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Friday, 28th July 2006

(9.30 am)

THE CHAIRMAN: Ladies and gentlemen, good morning. The Inquiry is now resumed. As you know, this is an Inquiry into the London Development Agency (Lower Lea Valley, Olympic and Legacy) Compulsory Purchase Order 2005. My name is David Rose, the Lead Inspector appointed by the Secretary of State.

Yesterday was the first day of the formal appearances for the joint case for the residents of the Clays Lane estate, and we continue to deal with that today.

Are there any matters of housekeeping that have arisen overnight, please? Mr Pereira?

MR PEREIRA: Sir, no.

THE CHAIRMAN: Mr Wald?

MR WALD: Sir, no, thank you.

THE CHAIRMAN: I take it you are maintaining the list of documents to be submitted that were outstanding from yesterday, or at least somebody is?

MR WALD: Sir, yes.

THE CHAIRMAN: Or at least somebody is. I will remind as necessary, thank you. So as far as this morning is concerned we are going to hear the evidence of Mr Rodgers, please.

1 MR WALD: Sir, yes. I indicated that I would take
2 Mr Rogers' evidence as read. It is a very short proof.
3 I do not know whether it would be of assistance to you
4 if Mr Rodgers read from it?

5 THE CHAIRMAN: I have refreshed my memory on it again this
6 morning, so I do not need it read. If there are any
7 matters that you want to go through with him I am quite
8 content on that basis. Otherwise he can be offered for
9 cross-examination and I will be satisfied with that.

10 MR WALD: I will do it in that way, sir. If I can call
11 Mr Rodgers.

12 MR DAVID RODGERS (called)

13 Examination-in-chief by MR WALD

14 MR WALD: Good morning. If I can just introduce you,
15 Mr Rodgers, to the Inquiry. You are David Rodgers?

16 A. That is correct.

17 Q. You qualified as a science teacher in 1974. You became
18 involved in setting up housing co-ops as a student and
19 joined the Co-operative Development Society in 1979.
20 You have held the post of executive director for the
21 past 27 years and in addition to your role with that
22 organisation, you have served for six years as the
23 co-operative housing representative on the National
24 Council of the National Housing Federation.

25 A. That is correct.

1 Q. Now, you have produced a relatively brief proof of
2 evidence. Perhaps if I can just turn you to its

3 conclusions, I will not have you read from it, but on
4 the last page, section 6, you set out in five summarised
5 points your conclusions. Perhaps you could read from
6 those, and then I will leave you to answer whatever
7 questions may be put to you.

8 A. Yes. My five conclusions are that there is
9 a significant amount of social capital invested in
10 Clays Lane; secondly, that the demolition of Clays Lane
11 should not be influenced by past management
12 difficulties; thirdly, that the community could be
13 a sustainable one if it had appropriate skilled and
14 professional management support, and opportunity for
15 ongoing education and training to maintain that social
16 capital; and fourthly, that if Clays Lane needs to be
17 demolished to make way for the Olympics, and there are
18 residents who wish to continue to live in a housing
19 co-operative, they ought to be able to do so because of
20 the positive benefit it brings in terms of creation of
21 a sustainable community; fifthly, that my organisation
22 would in principle be willing to assist the residents
23 achieve this ambition with financial support for
24 a legacy scheme from the LDA.

25 Q. Thank you for that. Just in case it is not readily

1 understood, could you explain what is meant by social
2 capital?

3 A. Well, it is the benefits that individuals bring when
4 they work together as a community. I think it is
5 recognised now by government, and by many agencies, that

6 resident involvement and control of their environment,
7 particularly their housing environment, brings a lot of
8 benefits, and that is what I mean by social capital. It
9 is developing the skills and the abilities of ordinary
10 people, living in housing communities, to contribute to
11 that community's life and existence.

12 MR WALD: Thank you, Mr Rodgers. I will leave you to answer
13 what questions may be put to you now.

14 Cross-examination by MR PEREIRA

15 MR PEREIRA: Good morning, Mr Rodgers.

16 A. Good morning.

17 Q. Could you just say a little bit about what CDS is. The
18 way I read your proof is, is it a company that provides
19 support and management assistance to co-operatives?

20 A. We are a registered social landlord, a Housing
21 Association, so we are regulated by the Housing
22 Corporation, which is a statutory regulatory body for
23 Housing Associations, and we are in receipt of public
24 funds and subject to Housing Corporation regulations.

25 We manage 3,000 properties in 80 housing

1 developments, most of which we built ourselves or
2 developed ourselves around London and the south-east of
3 England, and we provide a whole range of services to
4 enable those communities to manage and control their own
5 housing and financial services, maintenance services,
6 tenancy management and so forth.

7 Q. Thank you. At paragraph 1.3 you talk about your

8 previous involvement in Clays Lane, and you say that you
9 produced a report into its management and organisation
10 in 2001; yes?

