowledge I haven't gone public on this matter, but anyway, she thanked me and of course you're always suspicious when you get something complimentary, especially to somebody like myself. So, the question is of course, is that as we all know Sheen Way is a road that would have been familiar to the Victorians for its narrowness and its inaccessibility yet Orchard Hill College feels that this will be the perfect entrance onto a site and I feel that this is completely insane. Well the question is, does Councillor McCoy under the Lib Dems think that this is an excellent idea?

Reply by Councillor Jayne McCoy

First of all Councillor Matthey I think it's rather inappropriate that you make insinuations about the principal of a school who is not here to defend herself and is not a member of this council. But secondly, you can use the normal planning process to raise any objections and concerns you have about this matter, by normal procedure.