

Thursday, 27th July 2006

1

2 (10.00 am)

3 THE CHAIRMAN: Ladies and gentlemen, good morning, and  
4 welcome to day 36 of the Inquiry into the London  
5 Development Agency (Lower Lea Valley, Olympic and  
6 Legacy) Compulsory Purchase Order 2005. As most of you  
7 will know, my name is David Rose. I am the Lead  
8 Inspector appointed by the Secretary of State to conduct  
9 this Inquiry.

10 This part of the Inquiry is to hear the collective  
11 case for the residents of the Clays Lane Estate.  
12 Advocates and many of the witnesses have already  
13 appeared before me at the Inquiry but I will, as usual,  
14 take formal appearances, and I would invite advocates to  
15 remain seated.

16 Who appears for the London Development Agency?

17 MR PEREIRA: Sir, I do. My name is James Pereira and I am  
18 a barrister. Sir, I think etiquette demands that I say  
19 I am assisting Mr Roots QC. The reason for that is that  
20 Mr Roots will be calling two of the LDA's witnesses  
21 in-chief, Mr Jones and Mr Prior. Sir, other than that,  
22 I will be dealing with the case on behalf of the LDA.

23 THE CHAIRMAN: Thank you. Could you confirm your other  
24 witnesses as well, please?

25 MR PEREIRA: Sir, yes. There is Mr Jones and Mr Prior,

1 Mr Perry and Mr Gaskell. I know that the residents had  
2 asked to cross-examine Mr Hine dealing with  
3 contamination matters. I know there has been some  
4 communication with them about whether they would accept  
5 us calling Mr Perry because of the way the issues have  
6 been put. I do not know myself whether that issue has  
7 been resolved or not and my learned friend mentioned to  
8 me this morning something about the residents' position  
9 on contamination so I will let him clarify that, but  
10 those are the witnesses who I am intending to call,  
11 unless I am told otherwise.

12 THE CHAIRMAN: Thank you. I will deal with that in a moment  
13 but I will take the appearances for the objectors,  
14 please.

15 MR WALD: Sir, thank you. I appear for the objectors. My  
16 name is Richard Wald. I will spell the surname, it is  
17 W-A-L-D. I am instructed by Angela Sandhal of  
18 Irwin Mitchell. I will turn directly to the point that  
19 has just been raised. The issues of contamination are  
20 not to be pursued at this Inquiry. There has been  
21 a correspondence between the LDA and the Clays Lane  
22 Estate residents, the result of which means that we will  
23 not be asking questions either of Mr Perry or of  
24 Mr Hine, nor will we be advancing evidence in relation  
25 to contamination.

1           Sir, we will be calling, however, the following  
2           witnesses, and this is the intended order of those  
3           witnesses: Mr Ian Sandison, Mr John Sole,  
4           Mr Jamal Hamood, Mr David Rogers, Mr Julian Cheyne, and  
5           Mr Ian Goemans.

6   THE CHAIRMAN: Thank you. Mr Pereira, in the light of what  
7           Mr Wald has said clearly Mr Hine is not going to be  
8           needed at the Inquiry. What is the situation then in  
9           relation to Mr Perry? Will he need to be called?

10   MR PEREIRA: I do not think he will. I think he has just  
11           left the room so I hope not. I am not intending to call  
12           him now.

13   THE CHAIRMAN: I am grateful for that clarification.

14           Mr Wald, in terms of the list of witnesses you gave  
15           me, is that the running order of those witnesses?

16   MR WALD: Sir, that is the intended running order. As, sir,  
17           you may be aware, Mr Cheyne is not available on any  
18           morning at all. We have been asked to give an updated  
19           estimate of our times in-chief. Some examinations  
20           in-chief will be reduced in time, such as Mr Sandison,  
21           since he will not be dealing with the matter of  
22           contamination any more. It is unlikely that Mr Cheyne's  
23           examination-in-chief will be shortened, and clearly it  
24           is important to have Mr Cheyne's examination-in-chief  
25           followed by his cross-examination and any possible

1 re-examination all in the same afternoon.

2 THE CHAIRMAN: It is. I was aware of that. That is very  
3 important, so we need to be looking at timetabling. Is  
4 it likely that we will be able to here Mr Cheyne this  
5 afternoon?

6 MR WALD: Sir, I think the cautious approach is probably to  
7 have him on tomorrow afternoon, if that is possible.

8 THE CHAIRMAN: The only thing is I am conscious, with  
9 tomorrow being Friday, we make an early start and we aim  
10 to be finished by 3.30 pm. So that would be  
11 a constraint so far as tomorrow is concerned.

12 Can I first of all do the time estimates and we will  
13 see where we are, and I think we will make a start and  
14 then we will review programming probably during the  
15 first adjournment.

16 For Mr Sandison, do you have estimate of in-chief?

17 MR WALD: Sir, I am just looking at an earlier document that  
18 contains estimates as made on 17th July, or thereabouts.  
19 Mr Sandison was estimated to be up to one hour. I would  
20 say up to half an hour, possibly less than half an hour.

21 The next witness was intended to be Mr Sole. I said  
22 up to one hour. Again, it will be less than an hour;  
23 between half an hour and 45-minutes, I would imagine.

24 Sir, the next witness is Jamal Hamood. I would  
25 estimate a similar time for Mr Hamood, between half

1 an hour and 45-minutes.

2 A similar time estimate for Mr Rogers, possibly just  
3 half an hour for Mr Rogers. He has a fairly short  
4 statement.

5 THE CHAIRMAN: Yes. Mr Cheyne?

6 MR WALD: That leaves Mr Cheyne and Mr Goemans. Both were  
7 estimated some time ago as taking about two hours, up to  
8 two hours in-chief. Again, I bring that down a bit. I  
9 would feel fairly confident that both could conclude  
10 their chief within an hour and a half. Possibly  
11 Mr Goemans a little shorter than that, even.

12 Sir, while we are about it, I am conscious that  
13 a lot of material is to be taken as read, and I, as  
14 before, would seek to avoid any form of repetition, be  
15 it in terms of what was addressed at the round table  
16 sessions or what is contained in written proofs. By the  
17 same token, there are a number of appended documents,  
18 some of which, in my submission, would benefit  
19 considerably from some explanation for elaboration at  
20 this Inquiry.

21 THE CHAIRMAN: That seems to be a sensible approach and you  
22 will of course be aware that I am very familiar with the  
23 material that is in the Inquiry on the basis that the  
24 objections have been a live issue, if you like,  
25 throughout the Inquiry. I have held one round table

1 session, and in order to conduct a round table session,  
2 I needed to be extremely well prepared, so I can carry  
3 that forward and the updated material I have read and am  
4 generally familiar with.

5 I have also conducted an accompanied site visit.  
6 I have heard one objector from Clays Lane in his own  
7 right. There is another scheduled to appear for next  
8 week, so I also have all that sort of background  
9 material in my mind. So I am quite happy that most of  
10 the evidence-in-chief is taken as read. If there are  
11 areas which I think would assist me or the Inquiry in  
12 general having read, I will indicate. But clearly, in  
13 terms of the material that is appended, I appreciate  
14 there may be instances where it would be preferable to  
15 seek clarification, and again, if there is something  
16 that is not covered that I require clarification on,  
17 I will invite it.

18 MR WALD: Sir, that is very helpful, if I may say so.

19 Clearly, you and others may have been at this Inquiry  
20 for some considerable time. That is not true of me.

21 THE CHAIRMAN: I appreciate that.

22 MR WALD: I will be guided as we go along as to whether  
23 material that is considered is of assistance to you.

24 THE CHAIRMAN: Yes, I will indicate if it is something that  
25 I am very familiar with. If it is something you need to

1           be taken through for your own purposes and to highlight  
2           as far as the Inquiry is concerned, I will give you that  
3           opportunity.

4           I should also say that I am also aware that  
5           a number, or most of the witnesses on your side are not  
6           professional witnesses. Professional witnesses very  
7           often are comfortable going straight in without any  
8           reading. I am prepared to be flexible, so if it assists  
9           the non-professional witnesses to be settled in by  
10          limited reading then I will provide that opportunity.

11 MR WALD: Thank you, sir.

12 THE CHAIRMAN: Mr Pereira, can I deal with your witnesses  
13          in-chief in terms of estimates, please.

14 MR PEREIRA: Sir, yes. At present, apart from brief  
15          introductions, we do not intend to ask witnesses to read  
16          anything. However, it may be that things arise in  
17          evidence, in the course of evidence today or tomorrow,  
18          that we need to deal with and so I think it would be  
19          wise to leave say an average of about 15 minutes per  
20          witness just to deal with any additional points that may  
21          have arisen, but we will not know for sure until the  
22          time comes.

23 THE CHAIRMAN: It gives us an idea to work to, anyway.

24 MR PEREIRA: Sir, that is right. Can I, while I am  
25          speaking, make one point about the exchange before.

1 Obviously if more speed is required you will indicate  
2 that, but what I just wanted to flag up was a matter to  
3 do with the documents. I am not convinced that we have  
4 all of the documents that the residents intend to rely  
5 on. I say that for two reasons. Firstly, we were told  
6 by Irwin Mitchell yesterday that in the material  
7 submitted to on Monday, which they assured us was the  
8 totality of the written material for the residents'  
9 case, there had been some documents missed out. We were  
10 given a list of documents missed out from Mr Cheyne's  
11 evidence and we were told there were other documents  
12 missed out and I do not know what those documents are.

13 Secondly, I have just been looking through  
14 Mr Hamood's appendices, that is to say the hard-bound  
15 paginated copy of his appendices that we were handed  
16 yesterday. The pagination runs true but there were  
17 documents missing from that that were submitted to us at  
18 the end of the previous week. I, on receipt of the hard  
19 copies, discarded the loose copies that I had been given  
20 relying on what Irwin Mitchell had said, which is that  
21 the hard copies were the proper copies. So there may be  
22 other documents missing from the hard copies, I simply  
23 do not know. That is just one instance I have  
24 discovered. So if my learned friend and his solicitors  
25 could assist, I would be very grateful.



1 THE CHAIRMAN: Mr Wald, any comments at this stage?

2 MR WALD: Sir, I am obviously very happy to assist, and I do  
3 not think it is suggested otherwise, but certainly no  
4 intention to deprive the LDA of any of the documents.  
5 I think possibly some confusion has arisen by virtue of  
6 the fact that Mr Cheyne put in a number of documents at  
7 an earlier stage of this Inquiry, and many of those have  
8 been repeated and produced into a file. It means that  
9 I think when the indication was given that the LDA had  
10 the totality of the documents to be relied upon, that  
11 was a reference not only to the recently submitted  
12 documents but to those already in the Inquiry. But it  
13 might be helpful if, at a convenient moment during an  
14 adjournment, my learned friend and I put our heads  
15 together and determined whether there is anything  
16 missing and we will rectify that immediately.

17 THE CHAIRMAN: That would be very helpful. What I would say  
18 to both sides, if there are additional documents that  
19 need to be brought into the Inquiry, then the sooner  
20 they are produced the better, because everybody then has  
21 the opportunity of looking at them, digesting them and  
22 we can deal with them as we go. We can also get them  
23 copied and into the Inquiry.

24 MR WALD: Sir, on that point, there is, which I have  
25 supplied just this morning to my learned friend, a set

1 of photographs which were taken by Julian Cheyne but  
2 which I think it is sensible to pass to you today as  
3 soon as possible not least because Mr Sole in his  
4 evidence will be referring to them.

5 THE CHAIRMAN: Have those been copied and are available now?

6 MR WALD: Sir, yes, I am handing them to you now. I did the  
7 same to my learned friend a moment ago. (Handed).

8 THE CHAIRMAN: Thank you.

9 MR PEREIRA: Sir, while that is being handed in, can I just  
10 make clear I am talking about documents that we have not  
11 previously received rather than ones we might have  
12 received through another process. What I really want is  
13 an assurance now, but if it cannot be given now, during  
14 the course of this morning, and as soon as possible that  
15 we have been given everything that the residents intend  
16 to rely on.

17 THE CHAIRMAN: It seems sensible to take the opportunity of  
18 the first adjournment and the luncheon adjournment as  
19 necessary to ensure that there is a complete set, not  
20 only for the LDA but particularly importantly for me,  
21 please. I will leave that to the parties with the  
22 assistance of the programme officer as necessary.

23 Can I return to the time estimates because I have  
24 only done half of the exercise. The taxing one now is  
25 cross-examination.

1           Mr Pereira, indications of cross-examination?

2           Mr Sandison?

3   MR PEREIRA:  Yes, Mr Sandison, stressing that these are

4           indications, about 20 minutes.

5   THE CHAIRMAN:  Mr Sole?

6   MR PEREIRA:  Mr Sole, about 15 minutes.

7   THE CHAIRMAN:  Mr Hamood?

8   MR PEREIRA:  If I can read my writing I think it is 20

9           minutes to half an hour.

10   THE CHAIRMAN:  Mr Cheyne?

11   MR PEREIRA:  About 40-minutes.

12   THE CHAIRMAN:  Mr Rogers?  Sorry, I am aware I have taken

13           those out of order.

14   MR PEREIRA:  That is all right about 15 minutes.

15   THE CHAIRMAN:  And Mr Goemans?

16   MR PEREIRA:  About an hour and a half.

17   THE CHAIRMAN:  Thank you.

18           Mr Wald, cross-examination of Mr Prior?

19   MR WALD:  Sir, I said up to one and a half hours.  I think

20           I can take that down to up to an hour.

21   THE CHAIRMAN:  Mr Jones?

22   MR WALD:  Probably up to 45 minutes.

23   THE CHAIRMAN:  Mr Gaskell?

24   MR WALD:  That may remain as much as up to two hours,

25           depending on how we go.  The good news, of course, is no

1 time at all on Mr Hine.

2 THE CHAIRMAN: Thank you. Do you wish to make an opening  
3 statement this morning, and if so, how long will that  
4 be?

5 MR WALD: Sir, I will make a very brief one, conscious as  
6 I am that much of the material and the substance of the  
7 objections are already well known to the Inquiry.  
8 I intended to make a very brief statement of around five  
9 to ten minutes.

10 THE CHAIRMAN: Fine, thank you. Are there any restrictions  
11 on the availability of witnesses? We have talked about  
12 Mr Cheyne for an afternoon appearance. Is there anyone  
13 who is not available that might affect timetabling?

14 MR WALD: Sir, Mr Rogers is not here this morning. We hope  
15 and expect that he will be available this afternoon but  
16 we can confirm that during the course of the morning.  
17 If that is not the case he would certainly be available  
18 tomorrow. Other than that, and subject of course to the  
19 limits on Mr Cheyne's evidence, everyone is entirely  
20 available.

21 THE CHAIRMAN: Looking very quickly at the time estimates,  
22 it does appear to me that this morning we ought to get  
23 through Mr Sandison, Mr Sole and Mr Hamood, if we make  
24 good progress. Mr Rogers is a relatively short  
25 appearance. What I would not want to do is get to

1 a situation where we have perhaps finished by  
2 mid-afternoon and the next one is Mr Cheyne who we  
3 cannot bring until tomorrow. I am conscious of the time  
4 estimates of in-chief, cross-examination,  
5 re-examination. It really looks to be a full afternoon.  
6 So if it is possible to indicate that it may well be  
7 that it would assist the Inquiry if Mr Cheyne is  
8 available this afternoon to start at 2 o'clock or  
9 thereabouts.

10 In terms of global timetabling, the appearance is  
11 set down to finish no later than 5 o'clock on Wednesday  
12 afternoon of next week. As part of that process I will  
13 require oral closings within that timetable, please.  
14 There should be no problem on that. Thank you.

15 Mr Wald, I have a list of the clients that you  
16 represent as of 14th July, which I think was supplied to  
17 the programme officer. Is that list up to date? Are  
18 there additions or omissions?

19 MR WALD: Sir, I am instructed that there are some  
20 additions, and if it were convenient, we would supply  
21 a complete list at lunchtime.

22 THE CHAIRMAN: Yes, please. So that would be the position  
23 that we are at this moment in time of the clients that  
24 you represent. That would be very helpful, thank you.

25 Are there any other procedural matters? Just one

1 very important reminder: if you have mobile phones,  
2 please make sure they are switched off.

3 Mr Wald, I invite you to make your opening  
4 statement, please.

5 Opening statement by THE OBJECTORS

6 MR WALD: Sir, by way of opening, when I first appeared at  
7 this Inquiry, it was to make an application to allow  
8 time for the preparation of the residents of the  
9 Clays Lane Estate objection to this CPO.

10 At that point, some matters had already been  
11 considered as a result of some round table discussions.  
12 Sir, at that point, some matters had been discussed in  
13 the round table discussions, and it is not the intention  
14 of the collective case or the residents collectively to  
15 go back and repeat any of those matters.

16 The application to allow time was the subject of an  
17 objection from the London Development Agency, and that  
18 objection included the observation that six weeks was  
19 not a very long time in which to instruct an expert,  
20 a representative, submit statements and generally get  
21 a case together. Well, sir, here we are. We have done  
22 that. It has been a short period of time, but you now  
23 have a statement of case from a planning and CPO expert,  
24 Mr Goemans, and you have a number of statements that  
25 seek to deal with discrete topics not yet covered.

1           Sir, I should emphasise that the individual  
2 positions advanced at that point are not in any sense  
3 abandoned. They are pursued, notwithstanding the  
4 collective case that starts here.

5           Sir, Mr Goemans, in the introduction of his proof of  
6 evidence, sets out four unanswered questions. The first  
7 is whether proper consideration has been given to the  
8 use of alternative sites for what is intended here, and  
9 therefore the possible omission of the Clays Lane Estate  
10 from the acquisition lands. Mr Goemans concludes that  
11 there has not been proper consideration of that, and  
12 that therefore there is remaining what can be described  
13 as a "red line" argument, ie that the site itself need  
14 not be acquired, or that there is no compelling case for  
15 its acquisition.

16           Secondly, sir, the impact of the proposed compulsory  
17 purchase order on what we describe as a unique  
18 community. Plainly, sir, you will have noticed that  
19 there is a difference of opinion about the special  
20 features, or the features at all, of the Clays Lane  
21 Estate, and we will hear evidence from Mr Sole, from  
22 Mr Sandison, also from Mr Hamood, Mr Rogers and  
23 Mr Cheyne that relate to those special features. But it  
24 is the collective case's position that the estate  
25 itself, whether or not run as a co-operative, is

1 a community worth preserving, and that that is a matter  
2 that has not been given sufficient attention or  
3 consideration at an early enough stage, if at all, by  
4 the London Development Agency.

5 Sir, that moves into the third question that is  
6 posed by Mr Goemans, that of relocation. There is not  
7 an approved relocation strategy, which is the subject of  
8 a Grampian condition, attached to the planning  
9 permission in this CPO. There has not been, in our  
10 submission, a coherent, consistent and compassionate  
11 attempt at proper, like-for-like relocation. Sir, I use  
12 that expression, "like-for-like". It comes from the  
13 Fluid Report, which was commissioned in order to  
14 establish the individual needs of those residents at the  
15 Clays Lane Estate, and it is, in our submission, what  
16 amounts to a broken or at least watered-down promise.

17 We will refer to a letter from Mr Winterbottom that  
18 is contained in Mr Cheyne's appendices, that makes what  
19 we describe as promises as to the nature of alternative  
20 accommodation to be supplied to displaced residents from  
21 the Clays Lane Estate. Sir, when I say that, I include  
22 the possibility of group moves; not just individual  
23 relocation arrangements, but the arrangements that are  
24 to be offered to those that wish to remain in groups.

25 Sir, the conclusion that we reach is that there have



1 not been proper attempts to achieve that to date. I say  
2 "to date". Obviously, the process is ongoing. We have  
3 the very beginnings of the experiences of those that  
4 have been relocated, and of course with the passing of  
5 time there is a degree to which those that initially  
6 would have wished for group moves give up that hope, for  
7 fear of the uncertainty that is inevitable when  
8 arrangements are being made for rehousing.

9 Sir, the residents of the Clays Lane Estate appear  
10 together with an expert at this Inquiry in order to  
11 offer the best evidence available as to the special  
12 features of their community, and the necessary detail  
13 for you, sir, in order to establish whether the LDA has  
14 done a full and proper job of, firstly, excluding if  
15 possible their site from the acquisition lands, and  
16 secondly, ensuring that the alternative arrangements  
17 with which they are provided are suitable and adequate.

18 Sir, our view is that those questions,  
19 unfortunately, must be answered in the negative.

20 Sir, that is all I intended to say by way of  
21 opening. I have indicated that the first of our  
22 witnesses to appear today is Mr Sandison, and with your  
23 leave I suggest calling him now.

24 THE CHAIRMAN: Yes, please. Mr Sandison, if you would come  
25 forward, please. Thank you.

1 MR PEREIRA: Sir, may I just make one point, it does not  
2 need to be resolved now, but I think my learned friend  
3 said that the individual positions of residents are not  
4 abandoned notwithstanding the collective case. You will  
5 recall that you gave some directions on residents having  
6 to choose whether they pursued a collective case or  
7 whether they pursued an individual objection. It does  
8 not have to be clarified now.

9 THE CHAIRMAN: If we can clarify it now --

10 MR WALD: Sir, I can resolve it now, I think. That  
11 discussion centred on what we were going to do into the  
12 future. I do not think any undertaking was given that  
13 the matters raised at round table were to be forgotten  
14 about or abandoned. All that was entered into was an  
15 agreement that from hereonin, individuals would make  
16 a decision as to whether to join the collective or to  
17 pursue their objections separately. In the event,  
18 no one has elected for the latter, but that is not to  
19 suggest that the matters raised at the earlier stage are  
20 to be forgotten about.

21 THE CHAIRMAN: That was my intention, that in terms of the  
22 matters raised especially at the round table were not to  
23 be forgotten about, clearly it was something that had  
24 happened and it cannot be erased from the Inquiry or my  
25 mind and considerations. So that perhaps resolves the

1 point in that. Were you concerned about material that  
2 remained?

3 MR PEREIRA: Sir, yes. All my clients need to know is  
4 this: in dealing with this objection as it relates to  
5 those clients who are listed as clients of  
6 Irwin Mitchell, if we deal with this objection in these  
7 days of this Inquiry, can we then be assured that we  
8 have addressed the objections of those people who are  
9 listed as Irwin Mitchell's clients, or do we also need  
10 to address other matters that those people may have put  
11 in as individuals before Irwin Mitchell became  
12 instructed?

13 THE CHAIRMAN: Mr Wald, please?

14 MR WALD: Sir, I am instructed personally to pursue the case  
15 of the collective. It is right that the individual  
16 cases that were promoted before my involvement are  
17 pursued nonetheless, albeit I do not do that. If the  
18 London Development Agency wishes to respond to any of  
19 those matters, it has an opportunity to do so. I, of  
20 course, would have no objection to it doing so in the  
21 course of these sessions.

22 I would step away from those matters. The  
23 witnesses, some of them will be appearing, none of them  
24 has any objection to answering questions relating to the  
25 matters that they have pursued individually, but it is

1 not something that I intend to take time with  
2 personally. There is, of course, the opportunity for  
3 the London Development Agency to pursue those matters in  
4 correspondence outside the formal sessions of this  
5 Inquiry should it wish to, but it is hardly my place to  
6 offer advice as to how those matters are to be dealt  
7 with. I simply say that they are pursued, albeit I do  
8 not do so.

9 THE CHAIRMAN: I understand your position. Mr Pereira, any  
10 comments?

11 MR PEREIRA: Well, yes. That does appear to go against what  
12 you, sir, said when you said it was up to residents to  
13 elect whether they pursued objections through the group  
14 case or whether they pursued objections individually.  
15 I am not going to say anything more about it now.  
16 Perhaps it can be resolved outside of the Inquiry. It  
17 is certainly not my intention to cross-examine these  
18 witnesses on objections which they are not pursuing at  
19 this formal Inquiry session.

20 THE CHAIRMAN: I think in terms of what I said it was in the  
21 context of an indication that there would be  
22 a collective appearance but some of those residents  
23 might also wish to take the opportunity of appearing  
24 individually as part of other round tables, and the  
25 indication that I gave was if they were electing to come

1 collectively, they would not make another appearance at  
2 the Inquiry.

3 I think the issue is that the material that was  
4 submitted individually has not been withdrawn. It is  
5 still before the Inquiry, and my view is that the LDA  
6 should deal with it. So there is the opportunity for  
7 those that appear on behalf of Clays Lane, if there are  
8 specific individual matters, then there is the  
9 opportunity to put that, and I recognise the position of  
10 Mr Wald. Otherwise, it is a matter to be dealt with by  
11 written response.

12 Mr Wald, if you would like to introduce Mr Sandison  
13 to the Inquiry, and perhaps it might help if I indicate  
14 perhaps the most useful part in terms of any reading.  
15 Whilst it does not seek to imply that I attach greater  
16 importance to one part of the proof rather than another,  
17 I think the most important thing that would be helpful  
18 as a focus would be section 5 in the proof, which is the  
19 consequences of the CPO to Clays Lane residents. If  
20 there is anything that you wish to pick up in addition  
21 to that, any documents that you want to take me to,  
22 I will give you that opportunity.

23 MR IAN SANDISON (called)

24 Examination-in-chief by MR WALD

25 MR WALD: Sir, thank you for that. I will introduce

1 Mr Sandison.

2 Mr Sandison, you are statutory objector 253.

3 I think I will call you Mr Sandison for these purposes.

4 You have a proof of evidence dated July 2006.

5 A. Yes.

6 Q. You have a copy of that in front of you?

7 A. Yes, I have.

8 Q. Can you just confirm to the Inquiry that you wrote it  
9 and the contents are true to the best of your knowledge  
10 and belief?

11 A. I did write it and it is true to the best of my  
12 knowledge and belief.

13 Q. One part of it deals with contamination and I just want  
14 to deal with that at the outset, or in a way not deal  
15 with it. Can you just update us on the position in  
16 relation to contamination?

17 A. Information has come to our possession that suggests to  
18 me that this matter is dealt with more adequately as  
19 a separate item.

20 Q. All right.

21 A. But we are actually in discussions with the London  
22 Development Agency and the Greater London Authority, and  
23 possibly the London Borough of Newham about this.

24 THE CHAIRMAN: Does that mean I can strike out section 3?

25 Or is it a matter that you want before me but not to

1           expressly deal with in the Inquiry? If you need time to  
2           think about that, you can come back to me on that.

3 MR WALD: Sir, actually, if I may. I was inclined to say  
4           the latter but I do not want to impose it on  
5           you unnecessarily.

6 THE CHAIRMAN: Please come back to me. Yes?

7 MR WALD: Yes. Mr Sandison, you have been at Clays Lane  
8           since 2002?

9 A. Yes.

10 Q. You took on a formal role at Clays Lane in 2004?

11 A. That is correct. I joined the management -- the  
12           executive committee. I put myself forward as  
13           constituency representative for Holt Court, where I  
14           reside. The purposes of this were my own personal  
15           observations that things at Clays Lane, and certainly as  
16           far as the executive committee were concerned, perhaps  
17           could do with an alternative voice. So I put myself  
18           forward as a constituency representative, was duly  
19           elected by my courtyard, and joined the executive  
20           committee as a member.

21 Q. Now, could you give a brief explanation of what that  
22           involves in terms of the functions that you performed?

23 A. As a -- it seemed that the constituency representatives  
24           were -- in a co-operative enterprise, they would have  
25           actually had a rather more active role than what

1 I observed the executive committee was required to  
2 follow at the time. It was a question of showing up at  
3 monthly meetings, it was a question of discussing and  
4 organising the affairs of the estate, particularly an  
5 oversight of the management of the estate, the office of  
6 the paid officers that we have, that we have employed,  
7 and ensuring that the estate constitution and the  
8 affairs of the estate were properly conducted.

9 In fact, my predecessor, as Chair, because of the  
10 circumstances in which we found ourselves, was acting as  
11 a de facto estate manager, and one of the things that  
12 I had found difficult to accept was the amount of  
13 actions that were being taken outside the management  
14 committee procedures and the ex officio roles that he  
15 was fulfilling as an effective office manager.

16 Q. You mentioned that; did that make life difficult within  
17 the Co-op?

18 A. It caused conflict. There was undoubtedly conflicts.  
19 As Mr Gaskell rightly points out, the Dykes Report and  
20 the Audit Commission both refer to this type of  
21 conflict. It was not actually at all -- nobody at  
22 Clays Lane was at all surprised at this, but one of the  
23 problems that I was observing was this centralisation,  
24 and kind of drawing in to one particular individual  
25 a set of authorities that quite rightfully did not



1 really belong there, that were more appropriately the  
2 remit of the executive committee and the residents.

3 Q. You referred to the residents and the executive  
4 committee. Do you draw a distinction between those two?

5 A. Not at all, no.

6 Q. And did the tensions that existed within the Co-op have  
7 an effect on life within the resident group?

8 A. Inevitably, with any community, you are going to have  
9 people who are advocates of one particular line or  
10 another. One of the things that I observed and why  
11 I decided to become involved was that what I understand  
12 to be democratic processes were being honoured more in  
13 the breach than in the action. I had my own differences  
14 with the late Chair, but because I had taken myself on  
15 to the executive committee, my differences were public.

16 Q. You have included as one of your appendices the  
17 co-operative principles.

18 A. Yes.

19 Q. That is appendix A?

20 A. Yes.

21 Q. Just so it is understood, how did one become a member of  
22 the Clays Lane Estate?

23 A. I think that has been covered by Mr Ojar, actually.  
24 I do not know whether Mr Rose wants to go through that?

25 THE CHAIRMAN: It would be helpful in the context of this

1 appearance. I am familiar with the evidence that  
2 Mr Ojar gave, but in view that the question has been put  
3 to you, I would like you to answer it.

4 A. Yes, okay. I will give you my own experience. I, in  
5 2001, was homeless, and at that time, I had gone to the  
6 local authority in the area where I was living and had  
7 asked for some advice. I had absolutely no experience  
8 of this situation, and really wanted to -- well, for  
9 some advice, some guidance. I was subjected to what  
10 I can best describe as an extremely ignominious hearing.  
11 I was in a cold, draughty hallway. I would only be  
12 spoken to by telephone by the person I was speaking to.  
13 I had had the 1999 Housing Act quoted to me and told in  
14 no uncertain manner that I had absolutely no housing  
15 rights whatsoever, they had no obligations to house me,  
16 and basically I was told to go away. I was not even  
17 seen in person.

18 Subsequently I went to an organisation in  
19 Shepherd's Bush called Threshold, and Threshold informed  
20 me that there was a possibility, there was an estate in  
21 East London which did take referrals from people like  
22 them, that I was in an extremely difficult case because  
23 I was a healthy male with no vulnerabilities that they  
24 could observe. So I made an application through  
25 Threshold for that.