11 A. That is correct, yes.

12 Q. Can I ask you this: since 2001, what has your
13 involvement in Clays Lane been?

14 A. It has been limited. The recommendations that we made
15 at that time were not accepted by the co-op, as I have
16 said in my brief. I think, quite candidly, we were
17 involved too late and there were already difficulties
18 between the co-operative and the Housing Corporation,
19 the statutory regulator. Had we been brought in earlier
20 and had our recommendations been accepted I am certain
21 that we could have turned that community round in terms
22 of its governance and management. In fact, we have
23 a record of success in doing that, where communities
24 which have not used our services have got into
25 difficulty.

5

1 Q. So when did you last visit Clays Lane?

2 A. I last visited -- it must have been early 2002.

3 Q. Shortly after --

4 A. Shortly after the report, yes.

5 Q. Your report submitted in --

6 A. Yes, that is correct. The Housing Corporation was
7 involved at that stage and there was no point for me to
8 be involved further.

9 Q. Thank you. If we go over the page, please, you talk in
10 section 4 about what you refer to as social capital.

11 A. Yes.

12 Q. And you give a bit of a description in paragraph 4.3 and
13 you have said something about that in your
14 evidence-in-chief, and you linked it to residents'
15 control of their housing environment.

16 A. Yes.

17 Q. We know, because people have given evidence about it,
18 that when Clays Lane was run as a housing co-operative,
19 obviously there was a management committee, there were
20 then I suppose what one might call subcommittees
21 involved in different aspects of management, there was
22 a system of induction, introduction into the
23 co-operative ethos, there were interviews to make sure
24 that people fitted in with that ethos and the kind of
25 people that they were going to be living with, and there

6

1 was a sharing of facilities and so on. I suppose it is
2 those kinds of things, is it not, that would help
3 support this social capital that you refer to?

4 A. I mean, there are processes involved there. You know,
5 I question your use of the word "fitted in with the
6 community". People do need to be prepared to accept
7 responsibilities of governing their own community in
8 a democratic way.

9 Q. Yes. What I meant by that was that it has been
10 described to us that there was a process of interviews
11 and people who wanted to move into Clays Lane had to be
12 accepted by the group house, for example, who --

13 A. Yes. That is correct, because when you are sharing
14 living accommodation, then it is shared accommodation.
15 Q. But the position is now, is it not, that management is
16 now carried out by CBHA?
17 A. That is correct.
18 Q. There is not any process of induction or interview for
19 people who want to join, there are just people -- there
20 are nomination rights, and people will be located there
21 if it is suitable. That is right, is it not? That is
22 how Peabody would function?
23 A. That is how a traditional Housing Association would
24 function, yes.
25 Q. No process of interviews, and it would be right, would

7

1 it not, that if Clays Lane were to continue to exist,
2 you, in your opinion, would expect that social capital
3 to gradually be eroded away, would you not?
4 A. I would think that if there is no involvement, I think
5 there is a lot of research that shows this, if there is
6 no involvement of the community in the management of
7 their own community, yes, that will gradually erode.
8 Q. Thank you.
9 A. There is no doubt about that. However --
10 Q. The -- sorry.
11 A. Sorry, if I can say?
12 Q. Yes, please.
13 A. There are moves -- I was at the, you will see from my
14 evidence that I chair -- sorry, not chair, I act as
15 clerk to the All Party Parliamentary Group on Housing

16 Co-operatives and we had a presentation by the Law
17 Commission on their proposals for a single tenancy and
18 their single tenancy bill. The Law Commission is
19 recommending that the right to manage be extended --
20 which exists only now for secure tenants of local
21 authorities, that it actually be extended across to the
22 whole of the social housing sector, which will include
23 tenancies managed by organisations like CBHA and
24 Peabody. The reason for that is there is a recognition
25 at policy level, certainly in government and across the

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1 political spectrum, which is represented in our all
2 party group, that there is social capital that is
3 developed, that communities are more sustainable when
4 people are democratically and actively involved in the
5 management of those communities.

6 Q. And if those proposals were to be put in place, one
7 would not need to have a purpose-built and run
8 co-operative. Those proposals would be introduced, if
9 people chose to exercise that right, in any social
10 housing scheme, from the way you are describing it?

11 A. Indeed, and the right to manage exists in council
12 housing and over 170,000 tenants have exercised that
13 right. I think it is even more important, though, that
14 communities where you have a large number of single
15 persons are actively engaged. Because being single and
16 in London can be a very isolated experience. Again, as
17 I said in my evidence, we manage a similar community of
18 140 single persons in shared housing down in New Cross,

19 which has been in existence for over 30 years. That,
20 with the management support that my organisation
21 provides, has proven to be a very sustainable community
22 with a great deal of social capital, and there are a lot
23 of people who are living in that community, again as
24 I say in my evidence, who I actually consider would not
25 sustain their living accommodation, could possibly end

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1 up homeless, could certainly possibly not survive in
2 a city like London without the mutual support of that
3 community. I think it is really important and I think
4 if you do not have that active involvement and do not
5 encourage people to participate in the management of
6 their own community, then, yes, there will be people who
7 are at risk, and that social capital will dissipate.

