



HILLINGDON
LONDON



Petition Hearing - Cabinet Member for Finance and Business Services

Date: THURSDAY, 16 JULY 2009

Time: 5.45 PM

Venue: COMMITTEE ROOM 3A -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

Cabinet Member hearing the petitions:

Jonathan Bianco, Cabinet Member for
Finance and Business Services

How the hearing works:

The petition organiser (or his/her
nominee) can address the Cabinet
Member for a short time and in turn the
Cabinet Member may also ask questions.

Local ward councillors are invited to these
hearings and may also be in attendance
to support or listen to your views.

After hearing all the views expressed, the
Cabinet Member will make a formal
decision. This decision will be published
and sent to the petition organisers shortly
after the meeting confirming the action to
be taken by the Council.

**This agenda and associated
reports can be made available
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large print or on audio tape on
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further information.**

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http://www.hillingdon.gov.uk/index.jsp?articleid=5553&action=view_doc&cid=104&year=2009

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Agenda

PART 1 - MEMBERS, PUBLIC AND PRESS MAY ATTEND

- 1 To confirm that the business of the meeting will take place in public.
- 2 To consider the report of the officers on the following petitions received.

	Start Time	Title of Report	Ward	Page
3	5.45pm	Petition Regarding Use of The Stables, Manor Farm Complex, Ruislip	Eastcote & East Ruislip	1 - 6

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Agenda Item 3

PETITION REGARDING USE OF THE STABLES, MANOR FARM COMPLEX, RUISLIP

Cabinet Member	Councillor Jonathan Bianco
Cabinet Portfolio	Finance and Business Services
Officer Contact	Pat Holmes, Finance and Resources
Papers with report	None

HEADLINE INFORMATION

Purpose of report	To inform the Cabinet Member that a petition of 792 signatures has been received from local residents and parents of children that attend the Montessori School at the Manor Farm Stables building.
Contribution to our plans and strategies	The Heritage Lottery Fund has identified Manor Farm site as being one of its top fifteen projects in London it has been involved in over the last fifteen years. The Council is committed to maximising the potential of this heritage site for the enjoyment of residents and visitors alike. It is important to build on this success and ensure that Hillingdon residents continue to enjoy the site and the facilities it provides. The Council will need to plan the future of the Stables building as a resource for the whole community and as part of the wider development of the entire complex.
Financial Cost	There are no direct financial implications resulting from the receipt of the petition. The consideration of provision of a new licence could provide a rental income for Manor Farm Stables. It is likely that this rental income would be at a similar or higher level than the rent previously paid.
Relevant Policy Overview Committee	Corporate Services and Partnerships
Ward(s) affected	Eastcote and East Ruislip

RECOMMENDATIONS

That the Cabinet Member notes the petition received.

INFORMATION

Reasons for recommendation

Under the Constitution, the Cabinet Member should formally consider a petition within their portfolio area. In this case the petition asks that The Stables building be "leased" to Mrs Angela

O'Shea once the current agreement is surrendered by the Manor House Montessori School in July.

Alternative options considered / risk management

1. When the current agreement is surrendered in mid July, the building is assessed as to maintenance issues, leading to alternative future Council use.
2. When the building reverts to the Council in mid July, the building is assessed as to maintenance issues, any works are carried out and the premises are marketed.

Comments of Policy Overview Committee(s)

None at this stage.

Supporting Information

1. The petition states :

"We the undersigned, being staff or parents of children currently attending or wishing to attend Manor House Montessori School at the Stables, Manor Farm, Ruislip understand that the school is to close and the current lease surrendered with effect from 15 July 2009. We also note that several other local pre-school nurseries have closed recently and there is declining provision for the early education of children in the Ruislip area.

We call upon the Council of the London Borough of Hillingdon to grant a lease to Mrs Angela O'Shea, the current Deputy Principal, so that she can establish a new pre-school nursery on site.

We believe that this would:

- a) Maintain the provision of pre-school education in the Ruislip area,*
- b) Enable children currently on roll to continue their pre-school education with staff they know and trust, and*
- c) Ensure that the pupils can continue their pre-school education within established group friendships."*

The petition, as delivered to Democratic Services, has 792 signatures, the petition organiser is Mrs Angela O'Shea.