1           For the next six months I sofa surfed. I was  
2 fortunate. I did not have to sleep rough during that  
3 period. During that period, friends were putting me up  
4 and so forth and so forth. Eventually I received  
5 a letter from Clays Lane saying that they would be  
6 holding an induction day and that I was invited to it.  
7 At that point -- and they sent me a whole wodge of  
8 material about the co-operative.

9           Although I had been working with various self-help  
10 organisations on a voluntary basis over the last 18  
11 years, I had never actually lived in a community that  
12 practised co-op principles, and really did not know what  
13 to expect, and thought that it was possible that I could  
14 make a contribution and certainly that I could learn  
15 something. So I took myself to the induction day, we  
16 went to through an introduction to the co-operative, and  
17 then there was a kind of verbal examination on what we  
18 understood co-operative principles to be and how we felt  
19 we could contribute to those co-operative principles.

20           We then in the afternoon went through the process of  
21 house interviews which involved us going round to the  
22 houses where there were voids on the estate and really  
23 conducting mutual interviews. My own preferences on  
24 that particular day were not met by the people who  
25 interviewed me and so I was not selected for a house on

1           that particular day.  But --

2   THE CHAIRMAN:  Once you got into the housing there, how did  
3           the co-op principles work?

4   A.  I was in a shared house.  Everybody who goes into the  
5           co-operative goes into a shared house initially.  And  
6           there -- when you are sharing a house with people, you  
7           are sharing a house with people.  If there are disputes,  
8           then I have found the best way of dealing with disputes  
9           is to deal with them at the time, otherwise they tend to  
10          fester and drag on and on, and inevitably there is  
11          a blow up, which bears actually no relation to what is  
12          going on at all, which might be something like somebody  
13          has not washed the shower.

14  THE CHAIRMAN:  Was that a shared house of ten?

15  A.  Yes, it was.  It was a ten-person house.  I was placed  
16          in it, because on both of the house interview days that  
17          I went through nobody wanted me, so I was placed in  
18          a house and my arrival there was not particularly happy,  
19          to be perfectly honest, but eventually the residents  
20          accepted me as a fact of life and I was able to  
21          incorporate myself into the --

22  THE CHAIRMAN:  So how did you build up the momentum and get  
23          involved in the co-operative to the degree that you did?

24  A.  It was difficult, and in fact I had, in April 2002, gone  
25          through quite a massive surgical procedure, so I was not

1 particularly well at the time anyway, and it took me  
2 approximately a year to get over that. But in the  
3 meantime, to the best of my ability, I was engaging in  
4 the activities of the co-operative. I was attending the  
5 committee meetings as an observer, and taking part in  
6 the induction days, and trying to be involved in what  
7 was available to residents to participate in in terms of  
8 collective work on behalf of the co-operative.

9 MR WALD: Mr Sandison, you make reference at 2.3 of your  
10 proof to the regulator.

11 A. Yes.

12 Q. What do you mean by that?

13 A. The housing -- as it notes in the memorandum and  
14 articles of association, which are not referred to  
15 anywhere else, as a housing association, we are -- or as  
16 a registered social landlord, we are subject to the  
17 regulation of the Housing Corporation. The Housing  
18 Corporation works as the regulator of social housing,  
19 and we were also subject to regulation by the Housing  
20 Corporation.

21 Q. And what was your relationship with the regulator like?

22 A. It was extremely difficult. I understand that  
23 Clays Lane had been under the supervision, special  
24 supervision -- well, supervision of the Housing  
25 Corporation from 1987, which was only five years after

1 Clays Lane had come into existence. As a result of  
2 the -- it is mentioned that long-standing concerns had  
3 been held about Clays Lane, and in 1999, the regulator  
4 had exercised its right under the constitution of  
5 Clays Lane to nominate two members to the executive  
6 committee. It was interesting that these two members  
7 only stayed around for two years, and just prior to  
8 Mr Dykes showing up to undertake his statutory  
9 investigation of Clays Lane, the regulator's nominations  
10 had disappeared from the executive committee.

11 Following Mr Dykes' report, Mr Rogers, who is going  
12 to appear, undertook a study of Clays Lane and made  
13 a variety of recommendations relating to the democratic  
14 processes and the general management of Clays Lane.  
15 These received the approval of the Housing Corporation  
16 and the executive committee attempted to implement the  
17 proposals that had been put forward at that time.

18 Unfortunately, in the meantime, the Housing  
19 Corporation decided that the situation at Clays Lane had  
20 gone on long enough, and placed Clays Lane under special  
21 supervision which meant that -- because of the state of  
22 the finances, the general accounting and everything  
23 else, and had actually withdrawn approvals -- in fact,  
24 there was no freedom to spend any money whatsoever on  
25 the estate. Anything outside the provision of main

1 services or emergency services had to be approved by the  
2 regulator.

3 Q. Eventually Clays Lane lost its co-operative status?

4 A. Yes.

5 Q. A number of the witnesses, particularly in the written  
6 evidence, have referred to their experiences and the  
7 special features of the Clays Lane Estate.

8 A. Mm hmm.

9 Q. What was the effect of the loss of the co-operative  
10 status on those aspects of living at Clays Lane?

11 A. We are still going through that process. The estate was  
12 signed over to Peabody Trust in August last  
13 year, August 2005. The full transfer of assets, which  
14 is really the reconciliation of the accounts and the  
15 agreement on actual and contingent liabilities has not  
16 yet been completed. In fact, it was supposed to have  
17 been completed in January of this year, but due to  
18 circumstances entirely beyond our control, the process  
19 has not yet been completed.

20 In fact -- but the co-op still exists. In fact,  
21 this is a fairly common misunderstanding. People are  
22 identifying Clays Lane Housing Co-operative with a set  
23 of buildings. Clays Lane Housing Co-operative is an  
24 ethos. It is a group of people getting together for the  
25 common good.

1 Q. That is really what I intended. Has the ethos outlived  
2 the change in status?

3 A. Of course it has. Absolutely.

4 Q. And are you able to identify the source of that ethos?  
5 It is not a legal configuration, given your last answer,  
6 but what is the source of that ethos?

7 A. The source of that ethos is the community itself.  
8 Within that community there are different groups. There  
9 are people with different interpretations of what the  
10 good life is and what they want to pursue in terms of  
11 their own objectives, in terms of housing and so on,  
12 because that is what Clays Lane was doing. What the  
13 co-operative was doing was managing community housing.  
14 But in fact what has happened, I guess, is that in the  
15 face of adversity, there has been a greater unity. But  
16 there are different groups, and to the best of our  
17 ability, the executive committee has been attempting to  
18 encourage people who have different objectives and  
19 wanted to put together different groups to do what they  
20 can. We will do what we can to help them.

21 But there is a tremendous -- in spite of the  
22 negative aspects of this whole situation as far as the  
23 residents are concerned, there are still gatherings  
24 taking place, people are still sitting outside in the  
25 courtyard and enjoying the social life within the



1 co-operative, particularly in this weather.

2 Q. I want to hand you a set of photographs. You referred  
3 to meetings.

4 A. Yes.

5 Q. Do any of the photographs reveal where the meetings take  
6 place?

7 A. The meetings take place in the courtyards.

8 Q. In the courtyards.

9 A. Yes. I have to say that my own personal experience is  
10 that most of the activity and most of the decisions that  
11 are made and the ways that opinions are expressed are  
12 expressed in the courtyards rather than in any community  
13 meetings that are held. Attendance at community  
14 meetings can be or has been during the time I have been  
15 there fairly thin.

16 Q. For example, on page 16 there is a photograph that  
17 reveals the Clays Lane community centre.

18 A. Yes.

19 Q. Did that get any use?

20 A. Oh, yes, indeed. In fact, a couple of months ago we had  
21 a student from the Royal Academy had a showing there,  
22 and that evening we showed two documentaries that had  
23 been made by private documentary makers about Clays Lane  
24 prior to the Olympic bid.

25 THE CHAIRMAN: Did I see the remnants of that exhibition on

1 the wall?

2 A. Yes, you did.

3 THE CHAIRMAN: Thank you.

4 MR WALD: Thanks for that. Just turning back to your proof,

5 I am not going to spend time on contamination, save in

6 order to allow you to update the position from 3.4,

7 because there is an implied criticism of Newham

8 contained at 3.4. Do you see the opening couple of

9 lines there?

10 A. Yes. That was a request that I had made under the

11 Freedom of Information Act for any information that they

12 held in relation to contamination on the estate. This

13 is not particularly a complaint about Newham directly.

14 In fact, it is rather about the way that the Environment

15 Agency has chosen to allow environment agencies to

16 impose charges for information that they make available

17 to the public.

18 Q. What is the updated position on that?

19 A. I actually received the entire file relating to

20 Clays Lane that was held by Newham which actually

21 included information in addition to the London

22 Scientific Services Study 1988, which was referred to in

23 a response that I received from the LDA, that they were

24 relying upon for their assessment of conditions on the

25 site.

1 Q. Okay. Your section 4 deals with land use.

2 A. Yes.

3 Q. In your second sentence or your third you say at the  
4 bottom of 4:

5 "We were informed that the estate was to be removed  
6 and that under this plan, residents would be relocated  
7 under conditions at least as good, if not better, than  
8 those currently enjoyed by the residents."

9 A. Yes.

10 Q. Can you give us a bit of detail on that promise?

11 A. EDAW, through it and the LDA, had shown up at the end  
12 of November 2003 with a presentation. I was personally  
13 shocked by the presentation that they made, because it  
14 appeared to me to be a standard corporate presentation.

15 Q. What do you mean by that?

16 A. Well, what we were shown was what the site was going to  
17 look like after 2012, and the pictures that we were  
18 shown indicated no Clays Lane. Clays Lane had gone.  
19 The whole area had been reconfigured, and Clays Lane no  
20 longer existed.

21 It was interesting, because there seemed to be  
22 a remarkable lack of sensitivity on the part of the  
23 people making the presentation, and in the  
24 circumstances, I was surprised when they were surprised  
25 that the presentation degenerated nearly into a riot,

1           because people were asking, quite rightly: where are our  
2           homes in this?

3           It was interesting because at a meeting a couple of  
4           days previously, around the 23rd or 24th November, in  
5           Poplar, Mr Prior had been asked about what was the  
6           future for residents who are going to be relocated by  
7           the plan or the Olympics, and he said: well, the  
8           principal people that are going to be affected are the  
9           Clays Lane residents and we are thinking perhaps of  
10          moving them into Stratford City or somewhere, but the  
11          impact on the residents in that particular point was  
12          that -- their assessment of the impact on the residents  
13          was that it was relatively slight.

14        Q.   What is the source of this reference that you make to:

15                "Relocation under conditions at least as good if not  
16                better than those currently enjoyed by the residents"?

17        A.   That is the letter from Tony Winterbottom in June 2004.

18        Q.   Since you have referred to it, shall we quickly turn it  
19                up?

20        A.   I do not have it. I did not refer to it.

21        THE CHAIRMAN: It is a question of who can find that  
22                document. We have all seen it, it is a question of  
23                knowing where it is.

24        MR WALD: I am working from the list of documents initially  
25                submitted by Mr Cheyne, and the letter in question

1 appears as 248/1/34. That document appears as tab 6 of  
2 the file of documents submitted more recently by  
3 Irwin Mitchell, the Julian Cheyne documents. It is  
4 page 97 if you have it, sir, paginated.

5 THE CHAIRMAN: I have both now, thank you.

6 MR WALD: Sir, just for future reference, I intend to refer  
7 to those original documents submitted by Mr Cheyne but  
8 on each occasion I will give the reference in the other  
9 file.

10 THE CHAIRMAN: That is helpful, thank you.

11 A. It is down the bottom of the second paragraph?

12 MR WALD: This is a letter -- who received this letter? Did  
13 everyone?

14 A. No, it was a letter to -- well, it is addressed to  
15 Babatunde Adeoye. I have heard about this letter.  
16 I had not actually seen it until we started this whole  
17 process.

18 Q. Did anyone apart from Babatunde Adeoye actually receive  
19 it?

20 A. I think an awful lot of people did. But ...

21 Q. Okay. Sorry, you were saying -- you were identifying  
22 the source of that promise.

23 A. Yes.

24 Q. Does it come from the second paragraph of that letter?

25 A. That is correct. It says specifically:

1           "Under these circumstances, the LDA is responsible  
2           for ensuring that you are rehoused in suitable  
3           accommodation that reflects your individual needs and is  
4           at least as good, if not better, than your existing  
5           accommodation."

6   Q.   Has there been any change in that position?

7   A.   What has happened in the meantime is that the phrasing  
8           has been diminished by use of the term, "as far as  
9           practicable".

10   Q.   And where does one find that diminution?

11   A.   In the various bits of correspondence, whether it is  
12           from Fluid or from the London Development Agency.

13   Q.   The letter indicates that the London Development Agency  
14           understands the potential anxiety that the process may  
15           cause, the absolute commitment to working to identify  
16           appropriate solutions in order to meet housing needs?

17   A.   Yes, and that included actually -- the spirit of that  
18           was included in the letter that was received by  
19           John Lyn(?) my predecessor, from Mr Winterbottom  
20           in December 2003.

21   Q.   Has that professed commitment been lived up to?

22   A.   It certainly has not. One of the things that  
23           I mentioned in my proof is that it has appeared that  
24           there is an acceptance, or there has been an acceptance,  
25           that -- and I was negotiating in good faith with the

1 Agency to ensure that the instructions that I have  
2 received from the membership, or that the executive  
3 committee had received from the membership in July last  
4 year to attempt to obtain suitable alternative  
5 accommodation for the housing of the group, and that was  
6 the way that I had approached the negotiations, and  
7 I had approached it in good faith, and was given  
8 assurances that the -- I mean, the impression I got was  
9 that the LDA was actually trying to follow up these  
10 negotiations in good faith. I have no idea what kinds  
11 of problems they have experienced, they have not been  
12 fully explained, but one of the problems is that we had  
13 been having these discussions, but what we seemed to be  
14 having were discussions and discussions and discussions  
15 and actually not getting very much done.

16 So what we experienced was that there was an  
17 agreement or an assent to what we were attempting to  
18 achieve, but the impression that we were getting -- and  
19 when you are surrounded by so much negativity, it is  
20 very difficult not to actually start thinking that there  
21 is a conspiracy, and when there is very little action to  
22 achieve what you are hoping to achieve, that the  
23 inaction is an intentional ploy to ensure that events  
24 drag on and drag on until such a time that it is  
25 impossible to achieve a what it was that people had been

1 promised, and that people would go away.

2 Q. In the following paragraph, the LDA professes  
3 a commitment to providing you with as much information  
4 as possible throughout the process.

5 A. Yes.

6 Q. Has that been the case?

7 A. That, again it has been getting better. We do not  
8 actually have people on site, certainly, although  
9 I understand that LDA people have been showing up more  
10 regularly, and certainly with the establishment of the  
11 Clays Lane On The Move Association, there is a regular  
12 attendance, I understand by Mr Gaskell. I do not know  
13 whether Mr Cahill is showing up, and this is actually  
14 chaired by John Biggs, who in addition to being  
15 vice-chair of the LDA is also our GLA representative.

16 Q. Sir, there is a letter that is not currently in the  
17 Inquiry. It is from the London Development Agency.  
18 I was just going to ask Mr Sandison to comment on it,  
19 sir. It is a response by the LDA to a request for  
20 information by Mr Sandison. I was proposing to hand the  
21 letter to Mr Sandison and ask him to comment on it.  
22 Unfortunately I do not have copies to hand, but copies  
23 can be supplied, obviously to yourself and if the LDA  
24 does not have it to hand -- clearly it knows of the  
25 letter, but if it does not have it to hand --



1 THE CHAIRMAN: I will take it on that basis.

2 MR WALD: I would like you to comment on that letter of June  
3 of this year, particularly paragraph 9, against what we  
4 have just discussed, please.

5 THE CHAIRMAN: Could you just remind me, who is the letter  
6 to?

7 MR WALD: It is a letter from the London Development Agency  
8 to Mr Sandison as a result of a request for information  
9 under the Freedom of Information Act.

10 THE CHAIRMAN: Thank you.

11 A. Yes, I was a little surprised, because in fact although  
12 they had gone straight to the June 2004 letter, my  
13 request relates to the December 2003 letter, so they had  
14 not quite answered the question I had asked, which  
15 suggests that they were a little bit sensitive to that  
16 particular issue, rather than the one I was trying to  
17 raise, which related to the need to deal sensitively  
18 with the residents of Clays Lane, which we were not  
19 receiving very much assurance on.

20 Q. If you could read paragraph 9 and 12.

21 A. Yes:

22 "Mr Winterbottom made the statement to you to which  
23 you refer in June 2004. The LDA is responsible for  
24 ensuring that you are rehoused in suitable accommodation  
25 which reflects your individual needs and is at least as

1 good if not better than your existing accommodation.  
2 During the consultation work carried out by Fluid  
3 in August/September of that year it became clear that  
4 the residents felt this statement required further  
5 clarification and this was provided by the LDA  
6 in January 2005 in response to questions raised by  
7 residents as follows.

8 "The LDA will be seeking to ensure that residents  
9 are rehoused in accommodation at least as good as they  
10 currently have and as far as is reasonably practicable  
11 (Clays Lane Residents Survey Report, April 2005, LDA AG3  
12 appendix 4P5).

13 "The report also reflects the difficulties of  
14 assessing what would constitute an improvement in  
15 accommodation. Clarification in respect of the LDA's  
16 intention for residents' relocation was therefore  
17 provided by the LDA as soon as it became aware that  
18 there was confusion as to what tenants could expect to  
19 be provided with. There are no specific documents  
20 considering the LDA relocation strategy in the light of  
21 statements made. However, the LDA is content that its  
22 strategy reflects the statements made."

23 Q. Do you have any comment on that? Those are the two  
24 versions of the promise.

25 A. I mean, the two are not the same thing at all. One

1 is -- I mean, effectively, if you took all the people in  
2 the shared accommodation and stuck them in hostels,  
3 which was one of the fears on the part of the residents,  
4 then they would be having accommodation, by the  
5 assessment provided by some of the comments that I have  
6 had from members of the LDA, that rehousing  
7 accommodation at least as good as they currently have,  
8 which has been described as substandard student  
9 accommodation.

10 Q. Were there any pronouncements from the Mayor that either  
11 supported or did otherwise to the promise that you were  
12 given by Mr Winterbottom in 2004?

13 A. Most certainly there were. I do not have that  
14 particular reference to hand, but --

15 Q. I am going to pick it up with Mr Cheyne, but very  
16 briefly, while you are on it, I do not want to involve  
17 the Inquiry in any repetition, but document 33, which is  
18 tab 1 of the file that you have, are answers from the  
19 Mayor to questions posed I think by Julian Cheyne about  
20 the future of Clays Lane.

21 A. Yes.

22 Q. Do you have the document?

23 A. Yes, I have.

24 Q. What was promised by the Mayor?

25 A. "As you are aware the LDA is not a social landlord and

1           therefore cannot rehouse the residents itself. However,  
2           it does anticipate that the alternative housing being  
3           sought will be an improvement compared to residents'  
4           current housing in terms of quality, space, standards  
5           and amenities."

6   Q.   Will be an improvement?

7   A.   Yes.

8   Q.   Is that a stronger promise than the Winterbottom  
9           promise?

10  A.   Certainly, I would put that on a par with the original  
11           Winterbottom promise, but when you compare it with the  
12           second paragraph of what I have just read out, that does  
13           not say anything like the same thing.

14  Q.   All right. There is another point I want to raise with  
15           you. I will be raising it with Mr Cheyne, but I think  
16           you sought the detail of the answers to the  
17           questionnaire that was completed in the process of  
18           producing the Fluid Report.

19  A.   Yes, I did.

20  Q.   At document 35 of Mr Cheyne's documents, which is at  
21           tab 2 of your bundle, there is a Clays Lane newsletter.

22  A.   Yes.

23  Q.   And that is a London Development Agency document.

24  A.   Yes.

25  Q.   Do you have a copy of that in front of you?

1 A. I do.

2 Q. Do you see at the second column on the first page, the  
3 column headed "Rehousing alliance"?

4 A. Sorry, 248/121, is it?

5 Q. 35.

6 MR PEREIRA: Is that page 35?

7 MR WALD: No, it is document 248/1/35.

8 MR PEREIRA: Page 13.

9 MR WALD: Is it page 13?

10 A. Right, okay, "Rehousing alliance".

11 Q. Yes, I have a note here that pages 2 and 4 are missing,  
12 but I think it is page 1 that I am going to ask you  
13 about.

14 A. Yes.

15 Q. Do you see that the column headed "Rehousing alliance"?

16 A. Yes.

17 Q. Do you see down towards the bottom of that column where  
18 it says:

19 "This information ...", and that is the information  
20 about questionnaire responses, "had been supplied on  
21 a confidential basis to Fluid and they were reluctant to  
22 pass it on without individual resident's consent."

23 Can you offer any insight into what is going on  
24 here?

25 A. None at all. This seems totally bizarre. Having

1            commissioned the study, one would have thought that  
2            access to that information was freely available to the  
3            London Development Agency and actually would have been  
4            used to assist them in the instructing of their agents  
5            in the process of the rehousing.

6    Q.    Why did you want to see the completed questionnaires?

7    A.    Because it gave a better indication of what people's  
8           housing needs were than a study that had been -- or  
9           a survey that was conducted by the Community Based  
10          Housing Association when they took over the management  
11          of the estate.

12   Q.    You thought the Fluid Survey was better than the CBHA  
13          survey?

14   A.    Well, yes, it was.

15   Q.    Why?

16   A.    It was extremely well conducted, it was extensive  
17          interviews. The interview that I had with them I think  
18          took over an hour, which under the circumstances  
19          I thought extremely generous of me, but it was  
20          comprehensive. But I would have liked to have seen --  
21          although I knew what responses I had given to the sort  
22          of like at scale-type(?) responses that they included in  
23          the survey, I would have liked to have seen what they  
24          had noted in the process of interviewing, to see what  
25          kind of emphasis they gave that.

1 Q. Were you encouraged by the process and conclusions of  
2 the Fluid Report?

3 A. I was, yes, and it actually confirmed to us that the  
4 instructions of the residents -- that it was worthwhile,  
5 and that a group of residents genuinely wanted some form  
6 of a group move, and that it was our duty and  
7 responsibility to attempt to meet that need.

8 Q. If you can, would you turn to document 40, 248/1/40,  
9 which is at tab 11.

10 By the way, did you get your questionnaire response  
11 back?

12 A. CBHA were given it and they lost it.

13 Q. They lost it, okay. Well, we are left with Mr Cheyne's  
14 which has been included as one of his documents. It is  
15 his document 248/1/40, which, as I say, is tab 11. Are  
16 you able to lay your hands on that?

17 A. It is not in here. I have 30 and then I have 58.

18 THE CHAIRMAN: If it is in numerical order, it is not in  
19 here.

20 MR WALD: All right. I will just hand you the front sheet  
21 of it. (Handed).

22 THE CHAIRMAN: If that can be copied in the adjournment so  
23 that I can have it as well, please.

24 MR WALD: Yes, of course. Just a quick one: there was this  
25 issue raised about the confidentiality of the

1 document --

2 A. Yes.

3 Q. -- and that the LDA did not have possession of it.

4 A. Yes.

5 Q. What do you see from that document, the response to the  
6 questionnaire?

7 A. "London Development Agency".

8 Q. What about it?

9 A. That is the logo.

10 Q. It is their logo on the sheet?

11 A. Yes.

12 Q. Did you waive any confidentiality that may have applied?  
13 Did you give permission that the document be released?

14 A. Yes, absolutely. Yes.

15 Q. All right. Then finally, you said that you were content  
16 or encouraged by the process and conclusions of the  
17 Fluid Survey.

18 A. Mm.

19 Q. There is a copy of the Fluid -- or one of the versions  
20 of the Fluid Survey, I should say. It is appended to  
21 the proof of Mr Andrew Gaskell at appendix 4. I am just  
22 going to hand you a copy of that. (Handed).

23 Two sections I just wanted you to comment on for  
24 now. The context of the residents' survey at page 2, is  
25 the April 2005 document.



1 A. Yes.

2 Q. Do you see at the end, what does the last sentence say?

3 A. It says:

4 "This specifically entails a commitment to relocate  
5 the occupants of the estate on a like-for-like or better  
6 basis."

7 Q. And what about at page 5 at the top, under the heading  
8 "The unique qualities of Clays Lane"?

9 A. "The LDA will be seeking to ensure that residents are  
10 rehoused in accommodation at least as good as they  
11 currently have and as far as is reasonably practicable."

12 That is a --

13 Q. You said that the promise itself has changed. Is there  
14 anything in terms of your experience that suggests other  
15 than a commitment to relocate on a like-for-like basis,  
16 or to supply accommodation at least as good if not  
17 better? Have you heard any statements from LDA  
18 officers, have you had any experiences that would  
19 indicate that something other than that is going on?

20 A. No, although -- no, I have not. The situation as far as  
21 I can see, and as far as conversations that I have had  
22 with members of the LDA is that -- I feel that the  
23 comments that were made were actually directed at  
24 residents housed in shared accommodation. But I do not  
25 think that that should in any way reduce the obligation

1           that they have for people who are housed in  
2           self-contained accommodation, on a like-for-like basis.  
3           But it was rather unfortunate that during the series of  
4           interviews, or presentations that were held shortly  
5           after the Community Based Housing Association took over  
6           the management of the estate, and was attended by the  
7           housing officer, the housing policy officer from the  
8           London Development Agency, that one of the officers of  
9           CBHA made a comment to the effect that in any relocation  
10          process, there are going to be winners and losers.

11   Q.   Who said that?

12   A.   Mr Edward Ogundele.

13   Q.   Were you present when that was said?

14   A.   Yes, I was, because I attend all the meetings.

15   Q.   A lot of the correspondence between Aaron Cahill and  
16          residents is related to Julian Cheyne. Did you deal  
17          with Aaron Cahill?

18   A.   Yes, I have.

19   Q.   Did anything in what he said or did suggest anything  
20          other than that like-for-like, or at least as good or  
21          better accommodation would be found?

22   A.   Certainly at the stage when Mr Cahill came to attend the  
23          meetings that were held by CBHA and chaired by CBHA, the  
24          impression I got was that Mr Cahill was looking for  
25          guidance, information from the residents. At that point

1 in time, there was no particular policy or strategy in  
2 place. That was the impression I got. I might be  
3 totally mistaken.

4 Q. Just moving back to your proof then, you said the  
5 timetable for removal would be 2009. That was  
6 subsequently revised?

7 A. Yes, it was.

8 Q. But it was indicated that if the Olympics bid was  
9 successful there would be an 18-month alteration to  
10 that.

11 A. Yes, that is right.

12 Q. Have you had conflicting indications of the timetable  
13 for removal or not?

14 A. Only in information that came to me under the Freedom of  
15 Information Act, in relation to the housing alliance,  
16 and when the LDA, in briefing the people who were  
17 attending that meeting, suggested that the estate would  
18 need to be vacated but did not have to be vacated until  
19 the undergrounding of the overhead power cables took  
20 place, which was actually the beginning of 2008. But  
21 since then, there has been pretty adamant statements  
22 relating to July 2007.

23 Q. In your view, does that allow enough time for proper  
24 attempts to be made at like-for-like relocation?

25 A. I think, given the restrictions of housing planning

1 permissions and the fact that we have not even started  
2 building an alternative yet, this does make things  
3 extremely difficult.

4 Q. Okay. I would like to turn to the section that the  
5 Inspector drew particular attention to at the outset,  
6 section 5, "Consequences of the CPO for Clays Lane  
7 residents".

8 A. Yes.

9 THE CHAIRMAN: Before we go to that, can I just take  
10 a progress check? I know it is very difficult, first  
11 morning, first witness, to be absolutely spot on in  
12 terms of the estimate, but you have had almost 50 of the  
13 30 minutes you anticipated.

14 MR WALD: Yes. This was the last matter.

15 THE CHAIRMAN: I am grateful for that.

16 MR WALD: Well, it is two pages long. I was proposing to  
17 have Mr Sandison read from it and then conclude with one  
18 additional question.

19 THE CHAIRMAN: I am happy with that.

20 MR WALD: Mr Sandison, if you would read from your  
21 section 5.

22 A. "In July 2005 members instructed the Executive  
23 Committee, prior to the transfer of assets, with the  
24 task of gaining accommodation suitable for a group of  
25 people who wished to continue in some kind of

1 co-operative endeavour or relationship. Clays Lane is  
2 a community, as with any community there are  
3 similarities and there are differences, these  
4 characteristics are the strengths to which the Office of  
5 the Deputy Prime Minister refers when it talks about  
6 sustainable communities.

7 "Clays Lane residents are being placed in the  
8 position of taking an unreasonable share of the cost of  
9 the enforced move. These costs are not only financial,  
10 though this is a consideration; they are also  
11 transgressions of our rights under Article 1, Article 6  
12 and Article 11 of the Human Rights Act and are noted in  
13 our objections to the Compulsory Purchase Order. These  
14 costs include, radically, removal from our homes and  
15 concomitant increases in costs of housing; our rights as  
16 a community and our rights of freedom of association  
17 with, as yet, no real evidence that the site developers  
18 intend to make good on the promises they have made."

19 Q. I know it is an ongoing process but do we have any  
20 experience of those that have already moved?

21 A. There are. Interestingly, one of my neighbours has  
22 moved into Silvertown. He is delighted with the  
23 accommodation that he has got but spends all his  
24 non-working time and the time he is not sleeping in his  
25 flat in Clays Lane, with his friends that he has here.

1           So he comes back for the community.

2   Q.   All right. 5.3 then, please.

3   A.   "We believe that the socio-economic effects on the  
4       residents of Clays Lane are extremely adverse. This  
5       matter is addressed more comprehensively by another  
6       resident and Objector 409, Jamal Hamood.

7           "At the behest of the London Development Agency  
8       Fluid undertook a comprehensive survey of the population  
9       of Clays Lane -- in this survey they identified,  
10      variously, a group that might number around 120 persons,  
11      or 53 per cent who did not wish to move as a group, and  
12      by inference 47 per cent, or around 200 persons, who did  
13      wish to move as a group. This finding has been  
14      confirmed by a recently conducted survey undertaken by  
15      the Independent Tenant Adviser, Safer Neighbourhoods  
16      Unit; their findings are that of the 205 residents  
17      polled, 124 were interested in some form of group move.

18           "The Executive Committee acknowledges that not all  
19      of those so identified would necessarily want to move as  
20      part of a co-operative or tenant managed organisation --  
21      but there is a wish for some form of continuity, whether  
22      it be organisational or social, in the community and  
23      housing that replaces what they certainly enjoy.