8 Q. Mr Rodgers, if I can bring you back to the questions
9 I am asking you, please: one does not know whether the
10 Government will accept that Law Commission proposal or
11 indeed any Law Commission proposal?

12 A. I think it would be contrary to the statements that
13 Ministers are making if they did not.

14 Q. I think you would agree, though, from what you are
15 saying, that any relocation proposal that enabled some
16 form of tenant-managed system to be introduced would be
17 a significant benefit in your view?

18 A. I think, yes, it would. I think the co-operative
19 principles, which are applied internationally for the
20 management of housing in many, many different countries,

21 are the best way of doing that, and I think that people
22 should be allowed to exercise the right, particularly in
23 the Clays Lane case, of establishing a legacy scheme.
24 Q. You mentioned vulnerable people there in one of your
25 answers. In section 5 you talk a little bit about that.

10

1 You have very helpfully told us that you have not been
2 to Clays Lane since 2002.

3 At 5.1 you say, "Effects could be secured". You
4 then go on to say that "some would not cope" and you
5 then reach the conclusion that you are certain that some
6 would become homeless. But I think to be fair to you,
7 just when you were giving your answers just now, you
8 said that was a possibility was the way you put it?

9 A. I have been involved in managing social housing for over
10 30 years and providing services to properties of
11 different sorts, and I know the difficulties that single
12 people, particularly younger single people -- I know
13 there is a range of ages at Clays Lane -- have in
14 sustaining their accommodation. As I said, we manage
15 a similar scheme now down in New Cross which was
16 designed and built by the same organisation that built
17 Clays Lane, SCD, many years ago. I know that community
18 well, and I do not see Clays Lane -- I know Clays Lane
19 well, when I was doing the report a few years ago, and I
20 do not see that it would have changed.

21 Q. Well, can I move from the general and from the other
22 co-operative you talked about to this one, please. The
23 evidence you give at 5.1 is not based on any assessment

24 that you have carried out of the number and type of
25 vulnerable people at Clays Lane currently, is it?

11

1 A. No, that is absolutely correct. I am going on my
2 knowledge of those types of community rather than any
3 systematic survey of the nature of the residents.
4 I accept that.

5 Q. And it is not based on any knowledge that you have of
6 the systems and the steps that the LDA and other
7 authorities have put in place to look at vulnerable
8 people and to accommodate their needs? You are not
9 aware of any of that, are you?

10 A. No, I am not aware of that, but can I say again, I think
11 that no agency can replace a community in which people
12 are happy to live in.

13 Q. Have you read the Fluid Report on Clays Lane?

14 A. No, I have not.

15 Q. Thank you very much, Mr Rodgers. Thank you.

16 THE CHAIRMAN: Thank you, Mr Pereira. Mr Wald, are there
17 any matters arising from that you want to put to your
18 witness?

19 MR WALD: Just a few, sir.

20 Re-examination by MR WALD

21 MR WALD: Mr Rodgers, you indicated that you last visited
22 Clays Lane estate in early 2002.

23 A. Yes, I think that is correct. I have not got the
24 precise date.

25 Q. Have you been in contact with Clays Lane Estate since

1 that time?

2 A. Yes, I have. I had a meeting with the former chair, the
3 now deceased chair of the co-op, John Lynn, and I have
4 had communication with the current chair, Ian Sandison.

5 Q. And over what time period has that --

6 A. That has been ongoing, because we were asked by the
7 community via the president of my society, Lord Graham
8 of Edmonton, who was a member of the House of Lords and
9 a senior politician, and he was approached because he is
10 a leading co-operative member of the House of Lords, and
11 he was approached by Clays Lane, and I was invited to
12 a meeting with him at the House of Lords to ask whether
13 we would be prepared to support a legacy scheme. My
14 answer was: yes, we would, and we would assist in
15 showing that it was a proper co-operative scheme, that
16 it was run properly and had the services necessary to
17 avoid the difficulties that Clays Lane got into.

18 Q. You have been asked about the comment you make at 5.1 of
19 your proof.

20 A. Yes.

21 Q. And your certainty that some of the residents would
22 become homeless in the absence of mutual support.

23 A. Yes.

24 Q. You were then asked, in relation to it, whether you had
25 conducted any survey or impact assessment. You answered

1 that in the negative.