2. The background information on the premises occupation is as follows. The Manor House Montessori School is operated by the principal, trading as Manor House Montessori School. Mrs Angela O'Shea is her deputy.
3. The Manor House Montessori School occupies The Stables at Manor Farm Complex for daytime use and the licensee holds a personal licence on a yearly basis, having been in occupation since 5th January 2006.
4. The designated hours of use under the licence were 8.00am to 4.00pm Monday to Friday.
5. On 28th October 2008, the licensee wrote to the Council, to say that she intended to terminate her licence on 15th July 2009 and, as a result of this, she would be closing the

Montessori School. The licensee had her own reasons for taking this decision and she acted fully in accordance with her rights.

6. Once the licence is terminated, the Stables building will revert back to the Council and it will not be legally possible for the licensee to sell the business on to a third party. The reason for this is that the licence is personal and cannot be assigned. Therefore, another party cannot simply step into the shoes of the licensee and take over the running of the school.
7. Whilst the Council can understand that the licensee's decision to close the school has concerned parents, the school itself is a private business so the Council does not have any control over its closure and, as explained, the licence cannot just be passed on to another party for legal reasons.
8. When a building becomes vacant, it is prudent for a property owner to carry out an assessment as to its condition and what repairs are necessary before re-letting or use, in this case as a resource for the whole community and as part of the wider development of the entire Manor Farm complex. The Council is in a particular fiduciary position that it has to achieve best value from lettings and will in normal circumstances advertise a building to let to seek competitive rent offers.

Financial Implications

There are no direct financial implications resulting from the receipt of the petition. The consideration of provision of a new licence would provide a rental income for the asset for the Council. It is likely that this rental income would be at a similar or higher level than the rent previously paid.

The alternative options involving assessment of the maintenance issues would not, in itself, have a significant financial implication. However there would need to be a financial business case produced to action any required maintenance issues, balanced by the potential for the marketing of, or reuse of, the site for other purposes.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The Council has details of available spaces at other childcare providers both within Eastcote and East Ruislip ward and surrounding wards, should parents want to make alternative arrangements.

The Council will need to decide what steps it should take in respect of the future of the Stables building as a resource for the whole community and as part of the wider development of the entire Manor Farm complex.

Consultation Carried Out or Required

None.

CORPORATE IMPLICATIONS

Corporate Finance

Not applicable.

Legal Services

Under Article 7.08(d) of the Council's Constitution, a Cabinet Member has general delegated powers to deal with petitions falling within his/her portfolio, in accordance with Council procedure. Furthermore, Article 7.08(e) delegates to the Cabinet Member for Finance and Business Services the authority to make recommendations to Cabinet for the use of land and property where there are competing service needs.

The recommendation set out in this report falls within the Cabinet Member's delegation.

In making any decision, the Cabinet Member should note the provisions of Article 13 which require that all key decisions taken by Cabinet Members follow the seven principles set out therein.

The property is currently on licence and the terms of that licence would govern the contractual relationship between the parties. The licensee has given notice to surrender occupation of the property under the licence. The effect of this is to extinguish all rights and liabilities between both parties as from the final date of the term with possession and occupation of the property reverting wholly to the Council.

A licence is personal between the parties who enter into it and therefore, cannot be shared, assigned or sold. Furthermore, a licence does not enjoy the protection offered by Part II of the Landlord and Tenant Act 1954, which allows a tenant using premises for the conduct of his/her business the right to automatic renewal (amongst other rights) on expiry of term. In this case, Mrs O'Shea would have no right to demand a lease or licence from the Council as the decision to grant such would not arise as of right.

The Cabinet Member should note that by approving the recommendation, regard must be had to the Council's procedures laid down for dealing with petitions of this nature.

Corporate Property

The Head of Corporate Property Services' comments are included in this report.

Education and Children's Services

Under the Childcare Act 2006, the Council was given a statutory duty to ensure sufficient childcare for working parents with children up to the age of 14 (16 if they have a disabled child). In particular, the emphasis will be on considering the needs of lower income families and parents of children with a disability.

This does not mean that the local authority will be responsible for direct delivery of childcare to fill any gaps identified, but rather will "manage the market" by working with third party providers.

The sufficiency assessment, published in March 2008, reflects that there is sufficient childcare provision in the Eastcote and East Ruislip ward, where the Manor House Montessori is located, being a total of 220 childcare places.

BACKGROUND PAPERS

None.

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