24           "Acting in good faith the Executive Committee has  
25      made clear its objectives in securing alternative

1 housing for such a group and has had extensive  
2 discussions with the London Development Agency, greatly  
3 facilitated by the intervention of the GLA  
4 representative for City And east, Mr John Biggs. These  
5 discussions have been attended by residents who also  
6 have some form of group move in mind. Until very  
7 recently the impression in these negotiations has been  
8 one of assent but inaction -- assurances that appear  
9 intended to delay outcomes until residents are left with  
10 no option but to take what they are given. Clearly a  
11 lost opportunity for evidence of excellence in delivery,  
12 if nothing else.

13 "The Executive Committee had to undertake extensive  
14 research to identify legal representatives with the  
15 expertise to assist us in putting our case; we believed  
16 we had done so and sought properly to instruct these  
17 representatives. Requests for financial assistance to  
18 our landlords -- who have responded negatively because  
19 of a conflict of interest -- they are retained by the  
20 London Development Agency in a service level agreement  
21 to facilitate the relocation of residents. As  
22 a non-public body we have no way of ascertaining what  
23 other interests they may have in the relocation,  
24 remediation and redevelopment of the programme; but they  
25 may have other interests that conflict with those of the

1 residents. Clarification of this had been requested of  
2 the London Development Agency."

3 Q. Has it been received?

4 A. No, on the basis that the correspondence relating to  
5 that is deemed confidential, and because it is private  
6 sector.

7 Q. Okay.

8 A. "The Housing Corporation has responded negatively to  
9 requests for access to funds; the London Development  
10 Agency has indicated that relocation assistance is to be  
11 provided by the Tenant Adviser; no assistance would be  
12 provided to residents or the Executive Committee to put  
13 their case to the Public Inquiry as to their objections  
14 to the compulsory purchase order. This matter has, of  
15 course, already been dealt with by the Inspector but it  
16 does relate specifically to our rights under Article 6 of  
17 the European Convention.

18 "Under the Freedom of Information Act requests for  
19 more information have been made to: the London Borough  
20 of Newham and to the Housing Corporation, these are  
21 appended. The London Development Agency has responded  
22 in a timely manner, for which we thank them. The  
23 Housing Corporation, too, has responded comprehensively;  
24 the London Borough of Newham has responded partially.  
25 Under the Freedom of Information Act response received



1 we understand that to ensure the co-operation of the  
2 London Borough of Newham in their rehousing  
3 responsibilities -- notwithstanding these obligations  
4 under the Land Compensation Act 1973 (e-mail,  
5 Simon Rees, February 2006 ..."

6 It says "appended" here. Unfortunately it is not  
7 appended:

8 "... the freeholder has conflicts of interest and  
9 has demonstrated this by failing to object to the  
10 compulsory purchase order as it affects our homes.

11 "Further, the use to which the land is to be put  
12 remains unclear. As noted, the terms of the lease to  
13 Clays Land Co-operative stipulated use for social  
14 housing; in the original requests for planning  
15 permissions the use object was said to be the location  
16 of the athletes' village; since January 2006 this has  
17 now changed but without clarification as to the intended  
18 use of the land currently occupied by our homes. Our  
19 objections include a ruling from the European Court that  
20 reflects directly on this type of action by a public  
21 body.

22 "These are matters of considerable importance --  
23 matters of fundamental human rights and matters that  
24 have a direct bearing on the aspirations of the Olympic  
25 ideal. If London is to achieve the objectives it has

1 set for itself in the delivery of the 2012 Olympics then  
2 it has a duty to itself to ensure that it is, first and  
3 foremost, an observer not just of the letter but also of  
4 the spirit of the law."

5 Q. Mr Sandison, just finally, in my brief opening  
6 I referred to the question of whether there was  
7 something at Clays Lane worth preserving. There are  
8 a number of statements that are included and appended to  
9 Mr Goemans' evidence, including one from Imsook Jo?

10 A. Yes.

11 Q. Do you know Imsook Jo?

12 A. I do, yes.

13 Q. You referred to a period of convalescence while you were  
14 staying at Clays Lane.

15 A. Yes.

16 Q. Mr Jo refers to a similar period at paragraph 7 of his  
17 statement. He says:

18 "The support from my neighbours has improved my  
19 health. I have seen similar cases with other residents.  
20 I think the community here at Clays Lane plays a role as  
21 an incubator."

22 A. Mm.

23 Q. You have described some of the problems in terms of the  
24 operation of a co-op?

25 A. Yes.

1 Q. Would you agree with the assessment that Imsook Jo makes  
2 in his statement nonetheless?

3 A. Absolutely. I have seen a number of people coming --  
4 I suppose from a social point of view I am a prime  
5 example of that, in a situation where there was apparent  
6 burnout, and the period at Clays Lane has enabled me to  
7 rebuild in part my own aspirations, my own hopes and my  
8 own ambitions.

9 MR WALD: Thank you, Mr Sandison.

10 Sir, apologies for running over time. No further  
11 questions in-chief.

12 THE CHAIRMAN: I understand the difficulties. Gauging the  
13 pace at the outset can sometimes be a little difficult.  
14 But I think in terms of what we have covered, it is an  
15 important context and I know there are some matters that  
16 you have referred to that come from elsewhere so there  
17 may be time saved further on.

18 Can I just check, Mr Sandison, in terms of the  
19 reference to the e-mail from Simon Rees, where you say  
20 it is appended but it is not, if that is something of  
21 importance, that I need to see, can it be provided. If  
22 it is not of great importance, and I do not need to see  
23 it, I can leave it standing.

24 MR WALD: Sir, for completeness and because we rely on it,  
25 we will supply it. There is also a reference to a flyer

1 that is also unfortunately not included and that too  
2 will be supplied.

3 Finally, I referred in the context of some of  
4 Mr Cheyne's documents, to a newsletter where two pages  
5 are missing, and that also will be supplied.

6 THE CHAIRMAN: Yes, please, thank you. I think that is  
7 a useful opportunity to take the short mid-morning  
8 adjournment. It is 11.35 am so if everything could be  
9 back in the room ready for a start at 11.50 am, please.  
10 Thank you.

11 (1135 am)

12 (A short break)

13 (11.50 am)

14 THE CHAIRMAN: The Inquiry is resumed. Can I just check, in  
15 terms of documents, I seem to have had one put on my  
16 desk which is the one to Mr Sandison, the Freedom of  
17 Information Act request, that is the one that has been  
18 referred to.

19 MR WALD: Yes. Sir, in terms of filing it, it is probably  
20 simplest to have it as an appendix to Mr Sandison's  
21 proof of evidence. It appears that the relevant part is  
22 paragraph 4.1, over on to page 5. We will call it  
23 appendix 3, and then the flyer and e-mail, which are on  
24 their way, will be 4 and 5.

25 THE CHAIRMAN: Thank you. And was a view taken as to

1           whether any part of section 3, the contamination, was to  
2           be deleted?

3   MR WALD:  I think we can not trouble you with it.  We can  
4           remove it from the proof.

5   THE CHAIRMAN:  Thank you.  Mr Pereira.

6                           Cross-examination by MR PEREIRA

7   MR PEREIRA:  Good morning, Mr Sandison.

8   A.  Good morning.

9   Q.  I am just going to write a line through your proof  
10       before I forget.

11           I just want to ask you some questions first of all  
12       about some of the evidence that you have just given.  
13       Just so you understand the way I will go about it,  
14       obviously there are a number of witnesses being called  
15       on behalf of the group case and there are some overlaps  
16       between the things that you say.  For example, you have  
17       spoken about some things that Mr Cheyne also speaks  
18       about, and it is not my intention, so that you know, to  
19       ask the same questions of different people unless there  
20       is a good reason for doing so.  So do not get offended,  
21       as it were, if I do not grapple with you on every single  
22       point that you have raised.

23           Now, I want to start, please, with the discussions  
24       about group moves.

25   A.  Yes.

1 Q. You have said in answer to questions from Mr Wald that  
2 you were approaching negotiations in good faith and you  
3 were given assurances, and the impression that you got  
4 was that the London Development Agency was acting in  
5 good faith and you then said that something appears to  
6 have changed, you do not know what.

7 A. Yes.

8 Q. What I want to ask you, please, is this: I just want to  
9 get a time frame, please, on the negotiations and on the  
10 time when you say you had the impression that the LDA  
11 were working in good faith.

12 A. The negotiations, my first meeting with Mr Gaskell and  
13 Mr Cahill on this question was on 1st December 2005, and  
14 at that time, while there was a certain amount of  
15 scepticism expressed, principally by Mr Cahill,  
16 actually, about the desire for a group move.  
17 Nonetheless, we were talking constructively about the  
18 possibility of a purpose-built alternative for those who  
19 wanted that kind of alternative. At that time,  
20 a particular site in Silvertown was mentioned, and  
21 actually almost immediately discounted, because  
22 apparently it was possibly too problematic, but we were  
23 given to understand that other options would be explored  
24 and identified, and at that point an undertaking was  
25 given that, in February of 2006, some options would be

1 brought forward.

2           However, the meetings that were facilitated by  
3 Mr Biggs commenced in the middle of December. If my  
4 memory serves, 21st December was our first meeting  
5 facilitated by Mr Biggs, and nothing to the contrary was  
6 suggested at that meeting. However, come February, at  
7 that point, nothing had actually been identified. We  
8 had had one meeting subsequently, and I had actually  
9 approached that meeting expressing the view that the  
10 whole process needed to be approached from a project  
11 management point of view, and that some form of  
12 timetabling should be adopted, and so on.

13           Subsequently, in April, possible sites for the  
14 relocation on a purpose-built basis were provided as  
15 a result of research undertaken by an agency that had  
16 been commissioned by Peabody.

17 Q. Thank you.

18 A. It might have been the LDA but I thought it was Peabody.

19 Q. Am I right in thinking then it was really the fact that  
20 sites were not put forward to you in February, as you  
21 had been told would happen, that made you start  
22 questioning the way in which the LDA was approaching  
23 this?

24 A. Yes.

25 Q. And in April you say sites were put forward. Are these

1 the five sites that Mr Gaskell has talked about in his  
2 evidence?

3 A. Yes.

4 Q. And if those five sites that were put forward in April  
5 had been put forward in February, I think I would be  
6 right in --

7 A. Yes, my interest was in the -- has always been pursuing  
8 purpose-built alternatives, because as Mr Sole will  
9 expand a little bit more upon, we had been told that we  
10 would be able to provide input in terms of site design  
11 and so forth, so purpose-built from the point of view of  
12 the residents seemed the best option.

13 Q. Yes, I appreciate that. What I want to ask is this: if  
14 the five sites that were put forward in April had been  
15 put forward in February, you would not have had any  
16 cause for concern, would you?

17 A. No, because at least we would have made possibly two  
18 months' more progress than we have to date.

19 Q. Thank you. And you know, do you not, that there are  
20 consultants who are specialists in site searches who are  
21 working on this? I think Redloft is one of the  
22 consultants mentioned, are they not?

23 A. Yes, public sector real estate agents as far as I can  
24 gather.

25 Q. Is that to say that they are not up to the job or just



1 a description?

2 A. They certainly have not given me that impression to be  
3 honest.

4 THE CHAIRMAN: Can I just be clear on the answer? Are they  
5 up to the job or not up to the job?

6 A. I have not been particularly impressed by them.

7 THE CHAIRMAN: Okay.

8 MR PEREIRA: You are interested in self-build, and there is  
9 a self-build option that is being looked at, is there  
10 not?

11 A. Yes.

12 Q. Thank you. Now, can I ask you some questions about  
13 Fluid, please. You were asked questions about Fluid --

14 A. Yes.

15 Q. -- in evidence-in-chief, particularly this matter about  
16 confidentiality. Do you remember that?

17 A. Yes.

18 Q. The question was put to you: why did you want to see the  
19 completed questionnaires?

20 A. Mm hmm.

21 Q. And you gave an answer that it would give a better  
22 indication of what people wanted.

23 A. Mm hmm.

24 Q. I take it from that that it obviously was not just your  
25 questionnaire that you wanted to see; you wanted to see

1 other people's questionnaires?

2 A. No. No, I wanted to see my own questionnaire, because,  
3 apart from anything else -- a little expansion. I am an  
4 aspiring sociologist, and I know the difficulties in  
5 actually conducting interviews and what you actually  
6 note. There is an observer effect and I wanted to know  
7 if the answers that they had noted accurately reflected  
8 the answers that I have given.

9 Q. And that was your concern?

10 A. That is right.

11 Q. So when you said, "Seeing the questionnaires would give  
12 a better indication of what people wanted", you really  
13 meant to say, "Seeing my questionnaire would have given  
14 me a clearer idea of whether they had noted my answers  
15 correctly"?

16 A. Yes, and that that information had been passed on to the  
17 Community Based Housing Association, who were the  
18 organisation that was entered into a service agreement  
19 with to ensure the housing. If they knew what my  
20 housing was they would not need to be asking me these  
21 questions.

22 Q. So that we know then: you were not concerned to see  
23 other people's questionnaires?

24 A. No.

25 Q. So you were not concerned to know yourself what other

1 people's preferences were?

2 A. I have instructions, and we do have democratic  
3 processes, so the people that the Executive Committee  
4 were seeking to represent had already instructed us as  
5 to their particular desires in terms of housing.

6 Q. Do I take it from that that, as it were outside of the  
7 Fluid responses, there is a separate structure that you  
8 are a party to which has attempted to gauge what  
9 a certain group of people's preferences are?

10 A. I would not assume that kind of authority.

11 Q. So what is it when you say, "We are a democratic  
12 structure" --

13 A. It is a democratic process. We have had meetings and  
14 instructions have been given to the Executive Committee,  
15 of which I am part, to seek suitable alternative housing  
16 options for a group move.

17 Q. Yes, on behalf of other people?

18 A. Yes.

19 Q. And so you, the Executive Committee, must have, in order  
20 to do that, attempted to gauge what this group of people  
21 want?

22 A. Yes.

23 Q. Right. And that has not been done through looking at  
24 these people's Fluid Survey responses; it has been done  
25 presumably just through talking to them and asking them

1           what they want?

2   A.   Yes, and because it is a community, the nature of the  
3       community is such that if there are 56 people, there  
4       were 56 people we had identified who had stated  
5       specifically they wanted to be part of a co-operative  
6       group, but there were 57 different ideas of what the  
7       ideal housing was. That is the way of it.

8   Q.   Yes. As you say, 57 different ideas, if that is the  
9       nature --

10  A.   I can see what they are dealing with as well.

11  Q.   To be fair, let us talk frankly, it is understandable  
12       why people are concerned, and it is understandable that  
13       people want to try and keep hold of things that they  
14       cherish and that they value.

15  A.   Yes.

16  Q.   But you I think acknowledge from the LDA's point of view  
17       that because different people prioritise things  
18       differently and have different needs or desires, that  
19       inevitably, whatever decision is made about a group  
20       move, say, is going to be a compromise, viewed broadly,  
21       is it not? It is not going to satisfy everyone  
22       completely?

23  A.   Well, yes, but since we are speaking frankly,  
24       Mr Pereira, people are concerned and they are also  
25       confused because a variety of different statements have

1           been made, not only by the London Development Agency but  
2           by people who are representing the London Development  
3           Agency in relation to the relocation process and  
4           rehousing process.

5   Q.   I know that, but just to answer my question --

6   A.   Sorry, I did not realise there was a question in there.  
7           It sounded like a statement.

8   Q.   Well, I will ask it again.  You acknowledge that  
9           whatever decision is made in relation to a group move,  
10          viewed broadly, it will have to be a compromise, because  
11          it will not entirely satisfy everyone within the  
12          particular group?

13  A.   No, that is right.

14  Q.   That is correct, is it not?

15  A.   Yes, it is a Benjamin Franklin.

16  Q.   I am not sure he is one of the people within your group,  
17          is he?

18  A.   No, I wish he were.

19  Q.   That obviously presents a challenge from the LDA's point  
20          of view, does it not; how best to accommodate in your  
21          case what looked at on an individual level are 57  
22          different views?

23  A.   It is a challenge from our point of view.

24  Q.   Of course.

25  A.   Yes.  That is one of the joys of an organisation and an

1 arrangement like Clays Lane Housing Co-operative,  
2 because people are actually able to express those views  
3 and hopefully get those views properly considered.

4 Q. They can be considered, but as perhaps some of the  
5 history of Clays Lane Housing Co-operative shows, people  
6 are not necessarily happy with the outcomes of those  
7 considerations, are they?

8 A. Yes.

9 Q. Now, I want to ask you, please, if I can a bit about the  
10 like-for-like or better quality, okay?

11 Just to remind ourselves where it comes from,  
12 I think I have not used the exact form of words, but  
13 I am looking at page 97 of Mr Cheyne's bundle, tab 6.  
14 It talks about being rehoused in suitable accommodation  
15 that reflects your individual needs and is at least as  
16 good if not better than your existing accommodation.

17 A. Yes.

18 Q. Now, just as a matter of fact, it is correct, is it not,  
19 that by at least January 2005, when the summary Fluid  
20 Survey was made available, residents knew that the LDA,  
21 to use your expression, had qualified that statement,  
22 because it is set out in that Fluid Survey, is it not?

23 A. Yes. Certainly that statement is a reduction in what is  
24 implicit in the 18th June 2004 Winterbottom letter.

25 Q. And the qualification is the "as far as is practicable",

1 is it not?

2 A. Yes.

3 Q. We talked a little while ago about compromises and that  
4 an outcome would inevitably be a compromise. It is fair  
5 to say -- well, would you agree or not, that it is fair,  
6 is it not, only to expect the LDA to do what is  
7 practicable in trying to achieve this aim, or should  
8 they do more?

9 A. Implicit in Mr Winterbottom's statement is that it would  
10 be as good as, if not better.

11 Q. Is it also, do you think, being fair -- I know it is  
12 a sensitive subject, and that is why I am trying to put  
13 it kind of openly to you -- but being fair, is it not  
14 also implicit in Mr Winterbottom's statement that at  
15 least as good as, if not better, but obviously as far as  
16 is practicable? I know it is not written there. You  
17 used the word "implicit", I am using it, that is to say  
18 it is recognised that there are difficulties, there are  
19 compromises, and one is living in a real world where  
20 only a certain amount can be achieved.

21 A. Yes.

22 Q. I am just suggesting to you, and I would like your  
23 answer, please: do you not agree with me that it is fair  
24 only to expect the LDA to do this so far as it is  
25 practicable to do so?

1 A. My understanding of the situation is that the  
2 responsibilities for the rehousing actually lies with  
3 the London Borough of Newham under the Act, the 1973  
4 Act.

5 Q. Yes.

6 A. And that the London Development Agency has never had  
7 a role in the development of housing solutions. Hence  
8 the appointment of Mr Cahill as housing policy officer,  
9 for example. Now, I would not disagree with anything  
10 you say, I do not think anybody at Clays Lane would  
11 disagree with you in what you say.

12 Q. Thank you.

13 A. However, what they would disagree with you is the amount  
14 of the cost that we actually have to bear, and that is  
15 disproportionate.

16 Q. Okay. Thank you, Mr Sandison. That is a very frank and  
17 fair answer. Now, again, staying with this idea of  
18 opinions and so on differing, Fluid noted, did they not,  
19 that what is "as good" as may be a matter of debate.  
20 Different people have different views on what the  
21 quality is of a particular form of accommodation that  
22 makes it good?

23 A. Well, in fact, in my response to Mr Wald, I made -- but  
24 I would expand on that. It is a reasonable assumption  
25 that this comment was made on the basis of an analysis



1           which could be underwritten by Mr Cahill's original  
2           statement that this was substandard student  
3           accommodation. But actually, from the point of view of  
4           where the residents of Clays Lane come from, a very high  
5           proportion of them, and the kind of treatment that they  
6           have received, and my own story is a reflection of that,  
7           that "equal to or better", there was a genuine fear that  
8           we were going to be stuck in hostels.

9   Q. I think what you said to Mr Wald was you feel the  
10       comments that were made were directed at residents of  
11       shared accommodation, that is to say the six, the eight,  
12       the ten?

13   A. I suspected that the "at least as good as", and quite  
14       possibly the "if not better", was aimed at the people  
15       who shared accommodation.

16   Q. You mentioned there that people were afraid that they  
17       might end up in bedsits and so on.

18   A. Yes.

19   Q. You will have seen, in fact you mention them in your  
20       evidence-in-chief, the Audit Commission reports and the  
21       Dyke report.

22   A. Yes.

23   Q. Have you also seen in Mr Gaskell's appendices the  
24       reports that have surveyed the condition of Clays Lane?

25   A. Yes.

1 Q. And so you recognise, do you not, that, for example --  
2 well, let me cut it short. Do you accept the findings,  
3 for example, in the Decent Homes Compliance report of  
4 Mr Paul Brown that is at Mr Gaskell's appendix 2?

5 A. Yes.

6 Q. If people were relocated to properties which suffered  
7 from the same shortcomings as are identified in Mr Paul  
8 Brown's report, I think they would be, rightly, one  
9 might say, outraged?

10 A. The housing study(?) 2003 refers to the state of the  
11 Peabody accommodation. That is the kind of information  
12 we have to go on. Peabody was not actually meeting the  
13 Decent Homes standard, if that is the comparison you  
14 want to draw.

15 Q. I just want to ask you this: Paul Brown has identified  
16 the shortcomings when measured against recognised  
17 standards of Clays Lane, and you accept that.

18 A. Yes.

19 Q. If people are relocated, let us take people who are in  
20 a six bed shared house. If people are relocated, those  
21 people relocated to another six-bed shared house which  
22 suffered from the same deficiencies as Mr Paul Brown has  
23 identified in his report, I think you would agree they  
24 would have cause for grave concern, would they not?

25 A. But it would be at least as good as, would it not?

1 Q. Yes, I suppose you might --

2 A. Certainly younger people could be stuffed slept in  
3 a foyer, for example.

4 Q. Yes, I suppose you might say that. But if it is  
5 accommodation that actually does comply with Decent  
6 Homes standards, the relocation accommodation does  
7 comply with Decent Homes standards, that would be seen  
8 as an improvement, would it not, in that respect?

9 A. By some measures.

10 Q. By some measures, yes.

11 A. Yes.

12 Q. And also you are familiar with the Fluid Report, are you  
13 not? Yes? You are aware of the Fluid Report?

14 A. Yes, sorry, aware of the Fluid report.

15 Q. Yes, well, with the report generally. I will ask you a  
16 specific question about it.

17 A. Yes, because obviously I have responded to it.

18 Q. And I am looking -- can you turn up page 33.

19 THE CHAIRMAN: I think it needs to be provided to  
20 Mr Sandison, or at least a reference given.

21 MR PEREIRA: I think the witness will need to have  
22 Mr Gaskell's appendices from his main proof, because  
23 Fluid may pop up every now and again.

24 A. Page --

25 Q. Sorry, page 33, appendix 4.

1 A. Preferred accommodation?

2 Q. Yes.

3 A. Yes.

4 Q. We can see there, can we not, that -- I am looking at  
5 the box with the pie chart in it?

6 A. Yes.

7 Q. That the respondees, 84.2 per cent, 246, wanted  
8 a self-contained flat?

9 A. Yes.

10 Q. So again, if one is thinking about relocation property  
11 and comparing what is in Clays Lane now to what is going  
12 to be provided, if you are not already in a flat, I put  
13 the question on that basis, if you are not already in  
14 a flat, it is very likely, is it not, that you will see  
15 that being provided with a self-contained flat as an  
16 improvement, in that respect?

17 A. Yes, but -- of course I have struck out the subject of  
18 contamination in my own evidence, but what I will refer  
19 you to is the fact that the Housing Corporation had been  
20 acting certainly as the posting holder of the estate  
21 from 2001, and that plans for reconfiguration or  
22 anything other than the most basic emergency and  
23 essential management, payment approvals were not being  
24 given. The condition of the drains was such, and that  
25 is referred to certainly under the subsidence issue, we

1 had applied for funding for remediation of the drains in  
2 2002. That correspondence was still continuing in 2005.

3 THE CHAIRMAN: I am aware of that sort of background, but  
4 I think it is a measure of deviation from the question.

5 A. Yes, okay. Actually applications had been made for  
6 a reconfiguration programme and for a housing analysis  
7 and a rolling programme of repairs, and approval was not  
8 given.

9 MR PEREIRA: So the answer to my question is yes, is it not;  
10 for those people who are not currently -- you are  
11 nodding.

12 A. Yes.

13 Q. Thank you.

14 A. But that was on offer at Clays Lane as well,  
15 potentially.

16 Q. Going back again to what you said in response to Mr Wald  
17 when you said you felt the comments were directed at  
18 residents of shared accommodation, you then went on, to  
19 be fair to you, to qualify that and said this: "but this  
20 should not reduce the obligation to those in single  
21 flats".

22 A. Mm.

23 Q. I think you live in a single flat, do you not?

24 A. Yes, I do.

25 Q. And there are other residents who are appearing to give

1 evidence as part of the group case. Do they all live in  
2 single flats as well?

3 A. Yes.

4 Q. Thank you. And there are 50 single flats, are there  
5 not?

6 A. Yes.

7 Q. And I am instructed, you probably will tell me you do  
8 not know, but I am instructed that five of those are  
9 currently empty, so there are 45 occupied single flats.  
10 Would that be about right?

11 A. Possibly.

12 Q. Okay. Can I stay with -- I think that is all I need to  
13 ask you on that. Can I now finally deal with the last  
14 matter from your evidence-in-chief, and it was about  
15 timing. You were asked if you had conflicting  
16 information on a time line, do you remember that  
17 question?

18 A. Yes.

19 Q. I just want to deal, please, first of all, with not what  
20 you said in response to that question, but what you say  
21 in your proof, please. I think it is the bottom of  
22 page 4 going over to page 5.

23 A. Yes.

24 Q. There the time line was 2009 in the non-Olympic world,  
25 minus 18 months in the Olympic world?

1 A. Yes.

2 Q. And that takes you to the middle of 2007, does it not?

3 A. Yes.

4 Q. Do you agree with me that that is the same time line  
5 given in the Fluid Report? I can take you to the  
6 reference if you would like me to do that.

7 A. Yes.

8 Q. You are agreeing with me?

9 A. Yes.

10 Q. Thank you. Again, middle of 2007.

11 A. Yes.

12 Q. Thank you.

13 A. Approximately.

14 Q. Yes.

15 A. It was approximate.

16 Q. Yes. Fluid Reports published in -- well, the time line  
17 appeared in the summary report of July 2005, did it not?

18 A. Yes, the original statements by Fluid and EDAW the -- at  
19 the consultation meetings was approximately 18 months,  
20 so ...

21 Q. Yes, approximately in the middle of July 2007. As you  
22 say, the first statement was given by EDAW at the  
23 consultation meeting.

24 A. Yes.

25 Q. Thank you. You referred to a housing alliance statement

1 as being the source, so far as you were concerned, of  
2 a conflicting time line.

3 A. That is what I have identified, yes.

4 Q. Is that housing alliance statement something that was  
5 published to the world at large, or how did you get that  
6 statement?

7 A. I got that under the Freedom of Information Act.

8 Q. And so that is not a statement that was published to the  
9 world at large or to the residents, is it? You acquired  
10 it because you asked if there was any information, I do  
11 not know the particular terms of your request, but it  
12 was sent to you specifically in response to your  
13 specific request?

14 A. Yes, that is right. That is how I got that information.

15 Q. Yes, thank you. And it is in a minute of a meeting at  
16 which there were no residents present, it was not an  
17 open meeting of that sort?

18 A. Yes, that is correct.

19 Q. Now, I think now I want to turn to the questions that  
20 I planned to ask you, please.

21 THE CHAIRMAN: Is that half an hour's worth of questions  
22 that you had planned to ask?

23 MR PEREIRA: I do not think it will be, sir. Well, let us  
24 see how we go.

25 THE CHAIRMAN: See how we go. I was conscious I had



1 criticised Mr Wald earlier for his time estimates so  
2 I will be entirely even handed.

3 MR PEREIRA: Can I just take up your proof, please. I want  
4 to just look at -- I mean, everyone has read your proof,  
5 and you are obviously familiar with it. Paragraphs 4.2  
6 and 5.11. 4.2 you say that London was successful in its  
7 bid and you are happy to congratulate the ODA and London  
8 and are supportive of the broad endeavour.

9 A. Yes.

10 Q. And at 5.11 you have talked about what the consequences  
11 you say are for the Clays Lane residents. You say:

12 "These are matters of considerable importance -  
13 matters of fundamental human rights and matters that  
14 have a direct bearing on the aspirations of the Olympic  
15 ideal. If London is to achieve the objectives it has  
16 set for itself in the delivery of the 2012 Olympics then  
17 it has a duty to itself to ensure that it is, first and  
18 foremost, an observer not just of the letter but also of  
19 the spirit of the law."

20 A. Yes.

21 Q. That I take to be directed at your criticism of the  
22 relocation process?

23 A. Yes.

24 Q. Thank you. I mean, you have been a resident in this  
25 area for quite some time. I think you would agree,

1 would you not, that the staging of the Olympic Games, if  
2 it delivers the legacy that it is intended to deliver,  
3 is something that is needed, is it not?

4 A. I have considerable sympathy for the unitary development  
5 plan. The Olympics has come along as an adjunct.  
6 However, it is taking precedence. I do not think that  
7 there is any particular evidence that the Olympics  
8 would, except by forcing the timetable, have added  
9 greatly to the Lower Lea Valley unitary development  
10 plan, except ending up with the stadia and so on, which  
11 obviously will have uses in the legacy.

12 Q. When you say -- I enter into these questions with some  
13 hesitancy, because you are obviously calling a planning  
14 witness, or a witness who is a planner. But when you  
15 talk about the unitary development plan, do you have in  
16 mind the aims of regeneration that are in that plan?

17 A. Yes, Newham, West Ham, Newham, Tower Hamlets, Hackney,  
18 Waltham Forest, are all new deal communities. That is  
19 they are all areas that have been identified as being of  
20 significant deprivation, and the need for regeneration  
21 has been identified in those programmes. There is  
22 certainly in terms of the housing need and clearly the  
23 possibilities of replacing obsolete industries with new  
24 ones.

25 Q. And when you say that the Olympics and legacy will

1 "force the timetable", was your expression, I think  
2 there you are acknowledging, are you not, that it will  
3 bring forward to an earlier date the meeting of those  
4 needs?

5 A. I am quoting EDAW when I say that, because that is what  
6 they say.

7 Q. You were, but you were quoting it without dispute.  
8 I think you agree with that, do you not?

9 A. Well, yes, because they have a different timetable,  
10 because they have to put in particular facilities that  
11 actually were not planned for in the UDP.