2 A. That is correct, because that is a formal impact
3 assessment. Perhaps it would help if I explained that
4 while we were preparing the report and recommendations
5 that we prepared in 2001, one of my staff actually
6 served -- we seconded a staff member because Clays Lane
7 lost its own employed manager, and we seconded a staff
8 member to provide management support to that
9 co-operative on site for some months, I would say
10 probably six months. Clearly, during that time, we got
11 to -- you know, through that person and through the
12 visits I was making and other members of my staff were
13 making, to prepare the report, we got to know members of
14 the community well, and, you know, that assessment is
15 based on that knowledge, but it is not a formal survey.
16 To actually determine vulnerability and risk with
17 absolute certainty, one would need to do that formal
18 survey.

19 But, as I say, I have provided management services
20 for this type of community, I know how difficult it is
21 for single people, particularly in shared accommodation,
22 to maintain themselves in a city like London, and I am
23 certain that that would be the result. I know that
24 there are many who would not cope without the support of
25 a mutually supportive community.

1 Q. And are you aware of any such survey dealing with

2 vulnerability and risk having been conducted by the LDA?

3 A. No, I am not aware of any survey. I have not seen no
4 record of that being published. I am not aware of it.

5 Q. Would it have been drawn to your attention do you think
6 if it existed?

7 A. I read everything that I have seen about Clays Lane,
8 I am surprised that I have not seen the report that you
9 referred to. But I have not seen any such -- any report
10 of it being done and I am fairly certain that had it
11 been done, members of Clays Lane who I was in contact
12 with would have drawn it to my attention.

13 Q. Okay. Finally, you said in answer to one of the
14 questions put to you that, "Quite candidly, we were
15 involved too late", and added that, "Had we been
16 involved, I am certain that we could have turned that
17 community round"?

18 A. Yes.

19 Q. I just wonder if you could elaborate or clarify what you
20 intended there. First of all, could you still do that,
21 and in any event, how would it be done?

22 A. Well, our report made over 70 recommendations for
23 changes in governance, in democratic processes, in
24 management processes. That is not unusual for
25 a co-operative that is in difficulty with its regulator.

1 We have done numerous reports and successfully turned
2 similar co-operatives with similar difficulties around.
3 I think it is perhaps worth saying, you know, Clays Lane
4 may be seen as unusual in the UK, and in many respects

5 it is. It is quite a unique community; it is not
6 absolutely unique, there are others that are fairly
7 similar. But internationally, resident controls for
8 co-operative housing is more common than the control by
9 social landlords. In other countries co-operatives are
10 very common. Sweden and Norway, for example, have very
11 large co-operative housing sectors. In Oslo,
12 40 per cent of housing is produced by housing
13 co-operative organisations. So co-operative forms of
14 housing are really common.

15 There are methods -- they need to adopt good
16 practice, they need to understand the co-operative
17 principles of democracy and equality on which they are
18 based. The way we turn them round is to provide good
19 quality professional support services, combined with
20 educational training for members so that they understand
21 the responsibilities they have, they understand how
22 those responsibilities are to be exercised in an
23 accountable way, and when we approach a co-operative
24 that is in difficulty, we do what we did in the case of
25 Clays Lane, which is to produce a report which has

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1 recommendations in it and which then prioritises those
2 recommendations so that the co-operative begins to work
3 and function successfully.

4 I am certain, because we have had success in other
5 co-operatives that the Housing Corporation specifically
6 referred to us because they were in difficulty, I am

7 certain, if we had taken that approach which has been
8 successful elsewhere, was successful in the other
9 co-operatives, the Sanford co-operative in New Cross,
10 where it was also in similar difficulties when we were
11 invited in to provide management services, we
12 successfully turned that co-operative of single person
13 shared accommodation around, it is functioning
14 effectively, they are now doing a major improvement
15 scheme on their co-operative, with our support, and I am
16 confident that had our recommendations and had that
17 process which we have used successfully elsewhere been
18 applied, that we could have successfully helped Clays
19 Lane to resolve its problems. And I am certain that we
20 could successfully help a legacy community to be
21 established so that it did not get into the difficulties
22 in terms of governance and management that Clays Lane
23 got into, and where that social capital that I referred
24 to could be preserved and actually enhanced so that
25 those people can survive in a big and sometimes

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1 impersonal city like London.

2 Q. Could it still be preserved and enhanced in the way that
3 you describe?

4 A. As a community I think it could. But as I have said in
5 my evidence, that is not in terms of whether Clays Lane
6 needs to go because of the Olympics, and I do not want
7 to comment on that because it is a matter of fact as to
8 whether the land is required, but what I think is wrong,
9 even if the land is required, is for that vital

10 community which has the potential to sustain single
11 people without government and public sector agency
12 intervention, I think it is important that that is
13 preserved and that social capital in that community is
14 preserved which is essentially what I said in my
15 evidence.

16 Q. Finally, Mr Rodgers you have used the words "unusual"
17 and "unique" in relation to the Clays Lane Estate.
18 Could you explain to the Inquiry why you consider it to
19 be so?

20 A. Because it provides --

21 MR PEREIRA: Actually what Mr Rodgers said was: "It can be
22 seen as unusual in the UK", and then he went on to say,
23 "It is not absolutely unique, there are others fairly
24 similar".

25 MR WALD: Sir --

18

1 THE CHAIRMAN: I noted that. I think we are splitting hairs
2 slightly.

3 A. There are not that many of them.

4 THE CHAIRMAN: I am happy for the question to be answered in
5 the context of knowing the responses that came before
6 it.

7 A. I would be very careful about "unique". Unique is
8 absolute, is it not? There are very few communities
9 that are communities for single people in shared housing
10 accommodation that is affordable in London or anywhere
11 else. Single people, particularly those who do not have

12 dependants, those who do not have any form of ill health
13 or defined vulnerability, have great difficulty in
14 finding good housing that is affordable housing that is
15 of good quality and enables them to live in a community
16 that they are satisfied with. They are very much at the
17 bottom of the pile in terms of access to affordable
18 housing. In that sense I think it is a vital community
19 and is worth preserving.

20 MR WALD: Mr Rodgers, thank you. There may be questions
21 from the Inspector.

22 THE CHAIRMAN: Mr Pereira would wish to add something.

23 MR PEREIRA: Sorry, I just have -- because Mr Rodgers,
24 certainly in his evidence-in-chief and in
25 cross-examination and in his proof said nothing about

19

1 Clays Lane being unique and he has now given some extra
2 evidence on that. I would just like to cross-examine
3 him on that matter, because he said it is quite rare to
4 find accommodation of that type.

5 MR WALD: Sir, I have to respond to that. It is not right
6 that Mr Rodgers said nothing about Clays Lane being
7 unique. I said that he said used the words "unique" and
8 "unusual", my note -- and of course there is
9 a completely accurate transcript that is going on at the
10 moment, we can check it if necessary -- is that he
11 described it as quite a unique facility. He
12 subsequently commented that unique is an absolute.
13 I carefully formulated my question by saying that
14 Mr Rodgers had used the words "unusual and unique". I

15 did not include the qualification to it. I left it to
16 Mr Rodgers to explain that himself, and indeed he did.
17 He said that one has to be careful with using the word
18 "unique" because it is an absolute.

19 Sir, I do not accept that it is new evidence, nor
20 that it should give rise to a further bout of
21 cross-examination.

22 THE CHAIRMAN: On what basis would you seek to undertake
23 further cross-examination?

24 MR PEREIRA: Sir, it is this. Just as a general principle,
25 one party has the right to cross-examine the other on

20

1 that party's evidence. When I stopped
2 cross-examination, no evidence had been given in written
3 or oral form about Clays Lane being unique in any way,
4 shape or form. That evidence has now been given; I have
5 not had a chance to cross-examine on it. I would just
6 like to ask some questions about it. If Mr Wald wants
7 to shield Mr Rodgers' cross-examination on that topic --

8 MR WALD: Sir, perhaps I can cut through this. I do not
9 agree with that but I am perfectly happy for Mr Pereira
10 to continue cross-examining Mr Rodgers.

11 THE CHAIRMAN: I think I would prefer to hear it, because if
12 there is an unresolved issue, I do not want to go away
13 with something unresolved. I think the best thing is to
14 take the further cross-examination, you can then come
15 back through re-examination.

16 MR WALD: I am happy for Mr Rodgers to give whatever

17 evidence he can in order to assist the Inquiry.

18 THE CHAIRMAN: I am grateful.

19 Further cross-examination by MR PEREIRA

20 MR PEREIRA: Mr Rodgers, I am not going to detain you very

21 long with this. How many co-operatives does your

22 management organisation manage?

23 A. We have 80 projects, as I have said in my evidence. Of

24 those, I do not have the precise number, about 50 are

25 independent resident-owned and managed co-operatives

21

1 like Clays Lane, but they are mainly what we would call

2 traditional general needs family housing. Very few of

3 them are like Clays Lane, which is essentially housing

4 for single persons sharing accommodation. My

5 organisation manages only one other scheme of that

6 nature, and that is the one that I have referred to in

7 New Cross, which is for 146 persons.

8 Q. You told me you had not seen the Fluid Report, but can

9 I take you to it now, please. Do you have there

10 Mr Gaskell's appendices to his main proof, LDA/AG3?

11 A. I am sure somebody will help me find it.

12 THE CHAIRMAN: I think they will, because the documents that

13 were there yesterday have gone. It is LDA/AG3.

14 MR PEREIRA: The comparison there you are drawing --

15 THE CHAIRMAN: Can we just pause while the document is being

16 produced?