12 Q. So it will bring forward the regeneration, will it not?

13 A. I do not know. That is a speculation, I would say.

14 Q. Okay. I just want to know what your answer to the  
15 question is. You recognise the need for regeneration,  
16 you have told us that?

17 A. Oh, yes, but then since Rowntree(?) was conducting his  
18 studies, and then the Webbs(?) were conducting studies  
19 at the end of the 19th century through to the 1950s, the  
20 East End of London has gone through successive waves of  
21 regeneration, and surprisingly still has significant  
22 pockets of deprivation.

23 Q. So one might say it needs something significant to sort  
24 that out?

25 A. Well, whether the Thames Gateway is the answer is

1 obviously something that needs to be debated elsewhere.

2 Q. Now, I want to stay with your 5.11. Can I take it from  
3 this that the way you put this, that if a satisfactory  
4 relocation proposal were offered to you, you would agree  
5 that London would have, to use your expression, observed  
6 not just the letter but also the spirit of the law?

7 A. I was under the impression we were being offered  
8 satisfactory relocation alternatives, which were  
9 alternatives that were equal to or better than what we  
10 had.

11 Q. But I am asking you this question, if -- because there  
12 is now a dispute about it, you see.

13 A. Yes.

14 Q. That is why I am putting it on this basis. If  
15 a satisfactory relocation proposal were put to you, you  
16 would agree, would you not, that London would have  
17 observed not just the letter but the spirit of the law?

18 A. Well, actually, our sitting here, courtesy of the  
19 Department for Constitutional Affairs and  
20 Irwin Mitchell, says that actually the spirit of the law  
21 is being celebrated, yes.

22 Q. No, Mr Sandison, I am trying to put a question to you in  
23 language that you have used. I hoped to short cut  
24 a series of other questions. Your complaint, it seems  
25 to me, at 5.11, a fact you accepted, it is a conclusion

1 to a complaint about relocation.

2 A. Yes.

3 Q. If the relocation process were to result in  
4 a satisfactory relocation proposal for you and your  
5 group, I think that removes this part of your objection,  
6 does it not?

7 A. Yes. I thought that -- I would suggest that the "if" in  
8 your statement is ...

9 Q. And reading your proof, because you applaud the securing  
10 of the Olympic Games, and you seem to approve of the  
11 aspirations of the Olympic ideal, would you in those  
12 circumstances be supportive, then, of the Games going  
13 ahead and the legacy being developed afterwards, if you  
14 had a satisfactory relocation site?

15 A. Yes, provided that we are not, as seems to be the case  
16 at the moment, having to bear an unreasonable burden of  
17 cost.

18 Q. I am not going to talk to you about cost, because  
19 Mr Hamood says more about that.

20 A. Yes, but I am talking about emotional and social and ...  
21 there are other elements.

22 Q. Yes. That, I mean, again, one understands that that is  
23 worrying to everyone concerned, but that is a necessary  
24 consequence, is it not, of people's homes being  
25 purchased and redeveloped.

1 A. Mm.

2 Q. There is not a way of achieving that end of redeveloping  
3 someone's home without imposing upon them that worry.

4 A. Well, yes, redeveloping the land upon which that home is  
5 located, yes.

6 Q. Yes. Now, you mention other things in your proof  
7 between 5.2 and 5.10. 5.2 I think is costs, which  
8 I will ask Mr Hamood about. Group moves I have spoken  
9 to you about, and Mr Cheyne I suppose might say  
10 something more about it. Access to funds, you now have  
11 in effect funding for your objection. I am not going to  
12 ask you about that. Use of land I am not going to ask  
13 you about. I can ask, if I need to, Mr Goemans about  
14 that. Socio-economic effects, I think Mr Rogers is  
15 saying something about the Clays Lane community, and  
16 I have seen the evidence that is put in.

17 A. Yes.

18 Q. Can I go to your 5.10. I think we are nearing the  
19 conclusion. You say, "The use to which the land is to  
20 be put remains unclear".

21 A. Yes.

22 Q. Just so that you know, I am going to ask Mr Goemans  
23 about that, okay?

24 A. Yes.

25 Q. Now, what I would like to ask you about, because I know

1           you have been involved in it, is just to help me with  
2           some things to do with the Clays Lane Housing  
3           Co-operative.

4   A.   Mm.

5   Q.   You mention, do you not, the Executive Committee in your  
6           proof, and that I think is what would have been the  
7           management committee --

8   A.   Yes.

9   Q.   -- although they do not exercise any management  
10          functions any more?

11  A.   That is correct.

12  Q.   I wanted to ask you some questions about the rules of  
13          the co-op, just some very short questions.  Maybe you  
14          can help me with them.

15  A.   Mm.

16  Q.   Was there a requirement that people who became members  
17          of the co-op had to qualify for affordable housing need?  
18          Is that something that was rigorously insisted upon by  
19          the co-op?

20  A.   No.  No.

21  Q.   No?

22  A.   No.  The people would need to demonstrate housing need.

23  Q.   Yes, in a broad sense.

24  A.   Yes.

25  Q.   And entry was subject to an interview, was it not?  You

1           yourself spoke of that.

2   A.   Well, there was an induction process, and then house  
3       interviews.

4   Q.   Yes.   And I think you were probably -- you said you were  
5       not accepted but you were just located within a house?

6   A.   Yes.

7   Q.   And that caused initially some concern.   I think you  
8       were the exception in that happening to you, normally  
9       you had to be accepted by the house who were  
10      interviewing you?

11  A.   No, in fact if houses did not take part in house  
12      interviews for -- after more than two occasions and they  
13      were known to have voids, then it was entirely usual  
14      that people who had not been selected would be placed  
15      into voids which were known to be available.

16  Q.   Yes, but if they did take place in house interviews,  
17      that forced placement, as it were, would not happen,  
18      would it?

19  A.   No.

20  Q.   And if you wanted to progress to a single flat, you, and  
21      also Mr Ojar said, in summary, you had to have no  
22      arrears, you had to have done a period of time actively  
23      working for the co-op --

24  A.   Yes.

25  Q.   -- and again you had to have an interview, you had to



1 pass an interview.

2 A. Yes.

3 Q. The Audit Commission says that the co-op was open to  
4 people of ages 18 to 59, is that correct?

5 A. Yes.

6 Q. And I have looked at your website. I do not think this  
7 will cause you any difficulty, because in fact you  
8 exhibit a bit of it yourself, but in the bit about what  
9 the co-operative does and who it is open to, there is  
10 a bit that says "single occupants" and you have accepted  
11 it was for single occupants?

12 A. Yes.

13 Q. It says this:

14 "If you want single parent accommodation, please  
15 look elsewhere. The office will assist you to find  
16 somewhere to move to if you become pregnant while you  
17 are here, but you will have to leave."

18 A. Yes.

19 Q. That is correct, is it not?

20 A. Yes.

21 Q. Thank you. You now, because of the transfer to Peabody,  
22 all have assured tenancies, do you not?

23 A. Yes.

24 Q. Yes, but residents of the co-op when it was a co-op did  
25 not benefit from assured tenancies?

1 A. We had secure tenancies.

2 Q. You had secure tenancies. Because, for example, again,  
3 I got this from your website, if you went into rent  
4 arrears, you could be served a notice to quit?

5 A. Yes. I think you will find that it is the same with  
6 Peabody, actually.

7 Q. Pardon?

8 A. It is the same with Peabody.

9 Q. Now, vulnerable tenants. Can I just say something about  
10 this. Certainly Mr Cheyne and Mr Rogers raised  
11 a concern about vulnerable tenants.

12 A. Mm.

13 Q. Mr Gaskell can assist the Inquiry on what has been done  
14 by CBHA in relation to vulnerable tenants, but the tenor  
15 of the evidence from the group objection is that, to  
16 whatever extent, this is a community where people care  
17 for one another, where people fit in.

18 A. Yes.

19 Q. And given that, the relevant authorities can be assured,  
20 can they not, that anyone at Clays Lane such as yourself  
21 who is aware of a vulnerable tenant or someone who may  
22 be in need, the authorities can -- it would be fair to  
23 expect, would it not, those people to be brought to the  
24 attention of the authorities, would it not, in the  
25 community, the caring community that you present in your

1 evidence?

2 A. Yes. Yes.

3 Q. It would, would it not?

4 A. Yes, it would.

5 Q. If you were aware of someone who was in need, one would

6 expect, given the ethos, that you would say that to

7 CBHA, or whoever it might be.

8 A. Yes.

9 Q. Thank you. Finally, then, I think, because I do not

10 need to ask you about contamination, there are various

11 findings set out in the Audit Commission report about

12 the shortcomings of Clays Lane management. I can take

13 you to it if you want, but do you agree with those

14 findings? You said you were familiar with the report.

15 A. Which particular elements?

16 Q. Yes, that is why I said I would take you. If we go to

17 Mr Gaskell's appendices, appendix 3.

18 THE CHAIRMAN: I am not sure that Mr Sandison has that.

19 MR PEREIRA: It is the same as the Fluid -- that Fluid is

20 in. I think a copy has to be --

21 THE CHAIRMAN: It is a separate Fluid that was handed up.

22 MR PEREIRA: Mr Gaskell's main appendices where the Fluid

23 Report is.

24 MR WALD: Mr Sandison was handed a copy of the Fluid Report

25 on its own, not as part of the appendices.

1 MR PEREIRA: I do not know if there is a copy around the  
2 corner?

3 THE CHAIRMAN: Could somebody have a look and see if there  
4 is one, please. If one could be obtained, thank you.  
5 (Handed)

6 A. Thank you.

7 MR PEREIRA: All right. These are the appendices to  
8 Mr Gaskell's main proof of evidence, and it is tab 3,  
9 and it is the Audit Commission inspection report.

10 A. Yes.

11 Q. I am looking at the page numbers on the top right-hand  
12 side in small writing, and I am looking at page 5.

13 A. Yes.

14 Q. And we can see the paragraph that is numbered 10 talks  
15 about a "poor no star service", and it explains it  
16 below. Paragraph 11 effectively says why. Go over the  
17 page to paragraph 12, it talks about strengths;  
18 paragraph 13, prospects of improvement are poor; and  
19 paragraph 14, some qualification.

20 A. Yes.

21 Q. Are you content to agree with those findings, is my  
22 question?

23 A. No.

24 Q. No?

25 A. No.

1 Q. Do you want to elaborate on that?

2 A. Absolutely.

3 Q. Can I just ask, were you a member of the Executive  
4 Committee at the time that this investigation took  
5 place?

6 A. 2004, was it not?

7 Q. The report was written in 2005. It was June 2004,  
8 I think you were a member, were you not?

9 A. Yes. In that case, yes, I was.

10 Q. Well, I have asked the question I wanted to ask.  
11 I think in fairness to you, you have said you disagree,  
12 and in fairness to you, you should be given an  
13 opportunity to say why.

14 A. Yes. Well, the opening statement, "A poor service that  
15 has poor prospects for improvement", yes, absolutely  
16 I would agree with that, simply because the Housing  
17 Corporation was not willing to give any approvals for  
18 any expenditures or changes in the form and structure of  
19 Clays Lane to enable those types of changes to take  
20 place. It did not recognise the changes that had taken  
21 place during the period -- as far as administration was  
22 concerned from the period of the -- that was represented  
23 as the closing period of the statutory enquiry by  
24 Rodney Dykes up until this report, which -- the Dykes  
25 report had identified particular weaknesses, attempts

1 had been made to incorporate the recommendations which  
2 had been accepted by the Housing Corporation, but the  
3 types of things that they are referring to are  
4 situations -- some of the situations that actually  
5 required some kind of executive ability on the part of  
6 the management committee which required access to  
7 resources that was not being granted by the  
8 Housing Corporation.

9 Q. Okay. You mentioned there the Dykes report.

10 A. Mm.

11 Q. Mr Gaskell quotes one paragraph of it in his rebuttal  
12 proof to this objection. It is at page 8 of his proof.

13 I do not know if you have that, at the top of the page.

14 A. Which paragraph?

15 Q. 3.27. That is the bit that the Court of Appeal quoted  
16 from the Dykes report.

17 A. Hang on.

18 THE CHAIRMAN: You might not have the rebuttal proof, you  
19 have the original proof. Are we talking about REB 39?

20 MR PEREIRA: We are.

21 THE CHAIRMAN: Is that available please?

22 A. I have 81, sorry.

23 MR PEREIRA: When we have a break, we will have to make  
24 sure --

25 THE CHAIRMAN: When we have a break, if all the rebuttals

1 can be set, and also the main proofs can be available  
2 for the witnesses. It is not a reasonable expectation  
3 that they will necessarily have brought all of those, so  
4 if that can be set up, that will be a big help.

5 A. Yes, we have not got a lorry.

6 MR PEREIRA: I am sorry, page 8, 3.27.

7 A. 3.27.

8 Q. And this is a report published in -- let me just get the  
9 date -- published in March 2001. I think that is before  
10 your time.

11 A. Yes.

12 Q. Do you agree with those findings?

13 A. Oh, yes, absolutely.

14 Q. Thank you.

15 A. Yes. At least as far as the stories that I have been  
16 told are concerned.

17 Q. Okay, Mr Sandison. Thank you very much.

18 A. Thank you.

19 THE CHAIRMAN: Mr Wald, any matters of re-examination?

20 MR WALD: Yes, just a few.

21 Re-examination by MR WALD

22 MR WALD: Mr Sandison, I am going to deal with them in  
23 reverse order, so first with the questions that require  
24 clarification that you have most recently been asked.

25 A. Yes.

1 Q. You have been asked about the mismanagement of the co-op  
2 and the state of repair at the Clays Lane housing  
3 estate. You have referred to the regulator more than  
4 once.

5 A. Yes.

6 Q. And in chief, you gave some indication of the  
7 relationship with the regulator.

8 A. Yes.

9 Q. At what point did -- I will put it briefly -- did the  
10 regulator turn its back or prevent improvement works  
11 such as the drains that you have alluded to?

12 A. My understanding is that actually in 2001, the  
13 Clays Lane Housing Co-operative Limited almost went into  
14 insolvency as a result of the regulator not granting  
15 approval for payments to one of its legal  
16 representatives.

17 Q. Was the shadow of the CPO in any way related to the  
18 conduct of the regulator or not?

19 MR PEREIRA: That is a most improper question, if I may say  
20 so.

21 MR WALD: All right. You said that it started in 2001.

22 A. Yes.

23 Q. Did the relationship with the regulator continue  
24 unchanged from that date, or did it change?

25 A. Certainly -- yes, because John Lyn was running as de



1           facto office manager, and it was a constant battle to  
2           get approvals for payments for anything.

3   Q.   I want to be clear.  You said that the regulator was  
4           unhelpful.  I put it that way --

5   A.   I am sorry, Mr Wald, that is not a question I can really  
6           answer, because I joined the management committee in  
7           2004, by which time an awful lot of the shouting that  
8           had been going on -- they were dealing with the  
9           status quo that they had learnt to deal with.

10  Q.   All right, let me ask you about the period that you know  
11           about.  Were you able to detect any change in the  
12           approach of the regulator since the date that you knew  
13           of it, 2004?

14  A.   Yes, it became -- so much of what was actually going on  
15           was going on either in the House of Lords or the Court  
16           of Appeal or the High Court, so the actual dealings,  
17           which were extremely acrimonious, were being dealt with  
18           through the legal process.  But the actual dealings  
19           that -- from the point of view of day to day management,  
20           yes, it did become more difficult.  We were not able to  
21           take action for example against the residents against  
22           whom Anti-Social Behaviour Orders these days would  
23           probably be issued, because even for very substantial  
24           rent arrears, we were not given any payment approvals to  
25           take people even to Magistrate Courts.

1 Q. Are you able -- perhaps you are not, I do not know --  
2 are you able to ascribe any particular cause to the  
3 deterioration in the relationship?

4 A. No.

5 Q. All right. Then, working back, you were asked a number  
6 of questions about relocation, and you were reminded  
7 that you applauded the securing of the Olympics.

8 A. Yes.

9 Q. I do not want to ask you about matters of planning, but  
10 as far as you are able, would you be satisfied with the  
11 Games and its legacy without the demolition of  
12 Clays Lane Estate?

13 A. The planning aid for London, for example, has suggested  
14 that the design of the estate would make an excellent  
15 Olympic Village if it was slightly modified.

16 Q. What is your view?

17 A. I think it is a great living environment, potentially,  
18 and has an awful lot of scope. The fact that bits of it  
19 are sinking could probably be remedied.

20 THE CHAIRMAN: I think the answer is straying from the  
21 question that was put.

22 A. Yes, sorry.

23 THE CHAIRMAN: Just remind us of the question.

24 MR WALD: You were asked a lot of questions about  
25 relocation. I want to be clear whether your evidence

1 embraces the possibility of the retention of the  
2 Clays Lane estate.

3 A. Yes, I -- yes.

4 Q. You were asked about your concluding paragraph and the  
5 importance of the spirit of the law and not just its  
6 letter. It was suggested to you that provided that  
7 spirit is upheld, your objection could be withdrawn.  
8 Did you have any basis upon which to doubt that the  
9 spirit of the law would be upheld?

10 A. Yes, the way the -- this two month delay may well be  
11 considered negligible when you are faced with the  
12 arbitrary demand that you be out of your homes by June,  
13 July 2007. Two months is an awfully long time to be  
14 hanging around with nothing happening.

15 Q. You have made reference, and we have now introduced  
16 a new letter from the LDA in which there is a change in  
17 promise.

18 A. Mm hmm.

19 Q. Did that have any effect on your expectations of what  
20 would be delivered?

21 A. Yes, it did. It kind of reduced the whole thing to  
22 a semantic exercise, actually, and my feeling was that  
23 we were being -- our position was being reduced.

24 Q. All right. I am going to jump back a bit further before  
25 I continue in that sequence: you were asked -- actually

1 I cannot remember what you were asked, but the answer  
2 you gave was, "I would not disagree with anything you  
3 say". I think you actually said more than that.  
4 I think you said, "I would not disagree with anything  
5 you say, and I do not think any of the residents at  
6 Clays Lane would disagree", and the response from  
7 Mr Pereira was, "That is a very frank and fair answer".

8 Did you intend through that that there is no  
9 difference between you and the LDA?

10 A. No.

11 Q. I just want to understand the scope of the extent of  
12 that answer.

13 "I would not disagree with anything you say and I do  
14 not think any of the residents of Clays Lane would  
15 disagree with anything you say."

16 A. I am just trying to recall the precise phrasing of the  
17 question.

18 Q. It was about compromise. It was in the context of the  
19 exchange you had about compromise.

20 MR PEREIRA: Sir, I know what the question was. It will be  
21 on the transcript. I know what the answer was, and it  
22 was a clear answer.

23 THE CHAIRMAN: If you are in possession of both sets of  
24 information, it might help us if you could just give us  
25 your understanding of it.

1 MR PEREIRA: It is not my understanding of it, sir; it is  
2 what it was.

3 THE CHAIRMAN: Well, yes.

4 MR PEREIRA: I will paraphrase. I had put to Mr Sandison  
5 the Winterbottom letter, and I am paraphrasing: I had  
6 put to him that, being fair, it was only reasonable to  
7 read that as though it was implicit in that that the LDA  
8 should only be expected to do what was practicable. And  
9 after a little bit of pressing, I got that answer from  
10 Mr Sandison, and that is where it stands.

11 THE CHAIRMAN: And that was qualified when he said "would  
12 not disagree" --

13 MR PEREIRA: He said, "I would not disagree with that, and  
14 I do not think anyone on Clays Lane Estate would  
15 either".

16 THE CHAIRMAN: And I think he added that "the concern is the  
17 disproportionate cost we will have to pay".

18 MR PEREIRA: Yes, and I said to him, "I will speak to  
19 Mr Hamood about costs".

20 THE CHAIRMAN: That is where we are.

21 MR PEREIRA: I have to say, when clear questions are asked  
22 and answers given, I would ask my learned friend to be  
23 careful in the way he re-examines.

24 THE CHAIRMAN: I do not think we need to pursue that. We  
25 have got to the position as to where we are. Perhaps by

1           committee we are assisting you with a question, but now  
2           we know the background, no doubt you can focus the  
3           question.

4   MR WALD:  I can.  As to fairness, you were referred to the  
5           initial promise of the Winterbottom letter.

6   A.  Yes.

7   Q.  You were then asked whether it is fair to imply into  
8           that promise practicability.

9   A.  Mm hmm.

10  Q.  Is it fair that those that give such promises should  
11           live up to them?

12  A.  Yes.

13  Q.  Was that promise given voluntarily?

14  A.  The promise of Winterbottom, yes, it certainly was not  
15           solicited, and I think it probably took people by  
16           surprise.

17  Q.  Why so?

18  A.  It is open-ended, in my opinion.

19  Q.  You referred in the context of Decent Homes Compliance  
20           to Peabody accommodation and a 2003 report.

21  A.  Yes.

22  Q.  Why did you refer to that?

23  A.  Because we were being held up as not meeting -- in the  
24           Audit Commission report, not meeting Decent Homes  
25           standards.  Peabody in 2003 were held up to the same

1 criticism, and one result was that they had to take  
2 significant write-offs. The difference between Peabody  
3 in 2003 and the situation at Clays Lane was that Peabody  
4 had the freedom and the opportunity to undertake the  
5 kinds of changes that were required to bring their  
6 housing up to standard. In fact, the housing that they  
7 had was transferred to other social landlords, but  
8 Clays Lane was not given the same opportunity by the  
9 regulator, despite the fact that we had significant  
10 reserves put aside for that purpose.

11 Q. Thank you for that. I have asked you now already about  
12 the implied term of practicability, so I will not dwell  
13 on that. Benjamin Franklin.

14 A. Yes.

15 Q. Not being able to please all of the people all of the  
16 time.

17 A. Yes.

18 Q. What realistically would you have expected from the LDA  
19 that you have not got from the LDA?

20 A. Actual actions that meet with the expressions of good  
21 intent.

22 MR PEREIRA: I am sorry, I did not catch that.

23 A. Actual actions that meet with the expressions of good  
24 intent.

25 MR WALD: Your request for your Fluid questionnaire

1 response, you were keen to see whether what you had  
2 given in answers had been truly reflected.

3 A. Yes.

4 Q. You never saw the answer to that questionnaire?

5 A. No.

6 Q. Because it was lost?

7 A. Yes. Which is a bit alarming if it is actually  
8 confidential information.

9 Q. Finally, Mr Sandison, you were asked about -- it was  
10 suggested to you that your main interest is in  
11 self-build, yes?

12 A. A purpose-built alternative.

13 Q. A purpose-built alternative. In terms of your and your  
14 fellow residents' involvement in that process, has any  
15 of that been allowed? Have you been able to get  
16 involved with the design, for example?

17 A. We have not got that far in making progress in that  
18 objective.

19 Q. Mr Sandison, thank you very much. There may be  
20 questions from the Inspector, I do not know.

21 THE CHAIRMAN: There is nothing additional that I would like  
22 to ask, so thank you Mr Sandison. That takes us to  
23 1 o'clock, Mr Pereira?

24 MR PEREIRA: Sir, I was just going to say this. That  
25 obviously took a little longer than both of our time



1 estimates.

2 THE CHAIRMAN: What I propose to do now, I will adjourn for  
3 lunch, but I will hold a timetabling meeting with both  
4 of you.

5 MR PEREIRA: What I was going to say is this: Mr Sandison  
6 obviously dealt with matters that Mr Cheyne, on the face  
7 of it, was going to deal with, for example the  
8 Winterbottom letter and so on, and the questions that  
9 I was going to ask Mr Cheyne I asked Mr Sandison,  
10 because he dealt with it. It seems to me it would be  
11 a waste of Inquiry time if Mr Cheyne were to represent  
12 the case all over again and I had to ask questions all  
13 over again. I am assuming in a sensible way that part  
14 of the group's evidence has been dealt with and we will  
15 not have repetition, otherwise questioning will become  
16 rather lengthy and it will be a waste of time having  
17 people repeat evidence all over again.

18 THE CHAIRMAN: Mr Wald?

19 MR WALD: Sir, I made a promise that I would not engage in  
20 repetition, and I do not resile from it or apply  
21 qualifications to it. There are matters that Mr Cheyne  
22 will deal with separately. Where he touches upon  
23 anything that has been raised, it will be to deal with  
24 other points, but I will avoid repetition and there will  
25 be some time saving as a result of Mr Sandison's

1 evidence.

2 THE CHAIRMAN: I am grateful for that clarification. As  
3 I say, we will adjourn now, but I will take a few  
4 minutes with the two of you so we can look at  
5 timetabling and order of appearances. It would be  
6 easier if we are closer together as opposed to in the  
7 Inquiry room, and I do not need to unnecessarily detain  
8 others. It is just after 1 o'clock. Can we be back at  
9 2 o'clock, is that acceptable?

10 The Inquiry is adjourned until 2 o'clock.

11 (1.06 pm)

12 (The Luncheon Adjournment)

13 (2.00 pm)

14 THE CHAIRMAN: Ladies and gentlemen, it is 2 o'clock, so the  
15 inquiry is resumed. Mr Wald, I understand you are  
16 requesting going to call Mr Sole next, is that correct?

17 MR WALD: That is correct. Just to let you know, we have  
18 made attempts to get hold of Mr Rogers to see if he can  
19 come this afternoon. We have not heard back from him  
20 yet but we are continuing to do so.

21 THE CHAIRMAN: Thank you.

22 MR WALD: Could Mr Sole take up position?

23 THE CHAIRMAN: So far as Mr Sole's proof is concerned, I can  
24 confirm that I have read that and a lot of what is in  
25 the appendices provides the detail so what I have seen

1 as part of the site visit.

2 MR WALD: Thank you for that, sir. I will just introduce

3 Mr Sole to the inquiry.

4 THE CHAIRMAN: Yes, please.

5 MR JOHN SOLE (called)

6 Examination in chief by MR WALD

7 MR WALD: You are John Sole.

8 A. Yes.

9 Q. You are and have been a resident at Clays Lane?

10 A. Yes.

11 Q. Can you just indicate how long you have been a resident  
12 there?

13 A. Since 1994.

14 Q. Thank for that. You have produced a proof of evidence,  
15 a copy of which I think is in front of you.

16 A. Yes.

17 Q. Can you just confirm that you wrote it and it is true?

18 A. Yes.

19 Q. The matters that you deal with are the design of the  
20 estate, the estate amenities, access to open space and  
21 transport links.

22 A. Yes.

23 Q. This morning a set of photographs have been submitted.

24 I do not know if you have a set there with you?

25 A. I do not, no.

1 Q. I will hand you a set. (Handed)

2 A. Thank you.

3 Q. As we go through some of the points that arise from your  
4 evidence, if any assistance can be gained from these  
5 photographs -- which I do not think you took?

6 A. No, I think Mr Cheyne or an associate of his.

7 Q. All right. Then please do so. Before we get into the  
8 body of your proof, some of the elements in it seem to  
9 draw on some sort of technical expertise here. Do you  
10 have any technical expertise or relevant experience that  
11 would assist you in dealing with the matters that are  
12 contained in here?

13 A. I have a degree in visual communications and visual  
14 theory. and as such I studied illustration as a studio  
15 subject and a large part of my contextual studies is  
16 made up of architectural history, which is similar to  
17 the contextual studies course followed by the first  
18 degree architecture students.

19 Q. Thank you for that. In section 2, you start to describe  
20 the design of the estate. You will have heard comments  
21 made about the condition of the estate?

22 A. Yes.

23 Q. Do you offer any evidence in relation to that?

24 A. Well, I think that the estate, in terms of its  
25 structure, is generally sound. I think that there are

1           some problems with interior fittings, particularly in  
2           kitchens of some houses but by and large it is my  
3           opinion that the buildings are sound, warm and fit for  
4           purpose.

5   Q.   Right.  That is distinct, is it not, from the design  
6           features that you include at section 2?

7   A.   Yes, I assume so.  I am not entirely certain what you  
8           mean but I would think I would make a distinction.

9   Q.   What I intended is the condition relates to  
10          deterioration over time but design presumably is  
11          something --

12  A.   Oh, very much.

13  Q.   -- that once there stays?

14  A.   Very much.

15  Q.   Okay, and you have described the condition as generally  
16          sound.  Overall, how would you describe the design at  
17          the estate?

18  A.   Well, I think that the design is quite good.  The large  
19          point that I was trying to make in my evidence was that  
20          it is an obviously designed artefact, that it follows in  
21          traditions of architectural design that can be plainly  
22          shown and if you are talking about offering equivalence  
23          in the choice of relocation, that is an all-encompassing  
24          concept that cannot be pinned down to any single issue,  
25          such as rents but it includes the whole circumstances in

1           which the people are living.

2   Q.   Okay, thank you for that.  At 2.5 you make reference to  
3           the courtyard spaces.

4   A.   Yes.

5   Q.   I just wonder if you could turn up in the clip of  
6           photographs that you have, number 51?

7   A.   Yes, I have that before me.  I think in 2.5 that I was  
8           saying that the courtyards were particularly designed to  
9           make an intimate space, in which contact between the  
10          residents was specifically intended to be facilitated.  
11          I mean, you can see the picture of two people here, one  
12          of them who is actually in the room at the moment, are  
13          in a fairly intimate space.  It has human proportion and  
14          it is well connected by the windows from all the houses  
15          overlooking each other.

16                 This is the main entrance for public access to the  
17                 houses and this is a public space through which we all  
18                 move and in effect spend quite a large proportion of our  
19                 life.  I think that I mentioned Mr Aalto in my proof as  
20                 one of the sources for -- possible sources for the  
21                 design of this estate and one of things that he was  
22                 interested in, I believe, was what he called zones for  
23                 public appearance, and whilst I have not read enough to  
24                 describe exactly what Mr Aalto meant, I would say that  
25                 this courtyard fits the bill.

1 Q. What is your own experience of the design features, for  
2 example, of the courtyard on social interaction and  
3 activity at the estate?

4 A. Well, I find that it varies from courtyard to courtyard  
5 the same way as social interaction varies from house to  
6 house. Some courtyards are more active in one way,  
7 socially, say; others are more active, say, politically,  
8 within the organisation of the co-op.

9 Within the courtyard most people know each other at  
10 least in terms of sight. You can recognise your  
11 neighbours and they normally recognise you and there  
12 will be obviously relationships developing on a specific  
13 level between people in groups, yes.

14 THE CHAIRMAN: Presumably there it is concentrated  
15 neighbours because within any courtyard, in effect,  
16 those living around it are some 50 people, is that  
17 right?

18 A. Yes.

19 MR WALD: Is there much mixing between courtyards, ie do  
20 people who do not live adjacent to a particular  
21 courtyard use that courtyard?