17 MR PEREIRA: Well, I can ask a question while the document

18 is being produced. This is not in the document.

19 THE CHAIRMAN: If the witness is happy, I am happy for you

20 to continue.

21 A. I am happy to help the Inquiry.

22 MR PEREIRA: This is not a question on the document,

23 Mr Rodgers.

24 A. No.

25 Q. The comparison you are drawing there, when you talk

22

1 about uniqueness or rarity, is between, is it not,

2 Clays Lane as a co-operative for single people and other

3 co-operatives?

4 A. Sorry --

5 Q. Is it not, Mr Rodgers?

6 A. Sorry, could you repeat the question?

7 Q. Yes. The comparison you are drawing, that you drew in

8 the answer to my last question, is between Clays Lane as

9 a housing co-operative for single people and other

10 housing co-operatives?

11 A. I am talking about a type of accommodation that is

12 designed for single people and is managed

13 co-operatively, yes, and that is rare, yes.

14 Q. Can you just turn up for me, please, page 65.

15 THE CHAIRMAN: I am not certain whether Mr Rodgers has the

16 full version, has he, because it does not seem as thick

17 as mine is?

18 MR PEREIRA: Is there a page 65?

19 A. There is, there is a list of co-operatives on page 65.

20 Q. You can see 65 to 69 there is a list running to 62 items

21 of housing co-operatives in London?

22 A. Yes.

23 Q. Some of these, I assume, are probably ones that your
24 company manages and some are not, I do not know, but can
25 you clarify that?

23

1 A. There are some that we provide management services to,
2 yes.

3 Q. And the answer that you gave when you were talking about
4 Clays Lane as a housing co-operative, you were talking
5 about it, comparing it to co-operatives that you are
6 familiar with that your company manages?

7 A. Well, I know a lot of these. A lot of these
8 co-operatives are short-life co-ops and I do not know
9 where they get their statistics from. It is actually
10 quite difficult to find statistics about housing
11 properties, but I know, for example, that Red Brick
12 housing co-op with four members, that is a short-life
13 co-op, as are a number of others. Pimlico Village
14 Housing Co-operative was a tenant management
15 co-operative in local authority estates that does not
16 exist any longer. Vine Housing Co-operative, mainly
17 family housing. Same with Seymour. West 11, again that
18 is short-life; West Hampstead, short-life.

19 Q. Can I take it from this, you used the expression
20 "short-life", which seems to be a phrase that people in
21 your industry, if I can call it that, are familiar with?

22 A. Yes, using temporary accommodation that is designated
23 either for refurbishment or demolition. It is not
24 permanent housing.

25 Q. And do I take it from that that certainly one part of

24

1 the co-operative form of accommodation, co-operatives
2 come and go like that?

3 A. Short-life ones, certainly short-life ones do. Again,
4 it is often single people who form them using
5 accommodation that is not going to be used or useable by
6 anyone else and they do not last for very long. But
7 I am finding it difficult to know the direction of your
8 questioning. Are you saying that Clays Lane is not
9 uncommon because you have a long list of 60 other
10 co-operatives in London?

11 Q. All I am trying to do, Mr Rodgers, is to try and
12 understand, to help the Inspector, the context of the
13 answer that you gave about rarity or uniqueness and
14 I think I have understood that now.

15 A. Yes, I am looking down this list and I cannot see
16 Sanford Housing Co-operative, which is the one we manage
17 in New Cross which is similar to Clays Lane. But I know
18 most of the others -- I do not know some of them in
19 detail but I know most of the other co-operatives on
20 this list and very few of them have single person
21 accommodation in them like Clays Lane. If they do,
22 a lot of them are short-life co-ops that are not
23 providing permanent accommodation for their members.
24 The others are traditional family housing. In fact,
25 some of the ones we manage are not on here.

25

1 THE CHAIRMAN: So in the context of the term "unique" or
2 "relatively unique", or however it was expressed, that
3 is really in the context of providing accommodation for
4 single people as opposed to --

5 A. Yes, it is providing accommodation for single people in
6 a community that is self-managed using the
7 internationally recognised co-operative principles.
8 They are very rare.

9 THE CHAIRMAN: So whilst there are many other co-operatives,
10 then they are family housing.

11 A. Yes, the vast majority -- again, one would have to look
12 at this report and look at the nature of the
13 accommodation provided and in fact one would have to ask
14 the question, why some of the co-operative we manage are
15 not in here, particularly as we are one of the largest
16 co-operative housing management organisations in London.
17 I mean, many of the ones that we manage, for example, in
18 the London Borough of Bexley, which is within the London
19 area are not on here. But, yes, even within the context
20 of these, Clays Lane is rare in being a community of
21 single persons, providing mutual support to each other
22 through the fact that they manage their housing
23 together, and I am quite happy to stand by what I said
24 that is -- I would not use "unique" because that is an
25 absolute. Even within this list it is very rare.