22 A. Indeed. For a start, you have four members of the  
23 estate here, two of them live in one courtyard and me  
24 and Ian live in another. We have been cooperating on  
25 this proof and quite often during the time that we have

1           been working together, we have been meeting at Julian's  
2           courtyard. Julian's courtyard, Imsook lives there, and  
3           between Julian and Imsook there have been a number of  
4           meals held in public in the courtyard that we have  
5           attended. Also I believe in Julian's courtyard that  
6           this is quite common. In the courtyard I live in it is  
7           not so common but, as I might have stated in my personal  
8           statement, there is a syndicate of which I am a member,  
9           which has took in three houses in our courtyard and one  
10          in Vantford(?) that operate a washing machine.

11        Q. You are referring to the personal statement that is  
12          appended to Mr Goemans's proof of evidence?

13        A. This?

14        Q. Yes.

15        THE CHAIRMAN: I am familiar with this.

16        MR WALD: And you have referred to Imsook. That is  
17          Imsook Jo, another author of such a statement.

18        A. And earlier, I am not sure how relevant this is, but I  
19          point out that she is a woman.

20        Q. She is a woman, right. Just for completeness, it was  
21          pointed out that those here present are all in single --  
22          they are the only occupants of their dwellings?

23        A. Yes.

24        Q. Just looking down that list that you have of personal  
25          statements, do you know which of those are in shared



1 accommodation?

2 A. In Imsook Jo is, Gail Thompson, Ann Covier(?), and I am  
3 not sure about -- I assume Samuel Shirley.

4 Q. You assume Samuel Shirley is, is that what you said?

5 A. Yes.

6 Q. His statement seems to suggest it:

7 "I live in a 10-person house."

8 A. Yes, exactly.

9 Q. Do you know about Frederick Aralandus(?)?

10 A. I am afraid I do not.

11 Q. Only. Confusingly she apparently does, according to  
12 this statement, live with other housemates.

13 But moving on, you have made references not just to  
14 Aalto but to Corbusier and I just wondered how you  
15 linked in Corbusier to the design features?

16 A. It is principally the double height living space is  
17 a trademark of his, not that Aalto would not have used  
18 it as well, because in Clays Lane, rather than actually  
19 double height space what has happened is that the living  
20 spaces, wherever possible, have been extended into the  
21 available roofspace. But a particular feature I noticed  
22 in the houses which struck me from the first time  
23 I moved in was the windows that overlooked the living  
24 space, which I think are in part at least -- obviously  
25 they are there for a practical reason, to give light to

1 the upper corridors but I cannot believe that the person  
2 who did the drawings did not look back to when he was at  
3 architecture school and said: oh, yes, Corbusier. I am  
4 sure it would have stuck in his mind and anybody else  
5 who had been similarly trained and looked at such  
6 a thing.

7 Q. At 2.7 you say that:

8 "Whilst it would be interesting to establish the  
9 excellence or otherwise of the estate's design ..."

10 I think there is a missing word "not" there:

11 "... this should not be an issue for the Inquiry"?

12 A. Yes, that is a difficult piece of grammar. I think  
13 I intended to say that it should be a matter for the  
14 Inquiry, but as a side issue but what I was -- if I am  
15 recalling from memory, because I do not want to disturb  
16 my equilibrium by searching for it, but as I recall in  
17 my memory, what I intended to go on to say is: what is  
18 important is to establish that there was this traceable  
19 history of design and that that was a reasonable thing  
20 to expect that that would be replicated by way of  
21 comparison. I forget the word that is supposed to be  
22 used: equivalency.

23 Q. Equivalency. Do you have any knowledge of those who  
24 have already been relocated?

25 A. No.

1 Q. You are unable to say whether the LDA is offering  
2 equivalence in design terms so far?

3 A. I mean, I was assuming that in actual fact that they are  
4 not because what they are simply doing is moving people  
5 into separate accommodation, isolated from each other,  
6 which may be, of course, of any standard of design and  
7 quite possibly excellent, quite possibly not but  
8 certainly not with a community that has  
9 a purpose-designed environment.

10 THE CHAIRMAN: Are individuals choosing those properties or  
11 being moved in without choice?

12 A. They are choosing those properties on the basis of them  
13 being offered. Obviously what is available constrains  
14 choice.

15 MR WALD: I wonder if you can help the Inquiry following on  
16 from that question with this notion of choosing  
17 a property. Under what circumstances have people left  
18 thus far and to what extent are they exercising  
19 a choice?

20 A. It is difficult for me to answer because I mainly  
21 associate with people who have not chosen to exercise  
22 that choice. Mark Hewtin(?), whom you mentioned  
23 earlier, I have been an acquaintance of over a great  
24 many years and I believe that he is in actual fact well  
25 satisfied with his choice. On the other hand,

1 a neighbour of mine who lives next door, who has not  
2 moved, went to a house, I believe, in The Angel. He  
3 lives in shared accommodation. He was initially pleased  
4 with the house because, as the people opposite have  
5 suggested, it does give an improvement on space for  
6 shared accommodation but when he found out that the  
7 rent, which was set at £94 as opposed to the, I believe,  
8 £54 he is already paying, included a service charge and  
9 that -- or did not include a service charge and that on  
10 top of that he would be having to pay for his energy  
11 costs, water rates and council tax, he reassessed his  
12 position and found that he could not afford to take this  
13 property, which is why he has chosen to remain on  
14 Clays Lane and he is looking for part of a group move.

15 Q. Mr Hammoud deals with the costing of moves. So I am not  
16 going to press you on that at all but so far as design  
17 is concerned, do you have any knowledge of how the  
18 design of alternative accommodation has matched up to  
19 the quality of design that you describe at Clays Lane  
20 estate?

21 A. In terms -- no, I cannot say that I have.

22 Q. That is fine, thank you.

23 Then at 3.8 you talk about the lawns, shrubs. This  
24 is in the context of the estate amenities.

25 A. Yes.

1 Q. Are there any particular photographs that help  
2 illustrate that?

3 A. 3.8? That will be photograph 12, I believe. Yes, in  
4 particular I think I mentioned that there is a central  
5 area of gardens in between David Courtyard and Cooper  
6 Courtyard. I will just refresh my mind on this.

7 THE CHAIRMAN: I can take this quite quickly if it assists  
8 because these are elements that I saw last week on site.

9 A. Yes, I am simply saying that there is this quite well  
10 developed garden that covers -- accounts for over  
11 a third of the surface area of the site and to which  
12 members have completely free access, which I think is an  
13 extraordinary resource, considering what is likely to be  
14 on offer on any other public development.

15 THE CHAIRMAN: Whilst we are at 12, and whilst I am not  
16 seeking to put the residents' case, in terms of looking  
17 over to 13, 13 reminds me of something that was pointed  
18 out to me at the site visit, so it is perhaps preferable  
19 to have it in the formal Inquiry session, not only in  
20 relation to the point that was being made about the  
21 formal landscaping of the estate but also what  
22 individuals have done within some of the courtyards in  
23 terms of pot planting and the like.

24 A. Yes, very much so and I think that one of the points  
25 that we were -- that Julian made -- and I have not

1           discussed it with him -- may have been attempting to rub  
2           home with this set of photographs, is that Mr Gaskell  
3           commenting on the Fluid Report mentioned -- or maybe it  
4           was simply the Fluid Report -- I am sorry I cannot  
5           remember that. No, the Fluid Report itself said that  
6           the original architects' drawings outlining the project  
7           somewhat optimistically showed residents leaning over  
8           and stroking cats and in courtyards provided with  
9           planters overflowing with plants. Now, they may have  
10          been optimistic but we have in actual fact fulfilled  
11          their optimism.

12 MR WALD: Look quickly, if you would at 2 and 7 for that  
13          purpose. Can you confirm whether or not any of these  
14          photographs were staged?

15 A. 2 and 7.

16 Q. We have someone stroking a cat in 2?

17 A. That would be me stroking a cat. This is Julian's cat.  
18          It took part in one of the parties I was talking about.  
19          No, it was not staged. I do have a particular habit of  
20          talking to cats.

21 MR PEREIRA: I am more concerned about photograph 18 because  
22          there are two cats in photograph 18.

23 A. Yes, 18, you say.

24 MR WALD: And no one stroking them. And 7, is that  
25          another -- is that the separate --

1 A. 18, but I can tell you probably ... oh, no.

2 THE CHAIRMAN: I know at least one of the statements refers  
3 to "cats" as well.

4 A. What was the other --

5 THE CHAIRMAN: 7.

6 MR WALD: 7. The Inspector has drawn attention to, at  
7 photograph 13, some pot plants that have been introduced  
8 by one of the residents.

9 A. These would be Julian's own front garden.

10 Q. Is it? But 13 is a different property, just to be  
11 clear?

12 A. Yes.

13 Q. All right. Is that common across the --

14 A. Well, you have Crabtree with flowers, 7 -- the earlier  
15 one that I showed you, I believe, with the people  
16 sitting down is Holt, and I am not certain where the  
17 cats are but, yes, I would say Tweedale certainly has  
18 a garden, works going on, as does Cooper. So I would  
19 say the majority, some courtyards do not. My own  
20 courtyard has some very sketchy gardening work going on  
21 by myself and Graham at one end, and the other part of  
22 the courtyard is more neglected except for CBHA have  
23 actually planted some bedding plants in one the  
24 planters. But as I say, it varies from courtyard to  
25 courtyard but at least half of them do pay very great

1 attention to the flowers that are available there.

2 Q. Open space: how does that, if at all, contribute to the  
3 social interactions that exist at and arise from the  
4 Clays Lane estate?

5 A. For a start, it releases what you might generally term  
6 as population pressures. Anybody who wishes to can walk  
7 away from the estate for a period to relax but the cycle  
8 track, people particularly in the summer evenings can go  
9 over there and have meals and things. Also many people  
10 choose to exercise. Some people even use the cycle  
11 track for the purpose for which it is intended and ride  
12 their bicycles around it. It is a huge resource and  
13 it augments the soft landscaping features that we have  
14 and simply gives us a much larger and more open  
15 experience.

16 Q. You move on to transport issues and I do not know  
17 whether you have picked up from one of the rebuttal  
18 proofs of Mr Gaskell that reference is made to a single  
19 bus route?

20 A. Yes.

21 Q. How well, in your view, is the Clays Lane Estate linked  
22 in terms of transport?

23 A. Well, at its most simple, it has two buses, a day bus  
24 and a night bus, which is very much more than a good  
25 many estates have. But the day bus, the 308, within 10



1 minutes gives you access to the two transport hubs,  
2 a bus hub at Homerton hospital and a general transport  
3 hub at Stratford. So within 10 minutes you can have  
4 access to what are presumably, as we have the Olympics  
5 on offer, the best transport links available in Europe.

6 Q. Are there any informal transport arrangements between  
7 the estate and getting into Stratford or anywhere else?

8 A. Well, the most direct way to get into Stratford is to  
9 walk down the road following the bus route but there  
10 are, of course, a vast network of footpaths and canals  
11 that cross the land that is detailed in the CPO  
12 descriptions and certainly following the canals you can  
13 have access into the centre of London and you would only  
14 have to cross roads perhaps for short distance in  
15 Islington or if you was to follow the Thames Path for  
16 a short distance at Wapping but other than that you  
17 could have uninterrupted access without ever having to  
18 cross motorised transport or share the same routes with  
19 motorised transport. In addition to that, these paths,  
20 as I think has been noted in some of the -- they call  
21 them strategic routes. So I assume that is an  
22 acknowledgment that they actually link into a national  
23 system of paths.

24 Q. Is there provision for car parking at the estate?

25 A. Yes, and I believe I can tell you from one of my

1 drawings what actual percentage of the estate area it  
2 is. It seems to be I have -- 12 per cent.

3 Q. Do people at the estate use cars?

4 A. Yes, very much so.

5 Q. Is there any sharing of cars?

6 A. Well, certainly Julian has given me a lift to the  
7 supermarket now and again and I would say maybe three or  
8 four other people have treated me with similar kindness.

9 Q. You conclude, Mr Sole, with a section on equivalence and  
10 I would just have you, if you would, read from it at  
11 page 15 and 16.

12 A. Right:

13 "From early in the relocation process for the  
14 residents it has been received wisdom that the benefits  
15 of living at Clays Lane would be difficult to reproduce  
16 in value. It is for that reason that the LDA has been  
17 anxious to add the caveat of 'as far as is reasonably  
18 possible' to their position that the estate residents  
19 will receive accommodation as good or better than that  
20 that we currently occupy.

21 "Indeed, except in certain sections of the Fluid  
22 Report, which is included as an appendix to Mr Gaskell's  
23 evidence, no reference at all has been made to the  
24 environmental benefits offered by the architecture,  
25 landscaping or surroundings of the estate, although all

1           these things have immense value. In addition, where it  
2           is suggested that our conditions will be improved by  
3           general relocation into single occupancy accommodation.  
4           From the very outset ..."

5           I think that is something missing there.

6   Q.    "In addition, it is suggested", perhaps?

7   A.    Yes. I do not have my original proof of evidence but  
8           I believe there is in actual fact some words missing  
9           there, but to continue:

10           "From the very outset it has been expected by the  
11           LDA that the residents being relocated will bear higher  
12           housing costs. This in itself is unreasonable.  
13           However, no account is taken of any loss of benefit in  
14           terms of their environment, which is ..."

15           And I think again it might have said "is referred  
16           to":

17           "... as either difficult to value or no vehicle  
18           exists for payment in respect."

19           Or "in that respect":

20           "It seems unreasonable."

21   Q.    Just two points from that concluding section. Were you  
22           made aware of the initial promise to supply like for  
23           like --

24   A.    Yes.

25   Q.    -- or better?

1 A. Yes.

2 Q. Were you then made aware of a change in that  
3 circumstance?

4 A. Yes.

5 Q. Do you consider it reasonable that such a change was  
6 made?

7 A. No, I think that such a change -- I think that the LDA,  
8 having made the statement perhaps in the first place not  
9 having made a proper assessment and then added the  
10 caveat in an attempt to -- well, detract from the value  
11 of their original offer.

12 Q. Then moving on to, just so far as you touch on it, the  
13 possibility of higher housing costs, if something of  
14 similar design were provided, albeit at an increasing  
15 housing cost, would that in your view amount to  
16 equivalency or a like-for-like offering?

17 A. I am sorry, I was thinking. Can you repeat what you  
18 said?

19 Q. Yes. If accommodation which was in design terms of  
20 similar quality to that at the Clays Lane Estate, if  
21 that were provided, albeit at a higher cost, would that  
22 amount to equivalence in your view?

23 A. I am not certain that it would. It would depend upon  
24 whether or not the individuals's ability to pay would  
25 make it a sustainable situation. I am afraid that many

1 people that are moving into single occupancy properties,  
2 away from the estate at higher rents, will actually not  
3 be able to pay and eventually will become removed from  
4 their housing for that reason at a later period when  
5 they were no longer protected by the rights offered by  
6 the CPO.

7 MR WALD: All right, Mr Sole. Thank you. I come in at my  
8 lower estimate of half an hour.

9 THE CHAIRMAN: Thank you for that. When Mr Sole hesitated  
10 in terms of reading out the last part of the element on  
11 equivalency, I have looked up his original proof, the  
12 same words appear to be there. So I think we understand  
13 the meaning of it, particularly with Mr Wald's helpful  
14 suggestion that there may have been an extraneous word  
15 but I think we have got the gist of it.

16 Mr Pereira, please.

17 Cross-examination by MR PEREIRA

18 MR PEREIRA: First of all, which group are you a part of?

19 That is to say that we know there are --

20 A. A number of groups.

21 Q. -- three groups. There is a co-op group, there is  
22 a group called NLC and there is another group. Do you  
23 belong to one or more of those groups?

24 A. Yes, I belong specifically to the NLC group but I am  
25 interested in co-op move in general.

1 Q. Does that mean that you might be persuaded or decide to  
2 join the co-op group?

3 A. It means that if -- I mean, we are running a democratic  
4 process, so choices will be made. At the moment I am  
5 very well satisfied with the decisions that have been  
6 made by the NLC group. I have taken a major part in  
7 making those decisions, and providing that the  
8 accommodation that they eventually establish meets to my  
9 criteria of approval, I have every anticipation of  
10 moving with them. On the other hand, if they fail to  
11 meet my expectations or if another group more closely  
12 meets them, I will obviously consider those options.

13 Q. Okay. So keeping your options with a group but keeping  
14 your options open; would that be fair?

15 A. Most generally I am committed to the NLC group, but as  
16 I have said.

17 Q. Okay. Can I just look at paragraph 2.7 of your  
18 evidence, please?

19 A. Oaky doke. Yes.

20 Q. I just want to ask you about the last sentence:

21 "In the case of any group move, this must ..."

22 And the "this" refers to the principle of  
23 equivalence:

24 "... include features specifically intended to  
25 facilitate a high level of social interaction and

1 a democratic system of housing management."

2 Do you see that?

3 A. Yes:

4 "In the case of any group move, this must include  
5 features specifically intended to facilitate a high  
6 level of social interaction and a democratic system of  
7 housing management."

8 Q. The "this" is the design of any housing relocation, is  
9 it not?

10 A. Yes, specifically I was thinking of the careful way in  
11 which I believe the courtyards have been organised at  
12 Clays Lane and suggesting that a similar care should be  
13 taken in designing any new replacement property and that  
14 any such property should in fact be managed by  
15 a democratic managed system of housing management.

16 Q. So far as you are concerned, you put it in terms of  
17 "must". That is, as far as your priorities are  
18 concerned, that is a top priority, this design feature,  
19 is it not -- or is it?

20 A. What is my concern is that Clays Lane represents  
21 a possibly unique and certainly unusual resource for  
22 single people who otherwise have limited statutory  
23 rights to housing and that it should be replicated as  
24 nearly as possible and on as large a scale as possible.

25 Q. That replication, so far as you are concerned, does that

1 include other matters that you spoke of affectionately,  
2 that is to say car parking and the gardens and things  
3 like that?

4 A. Yes, I was given to understand that a standard of  
5 equivalency was to be offered in property replacing that  
6 which we already have and I understand that to be  
7 a multifaceted concept which embraces all of these  
8 things.

9 Q. When you say you were given to understand that, how did  
10 you reach that understanding? Is that just on the  
11 basis -- is that just how you understand the concept of  
12 equivalency, if I can put it like that?

13 A. It is my understanding of the concept of equivalency,  
14 which I was introduced to at public meetings about our  
15 rehousing and general discussion with people -- friends.  
16 I am afraid I have made my own definition and I am quite  
17 happy with it.

18 Q. Thank you. Now, you do not have any architectural or  
19 building design qualifications, do you?

20 A. No, simply my degree in visual communications.

21 Q. And similarly, the same goes for transport matters and  
22 transport planning?

23 A. No, but I catch the bus every day and know where it  
24 goes.

25 Q. Yes. You are slightly better than me if you know where



1           it goes because I normally end up getting on the wrong  
2           one.

3           You cover a number of matters in your proof, you  
4           see, and I am not going to ask you, I do not think,  
5           about open space matters or estate amenities or  
6           transport links or housing costs. Housing costs is  
7           something that Mr Hammoud deals with.

8           Environmental matters: now, is that part of your  
9           evidence overtaken by events concerning contamination  
10          that we heard about this morning?

11        A. I am not certain about that. I have always believed  
12          that Clays Lane provided a very pleasant environment for  
13          living in. Until very recently I have not been aware of  
14          contamination as a major problem. I have always known  
15          that the site was a landfill site. I believe that for a  
16          very short period it was used for domestic rubbish.  
17          I believe that ended, possibly in 1946, and that the  
18          majority of the rubbish deposited was coal ash, or the  
19          majority surviving. I expect that coal ash has  
20          a potential for being quite hot, or even combustible  
21          when it is laid down and that other types of organic  
22          matter might even be consumed. I am told by other  
23          people that I have been discussing the matter with that  
24          this layer is only about a metre thick and that the rest  
25          of the perhaps 8 metres that the estate is raised by is

1 filled in with war damage rubble which is not something  
2 that I have been unduly concerned about.

3 I do believe that Mr Sandison has brought up some  
4 other issues which are more worrying and I have known  
5 for some time of the presence of an artificial manure  
6 site. I also know that historically, from the 50s  
7 onwards, that the majority or -- sorry, not the majority  
8 but a large proportion of the land around Clays Lane was  
9 used for allotments. That is land directly to the south  
10 and directly to the north, according to Ordinance Survey  
11 maps that I have looked at, and land directly to the  
12 east which is now Skanska's car park or where they leave  
13 their lorries overnight.

14 THE CHAIRMAN: Just in terms of the question that was asked  
15 as to whether the environmental matters have been  
16 overtaken by the events in relation to contamination, my  
17 reading of section 7 was essentially a historical  
18 background. Is that the purpose that was intended to  
19 provide?

20 A. First of all, yes, I was intending to provide historic  
21 background. My intention was to be able to show that  
22 the industrial use of the site was in actual fact quite  
23 light. I was disappointed that the --

24 THE CHAIRMAN: So paragraph 7.10:

25 "I had hoped initially to establish that industrial

1 use of the site was minimal and that the risk of  
2 contamination other than from the landfill was likely to  
3 be minimal."

4 The issue we have here is as to whether there are  
5 now parts of this section that should similarly be  
6 struck through as we did with the contamination section  
7 of Mr Sandison's proof?

8 A. I do not know.

9 THE CHAIRMAN: I take it, apart from that, there seems to be  
10 very limited -- that may be the only reference to the  
11 actual potential level of contamination. The rest of it  
12 seems to be largely historical. Is this a point that we  
13 need to pursue?

14 MR PEREIRA: I was rather hoping a short answer could be  
15 given and it is really not of great significance. So I  
16 am happy just to leave it there.

17 MR WALD: I might be able to give a short answer. Insofar  
18 as this section relates to contamination it should be  
19 struck through. Where it relates to the history and the  
20 background generally to the site, it should remain.

21 THE CHAIRMAN: Thank you. I am happy with that  
22 clarification. That was the way that I was seeking to  
23 read it.

24 MR PEREIRA: Thank you, Mr Sole. Thank you, sir, those are  
25 my questions.

1 THE CHAIRMAN: Thank you. Any matters of re-examination?

2 Re-examination by MR WALD

3 MR WALD: Sir, there was just one matter. Mr Sole, you were  
4 asked what it was that led you to your understanding  
5 that there would be an equivalency in terms of what was  
6 offered. You referred to certain public meetings; yes?

7 A. Hm-mm.

8 Q. I do not know if you had sight of some email  
9 correspondence from the Mayor that touches upon design.  
10 Can I just refer you to a document?

11 A. I can probably say that I have not. Email is not one of  
12 mediums that I have been ... (Handed)

13 Q. Sir, that is tab 1 of Mr Cheyne's documents and it is  
14 page 2 of 2 at tab 1. Do you see the --

15 THE CHAIRMAN: Is that 2481-16?

16 MR WALD: It is indeed, the second page.

17 THE CHAIRMAN: Thank.

18 MR WALD: Mr Sole, do you have that page?

19 A. Yes.

20 Q. Do you see the last paragraph:

21 "As you are aware, the LDA is not a social landlord,  
22 therefore cannot rehouse the residents itself. However,  
23 it does anticipate that the alternative housing being  
24 sought will be an improvement compared to residents'  
25 current housing in terms of quality, space, standards

1 and amenities."

2 A. Yes, I see that.

3 Q. Is this the first time you have seen that?

4 A. Yes.

5 Q. Okay, I just want a clarification on what the source of  
6 your expectation of equivalence was. You have referred  
7 to public meetings. Can you give any further detail on  
8 those meetings, what was said?

9 A. Not entirely, no.

10 MR WALD: Okay. Thank you for that. If you have not seen  
11 this before, I am not going to ask you to comment on it.  
12 I did not know whether you had or had not. Thank you.  
13 There may be some questions from the Inspector.

14 THE CHAIRMAN: There are no additional questions. I have  
15 asked them as we go long. That tends to be my practice.  
16 If I can interject and deal with them while they are  
17 relevant, then I do so rather than having a separate  
18 section at the end. Thank you very much, Mr Sole.

19 MR PEREIRA: I hope you are all persuaded now that we are  
20 able to make up some lost time.

21 MR WALD: I will move swiftly on to Mr Hammoud, who is our  
22 next witness.

23 MR JAMAL HAMMOUD

24 Examination-in-chief by MR WALD

25 MR WALD: I have been supplied with some figures that

1 explain in further detail the conclusions that

2 Mr Hammoud has reached in his appendix 1.

3 THE CHAIRMAN: Are they in note form?

4 MR WALD: They are in table form. They are a breakdown of

5 the figures that exist already in appendix 1. I hope

6 they will not cause any objection or problem.

7 MR PEREIRA: I think that what might be being referred to is

8 what I was handed this morning from Mr Gaskell. It was

9 in the loose material that was submitted last week but

10 not in the bound material, so you might not have it. Do

11 you want to hand it out and then we will know?

12 THE CHAIRMAN: Then you can check, can you not? (Handed).

13 Does it look familiar, Mr Pereira?

14 MR PEREIRA: So far as any of this is familiar, having only

15 been given it this morning, yes, apart from note C.

16 I wonder if the answer is to do Mr Hammoud in chief and

17 then take a break and then I can take some instructions.

18 THE CHAIRMAN: I think that is probably sensible.

19 MR WALD: You have a copy of that document that has just

20 been circulated, have you?

21 A. Yes.

22 Q. When we come to it, you will particularly explain note C

23 at the back of it, together with the other figures.

24 A. Sure.

25 Q. Let me start off, if I may, by just introducing you to

1 the Inquiry. You are Jamal Hammoud?

2 A. Correct.

3 Q. And you are a resident at Clays Lane Estate and you are

4 living at 6 Crabtree Court?

5 A. Yes.

6 Q. You have been there for 22 years?

7 A. 21 years.

8 Q. Okay, I will make that change. You have produced

9 a proof of evidence which runs to six pages?

10 A. Yes.

11 Q. You have a copy of it in front of you?

12 A. Correct.

13 Q. You wrote it and it is all true and correct?

14 A. Yes.

15 Q. It has some appendices that we will turn to in a moment.

16 THE CHAIRMAN: Before we move on, can I ask if you would

17 move this microphone in, there is quite a lot of

18 background noise this afternoon.

19 A. Okay, I will lean forwards.

20 THE CHAIRMAN: Thank.

21 MR WALD: Mr Hammoud, you have started off by setting out

22 your experience and relevant qualifications. You have

23 worked as an accountant for housing associations in the

24 past.

25 A. Yes.

1 Q. Are you used to the exercise of conducting comparisons  
2 between overall rent and costs and those incurred by  
3 a possible relocation?

4 A. Yes, I am -- something I have done when I was working in  
5 the -- I used to work in the construction element part  
6 of housing associations, developing apartments and then  
7 what I used to do was assist the people in setting the  
8 new rents, giving them some figures and using some  
9 projections. It is a fairly straightforward exercise  
10 and you have a set of criteria, looking at the cost of  
11 the housing and the biggest element there is always the  
12 amount of grant in the building.

13 Previously the Government used to fund -- like  
14 Clays Lane was -- any project, any scheme, it used to  
15 fund and the initial criteria is: what is a fair rent  
16 for this property? Once they had got that fair rent,  
17 they said: okay, that means that fair rent is your  
18 income and you can only support a mortgage of this much,  
19 the rest was given as a grant. It was as  
20 straightforward a formula as that. Service charges are,  
21 like everywhere else in the country, whether it is in  
22 the social housing sector or the private sector, passed  
23 on at no cost.

24 Q. I just wondered, when you are conducting that  
25 comparison, over what time period is it normal to



1 consider figures?

2 A. Generally you are looking at the large time of the  
3 mortgage, to be honest, 25 or 35 years.

4 Q. Right. As a resident of 21 years' standing, you have  
5 got, beyond the financial aspects that you have referred  
6 to, considerable experience of what it has been like  
7 living at Clays Lane?

8 A. Yes, I will be 21 years there on November 5th, I think,  
9 and I have spent a good 16 years of those involved on  
10 the committees of Clays Lane at various stages. At one  
11 stage I was the treasurer of Clays Lane and the  
12 secretary of Clays Lane.

13 Q. You have described it as feeling like living in  
14 a village?

15 A. It is. The design, the layout, you have these ten  
16 cul de sac designs, named after the Rochdale pioneers,  
17 the co-operative movement. Each co-op is fairly low  
18 rise, it is meant to be an alpine village. Once some  
19 people have put some plants in they are in a very  
20 private, quiet area, helped by the location of the  
21 estate itself. Friends actually came to visit me,  
22 expecting in Newham I would be at the top of a tower  
23 block. When they get to the car park, they look out and  
24 say: it is very quiet, you are living in the  
25 countryside.

1 Q. You have seen the coming and the going of the co-op  
2 organisation?

3 A. Yes.

4 Q. Do the positive features that you describe endure  
5 notwithstanding any change in status or has there been  
6 a change in the experience of living at Clays Lane as  
7 a result of legal action that was taken?

8 A. Could you just clarify the question again, please?

9 Q. Yes. Not long ago, Clays Lane Estate ceased to operate  
10 formally as a co-operative?

11 A. Yes.

12 Q. Did that result in any change in the quality of your  
13 experience of living there?

14 A. Yes, only I was not totally familiar with the way the  
15 legal battle was lost, the transfer of engagement of the  
16 assets, but subsequently management has become remote.  
17 At least people had an input and the co-op was  
18 profitable but now it does not feel like the people  
19 interact any more, it does not quite feel like  
20 neighbours can meet to the same extent. I suspect the  
21 reason for that is that people are leaving the estate  
22 and have been replaced.

23 Q. Leaving? Sorry, why leaving?

24 A. I do not know. I do not know how many people are left  
25 there at the moment but I think part of the people have

1 taken up the offers for rehousing and then have been  
2 replaced. It feels a little bit quieter, it does feel  
3 like, you know, there are just fewer people around.

4 Q. I want to be absolutely clear: I have asked you about  
5 the legal action and you have referred also to the  
6 departure of people when offered alternative  
7 accommodation?

8 A. Hm-mm.

9 Q. To which of those two, or is it a mixture of them, do  
10 you ascribe the change in the quality of experience of  
11 living?

12 A. It is a bit of both. The change of the co-op means  
13 residents do not have a natural channel, conduit to  
14 reflect their ideas to the committee structure any more.  
15 With the people leaving, there are just fewer people  
16 around but recently I have heard that people have now  
17 become a little bit more cautious about accepting  
18 alternative accommodation.

19 Q. And I know you were here, Mr Sandison referred to the  
20 ethos that existed at Clays Lane Estate. Do you agree  
21 that there is such a thing and do you agree with him  
22 that it outlasts the formal co-operative structure?