1 THE CHAIRMAN: In terms of the list there is a health
2 warning which precedes it about the source of the
3 information. It says Fluid accepts no responsibility
4 for the accuracy of the information provided, it has
5 come from another source.

6 A. Well, I can understand the difficulty they have had,
7 because central data is hard to come by. But there are
8 a lot of co-operatives on here that are missed out, and
9 even with this list, even with a lot of these, they are
10 not permanent housing, they are not providing permanent
11 housing, they are not providing housing for single
12 people, they are providing housing for families, and
13 within that context, yes, I can quite happily stand by
14 what I said about Clays Lane.

15 MR PEREIRA: Thank you. All I wanted to do, Mr Rodgers, was
16 understand the context of the answer you had given.

17 I now understand that. Thank you very much.

18 THE CHAIRMAN: That has been very helpful. Mr Wald, is
19 there anything you want to come back on?

20 Further re-examination by MR WALD

21 MR WALD: Sir, there are two points. Mr Rodgers, at 1.2 of
22 your proof you set out the scope of your knowledge and
23 expertise in these matters. You have been referred to a
24 list of co-ops within the UK; yes?

25 A. Within London.

1 Q. Within London. And you were asked whether Mr Pereira
2 could take it that you had in mind co-ops that you

3 managed and you were familiar with.

4 A. Yes.

5 Q. Are you familiar with co-ops that you do not manage?

6 A. I have some familiarity. I do not have detailed
7 evidence or data. I mean, as Fluid says, it is hard to
8 come by. A lot of the reason it is hard to come by is
9 because it is not centrally maintained by any
10 organisation, and a lot of the co-operatives here are
11 registered with the registrar of friendly societies
12 rather than the Housing Corporation. So it is very
13 difficulty to keep track of what they are doing. We
14 know that difficulty well. In fact, our national
15 organisation, Co-operatives UK, has just been granted
16 a contract by the registrar of friendly societies to do
17 precisely that, to track co-operative organisations.

18 Q. Finally, Mr Rodgers -- we are just trying to find the
19 reference. It may be in the Fluid document that you
20 have been referred to or elsewhere. But the estate
21 itself has been described more than once as the largest
22 of its type in northern Europe. Can you help us
23 understand what is meant by that?

24 A. I think it is the numbers of people that are housed in
25 a purpose-built estate of that nature. It is certainly

1 not the largest estate in northern Europe, there are
2 estates housing many more people than that. But in
3 terms of a co-operative community built for single
4 persons, 500 single persons, it is certainly, I would
5 say, the largest that I know of specifically for that

6 purpose.

7 MR WALD: Mr Rodgers, thank you very much indeed.

8 THE CHAIRMAN: Just one matter that I want to put before the
9 Inquiry in terms of the word "unique" that has been
10 referred. I would refer both parties to page 51 of the
11 Fluid Report which refers to the unique qualities of
12 Clays Lane:

13 "What emerges very strongly from the consultation
14 process both from the residents' survey findings and
15 from the experience of the Fluid team working intensely
16 on the ground for many is the unique character of Clays
17 Lane. This is of particular importance because many of
18 its qualities are greatly cherished by residents but
19 will not be easily replicated elsewhere. We have
20 identified three overall categories which are unique to
21 Clays Lane: co-operative living; the type of people that
22 live there; and the spatial qualities, urban design,
23 architecture and location."

24 Are there any matters either of you want to come
25 back on in the light of my drawing attention to that?

29

1 MR WALD: Sir, only that we have found the reference to the
2 size of the estate if it helps your note.

3 THE CHAIRMAN: Please, yes, it would.

4 MR WALD: Sir, the one in the Fluid Report relates it to
5 England and Wales rather than Europe, but it is at
6 page 80 of the Fluid Report.

7 THE CHAIRMAN: Yes, thank you. I have no further questions.

8 Thank you. Thank you, Mr Rodgers.

9 (The witness withdrew)

10 MR WALD: Sir, you asked about documents, and we do have
11 a number to distribute. I think they are ready now.

12 THE CHAIRMAN: If they are, that would be helpful. Yes,
13 please.

14 MR WALD: Sir, I do not know if and therefore when you
15 intend to take a mid-morning break. If it were
16 convenient that we might distribute them now during
17 that, before we get on to Mr Jones, I suspect I have
18 within half an hour's worth of questions, possibly
19 fewer, which is a slight reduction from my earlier
20 estimate, so given that Mr Cheyne is not going to be
21 here before 12.30 it may be a convenient moment. I do
22 not know.

23 THE CHAIRMAN: In terms of in-chief, there is no reading, is
24 there? Are there any matters that you want to deal with
25 as an introduction?