23 A. It is quite a fascinating place. When you first join  
24 it, a lot of people who joined it, you walk in and each  
25 courtyard is like a mini-council, a mini-borough,

1 a little district, and you join this little  
2 mini-Parliament which goes on to the Executive  
3 Committee. It is very intellectually engaging, if I can  
4 put it that way. If the aim of the government at the  
5 moment is to encourage people to participate in  
6 politics, to take care, you know, Clays Lane would have  
7 been a great factory because everyone was politically  
8 eloquent, understood the concept, talked about the  
9 constitutions and the law. And as a result of that  
10 I have seen many people across the years I was there who  
11 fell through the safety net, and were obviously at  
12 Clays Lane -- as a single male homeless, you are in the  
13 worst category, you have no rights -- and they come in  
14 to Clays Lane, and they pick themselves up. The  
15 alternative was probably the Salvation Army, and as a  
16 result they go on to get degrees in higher education and  
17 it enriches their lives, it turns them round.

18 Many of them have said to me, if they had not come  
19 to Clays Lane, they could have been in prison or dead or  
20 somewhere in between.

21 Q. Thank you for that. Your section 3 starts your  
22 assessment of the financial consequences of moving from  
23 Clays Lane?

24 A. Yes.

25 Q. Before we go into its detail, what broadly are your

1 conclusions?

2 A. I have not seen any evidence that the LDA is addressing  
3 this. If we all have to leave, I cannot see anywhere  
4 where the LDA has planned for this, has sat with --  
5 I know their obligation is not to provide housing, but  
6 they have nominated partners in terms of housing  
7 associations or councils, as far as I am aware, and they  
8 obviously have not flagged up to them the fact, you  
9 know: shall we talk about their rents? I have not seen  
10 that and the reason I have not seen that is -- I will  
11 talk from my personal experience and also from some of  
12 the correspondence about alternative accommodation  
13 I have received through my letter box. Beyond that,  
14 I have seen no evidence at all -- any reports, any  
15 studies, any comparisons done by the LDA between the  
16 rents we pay at the moment, the rents that we will pay  
17 across boroughs by different housing organisations, what  
18 guarantees have been put in place to make sure, you  
19 know, moving does not mean we lose our -- what we had  
20 before.

21 Q. Well, you have had a go at it yourself, conducting  
22 a comparison?

23 A. Yes.

24 Q. You have prepared a comparison between Peabody and  
25 Clays Lane expected increase in rents for that period

1 2006/2007 to 2011/2012?

2 A. Yes.

3 Q. Can I just start off by -- actually the assumptions you  
4 make, can you just explain why you have made them?

5 A. The assumptions -- I have considered -- I looked at the  
6 alternative rents and I looked at two routes of the  
7 rents after we move on. The first one -- the first  
8 route is the actual rents that have been offered to  
9 myself and which have been promoted through literature  
10 to Clays Lane tenants. These are real rents people are  
11 having to pay.

12 The other one I looked at, to be fair to  
13 Mr Gaskell -- I am looking at Mr Gaskell's letter of  
14 10th July and I looked at his figures and I considered  
15 them but I just did not find them specific or  
16 representative. I did not know what they represented.  
17 I wished they were true but I just looked at what is  
18 actually happening to people at the moment and when  
19 I questioned the rents myself to the partner, social  
20 landlords, their response was: this is straight from the  
21 horse's mouth, we have had meetings with the LDA, you  
22 will pay for all the increases, "You will not get  
23 a penny more. We have had meetings with the LDA".

24 This is from a very senior person within the housing  
25 association. So I used what people are having to pay,

1           that is the first part, which is note A, is the choice  
2           of a rent model.

3   Q.   Sorry, that quote, where does it come from?

4   A.   Sorry?

5   Q.   "You will not get a penny more."

6   A.   That is what I was told on the phone when I refused to  
7           accept -- I was offered a property. I went to view it.  
8           It was smaller than my existing property. When I was  
9           asked about the rent I was told -- this was a Wednesday  
10          morning: you start your tenancy on Monday, four days,  
11          five days. When I looked at the figures, I said: these  
12          are excessive, I cannot accept these, let me think about  
13          it overnight. I went home, thought about it overnight,  
14          and said: I am sorry, I cannot accept it, it is too  
15          expensive. The result was: "I have just come from  
16          a meeting with the LDA and you will not get a penny  
17          more, you just have to pay, Clays Lane is unusual".

18                 This is from a senior housing offer with Toynbee(?)  
19                 Housing Association. The flat I was offered was in Bow,  
20                 which is about two or three miles from Stratford. The  
21                 attitude was not -- I would say it lacked some empathy  
22                 with the people there. It seemed to me we are kind of  
23                 the great unwashed, a problem to be got rid of.

24   Q.   You refer to this possible unusual financial arrangement  
25          at Clays Lane at 3.18 of your proof.

1 A. Yes.

2 Q. Is Clays Lane unusual?

3 A. No. Clays Lane was what was a one-off building,  
4 a one-off scheme. It was built at one time and it has  
5 not actually grown since. Just to restate, it was  
6 actually built on the old funding regimes when they  
7 looked at the fair rent -- when they had fair rent  
8 officers in those days under the old Rent Act, and they  
9 looked at the rent and they said: okay, this rent can  
10 support -- let us say something cost 100,000, it can  
11 support 10,000 worth of mortgage, loan, they get £90,000  
12 in as a grant. So they looked at affordability to begin  
13 with and they said: okay, that is a reasonable and fair  
14 recent. This was actually set by the fair rent officer  
15 of the local borough, and they looked at the structure  
16 and then the rest was a grant. Generally the grant  
17 levels were very, very high in those days, for a housing  
18 co-operation. That was just the way it was.

19 I looked at the accounts for Clays Lane which I have  
20 in front of me, and the grant, the built-in grant to the  
21 housing cost is about 92 per cent. So from the historic  
22 cost, the cost of the building is about 92 per cent  
23 grant levels.

24 Q. Your comparison is with Peabody. Why have you chosen  
25 Peabody as a comparison?



1 A. I considered that and I just thought it will be an  
2 easier comparison. I would have liked to have had some  
3 information from the LDA or Peabody for properties  
4 across different sectors and different boroughs and  
5 search social landlords but I just chose Peabody just as  
6 a yardstick.

7 Q. Okay, in the remainder of your third page, you deal with  
8 whether it is abnormal or not, the low rents at  
9 Clays Lane. 3.7:

10 "Residents have not been provided with information  
11 from the LDA which will enable them to compare rents and  
12 service charges between different housing associations  
13 and local authorities and between different boroughs."

14 Have you sought that information? Have you  
15 requested it?

16 A. No, I have not sought that and the reason for that is  
17 when I asked about, you know, the rents -- when I was  
18 given the choice, they said: you could choose to live  
19 anywhere in London and choices will come up in various  
20 sections of London, various boroughs of London and even  
21 different parts of the country. When I asked them: what  
22 is the rent going to be; it is going to be whatever it  
23 is, the current rate, the market rate, whatever the  
24 current policy is. In other words, it is going to be  
25 a lot higher than we are paying now.

1 Q. Have relocated residents tended to be supplied upon  
2 receiving an offer with the comparison of costs between  
3 the two?  
4 A. My experience -- I was called up for a second flat and I  
5 was called on the Tuesday morning at work and I left  
6 work early, I went to Clays Lane thinking they were  
7 being a bit more serious this time, before they closed  
8 at 5.00, and she said there is a one-bedroomed flat,  
9 smaller than the current one, and it is in Acton. I  
10 have never been to Acton, I do not know what it is like.  
11 I said: okay, what is the rent? It is £89.50. I said:  
12 I do not want to waste your time or mine, I am not  
13 actually going to go and view it, I wish you had told me  
14 this on the phone rather than wasting half a day's work  
15 leaving early. I refused to view it.

16 This is before council tax and before bills. When I  
17 asked: if I take it, who is going the pay the  
18 increase -- and this is the lady who works for CBHA, the  
19 person who offered me this -- if I take this, who is  
20 going the pay the increase? She said, "You are", and  
21 nothing else.

22 I said: this £6,000 I am being offered, if it was  
23 being used to subsidise the increase in rent and costs  
24 would be used in just over a year. My view is I do not  
25 want this £6,000, I would say that now. I am happy for

1 something to pay for a removals van, what I am  
2 interested in, what my asset is, is my low rent, which I  
3 believe people in the private sector, who own their own  
4 homes are being fully compensated for anyway, the value  
5 of their homes, but for us we are going to have to lose,  
6 this privilege -- it is seen as a privilege, you know.

7 Q. You described as an asset your low rent?

8 A. Yes.

9 Q. What emerged from the Fluid Report about the importance  
10 that other residents attached to the relatively low  
11 rents that are paid at Clays Lane Estate?

12 A. The reason -- that came out as quite a high priority in  
13 a number of situations, often second to third to fourth  
14 reason for staying or wanting to relocate. Cost is  
15 a prime factor for a lot of people. Moving beyond the  
16 Fluid Report, a lot of people who came to Clays Lane in  
17 the old days, you know, the choice they came to  
18 Clays Lane was because it was cheap rent, it was low.  
19 It is presumably low for three reasons. I have touched  
20 upon one, the first one being the grant system, the high  
21 grant system. The second reason it is low, it is  
22 because of the sort of internal management, it was  
23 self-managed. And the third one is it was designed with  
24 the district heating systems and the bulk buying.

25 Clays Lane, the entire estate, it is one contract to

1 cover the whole estate with one energy power supply.  
2 Also each courtyard has one boiler, it is a district  
3 heating system. Plus the internal design of the estate  
4 to make it very well insulated and energy-efficient  
5 means not only are we getting a cheap supply of power  
6 but it is also very efficiently used internally, so we  
7 do not use very much of it. So just the layout makes it  
8 a very cheap place to have power.

9 Q. You said at 3.10 that your findings are that relocation  
10 rents and charges are substantially higher than those at  
11 Clays Lane.

12 I would like you if you would, by reference to the  
13 figures that you have incorporated as appendices, to  
14 explain how you have reached that view.

15 A. Okay. If I start with note A, which is using the rent,  
16 I have considered two options of what I would say is  
17 relocation rent, or as I would suggest, Peabody average  
18 rent. The first figure was £66.54 and that came from  
19 Mr Gaskell's appendix 1, which is the Peabody average  
20 one-bed Newham. Then I compared that with the average  
21 that people have actually been offered. There is  
22 a whole list of flats and the average came out at  
23 £89.79. I personally have been offered flats, you know,  
24 in Acton and in Bow around £89/£90. I have seen  
25 leaflets come through our letter box, and here you can

1 see it for yourself. It is in the appendix. If you  
2 would like --

3 THE CHAIRMAN: Are those in the appendix?

4 MR WALD: I think it is already included. Appendix 6.

5 THE CHAIRMAN: The Pembury Estate, John Fisher Street,  
6 Southwark Street, Duchy Street; are those the ones?

7 A. Yes, these leaflets are here, they are in black and  
8 white, they have been put through people's letter boxes.  
9 Unfortunately probably about four or five other leaflets  
10 that came through my letter box, I put in the bin.

11 These are the only ones left in my flat I actually used,  
12 the others were actually higher than this and because I  
13 was asked to do this with some time constraint and  
14 deadlines, but I have explained my assumptions. So  
15 there is nothing hidden here. All these figures are  
16 what people have experienced and the highest one being  
17 a gentleman called Mark Hewton, an acquaintance who is  
18 a close friend of a friend of mine, and he is paying,  
19 I know, £110. I have heard this from his friends.

20 I have not actually spoken to Mark about this direct but  
21 I have had this confirmed from a number of sources, he  
22 is paying £110 a week.

23 Q. Does that include bills?

24 A. No, these are pure rent, no bills, no council tax.

25 Q. Do the Clays Lane figures include bills?

1 A. The Clays Lane figures include -- yes, they would  
2 include -- I have broken it down between the two.  
3 I have split it down, so if you look at that particular  
4 figure, the 89 is purely rent, compared with  
5 Clays Lane's £57.52 pure rent. The other element are  
6 the services and the council tax. So relocation rent is  
7 about 31.58 compared to Clays Lane --

8 Q. Where are you looking now?

9 A. Sorry, these figures have no bills included.

10 Q. Neither the Clays Lane ones nor the other ones?

11 A. Correct.

12 Q. All right. So which table were you looking at just  
13 a moment ago where they were included?

14 A. Just the one, the header one, that summary sheet, the  
15 one --

16 Q. In your proof?

17 A. Yes.

18 Q. Back to note A. The figures that you have for these  
19 different boroughs, Southwark, Hackney, Tower Hamlets,  
20 and so on; where did you get these figures?

21 A. I got these figures from leaflets which were posted to  
22 residents in Clays Lane, I have two in front of me and  
23 they are the only two I left in my flat, but a number of  
24 them did come round were of similar range. A lot of  
25 them were around the £90, £85 to £90 rents. I think I

1 can remember one of them being a little bit higher.

2 Here it says: 89 to 97 rents. This has come from CBHA  
3 and they are Peabody Trust Housing Association ones in  
4 Southwark, one-bedroom flats.

5 Q. How have you calculated the increase over time?

6 A. I have looked -- I do not have any evidence, information  
7 what these housing organisations, how they plan to  
8 increase the rents, reliable information because they do  
9 have some leeway in what they can and cannot do. There  
10 is a minimum RPI plus 1 per cent, I think, and you can  
11 add a couple of pounds on top.

12 So just to identify why I have used these  
13 percentages: I have used the increases used in  
14 Mr Gaskell's letter. Mr Gaskell's Peabody average  
15 one-bed Newham comes out to £66. I have looked at how  
16 that has been increased five years ahead and have used  
17 those percentages. They kind of hover around the 6/6.2  
18 per cent. It is called "Appendix 1, Mr Gaskell's letter  
19 of July".

20 Q. Okay. What your note B? Help us understand.

21 A. Note B is really trying to get some reasonable sort of  
22 figures which will not be a million miles away from the  
23 truth, as far as I can decide, about the services, the  
24 cost of services. That is fuel and water and council  
25 tax.

1           If we start from the top of note B, I looked up the  
2 council tax rates for three boroughs in the surrounding  
3 area, being Waltham Forest, Tower Hamlets and Newham,  
4 and I have used Mr Gaskell's again, suggestion that  
5 council tax will go up by 5 per cent a year and I have  
6 just produced an average which comes out at a starting  
7 rate of £11.58 per week would be the council tax, which  
8 is fairly accurate.

9           Subsequently, I looked at the gas and electricity.  
10 For that one I looked at a couple of websites and I have  
11 indicated the source of the information there. I have  
12 increased that by the Treasury average over the next  
13 five years, which is like somewhere between 3.2 per cent  
14 and 3.5, which is quite a reasonable way of increasing  
15 electricity and gas over the next few years, though they  
16 probably will go up higher. This morning I was watching  
17 TV and one of the major power companies decided to  
18 increase electricity by around 10 and gas by 12 or it  
19 could be the other way round, but I have used very low  
20 figures of 2.2, 2.5.

21           Now, whatever percentage you use for these figures  
22 or the higher figures that this current power supplier  
23 is going to increase them by around 10 per cent, the  
24 fact is that living in Clays Lane, the design of  
25 Clays Lane and the buying power of Clays Lane means our



1 service charges will always be lower than running your  
2 other meter at home in your private flat. There is no  
3 way you can be competitive with Clays Lane's cost of  
4 fuel anywhere.

5 Q. So you factored into your figures the advantages of  
6 group life, the financial advantages?

7 A. Yes, and just as a final note, the water and sewage,  
8 I phoned up Thames Water, gave them my details for my  
9 flat and I said: I am considering getting my own water  
10 meter and currently we have a block policy, what would  
11 be the cost? The lady put my details through, phoned me  
12 and she said it is going to be around £3.88 a week, £202  
13 a year. So that is roughly but it is very close and  
14 they are planning to increase those by 4 per cent  
15 a year. So I have used their figures as well, Thames  
16 Water's figures. All those figures are very close --  
17 I have stated my assumptions, they are all very clear.  
18 So if people --

19 Q. What does note C help us understand?

20 A. Really note C is just the current Clays Lane structure.  
21 I have used one type of property, which is a property I  
22 am living in, which is a flat, a one-bedroom flat  
23 without a cooker, and I am currently paying £67  
24 including council tax, rent, water, sewage, electricity  
25 and gas. I just have to pay my phone bill, and that is

1 it.

2 So my views to the lady, when I said to her on two  
3 occasions, the first one I viewed the flat, the second  
4 one I refused to, is: "The sooner I move, the poorer  
5 I become". And I think that will apply to other people  
6 there and a lot of people have done it without realising  
7 it, you know, some people are in shared houses, probably  
8 wanted a flat, they have gone out, got there. I do not  
9 know what has happened with them, I have no contact, but  
10 I guess they are going to be paying lot more than they  
11 bargained for.

12 Q. At 3.11 of your proof you referred to the  
13 Tony Winterbottom letter of June 2004. Did you receive  
14 a copy of that letter?

15 A. Which point?

16 Q. 3.11, page 5 of your proof.

17 A. I think somebody showed it to me, yes. I think  
18 I discussed it with my neighbour, Mr Cheyne, who lives  
19 across the road from me. I just sort of glanced through  
20 it, looked at it.

21 Q. Did you take the promise of at least as good if not  
22 better to include in terms of costing?

23 A. Well, yes, I mean basically I was a little bit cynical  
24 or apprehensive, or even optimistic, a mixture of all  
25 really at that stage, and what they said: do not worry

1           about it, it is in black and white, I scanned through it  
2           and they said: it is going to be -- we are all going to  
3           do well out of it. And the first thing one thinks is:  
4           okay, they are going to be reasonable, they are going to  
5           do this thing and there is going to be a premium on the  
6           inconvenience of having to move out. So they are going  
7           to give us something, this is good.

8    Q.   Who said that, that "We are all going to do very well  
9           out of it"?

10   A.   This is just me chatting, interpreting some of the local  
11           tenants. This is just the feeling that was generated  
12           from this letter and a few people were excited about  
13           this, waving it to me, a "Peace in our time" type of  
14           approach, and that was the feeling. People had this  
15           kind of comfort, that people are going to be looked  
16           after, and I guess I really took comfort from that and  
17           I assumed -- I did not take too much activities of what  
18           was going on up to the Olympic bid and then I did not  
19           realise what was happening. I have been very busy  
20           recently setting up my own business.

21           Mr Cheyne and others made me aware, the first thing  
22           is: you have missed the deadline to become an official  
23           objector in the Public Inquiry. That was in  
24           mid December. It is just lack the clarity. There was a  
25           piece of paper among lots and lots of pieces of papers,

1           it was so confusing what was going on -- a lack of clear  
2           information. You know, I actually missed the deadline  
3           but I am very glad to be here and being given the  
4           opportunity to speak. I have been in Clays Lane for  
5           21 years, I have a lot at stake. I wanted to  
6           participate but I have been told I am not an official  
7           objector. Anyway, thank you for giving me the chance to  
8           speak here today.

9    Q. You have also made reference to the Mayor of London and  
10   you have described the reaction amongst you and other  
11   residents to the promise in Mr Winterbottom's letter.  
12   Was there a reaction to the statements made by the Mayor  
13   of London?

14   A. Yes, it was very much along the same -- the reinforcing  
15   Mr Winterbottom's letter that people -- they want to  
16   have a success, an easy transition, build the Olympics  
17   and people would be looked after. They did not want to  
18   have an obstacle, and I understood that. The most  
19   expensive thing -- I have worked in construction and any  
20   bottlenecks, particularly something as international as  
21   holding the Olympics, you cannot hold it, it is too  
22   embarrassing. So I thought they would want to expedite  
23   it, be fair with people and move on. I just left it,  
24   I thought it was going to be okay.

25   Q. At 3.16 you say:

1           "The LDA has also stated that residents now occupy  
2           accommodation which is of an inferior quality in terms  
3           of the stated properties."

4           First of all, has any formal action been taken, as  
5           far as you know, in your 21 years, in relation to state  
6           of disrepair of properties, any repair notices and so  
7           on?

8    A.   There is a method at Clays Lane where you have to report  
9           certain repairs and there is a cyclical maintenance  
10          programme which comes up every five years or so. They  
11          go through like a mini-refurbishment, key things have to  
12          be replaced, cupboards, internal decoration, carpets, et  
13          cetera. I do not know when the last one was done  
14          because I live in a flat. I do not live in a shared  
15          house. I suspect if one is due, or well overdue, there  
16          is no point in spending any money on this.

17   Q.   That is an internal mechanism you are describing?

18   A.   Yes, it is part of the rent, it is part of the internal  
19          budgeting, it is the cyclical maintenance which happens  
20          every five years. Generally the first thing is that  
21          they do the external woodwork, the windows, the frames,  
22          then they do the internal refurbishments, showers,  
23          kitchen units, the replacement of communal tables,  
24          chairs, and internal decoration of communal areas. That  
25          is kind of phased in over a five-year cycle.

1 Q. My question I had in mind was any involvement from local  
2 authority?

3 THE CHAIRMAN: In terms of statutory notices in the Housing  
4 Act?

5 MR WALD: Yes, exactly, repair notices and so on?

6 A. Do you mean by the local authority against Clays Lane?

7 Q. Yes.

8 A. If there are any, I do not know about them. I do not  
9 live in a shared house, I am sorry to say.

10 Q. What is your own experience of living at Clays lane. Do  
11 you agree that the accommodation is of an inferior  
12 quality in terms of its state of repair?

13 A. No, I live in a shared house and generally -- sorry,  
14 I live in a flat and the people in the flats have in the  
15 past complained actually that because we live in our  
16 self-contained units, we fix, we repair our own space  
17 and we have very little maintenance.

18 Q. Thank you. In 3.17 the contention is made there that  
19 the LDA argue that the Clays Lane rents would go up  
20 anyway. To what extent have they gone up historically  
21 and what would have been their likely increase and what  
22 will be their likely increase if Clays Lane remains?

23 A. If Clays Lane had remained, what we would have done,  
24 myself and a few others, old-timers, we are all secure  
25 tenants there but what they would have done is they

1 would have increased them by the equivalent of the fair  
2 rent, it would be something quite modest, or the  
3 absolute minimal they have to by legislation. So plus  
4 they tend to keep -- you know, services are low anyway  
5 and they made a deal with the council, I believe, to pay  
6 en bloc the council tax. They came to an arrangement  
7 with them for the council tax, simply because  
8 administratively both for Clays Lane and for the council  
9 to keep track who is moving in and out of various rooms,  
10 each one is technically a separate address, so a deal  
11 was done. But generally a very modest increase.

12 Q. Thank you, Mr Hammoud. Just for clarification, I asked  
13 you what the increases would be if Clays Lane remains,  
14 and your answer was: if it had remained?

15 A. It had remained, I would say, as a purely -- fairly  
16 accurate guess, I have used RPI, the Treasury's  
17 inflation rates over the next few years, okay? So it is  
18 like in the region of 2 to 3 per cent.

19 Q. You are part of the collective case, Mr Hammoud. You  
20 have spoken as if it is a foregone conclusion now that  
21 the Clays Lane Estate will be demolished. Is that the  
22 position or are you just being a pessimist at the  
23 moment?

24 A. It certainly seems that way. That is the way I have  
25 been handled -- you know. I do not know, what is the

1 expression? It feels like I am living in a hospice at  
2 the moment. It is just a matter of time.

3 Q. What is your preference?

4 A. I would rather stay where I am. The reasons for that,  
5 I have lived there a long time, it is a little, quiet  
6 corner of London. People have been there, you know, my  
7 friends can come and park, parking is very good. When  
8 you actually come to Clays Lane, you look on to the  
9 cycling track, you do not realise you are living in one  
10 the largest cities in the world. You go on to the  
11 cycling track, I have flown kites there, go on  
12 picnicking in the summer, on long summer evenings,  
13 enjoyed the atmosphere. There are actually allotments  
14 there. John Sole was talking about seeing allotments.  
15 There are allotments there.

16 So it is very nice, it is very close to the  
17 transport system. With all the developments around in  
18 Stratford over the last 10/15 years, it is even better.  
19 It is a premium site, why should I lose it? Sure it is  
20 social housing, the land might be valuable now to  
21 somebody, but I thought the whole area of creating mixed  
22 communities was to have people like us remain this  
23 there. It is not an ugly set of buildings, they are  
24 quite attractive. And it is just an inconvenience to  
25 have to move. We have Tube systems around us within



1 a mile, 10 to 15 minutes' walking distance, buses within  
2 five minutes' walking distance or on the doorstep, with  
3 the great hub. We are lucky to be there. Suddenly,  
4 because the land has become expensive or it is in the  
5 middle of development, they have to turf us out. Why?

6 We have lived there for a long time when it was  
7 a wasteland, it was a rubbish tip, and it was unwanted  
8 so they dumped us there. Now it has become attractive,  
9 they want us out. It is a huge area. I am not  
10 a designer. I have not seen the layout of what they are  
11 going to do, where they are going to do the sports  
12 facilities. But they did not have to be straight lines,  
13 they could do curves and draw around us and build the  
14 Olympic facilities and keep us there. Why not?

15 In every big city you find little pockets, little  
16 islands, which are different, which have stayed on. If  
17 you walk through London you find little patches of  
18 cemeteries in old churches among the tower blocks and  
19 among the developments. I do not see why they have to  
20 knock it down. Mr Hammoud, thank you very much, I have  
21 nothing further in terms of examination-in-chief  
22 questions.

23 THE CHAIRMAN: Thank you. As we indicated we will take the  
24 short adjournment now, Mr Pereira. 15 minutes, is that  
25 long enough?

1 MR PEREIRA: I think that would be fine. I just wondered if  
2 Mr Wald could update us perhaps over the break on  
3 whether Mr Rogers is available.

4 MR WALD: I can do it now. My instructing solicitors had a  
5 phone conversation. Unfortunately, Mr Rogers can only  
6 attend in the morning. What occurs to me is that his  
7 proof has no appendices at all, it is a short written  
8 proof and I am quite happy to have it taken completely  
9 as read, so that we can start immediately with questions  
10 from Mr Rogers at that point.

11 THE CHAIRMAN: Tomorrow would that be Mr Rogers and then  
12 Mr Jones?

13 MR WALD: Yes.

14 THE CHAIRMAN: We can see where we are, we have the option  
15 of Mr Goemans in chief, have we not?

16 MR WALD: Sir, yes, it will either be Mr Goemans in chief or  
17 if we have run on --

18 THE CHAIRMAN: Is there somebody else to pick up, sorry?

19 MR WALD: No, sir, that will be it. It will be a matter for  
20 you, sir, whether you elect to conclude Mr Goemans's  
21 evidence and then have Mr Cheyne all on Tuesday  
22 afternoon, which is an option, or we have Mr Cheyne  
23 tomorrow afternoon and perhaps leave Mr Goemans in  
24 mid-evidence, as it were.

25 THE CHAIRMAN: I was looking as to what we would do tomorrow

1 morning with the intention that we would have Mr Cheyne  
2 from the earliest point he is available at lunchtime.

3 MR WALD: I will confirm that. 12.30 we could start with  
4 Mr Cheyne.

5 THE CHAIRMAN: What I will do over the break is just look at  
6 the figures you gave me earlier in terms of timings and  
7 see where that takes us and hopefully set the programme.

8 MR WALD: Thank.

9 THE CHAIRMAN: We will adjourn for 15 minutes, thank you.

10 (3.35 pm)

11 (Short break)

12 (3.50 pm)

13 THE CHAIRMAN: Mr Pereira, before we go into  
14 cross-examination, having consulted the expert on these  
15 matters of programming, having spoken to Mr Groom, so  
16 far as this afternoon, we will complete Mr Hammoud.  
17 Tomorrow it would look to be sensible in the morning to  
18 have Mr Rogers and Mr Jones, to take an early lunch so  
19 that we can start with Mr Cheyne at 12.30. That would  
20 then mean that Mr Goemans is left over until Tuesday  
21 morning but that has the distinct advantage of that it  
22 is in a single block rather than breaking  
23 cross-examination and re-examination by several days. I  
24 think it provides a much better focus if it can be  
25 together and that would then leave us Mr Gaskell and

1 Mr Prior to Tuesday afternoon. If it runs on into  
2 Wednesday, we have that opportunity, otherwise it will  
3 be closing submissions Wednesday morning. Does that  
4 sound a workable target for the programme?

5 MR WALD: Yes, it does.

6 THE CHAIRMAN: I think that makes the minimum disruption.  
7 It gives you virtually the order that you were seeking  
8 in any event and I think that perhaps will make the best  
9 use of Inquiry time.

10 MR WALD: Sir, I am very happy with that.

11 THE CHAIRMAN: Thank you. Mr Pereira, cross-examination,  
12 please.

13 Cross-examination by MR PEREIRA

14 MR PEREIRA: Good afternoon, Mr Hammoud.

15 A. Good afternoon.

16 Q. You tell us you are a Fellow of the Chartered  
17 Association of Certified Accountants. Are you a  
18 university graduate as well?

19 A. Nearly, I never finished. I did three years of  
20 a four-year degree. For financial reasons I did not  
21 finish -- in science, in medical research.

22 Q. Medical research?

23 A. Yes.

24 Q. You told us in chief that at the time when the clock was  
25 ticking for giving objections to the CPO, you were busy

1 setting up a business?

2 A. I have been involved in becoming -- going into  
3 transition, becoming self-employed and I am setting up  
4 my own accountancy and tax advice with a former  
5 colleague of mine.

6 Q. The former colleague is a colleague from where?

7 A. I used to work for a telecoms company which went down  
8 with the dotcom bubble three years ago, a very large  
9 American multinational called Wiretel(?).

10 Q. You say in your proof -- I am looking at 1.2 -- that you  
11 have worked for housing associations as a development  
12 finance officer. Were you employed by a housing  
13 association?

14 A. Yes, from 1992 to 1995, I worked for East London Housing  
15 Association as a development finance officer, it is now  
16 called East Thames Housing Group. Then subsequently  
17 I worked from 1995 to 1998 in a very senior capacity,  
18 again in development finance, managing the construction  
19 department of a company called Hazra(?) Housing  
20 Association, which is based near London bridge.

21 Q. Was it after that that you were involved in the dotcom?

22 A. After that, I worked in retail and then worked in  
23 telecoms, yes. I worked in retail for two or three  
24 years and worked in a similar situation.

25 Q. Is your company now up and running?

1 A. You are self-employed, it is 24 hours' work, and it is  
2 all the time. It is a new experience, it is similar  
3 to -- I guess a similar mentality when I used to be  
4 involved in the Clays Lane committees. You are there,  
5 running it for yourself, you are not part of a large  
6 structure, you are running it on your own, it is  
7 something that I am used to and I am quite happy to do.

8 Q. The difference being now that you are paid a proper rate  
9 for your work?

10 A. No, the difference is that I am paying myself. What  
11 helps with Clays Lane's lower rents is that my savings  
12 in Clays Lane has enabled me to set up my own business,  
13 to be honest.

14 Q. Good.

15 A. The lower rents there means, when I first came to Clays  
16 Lane -- when you mentioned am I a graduate, and I said  
17 to you no, I had some financial problems, and I did not  
18 finish my degree. I started and I could not fund it,  
19 did some work and with Clays Lane rents being so low, it  
20 enabled me to work part-time and pay the rent because it  
21 was so low and with the additional time I actually went  
22 and worked free, two or three days to get a job as an  
23 accountant with some firms for free to get my foot in  
24 the door. If it was not for Clays Lane's low rents I  
25 could not have done that. Two days work as a security

1 guard, other work enabled me to retrain and after that,  
2 I was able to fund myself because of Clays Lane's low  
3 rent.

4 So this is my case but lots of people who fell  
5 through the safety net came to Clays Lane and in the  
6 words of the Housing Corporation, Clays Lane was  
7 a one-off. It was unique, when it was done it would  
8 never be repeated and over the years it has been the  
9 turning point in several people's lives.

10 Q. You tell us your qualifications and you have told me  
11 your experience. Can I take it then that the evidence  
12 you give in relation to rent and rent differences you  
13 give in a professional capacity?

14 A. I am giving the evidence and I have stated the  
15 assumptions I have used. There is nothing hidden, it is  
16 all transparent. I do not know when you mean by the  
17 word "in my professional capacity". That would imply I  
18 am being paid for it. I am not paid for this work, so I  
19 do not understand what you mean.

20 Q. I am not talking about whether you are being paid for  
21 it. What I mean by it is are you giving your  
22 evidence -- do you profess when you give your evidence  
23 to have some expertise in giving this evidence which you  
24 say means that that evidence should carry more weight  
25 than if it was given by Mr Cheyne or Mr Sole or one of

1 your other witnesses?

2 A. To be honest, no, because anyone who can work  
3 a spreadsheet, or can work a calculator, they have the  
4 reasonable assumptions, it does not take a great deal of  
5 skill to put this together.

6 Mr Gaskell is nodding his head and he agrees with  
7 me. This is simple stuff. Once you have made the basic  
8 assumptions, you put it together, anyone can use  
9 a spreadsheet, I can teach you to do it in half an hour.

10 Q. I might take you up on that.

11 A. Yes, but the assumptions are simple and common sense  
12 assumptions.

13 Q. So in the sense that I asked the question, the answer  
14 is: no, this is not to be treated as expert evidence?

15 A. In a sense this is not rocket science, this is very  
16 basic --

17 THE CHAIRMAN: I think there is a distinction to be made  
18 here.

19 A. I am not sure what he is driving at.

20 THE CHAIRMAN: The point I think that is being made is: is  
21 this evidence being given by a lay person, so to speak,  
22 or is this evidence being given by somebody who has  
23 a professional knowledge related to the evidence that is  
24 being given? Because the situation is that when an  
25 expert highway witness, for example, gives evidence on



1 transport matters, that evidence would generally carry  
2 more weight than if that evidence had been given by, for  
3 example, a chartered accountant.

4 A. I understand.

5 THE CHAIRMAN: So that is the basis of this. Mr Wald, was  
6 there anything that you wanted to add because I want the  
7 witness to be perfectly clear on the question.

8 MR WALD: I intervened because the question was: is this  
9 therefore expert evidence or not? I am sure it was not  
10 intended to be unfair, but I thought the question was  
11 slightly unfair because it is a term of art and it will  
12 give rise to certain amounts of weight to be attached to  
13 the evidence, and I suspect that the witness is not  
14 aware of the implications of all of that.

15 THE CHAIRMAN: That was my concern.

16 MR WALD: Perhaps it is a matter for submission by me as to  
17 what weight should be attached to it given the  
18 qualifications which are set out in this proof of  
19 evidence but I do not want to limit in any way the  
20 questions that are being put.

21 THE CHAIRMAN: I just wonder whether we do need to establish  
22 on what basis it is given because that might influence  
23 the way you approach your questions.

24 MR PEREIRA: That is exactly right and I thought I did when  
25 I was asked: "What do you mean by expert?" I did say:

1 "Do you profess any expertise which means that this  
2 evidence should carry more weight than if it was given  
3 by a lay person?" I thought I had explained that.

4 THE CHAIRMAN: To my mind, if it helps, on the basis of the  
5 witness' introduction and what he has told us about his  
6 experience, it would seem to suggest that he certainly  
7 has some knowledge in these matters, more knowledge and  
8 more expertise than the average lay person, irrespective  
9 of how easy it might be to do the exercise.

10 MR PEREIRA: I will proceed with my questions anyway.

11 THE CHAIRMAN: Is that a fair basis for me to assume? You  
12 might want to make submissions.

13 MR WALD: It is certainly the same basis upon which I had  
14 proceeded and immodestly I would describe it as fair.

15 THE CHAIRMAN: Thank you. I took it to on the basis that  
16 because his background was introduced, it implied that  
17 there was some relevance.

18 MR WALD: Sir, for clarification, we have tried to ascribe  
19 discrete topics to those witnesses who are best placed  
20 to deal with them. The view was taken that Mr Hammoud  
21 was better placed than any other witness in the hearing  
22 to deal with financial matters.

23 THE CHAIRMAN: Okay. I am clear. Mr Pereira, does that  
24 help?

25 MR PEREIRA: Yes, I will just carry on with my questions.

1           Sometimes when I ask a question, if you do not get  
2           a particularly clear answer, it is best just to move on.  
3           So I am going to move on.

4           Now, I just want to understand, Mr Hammoud, what the  
5           purpose of your evidence is.

6           As I understand it, the purpose of your evidence is  
7           to show the Inquiry what the difference is likely to be  
8           between what people are paying and would continue to  
9           pay, if they stayed at Clays Lane and what people would  
10          pay and would pay into the future if they were  
11          relocated; is that fair?

12        A.   If they were relocated, yes.  If they continued to stay  
13          at Clays Lane, partially, because I am looking at, you  
14          know, what would have happened if Clays Lane had  
15          continued in its co-op structure and we were assured  
16          by -- on the structure change, on the transfer of  
17          engagements to Peabody that effectively the rents --  
18          there would be no substantial changes beyond -- all  
19          there would be would be a change in management.  So  
20          I have gone on that assumption.

21        Q.   So you have assumed for the purpose of your calculations  
22          on what would happen if people stayed in Clays Lane that  
23          the same rent structures that had applied during its  
24          time as a co-operative would continue to apply?

25        A.   If was promised was going to be kept to.

1 Q. Do you have a document setting out what you have  
2 referred to as the promise?

3 A. No, I do not.

4 Q. Can you say who it was given by?

5 A. I did not have it -- it was one the circulars that went  
6 round when they informed us that Clays Lane was being  
7 transferred to Peabody and effectively it will be taken  
8 over by a local organisation called CBHA and that it  
9 would meets its obligations, we would have to pay the  
10 respect and the structure of the co-op would be  
11 virtually unchanged and it would accommodate our needs  
12 and create a local committee, or some sort of new  
13 committee to help tenants and rent increases would be  
14 very much what they used to be. So I do not have  
15 a document. It was just kind of information and  
16 knowledge, information from various sources.

17 Q. So you cannot point to a document, and you think it was  
18 in some kind of circular but you cannot produce the  
19 circular?

20 A. You know, it would have been something I would have  
21 cleared and thrown out with junk mail. I think there  
22 was a letter of introduction and a letter from the  
23 Chairman or the Chief Executive of Peabody saying:  
24 welcome as a Peabody resident. We had correspondence  
25 from them telling us about the changes.

1 Q. I am sure if you have not kept it, perhaps someone like  
2 Mr Cheyne will have done and it will be produced.

3 A. I do not know. He will have to answer that himself.

4 Q. We know that that is the basis for your staying in  
5 Clays Lane part of your evidence anyway.

6 What I want to look at then, please, are your  
7 figures and the figures that you have used. You do not  
8 actually use figures based upon what anyone is in fact  
9 paying, do you? All of the figures that you use for the  
10 relocation I am talking about now, for the relocation  
11 properties, are based upon what you predict people might  
12 have to pay; that is correct, is it not?

13 A. No, the figures I have used -- I will say it again -- is  
14 on what people have offered, what has come through my  
15 letter box.

16 Q. Just stop there. I am not talking about what may have  
17 been offered. I am asking you a question about what  
18 people are paying. The rental figures for the  
19 relocation properties are not based upon what people who  
20 have moved are actually paying, are they?

21 A. I do not know what people are paying.

22 Q. Thank you.

23 A. What are they paying?

24 Q. If we go to your proof and your appendix, I think it is  
25 appendix 1, is it not? What I have open before me is

1 I have your appendix 1 and I have your note A.

2 A. Okay, yes, I am with you.

3 Q. The table, okay? Now, you have chosen as your starting  
4 point £89.79 and you have told us that you have taken  
5 that as an average from those properties which you have  
6 listed in your note A: Southwark, Hackney, Tower  
7 Hamlets, Bow, Acton, Victoria; correct?

8 A. Correct, yes.

9 Q. And those rental figures are from the flyers of the sort  
10 that you just waved at me a moment ago; yes?

11 A. From that and from what I have personally been offered  
12 and what I have heard other people are paying.

13 Q. Okay. Now, you have at the top of your note A,  
14 a Peabody average one-bed rent per week, £66.54. Do you  
15 see that?

16 A. Yes.

17 Q. You have no reason to doubt, do you, that that is the  
18 Peabody average rent? It was produced by SNU, that  
19 figure. You have no reason to doubt that that is  
20 Peabody's average rent, have you?

21 A. That was produced by a letter -- appendix, 1,  
22 Mr Gaskell, in July.

23 Q. Yes, and it is a figure that he took from SNU. You do  
24 not have any reason to doubt it, do you?

25 A. I do not have any reason to doubt it, no, it is there in

1 black and white. When you look at it, it does not stack  
2 up because I am just looking at what people's personal  
3 experience has been and I have looked at it, given it  
4 a fair glance and I am thinking the reality is nobody --  
5 I have not heard of anything below £89 or £90. So it  
6 was, you know, not a reliable figure to use but I have  
7 listed it there for you, and I have been fair to him, to  
8 Mr Gaskell.

9 Q. In your fair glance that you gave it, did you, for  
10 example, call Peabody and ask them what figures lay  
11 behind that average?

12 A. No, I did not.

13 Q. Thank you. If it is an average, you will be able to  
14 help me with this, it should not be controversial; if it  
15 is an average it follows, does it not, that actually  
16 when you look at the figures which make it up, some of  
17 the figures will be higher than that and some of the  
18 figures will be lower than that?

19 A. That is the nature of an average.

20 Q. Thank you. Now, instead of using that, you have chosen  
21 to use a set of figures, none of which are derived from  
22 properties in Newham. That is correct, is it not?

23 A. They are across a section.

24 Q. But excluding Newham?

25 A. I have heard about Newham ones but I have actually --

1           they are about the same levels. The reason I used those  
2           is because I could actually, as I say, show you figures.  
3           I have asked around and they said somewhere about the  
4           same.

5   THE CHAIRMAN: But so far as note A is concerned, the six  
6           that you used to provide the average of 89 to 79, none  
7           of in Newham, is that right?

8   A. No, they are just equivalent to other properties I have  
9           heard about in Newham and I have seen.

10   MR PEREIRA: I cannot ask you about figures that are not  
11           produced. The answer to the Inspector's question is  
12           that there are not any properties in Newham that you  
13           have based these figures on?

14   A. Correct.

15   Q. Thank you. Now, there was an issue raised with  
16           Mr Gaskell at a meeting in June because people were  
17           concerned that when they were being relocated, they  
18           would be charged target rents rather than convergent  
19           rents, and this is in Mr Cheyne's appendices, a note of  
20           the meeting. It notes that Mr Gaskell would go and  
21           speak to Peabody and see if he could sort that situation  
22           out and if you look at your appendix 5 -- can we turn to  
23           your appendix 5?

24   A. Yes.

25   THE CHAIRMAN: Just while we are getting there, can you



1 remind me, is that 2006 or 2005?

2 MR PEREIRA: June 2006 and I think it was about 6th June. I  
3 think it was about a month before the meeting with the  
4 Peabody Trust.

5 If we go to your appendix 5, we can see at  
6 paragraph 4 that it notes half way down paragraph 4:

7 "A meeting was arranged with the Chief Executive of  
8 the Peabody Trust on 6th July, where Peabody agreed to  
9 amend the policy to offer and charge tenants decanting  
10 from Clays Lane convergent rent on all properties rather  
11 than target rents and that this exception to policy will  
12 be applied retrospectively to those who have already  
13 decanted to Peabody CBHA properties."

14 Do you see that?

15 A. Yes.

16 Q. The relevance of that being, is it not, Mr Hammoud, that  
17 target rents are higher than convergent rents, are they  
18 not?

19 A. I think so. I have not actually looked into the matter  
20 in great detail. I think so.

21 Q. Yes?

22 A. Yes.

23 Q. Because the target is what the convergent rent is trying  
24 to achieve. The target is what the housing associations  
25 are asked to try and achieve and if rents are below

1 that, they have to converge towards the target and that  
2 is why they can be increased by a certain amount in  
3 accordance with the circular that you have exhibited to  
4 your proof. I think you are generally familiar with the  
5 way that works, are you not, Mr Hammoud?

6 A. Generally, yes.

7 Q. Thank you. The figures that you have used, the  
8 Southark, Hackney, Tower Hamlets, Bow, Acton and  
9 Victoria figures, they are all target rents, are they  
10 not, they are not convergent rents?

11 A. They are rents which were actually advertised. What  
12 they are, I do not know, you had better ask --

13 Q. I am instructed, and evidence will be given on this,  
14 that they are the target rents, they are not convergent  
15 rents and it follows from the change in Peabody policy  
16 that is noted in your appendix that even these rental  
17 figures are not figures which people who chose these  
18 properties would ever actually end up paying; do you  
19 see?

20 A. Yes, this is quite recent, is it not?

21 Q. Well, it is in the document that you have produced in  
22 your proof.

23 A. Yes. What I would like -- I am not sure if it is  
24 appropriate for me to make a statement or even ask  
25 a question.

1 Q. Please, you must say what you want.

2 A. Why is this happening at this late hour? Why has not  
3 the LDA not gone out and said: let us do a comparison of  
4 rents across various boroughs and equivalent properties,  
5 different social landlords? What would be impact of  
6 rents on the residents? Why has this not happened? Why  
7 is this not happening? The problem here is, as all  
8 along, a lack of information, vagueness. My only  
9 contact with the equivalent of the LDA was I went to  
10 SNU, came early from work again to see them, and I said  
11 I lacked information on what is happening. It was vague  
12 stuff, in general: you will be moved and stuff. When  
13 I actually asked: can I actually get someone to look  
14 into these, because these are issues which I am not  
15 comfortable with, these are legal issues, can I get  
16 access to a lawyer, can you ask the LDA on my behalf if  
17 I can get access to a lawyer, they would not even  
18 actually afford me that. Well, I am not sure you are  
19 allowed to. Can you even put the question to the LDA  
20 whether I can have access to a lawyer? After a bit of  
21 struggle and a second visit they gave me somebody's  
22 email.

23 The impression I was left with, I have no confidence  
24 in this process. This is not just my feeling, it is  
25 just the whole feeling. It is just a vagueness, a fog,

1           it is being fobbed off. It does not engender trust.  
2           What was needed from the outset was someone to talk to  
3           us, give us clarity, tell us what is happening, or, if  
4           you need time to prepare these studies, let us know,  
5           say: look, we know this affects you, give us a few weeks  
6           to sort this one out, we will come back with some  
7           information and answers for you; what are your concerns?  
8           Nothing. We had SNU, who seemed to be reluctant to give  
9           me some information. And I put a question once, if you  
10          do not mind me saying this, to the second offer I was  
11          given. This was in Acton. I said to the lady: "Who is  
12          going the pay the extra?" "You are."

13                 Whatever definition of rents, convergent or target  
14          rents, I am just talking about the physical cash I have  
15          to pay compared to what I have to pay now: you are going  
16          to pay by this huge extra.

17                 My next question was: so I am being moved to Acton,  
18          somebody in Acton's housing list is suddenly going to be  
19          told to wait a bit longer. I am jumping the queue. It  
20          is an old property in an old street. It was not newly  
21          built, and somebody on the waiting list, God knows where  
22          they are living, they could be in a hostel, Salvation  
23          Army, they are suddenly being told: sorry, you cannot  
24          have this flat, somebody else is having it. I asked the  
25          question: is there not some moral problem here you have?

1 THE CHAIRMAN: I have taken a note of the point. In terms  
2 of the question you raised at the very beginning, it  
3 will not be answered now but no doubt Mr Wald will have  
4 a note of it and he will probably want to put a question  
5 of that nature to Mr Gaskell. That will be the  
6 opportunity to pick that up.

7 MR PEREIRA: Thank you. Can we get back to where we were,  
8 please? You said it is a recent change. It is a recent  
9 change. But you also said in evidence-in-chief that the  
10 LDA had not provided any reports or any analysis of the  
11 differences in rents or accommodation costs that people  
12 could be expected to pay; yes?

13 A. I have not seen anything clearly laid out.

14 Q. What you have produced in your appendix is, is it not,  
15 a response to -- it is headed:

16 "Interim response to the compensation proposals  
17 proposed by the Safer Neighbourhood Unit."

18 And it deals with compensation and it deals with  
19 rents, does it not, because SNU had been looking at the  
20 issue of how much rent and accommodation costs people  
21 could be expected to pay; that is right, is it not?

22 A. Which appendix is this?

23 Q. It is your appendix 5.

24 THE CHAIRMAN: Is this a table that follows the document  
25 that has just been referred to?

1 MR PEREIRA: Then there is a table at the end on page 25,  
2 which is an appendix to that response.

3 A. I know what you are looking at.

4 Q. There is an appendix there headed "Annual rent  
5 difference calculation"?

6 A. Yes. That is the one I referred to in my calculations.  
7 I have used that and I have actually -- we have already  
8 discussed this. That is the figure, £66.54, which  
9 I looked at and I considered it and did not use it. I  
10 did not have confidence in it.

11 Q. Yes, Mr Hammoud, there are two different issues here.  
12 One is whether you have confidence or accept figures  
13 that are being produced, but the other is the broader  
14 issue, which is whether any figures have been produced  
15 at all and you said that no figures looking at  
16 comparisons had been produced and this is one example of  
17 that, produced by the LDA in response to an earlier  
18 assessment by SNU, is it not?

19 A. If this is what you hold up as evidence, then it  
20 really -- maybe it is not my place to say, maybe it  
21 is -- it really is not good enough. If you see from my  
22 efforts over a one-day period, I was asked to do this  
23 with deadlines and minimum resources, I did not have  
24 time to phone up Peabody about what rents they are  
25 charging or what rents the people who have left

1 Clays Lane started off paying. They might have changed  
2 today, I do not know what is going on. The whole thing  
3 is nobody knows what is going on. I did this in  
4 a couple of hours, using information I had at hand and  
5 the assumptions that I used I have laid before you very  
6 crystal clear.

7 If you say, a few flats in Newham, it does not  
8 say -- because not everybody is going to be housed in  
9 Newham -- it does not say what kind of properties they  
10 are. It does not say -- frankly, because Peabody has  
11 flats and so have other housing associations across many  
12 boroughs, people are moving out of Newham. Are you  
13 saying to me you are going to house everybody in Newham,  
14 all the housing associations will be housed in Newham?  
15 The reality is people are going to be housed by several  
16 housing landlords across London. This is not, I am  
17 afraid, good enough.

18 Q. Okay.

19 A. Thank you.

20 Q. Thank you for that, Mr Hammoud. This document, the  
21 interim response, is a response, as I said, to  
22 a document produced by SNU.

23 Do you have Mr Cheyne's appendices there? Do you  
24 have Mr Cheyne's appendices? It is probably the bulky  
25 white folder to your right. Do you have that?

1 A. Yes.

2 Q. Could you turn up appendix 9?

3 A. Yes.

4 Q. There is notes of a meeting, 3rd May 2006, and there is  
5 some repetition, certainly in what I have, but there  
6 then follows after the notes of the meeting a document  
7 produce by SNU called "Compensation for tenants of  
8 Clays Lane"; do you see that?

9 A. Could you give me a page number?

10 Q. Yes, 248 is mine.

11 A. Yes.

12 Q. Okay?

13 A. Yes.

14 Q. This is a document the Inquiry has seen before because I  
15 think Mr Ojar produced an extract from it when he gave  
16 his evidence. He is another resident, as you know.  
17 This is a report, it talks about compensation issues and  
18 if we go on to page 253 and 254, there is a whole  
19 appendix headed "Calculating future costs associated  
20 with increased rents"; can you see that?

21 A. Yes.

22 Q. All right? Have you seen this document before?

23 A. Why no.

24 Q. Right. Mr Ojar obviously had seen it, Mr Cheyne  
25 obviously has seen it, but that is a document produced



1 by SNU who are an independent body, setting out figures  
2 showing comparisons in rents, is it not?

3 A. Can you give me a minute to go through it?

4 Q. Yes, take your time. (Pause)

5 A. Okay, I have glanced at it.

6 Q. All right?

7 A. Yes.

8 Q. Now, I am not at this stage going to ask you about  
9 whether you agree with the figures but what I would like  
10 you to agree to, please, on reflection, is that both  
11 from this document, SNU, and from your appendix, the  
12 LDA, have produced documents that examine the question  
13 of the changes in accommodation or rent costs as between  
14 Clays Lane and a relocation property, have they not?

15 A. Well --

16 Q. Is that not what this document tries to do even if you  
17 think it is inadequate, Mr Hammoud?

18 A. I have actually told you that I used those figures --  
19 I have referred to Mr Gaskell's as SNU -- several times.  
20 I have acknowledged its existence in my figures and  
21 I have told you why I did not feel comfortable using --

22 THE CHAIRMAN: I understand that but can we just go back to  
23 the question, which was: the LDA have produced documents  
24 on comparative rent costs, have they not? It is a yes  
25 or a no. I am happy for you to qualify afterwards.

1 A. Yes, but there is a big but.

2 MR PEREIRA: I do not mind talking about the buts but I am  
3 grateful for the yes, thank you.

4 THE CHAIRMAN: Do you want to clarify the "but" at this  
5 stage having regard to what I have already heard in  
6 terms of your reservations --

7 A. I would probably state it in a summary form: it is not  
8 detailed enough and, more importantly, is it something  
9 which the ultimate landlord that people end up with will  
10 guarantee? How cast-iron is it? And it only refers to  
11 a very local area in Newham. The reality is --

12 THE CHAIRMAN: Your concern is whether it is achievable, in  
13 effect?

14 A. Yes, and it is only looking at Newham; very, very local.

15 THE CHAIRMAN: Thank you.

16 A. It does not reflect reality.

17 MR PEREIRA: Thank you. Can I turn back, please, to note A  
18 and the tables. If one just takes the Peabody average  
19 Newham rent at face value, that appears to be  
20 a Newham-wide average, does it not? If you are saying  
21 it is very local, that is the extent of the locality,  
22 the whole of Newham, is it not?

23 A. You are looking from table A?

24 Q. Yes.

25 A. Yes.

1 Q. Thank you.

2 A. Can you repeat the question?

3 Q. Yes. You said it is a very local figure but it appears  
4 on the face of it to be an average covering the whole of  
5 Newham, does it not?

6 A. That is what it is stated as, it is an average of  
7 Newham.

8 Q. Thank you. Now, Mr Gaskell in his evidence has used  
9 a figure which he says he has averaged from a certain  
10 number of editions of the East London Lettings Magazine.  
11 You have read his evidence?

12 A. I have glanced through it, yes. Mr Gaskell's evidence?

13 Q. Yes.

14 A. I have not read his evidence. What I have done is  
15 I have read the rebuttal to my evidence.

16 Q. Sorry, that is what I meant, my fault.

17 A. Okay.

18 Q. I am looking at the bottom of page 11 and over to  
19 page 12 in his evidence.

20 THE CHAIRMAN: I think that will be on your table somewhere,  
21 which is REB39, I think.

22 A. Yes.

23 THE CHAIRMAN: You have it? That is fine. I just wanted to  
24 make sure you had it in front of you.

25 A. Hm-mm.

1 MR PEREIRA: So you can see what he has done. He has  
2 averaged a figure from the East London Lettings  
3 Magazine. He says that; do you see that.  
4 A. 3.47, is that correct?  
5 Q. 3.47. Yes?  
6 A. Yes.  
7 THE CHAIRMAN: In particular the average of £59.12; is that  
8 the one?  
9 MR PEREIRA: That is right, sir, that is the average figure.  
10 Again, whatever you may say about that figure, you have  
11 no reason to doubt that that is the correct average  
12 drawn from those publications, have you?  
13 A. I have not seen this magazine. I am actually not sure  
14 what it means, the 59.12.  
15 Q. He says it is the average net weekly rent for one-bed  
16 properties within Newham during the period April 2006  
17 to July 2006 being offered in the Choice Homes Magazine.  
18 A. What is this magazine? Is that for private sector or  
19 public sector, social landlords, is this something  
20 produced by the Council? Could you just clarify what  
21 this figure means --  
22 THE CHAIRMAN: Are you familiar with the Choice Homes  
23 Magazine?  
24 A. No, I am not.  
25 MR PEREIRA: Really?

1 A. This rebuttal I read a couple of days ago. I have  
2 looked at it, I made some comments on it, I am not aware  
3 of these figures.

4 Q. All right. Mr Hammoud, you said to me earlier that  
5 having your own company, it is a bit like working for  
6 the co-op, you are kind of at it 24 hours a day but at  
7 least you are working for yourself.

8 What have you done by way of asking the LDA for  
9 information to clarify rental figures, the averages,  
10 things like that? What have you done, Mr Hammoud?

11 A. I wonder whether --

12 Q. You see, you said to me they have not produced  
13 information --

14 A. Yes, that is a very good way of putting it, actually. I  
15 would say I was expecting --

16 THE CHAIRMAN: Shall we put it a different way? Have you  
17 done anything to seek clarification of the figures that  
18 the LDA are using?

19 A. Yes, once burnt, twice shy. I went to SNU on two  
20 occasions --

21 THE CHAIRMAN: Could you answer the question? I am happy  
22 for clarification in due course.

23 A. No, I have not asked the LDA direct about this.

24 THE CHAIRMAN: Do you want to clarify, if it is relevant to  
25 this?

1 A. Yes, I will. My sole experience of going -- of  
2 contacting the LDA was via their representatives, as I  
3 was told, SNU, and I did not feel they were very, very  
4 helpful and as far as information about rents, the  
5 information I have had up to now from the people  
6 offering flats, publicising information about flats has  
7 been around the figures I have used. That is what had  
8 been advertised, that is all I have seen, and it seemed  
9 that the LDA was not easily approachable. That is the  
10 impression I was left with.

11 MR PEREIRA: All right. So you gave one example. You said  
12 someone phoned you and said that they had another  
13 property and then you went back to Clays Lane.

14 A. The person was the housing officer from CBHA, basically.  
15 I left work straight away, got there. When I asked  
16 about the rent, I said: "I am sorry I cannot see this.  
17 Who is going to pay the extra?" "You are."

18 Q. Have you told CBHA what the maximum rent you are  
19 prepared to pay is?

20 A. The person I was speaking to was CBHA.

21 Q. Yes, have you told them what the maximum rent you are  
22 prepared to pay is?

23 A. Not as such but by implication I want to pay the same  
24 rent as I am paying now. In that case, yes, I would say  
25 I have said to them: I do not want to pay any extra to what

1 I am paying now. "Who is going to pay the extra?" means  
2 that is what I want to pay now, exactly what I am paying  
3 now.

4 THE CHAIRMAN: Have you actually told them that?

5 MR PEREIRA: You said by implication, Mr Hammoud.

6 A. No, I have not actually told them the rent but frankly  
7 someone --

8 THE CHAIRMAN: Can we just focus on the question, because  
9 what I want is clear answers, that in terms of you are  
10 referring to an implication: I have not told them  
11 direct. Do they actually know?

12 A. They do not know but I have not -- they do know but  
13 I have not told them direct.

14 MR PEREIRA: How, if they do know, have you communicated  
15 this to them, if you have not told them direct?

16 A. Because of my reaction, my horror at the extra rent I  
17 had to pay, my body language probably, and my tone of  
18 voice, they should have worked out something by then I  
19 was not happy, I hope.

20 THE CHAIRMAN: I would suggest, with that response, that in  
21 terms of what you have told them there may be a certain  
22 amount of imprecision. I am not certain that body  
23 language actually fixes a figure. That is my  
24 understanding. Continue the questions on that basis  
25 because it is Mr Wald's problem and he can deal with it

1 in re-examination.

2 MR PEREIRA: I have asked the question and I got that answer  
3 and I am going to to move on.

4 Again, going back to your calculations, Mr Hammoud,  
5 if we go back, please, to your appendix 1, we have  
6 looked at that £89.79. I am looking at the relocation  
7 part of the table. We have the £89.79. You have  
8 explained where that comes from. The gas, electricity,  
9 water and council tax, you have taken from a website, I  
10 understand, have you not? You have seen that Mr Gaskell  
11 has done a similar exercise and simply come up with  
12 a lower figure than you; do you see that?

13 A. Yes, this is in his rebuttal, is that correct?

14 Q. Yes.

15 A. Yes, I can see that.

16 Q. You have no reason to doubt his lower figure, have you?

17 A. My comments on his figure -- we are talking here about  
18 gas, electricity and water, are we not?

19 Q. Yes.

20 A. Okay. My comments on this figure is it lacks in detail.  
21 It does not give me enough assumptions, it does not  
22 project five years into the future like I have.

23 THE CHAIRMAN: I think we are seeking to establish the  
24 starting point. We can deal with the objections if we  
25 need to.



1 A. I am not comfortable with that figure for two reasons.  
2 It is listed as £8.04. I contacted Thames Water myself  
3 to look at comparable water and sewage charges for my  
4 flat where I live now and that came out as nearly £4  
5 alone. Are you going to say to me, living in London in  
6 an one-bedroom flat, all it needs for your heating and  
7 electricity will cost you £4 a week? The water, we have  
8 already established, they have told me: it is going to  
9 cost you around £4 a week. Are we saying anyone living  
10 in London is likely to pay £4 for heating, gas,  
11 electricity? Does that look real to me? It does not  
12 stack up. It does not feel right.

13 Q. Okay, there is a dispute there. I cannot resolve it  
14 through asking questions. I will just move on.

15 A. It is too low.

16 Q. Council tax, thankfully you both say the same thing.  
17 You then come to your figure. Now, you have projected  
18 that forward, have you not, and my understanding is that  
19 you have projected it forward using in part the retail  
20 price index that Mr Gaskell had used in the appendix 1  
21 on page 25 of your proof. That is right, is it not, 3  
22 per cent?

23 A. Can I just make sure we are looking at the same  
24 document. Can you give me the document we are looking  
25 at?

1 Q. Is that right, that when you have projected it forward,  
2 you have used the retail price index, 3 per cent, as  
3 Mr Gaskell had in --

4 A. Are you talking about the rent element?

5 Q. Yes.

6 A. The rent element, okay. I will explain what has  
7 happened with the rent element, what I have done. When  
8 I said to you earlier, all the assumptions I have used,  
9 I have laid them here crystal clear, I have done a lot  
10 of details to explain the assumptions, okay? And his  
11 rent -- I have looked at my experience of rent and the  
12 increase I have looked at the increase that Mr Gaskell  
13 uses, correct, in appendix 1.

14 Q. Yes, 3 per cent?

15 A. Yes -- no, it is not coming out as 3 per cent.

16 Q. It is based on the 3 per cent, is it not, his  
17 appendix 1, footnote 1:

18 "The increases in rents are calculated using the  
19 Housing Corporation formula, RPI plus 0.5 per cent and  
20 £2 a week. RPI is assumed to be 3 per cent."

21 It was the RPI, I was referring to. I think you  
22 have used the 3 per cent figure?

23 A. Well, he can call it 3 per cent but it is coming out as  
24 6.5 per cent. With a calculator, I have just done it  
25 again. I am quite happy to use it. If you actually run

1 any calculation through these figures, the footnote may  
2 say 3 per cent but if you do the calculation it comes  
3 out as 6.5 per cent. So I do not know why the actual  
4 increase of 6.5 per cent is being listed as 3 per cent.

5 Q. No, the RPI is 3 per cent, you then have a half per cent  
6 addition and then you have another £2, which I think is  
7 why it comes out at 6.5 per cent. Do you see, the  
8 footnote 1 on appendix 1?

9 A. Yes, but in the final analysis the bottom line goes up  
10 by 6.5 per cent. Do we agree on that?

11 Q. Yes.

12 A. Fine.

13 Q. And it is taken from that assumption in appendix 1?

14 A. Yes.

15 Q. That is enough. I want to ask you then, please, some  
16 questions about Clays Lane and that side of your  
17 analysis. Okay?

18 A. Sure.

19 Q. You explained the way that social housing grant worked  
20 during the time that Clays Lane was a housing  
21 cooperative.

22 A. No, during the time it was built.

23 Q. The time it was built.

24 A. 20 years ago.

25 Q. Yes, okay, and effectively -- just tell me if I have

1           this right -- social housing grant was, was it not,  
2           subsidising the difference between the mortgage and the  
3           rent?

4   A.   Yes, what would have been the real mortgage, yes, and  
5           the affordable rent.

6   Q.   Yes, it makes up that gap?

7   A.   Yes.

8   Q.   And one started from the position of what an affordable  
9           rent was?

10  A.   As set by the local rent officer.

11  Q.   Yes. That system is no longer in place, is it?

12  A.   It went out in 1988 or 1990, yes. It went out a while  
13           ago.

14  Q.   And, if we turn up your appendices again, you have been  
15           kind enough to produce a housing circular, appendix 4.

16           Could we turn to that? Okay?

17  A.   Yes.

18  Q.   It is a circular on rents, rent differentials and  
19           service charges for housing associations, and we can see  
20           who this applies to -- I am looking at page 17 of your  
21           numbered passages. It applies to housing associations,  
22           which would include Peabody, would it not?

23  A.   Yes.

24  Q.   And it also, as it happens, applies to co-operatives,  
25           although we know there is not a co-operative in

1 operation at Clays Lane. But that, as a matter of fact,  
2 is correct?

3 A. Correct.

4 Q. Thank you. If we look under the heading, "Corporation  
5 expectations and policy" -- do you see that?

6 A. Yes.

7 Q. It says that:

8 "The regulatory requirements on rents state that  
9 housing associations should keep their annual rent  
10 increases to no more than the set guideline limits  
11 specified by the corporation, subject to the requirement  
12 that an individual rent does not change by more than £2  
13 a week, RPI plus 0.5 per cent, plus or minus £2 in any  
14 one year."

15 Then it goes on to talk about target rents and it  
16 says:

17 "Target rents, which are part of the regime, should  
18 also be increased by the guideline limit. The guideline  
19 limits for 2006 to 2007, the previous four years, are  
20 set out on the table to the circular."

21 Section 3 talks about the corporation using the  
22 guideline limit to assess compliance and whether  
23 regulatory requirements meet that, and then there is  
24 a table setting out what the maximum rent increases can  
25 be; yes?

1 A. Yes.

2 Q. And then there are rent caps, which are figures that  
3 must not be exceeded. That is table D. Yes?

4 A. Yes.

5 Q. And Peabody, who are now, through CBHA, in charge of  
6 Clays Lane, are subject to this regime, are they not?

7 A. Yes.

8 Q. And therefore rental increases could be expected at  
9 Clays Lane in accordance with this regime, could they  
10 not?

11 A. I assume so.

12 Q. Yes. And so whatever historically may have been the  
13 level of rents and rent increases at Clays Lane, while  
14 it was a co-operative, the position now is that  
15 increases will be governed by the convergence regime set  
16 out in that circular or any other circular that may come  
17 after it. That is right, is it not?

18 A. Can I make a comment here at this stage?

19 Q. Is that right or not?

20 A. I assume so.

21 Q. Yes, thank you.

22 A. I am not on the management of CBHA. I do not know what  
23 they are going to do.

24 Q. Do you want to toe make your comment?

25 A. Yes. I am not sure what the punchline in all of this

1 is, where we are heading.

2 Q. All I am doing, Mr Hammoud, is looking at the rental  
3 figures that you have produced.

4 A. Okay.

5 MR PEREIRA: That is my only intention?

6 THE CHAIRMAN: And that will assist me in being clear about  
7 the basis of the figures and your views on those.

8 A. Fine. I would like to comment on that.

9 THE CHAIRMAN: Would you like to do so now, please?

10 A. Right. I am not sure where we are getting to in these  
11 series of questions about the circular. You are reading  
12 black and white and I agree with it. What I say to you  
13 is --

14 THE CHAIRMAN: They are fair questions to put because it is  
15 one of your appendices.

16 A. Yes, that is fine.

17 THE CHAIRMAN: So, on the basis that it is something that  
18 you bring forward to the Inquiry, then Mr Pereira has  
19 the opportunity to ask you questions about it and your  
20 understanding about it and how it might be applied.  
21 Clearly, you can only answer within the level of your  
22 own expertise and there may be some elements that you  
23 cannot deal with.

24 A. That is fair enough.

25 THE CHAIRMAN: I understand that is the position. So I am

1 happy for you to make the clarification.

2 A. Yes, I have looked at this circular and I have  
3 looked at -- I recall what Clays Lane was promised by  
4 Peabody when they took over from -- in fact the evidence  
5 for that is that the Clays Lane rents has not changed at  
6 all since Peabody came in. So I thought they had kept  
7 to their words; we are not due for a rent review yet.  
8 So I have looked at the figures in this circular, I have  
9 looked at the RPI and they are very, very close to each  
10 other. The figures in this, you know -- because  
11 Clays Lane's option was always to increase the rents by  
12 the minimum amount possible.

13 So, basically, just for clarity I have used the RPI  
14 but the increases here are not far away from the actual  
15 RPI, if you look at them. So that is why I used the  
16 RPI; it is a simpler reference point. I think  
17 Clays Lane rents have not increased for over a year now,  
18 since Peabody came in.

19 MR PEREIRA: Okay. In answer to questions from Mr Wald, you  
20 gave three reasons why, in the olden days -- I think  
21 that was your expression -- Clays Lane rents were low,  
22 and the three reasons were the level of grant -- that  
23 was reason 1; that the rents in the property were  
24 self-managed -- that was reason 2; and the communal  
25 heating system -- that was reason 3, and you have added



1 on to reason 3 that they are very well insulated and  
2 energy efficient.

3 A. Yes, I would say that, yes, a combination of all.

4 Q. Yes. Reason 1 is no longer a guarantee of low rents, is  
5 it, because rents are no longer linked or subsidised by  
6 a housing grant, as we have seen in the questions I have  
7 just asked you; they are now tied into a convergence  
8 system?

9 A. They are, correct, but the co-op has still the option to  
10 go for a minimal increase. There is a leeway. There is  
11 a leeway.

12 Q. Yes, there is a band.

13 A. Yes, and you can go for the higher or lower end of the  
14 band.

15 Q. Yes. But they are required, are they not, to try and  
16 get to the target level, albeit not exceeding the  
17 allowed increases year on year. But they are trying to  
18 get to the target, are they not? They have to get to  
19 the target?

20 A. I am not entirely familiar with the current system --

21 Q. Okay.

22 A. -- of doing it. What I have looked at again is the  
23 current rents being offered, services for heat and for  
24 council tax and some reasonable inflation figures.

25 Q. Okay.

1 A. I mean, we can talk about convergent rents, et cetera,  
2 et cetera; I am just looking at what has been offered.

3 Q. Self-management is no longer present at Clays Lane, is  
4 it?

5 A. We were promised some sort of committee -- the answer is  
6 no, sorry. Because we are a special, unique estate, the  
7 whole deal, the way we were promised -- there would  
8 still be a community. It would be a tenant movement,  
9 and the reason for that: Peabody itself is not managing  
10 us directly; they have delegated that work to CBHA,  
11 which is a community-based housing association which  
12 aims to promote community feeling in housing estates,  
13 and it is a natural place for them to be, in a place  
14 like Clays Lane. They do not have to work very hard to  
15 create a community in Clays Lane; it is already there.

16 Q. Thank you. And the district heating system, I do not  
17 know to what extent that reduces your heating bills or  
18 not but we have seen, have we not -- I do not know if  
19 you have looked at them -- the reports of surveys of the  
20 conditions of the property, which covers such matters  
21 and insulation and, I think, heating and the boilers as  
22 well, do they not?

23 A. I have not seen those.

24 Q. Okay, well, I will not ask you about them then.

25 Can I just go back to one matter? We agreed that

1           there was a band and there could be a minimum increase  
2           or a maximum increase in rents year on year.

3   A.   Yes.

4   Q.   You have no guarantee as to whether an increase would be  
5           a minimum or a maximum, do you?

6   A.   I think I have no knowledge what is going to happen.

7   Q.   Thank you.

8           If you just wait, Mr Hammoud, I just have to check  
9           my notes and then -- just wait a moment for me, please.

10           Mr Hammoud, thank you. Can I just say, I know it is  
11           not always nice, probably never nice, being asked  
12           questions but you will appreciate -- I know that you  
13           have come to the Inquiry because you are concerned about  
14           your home but you had also given evidence about rents  
15           and things which I am afraid I had to ask you about,  
16           which is why I was asking you those questions.

17   A.   That is fine.

18   MR PEREIRA:   So thank you very much for your time. Thank  
19           you.

20   THE CHAIRMAN:   Thank you, Mr Pereira.

21           Mr Wald, are there any matters that you want to  
22           revisit with your witness?

23   MR WALD:   Sir, there are some matters.

24                           Re-examination by MR WALD

25   MR WALD:   Mr Hammoud, your last answer was, "I think I have

1 no knowledge in relation to increases." Yes?

2 A. Yes.

3 MR WALD: Can I refer you first of all to the Winterbottom  
4 letter? It is document 248/134 and it is at tab 6 of  
5 the bundle of documents from Mr Cheyne's evidence, yes,  
6 please.

7 THE CHAIRMAN: Page number? Page 97? Is that the one?

8 A. I have it.

9 MR WALD: Yes. The third paragraph up from the bottom, can  
10 you read that, please?

11 A. The one that starts:

12 "The LDA is committed ..."?

13 Q. Yes, please.

14 A. "The LDA is committed to providing you with as much  
15 information as possible through the process."

16 Q. Okay. Can you stop there now? Insofar as you have  
17 a lack of knowledge in order to answer these questions,  
18 might that have been resolved by the provision of  
19 information to you?

20 A. Absolutely, that would have helped a great deal. In  
21 looking at these rents, I have used some assumptions and  
22 made these assumptions crystal clear and I did this  
23 under a time constraint, in a very short time, with the  
24 information I had at hand. I do not regard this as  
25 a study of our future rents.

1 Q. You were asked whether you specifically requested  
2 knowledge from the LDA and I think you replied, "Once  
3 bitten, twice shy".  
4 A. Yes. No.  
5 Q. You did supply a proof of evidence to the Inquiry, did  
6 you not?  
7 A. Yes.  
8 Q. There was some rebuttal in response to it. Did it  
9 include any detailed analysis of relocation housing  
10 costs for those that had already been moved?  
11 A. No, it did not.  
12 MR WALD: Okay. Reliance in cross-examination has been  
13 placed on the SNU document. Can we turn to that,  
14 please? I think it is page 248.  
15 MR PEREIRA: Perhaps Mr Wald could explain what he means by  
16 "reliance"; I referred to it as information that  
17 Mr Hammoud had access to.  
18 MR WALD: I am happy to supply the answer to that question.  
19 It was said in relation to this document that it was  
20 evidence that the LDA had considered housing costs  
21 elsewhere and I am about to ask this witness about that.  
22 THE CHAIRMAN: I am content with that, thank you.  
23 MR WALD: Mr Hammoud, do you understand what the SNU is, the  
24 Safe Neighbourhoods Unit?  
25 A. In broad terms it is -- as far as I am aware, it is

1 a consultancy which has been brought in to be a conduit  
2 of information or just give some information to  
3 Clays Lane tenants and it is being paid for by the LDA.  
4 In broad terms that is the most I know.

5 Q. Julian Cheyne includes a description of it in his proof  
6 of evidence. I do not know if you have seen that?

7 A. No. What page is that?

8 Q. It is at page 6 of his evidence, not his appendices but  
9 his main proof. Can I hand that to you? (Handed)

10 Do you see at the bottom of page 6 it described?

11 A. Yes.

12 Q. Could you read the description of it, please?

13 A. "SNU, the Safe Neighbourhood Unit, is a not for profit  
14 organisation and registered charity established in 1990.  
15 It carries out research and development in the fields of  
16 tenant participation, housing, regeneration, community  
17 safety and environmental improvements."

18 Q. Thank you. Any mention of the LDA there?

19 A. No.

20 Q. Okay. Are they distinct entities, SNU and the  
21 London Development Agency?

22 A. Yes.

23 MR WALD: All right. Can I ask you now to turn to  
24 the November newsletter, 248/135, which you will find at  
25 tab 2 of Mr Cheyne's documents? Do you have it? The

1 newsletter runs to four pages.

2 THE CHAIRMAN: Is that page 13 where it starts?

3 MR WALD: It is, sir.

4 THE CHAIRMAN: It runs to four pages but I think we only  
5 have two of them.

6 MR WALD: Is one of the missing ones 3?

7 THE CHAIRMAN: No, I have 3. I have 1 and 3.

8 MR WALD: Oh, good news, that is the one I am referring to.

9 THE CHAIRMAN: Thank you.

10 MR WALD: Mr Hammoud, page 14. Do you have the page that  
11 has, to its left, "Housing Costs", half way down?

12 A. Yes. Shall I read that?

13 Q. Yes, please.

14 A. "Housing costs," the paragraph heading:  
15 "Some residents explained that they had concerns  
16 about how much any new housing would cost to occupy.  
17 Clays Lane rents were relatively low, which had other  
18 expenses rolled up within it. New one-bedroom  
19 properties were likely to be more expensive. This was  
20 particularly the case for people who currently live in  
21 shared accommodation. It was explained by the LDA that  
22 it could not provide a rent subsidy for new homes but  
23 would investigate further what housing costs in  
24 East London currently are."

25 Q. Did the LDA ever do that, so far as you know?

1 A. So far as I know, no, apart from this appendix they  
2 referred to in Newham.

3 Q. Do you mean the appendix in your proof?

4 A. Yes.

5 Q. The letter? Are we talking about Mr Gaskell's letter?

6 A. Correct, on 10th July.

7 Q. Let us have a look at that, shall we?

8 A. Yes.

9 Q. It is appendix 1 to your proof. Are you the only person  
10 to have put this in evidence, do you know?

11 A. As far as I am aware, yes.

12 Q. We have a LDA document that you have put in evidence.

13 A. Yes.

14 Q. Appendix 5. Do you have that, page 23? It is your own  
15 proof.

16 A. Okay.

17 Okay, yes.

18 Q. Do you have that? Over the page, page 24 --

19 A. Yes.

20 Q. -- you see in "Future Increases in Rent":  
21 "10. By far the largest element of the increased  
22 claim for compensation related to the calculation of  
23 additional rental costs that SNU had carried out."  
24 Yes?

25 A. Yes.



1 Q. "The LDA had reviewed the figures provided by SNU."

2 And down below:

3 "The LDA had been meeting with SNU as the SNU report  
4 highlights at 12."

5 A. Yes.

6 Q. Have you seen any evidence of an assessment of housing  
7 costs elsewhere, conducted by the LDA, as promised in  
8 the November newsletter?

9 A. No, I have not seen any of this.

10 Q. Does this letter rely entirely on conclusions reached by  
11 SNU?

12 A. It seems that way, yes.

13 MR WALD: Fine.

14 Now, a number of questions were put into the LDA and  
15 some answers were given. With those answers, a couple  
16 of meeting notes -- the memoranda of the meetings were  
17 supplied at the same time. I do not know if you have  
18 seen those. I assume others have copies of that. You  
19 will recall that --

20 THE CHAIRMAN: I have copies of lots of things.

21 MR WALD: Let me be more precise.

22 THE CHAIRMAN: Tell me what it is and where it is.

23 MR WALD: It is the 33 questions that were put in order to  
24 save time at the Inquiry, written questions.

25 THE CHAIRMAN: Yes.

1 MR WALD: We got some written responses to those questions  
2 and, in addition to those responses were the meeting  
3 notes of two meetings.

4 THE CHAIRMAN: The rehousing alliance meetings?

5 MR WALD: Exactly.

6 THE CHAIRMAN: Yes.

7 MR WALD: The one I am about, sir, is dated 15th July 2005,  
8 and I am handing an unmarked copy of it to the witness.  
9 (Handed)

10 Mr Hammoud, have you seen this document before?

11 A. No.

12 MR WALD: Okay, no problem. Second page, please.

13 MR PEREIRA: Are you looking at the reply or the minutes?

14 MR WALD: Minutes.

15 MR PEREIRA: Sorry, I need to catch up. I do not think  
16 I have the minutes.

17 THE CHAIRMAN: Just pause a moment.

18 MR WALD: Sure. (Pause)

19 I think we have located a spare copy here, if that  
20 is going to speed things up.

21 THE CHAIRMAN: That would help, yes, please. Yes, thank  
22 you.

23 MR WALD: False alarm -- false dawn, rather. (Pause)

24 THE CHAIRMAN: I take it would be inconvenient to move on  
25 and come back to it?

1 MR WALD: No, no, it is fine.

2           While we are waiting, I am just going to go back to  
3           the relationship between the LDA and SNU. I am going to  
4           refer you to a document that I think everybody does  
5           have. It is 248/16, please, and it is to be found at  
6           tab 9.

7 THE CHAIRMAN: 248/16?

8 MR WALD: Yes.

9 THE CHAIRMAN: Page 256?

10 MR WALD: Great. Thank you, sir.

11           Do you have 256, Mr Hammoud, while we are waiting  
12           for the LDA document --

13 A. Is this page 256?

14 THE CHAIRMAN: 256 of Mr Cheynes' appendices.

15 MR WALD: Yes, that is it.

16 A. Yes, I have that.

17 Q. It starts at 256. It is the notes of the LDA, CBHA and  
18           SNU meeting on 24th February this year.

19 A. Yes, I have that.

20 Q. "Project management approach. Roy from SNU suggested  
21           LDA, CBHA and SNU had to be clear about the various  
22           undertakings or commitments that had been made to  
23           residents. I assume the core commitments were contained  
24           in relocation strategy. Others may have been made in  
25           other document ..."

1           You are not listed as one of the attendants at this?

2   A.   No, I was not party to this meeting.

3   Q.   Just the bottom line of that page:

4           "An undertaking was made to be clear about what  
5           rents were being charged for any dwelling."

6           Under "rent" itself, over the page, please -- can  
7           you just read that section?

8   A.   "Rents. There continues to be uncertainty over rents  
9           being charged for tenants being rehoused in Peabody  
10          properties. There will be no further offers until this  
11          is sorted out. Overall tenants can expect a rise in  
12          rents from what they are paying at the moment. CBHA  
13          agreed to provide guidance on the impact of benefit  
14          eligibility. Flatsharing was an option for reducing  
15          individual rents."

16   Q.   Yes, okay. Given the date on this document, are you  
17          surprised not to have had figures, whether it be to you  
18          or to anyone amongst the residents, from the LDA itself  
19          as to housing costs elsewhere?

20   A.   Yes, I am extremely surprised. Given the resources they  
21          have and the manpower involved, they should have  
22          undertaken this study.

23   Q.   You have made reference to the rebuttal from Mr Gaskell,  
24          which does touch upon your evidence but does not include  
25          data or details of the housing costs of others; yes?

1 Can we just turn to that rebuttal, please, if you have  
2 it in front of you, 441 at page 11?

3 Sorry, I will stop you there. I have just realised  
4 that -- yes, okay, it is the response to Julian Cheyne's  
5 proof.

6 A. Which point?

7 Q. It is Andrew Gaskell's response to Julian Cheyne's  
8 proof, which you may not have on your table.

9 A. 13?

10 THE CHAIRMAN: It should be in this pile at the end.

11 MR WALD: If you look at a document that is headed "LDA --

12 A. Yes, I have it.

13 Q. Page 11.

14 A. Yes.

15 Q. 4.41?

16 A. Yes, I have that point.

17 Q. Can you just read that, please?

18 A. "If the estate were not subject to a compulsory purchase  
19 order, I would have expected rent levels to rise under  
20 the management of CBHA. Current government policy is  
21 that social housing rents should reflect more closely  
22 the local earnings, as well as the size, condition and  
23 location of properties. This rent influencing regime,  
24 published in 2001, the Housing Corporation states that  
25 the target rents should be calculated for all social

1           rented units and that these should be achieved by 2011  
2           and 2012. In order to do this, rent convergence  
3           policies have been put in place requiring registered  
4           social landlords to increase rents by specified amounts  
5           until the target rents are achieved. This would have  
6           resulted in a modest increase in weekly rents year on  
7           year."

8    Q. Do you agree with Mr Gaskell that in all likelihood and  
9           if the estate remains, there would be a modest increase  
10          in weekly rents year on year?

11   A. As stated here?

12   Q. Yes, it is stated here?

13   A. Yes, that would have been the case.

14   Q. You agree with that?

15   A. Yes.

16   Q. And insofar as rents have been historically low through  
17          the three matters that you have identified in chief --  
18          the level of grant, self-management, and I think you  
19          described generally the advantages of communal living,  
20          although you were asked a specific question about  
21          heating.

22   A. It is basically the bulk purchase of heating.

23   Q. Now, your agreement with Mr Gaskell that there would  
24          have been a modest increase in weekly rents year on  
25          year, does that mean that the resulting figure for rents

1 at the Clays Lane Estate will be, or would be, depending  
2 whether or not the CPO is confirmed as far as this site  
3 is concerned, less than equivalent rents elsewhere?  
4 A. Yes, it would be much lower.  
5 Q. All right. You have looked at some rents based on the  
6 offers that have been made to tenants that you know of?  
7 A. And myself.  
8 Q. And yourself. And it was suggested to you that the  
9 offer price is not always the same as the price paid?  
10 Yes?  
11 A. I am not sure. Could you explain what you mean?  
12 Q. You were invited to comment on your understanding of  
13 target and convergence and the difference between those  
14 two figures.  
15 A. Yes.  
16 Q. You based your assessments of rents elsewhere on offer  
17 prices given.  
18 A. Absolutely, actual rents being demanded.  
19 Q. Did you have access to any better information than that?  
20 A. No.  
21 Q. You excluded Newham. Why was that?  
22 A. The reason for that is I have come across Newham rents  
23 and they looked about the same mark. I left them out  
24 because the ones I listed I could actually swear to and  
25 I have the evidence to prove, I could show. The others

1           were about the same. I did not have anything; it was  
2           something I had just heard second-hand from people I had  
3           kind of seen in passing. So that is why. I did not  
4           have the evidence in front of me so I could not use it.

5   Q.   You were asked about the Choice Base magazine. You did  
6           not know of it?

7   A.   No, I think it rings a bell but this word "Choice", I am  
8           not sure what it is. Is it something from the local  
9           council? I do not know it at all. As far as rent, I do  
10          not know it.

11   Q.   Do you know whether it was distributed generally around  
12          residents, homes in Clays Lane?

13   A.   No, I do not know.

14   Q.   I assume from your earlier answer that you yourself did  
15          not receive a copy?

16   A.   I have not read it. To be honest, like everyone else,  
17          I get a lot of junk mail and, if it is not relevant,  
18          I bin it straight away. It is not something I would  
19          have opened and read unless I had some -- I have not  
20          come across it before. I do not remember.

21   Q.   The fact that you have omitted Newham, do you happen to  
22          know what proportion of those residents that have  
23          already been relocated have been relocated to Newham?

24   A.   Of the ones I know about, a handful, none have been in  
25          Newham.



1 Q. None have been in Newham?

2 A. And I certainly was offered two flats and none of those  
3 two flats were in Newham.

4 Q. Is that information that the LDA could supply to you,  
5 the numbers that have been relocated to Newham?

6 A. If they asked them from CBHA, they should be able to  
7 supply that information, yes.

8 Q. And the actual rents being paid by those people?

9 A. They should be able to do it.

10 Q. Do you draw any inferences from the fact that the LDA  
11 has not supplied this Inquiry with that material?

12 A. The only inference I can think about, to be honest -- I  
13 do not know what is happening -- what is going on in the  
14 LDA's mind and their plan of doing things. The only  
15 inference I can think of is, "It does not matter, it is  
16 not important, they will pay what they will pay wherever  
17 they go." That is all I can think about.

18 Q. Mr Hammoud, you were asked a number of questions which  
19 related, be it directly or indirectly, to your own  
20 earnings in your business.

21 A. Yes.

22 Q. The question was not put to you directly how much you  
23 earned, but I want to ask you two questions by way of  
24 clarification. Is the evidence that you supply in  
25 relation to the cost of moves and the disadvantages,

1 cost-wise, of moves presented in relation to your own  
2 position or to resident at Clays Lane generally?

3 A. Sorry, could you repeat the end?

4 Q. You have given this Inquiry evidence as to the financial  
5 implications of a move from the Clays Lane Estate.

6 A. Yes, I understand.

7 Q. You have been asked some questions that relate to your  
8 own business.

9 A. Yes.

10 Q. You were asked about a dot com, about your current  
11 activities; yes?

12 A. Hm-mm.

13 Q. I am asking you whether the information that you have  
14 supplied in relation to the financial implications of  
15 a move relate to you personally or to residents  
16 generally.

17 A. It is to residents in general, not my personal  
18 circumstances.

19 Q. I think I have to ask this: notwithstanding any  
20 successes that you may be having in business, would you  
21 feel the effect of paying the amount that your friend --  
22 you mentioned you had a friend who, I think, is paying  
23 110 without the bills included.

24 A. Correct, Mark Hewton. Somewhere around Victoria he has  
25 moved.

1 Q. How would that amount of rent affect you?

2 A. It would -- certainly in the long-term -- you know, I am  
3 not taking any salary, I put all my money into my  
4 business -- it would actually curtail -- it would take  
5 away my savings very quickly. Doubling or nearly  
6 doubling rent in reality is, my plans to get a place of  
7 my own in the future one way or another would have to be  
8 shelved or put back many years and, if I was in this  
9 position 20 years ago, or 10 years ago, I might be able  
10 to study to become an accountant, to fund myself, be  
11 able to work part-time and study and get some work  
12 experience for free.

13 So, yes, I do not know what people's individual  
14 plans are, personal lifestyles, but, you know, once you  
15 almost double their rent and their rental costs, and  
16 when people in their 20s start to think a little bit  
17 more sensibly, they are past their teenage years and  
18 thinking about their future, you have sapped away their  
19 strength. They cannot plan like they used to, and you  
20 have doubled their rent. I hope that answers the  
21 question.

22 MR WALD: Hang on one moment, there may be one further  
23 question. (Pause)

24 No. Mr Hammoud, I think it is a matter that has  
25 been dealt with in chief already. I do not need to

1 spend time on it.

2 Thank you, sir.

3 THE CHAIRMAN: Thank you, Mr Wald.

4 There is no additional questions from me. Thank you  
5 very much for your evidence and cooperation in answering  
6 the questions.

7 A. I think it has been very interesting.

8 THE CHAIRMAN: That brings us to the end of the day but,  
9 before we all pack away our papers, are there any  
10 documents to be handed in? There were three that were  
11 left over from this morning: There was the copy of the  
12 email referred to by Mr Sandison, the flyer, or flyers,  
13 of properties, and we were a page or so missing from  
14 Mr Cheyne's bundle. If they are not readily available,  
15 I am happy to accept them first thing in the morning.

16 MR WALD: I think it is going to have to be tomorrow  
17 morning. We have tried and failed to access them over  
18 the course of the day and we will have them here in the  
19 morning.

20 THE CHAIRMAN: Yes, okay. It is just, if there is anything  
21 left over, then simply I set the homework for the  
22 following day. So I am quite content with that.

23 Are there any other matters before I adjourn for  
24 today? We are clear on the running order for tomorrow,  
25 are we not? We are starting with Mr Rogers, then on to

1 Mr Jones and then Mr Cheyne? 9.30 start, aim for an  
2 early lunch so that Mr Cheyne can appear from round  
3 about 12.30.

4 Thank you all for your assistance today. The  
5 Inquiry is adjourned until 9.30 tomorrow morning.

6 (5.30 pm)

7 (The court adjourned until 9.30 am the following day)

8

9

I N D E X

10

11 Opening statement by THE OBJECTORS ..... 14

12

13 MR IAN SANDISON (called) ..... 21

14

15 Examination-in-chief by MR WALD ..... 21

16

17 Cross-examination by MR PEREIRA ..... 61

18

19 Re-examination by MR WALD ..... 95

20

21 MR JOHN SOLE (called) ..... 107

22

23 Examination in chief by MR WALD ..... 107

24

25 Cross-examination by MR PEREIRA ..... 125

1  
2 Re-examination by MR WALD ..... 132  
3  
4 133MR JAMAL HAMMOUD  
5 Examination-in-chief by MR WALD ..... 133  
6  
7 Cross-examination by MR PEREIRA ..... 164  
8  
9 Re-examination by MR WALD ..... 203  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