30

1 MR ROOTS: Sir, I do not think so. I will just check with
2 Mr Jones if you are taking a break. But it would be
3 very helpful if Mr Wald could indicate any documents he
4 intends to refer to, like development plans or whatever
5 so that we can gather them together over the break.

6 THE CHAIRMAN: I will take the break in a few moments, that
7 will be the sensible thing. The documents can be
8 arranged, if there is a list of any development plan
9 documents, and the like, the core documents that can be
10 listed we can all have those so we can go straight

11 through. I will adjourn for 15 minutes. Thank you.

12 (10.15 am)

13 (A short break)

14 (10.30 am)

15 THE CHAIRMAN: The Inquiry is resumed. I have had some
16 documents left on my desk. Can I just be clear exactly
17 what these are, please? Mr Wald, can you help?

18 MR WALD: Sir, yes. I suspect one of them is a response to
19 a request for information under the Freedom of
20 Information Act made by Mr Sandison.

21 THE CHAIRMAN: Yes, it is. That is the e-mail that was
22 outstanding yesterday, is it? It is a letter, but it
23 also says "by e-mail".

24 MR WALD: Sir, yes. That is an appendix to the evidence of
25 Mr Sandison, appendix 5, and it is probably sensible to

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1 have that out now, because I was going to refer Mr Jones
2 to it.

3 THE CHAIRMAN: Thank you. Then the other bundle is the
4 extracts that were missing from Mr Cheyne's proof?

5 MR WALD: That is right.

6 THE CHAIRMAN: Did those include the flyer that was referred
7 to in terms of properties available?

8 MR WALD: Sir, the flyer is to be appended to Mr Sandison's
9 proof. Apparently that has gone in today.

10 THE CHAIRMAN: I have two documents. I am wondering whether
11 I have the flyer, or flyers. Do you have additional
12 copies?

13 MR WALD: Apparently it was passed to Mr Groom, the
14 programme officer.
15 THE CHAIRMAN: Right, that will come through to me from that
16 source, then. Thank you. Do I need to have any core
17 documents to hand?
18 MR WALD: Sir, yes. There are a few. CD10 is one,
19 particularly policy UR14 inside; CD25, PPS1, I am not
20 sure what the core document reference to that is.
21 THE CHAIRMAN: I do not think it has one but I have an
22 extract.
23 MR WALD: Fine. Then REB12, Mr Prior's rebuttal to
24 Mr Julian Cheyne.
25 THE CHAIRMAN: Yes.

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1 MR WALD: The Fluid Report, which is one of Mr Gaskell's
2 appendices.
3 THE CHAIRMAN: Yes.
4 MR WALD: And Mr Cheyne's documents.
5 THE CHAIRMAN: Yes, I have those. Thank you.
6 MR WALD: I think that is the totality of it.
7 THE CHAIRMAN: That is a good start. If there is anything
8 else, we will get those as we go along.
9 Good morning, Mr Roots. Do you wish to introduce
10 your witness or deal with anything before
11 cross-examination?
12 MR ANDREW JONES (called)
13 MR ROOTS: Sir, Mr Jones is known to the Inquiry. His
14 qualifications and experience are set out in his
15 original proof, LDA/AJ1, and he does not need to add

16 anything in examination-in-chief before being
17 cross-examined by Mr Wald.

18 THE CHAIRMAN: Thank you, Mr Roots. Mr Wald, please.

19 Cross-examination by MR WALD

20 MR WALD: Good morning, Mr Jones.

21 A. Good morning.

22 Q. Mr Jones, I had expected to see you next week and I had
23 a number of questions for Mr Prior and some for you.

24 I have made on more than one occasion a promise to the
25 Inquiry not to duplicate material and I wondered if you

33

1 could at the outset just help me to understand the
2 different areas that you cover so far as Clays Lane
3 Estate is concerned and generally?

4 A. My evidence and experience with regard to this matter
5 has been with planning policy matters and the planning
6 permissions secured for the Olympic and Legacy
7 development.

8 Q. Is it fair to say that you adopt an overview approach,
9 whereas Mr Prior is more concerned with matters of
10 detail?

11 A. Not necessarily. As I say, the issues that I deal with
12 are both to do with policy and permissions. Mr Prior
13 would be more related to the development of the project,
14 the design, the masterplan and the principals that sit
15 behind that.

16 Q. Thank you for that.

17 Sir, I have had it very kindly indicated to me by

18 Mr Roots that if there are points that I raise with
19 Mr Prior that perhaps were more suited to this witness,
20 then a point will not necessarily be taken but of course
21 Mr Prior may not be in a position to answer them but
22 will take the questions, as I understand it.

23 THE CHAIRMAN: Yes, that is fine. If you are in any doubt
24 then put the questions to Mr Jones. If it is then
25 a matter for Mr Prior, then no doubt he will indicate.

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1 MR WALD: Thank you.

2 Mr Jones regeneration is at the heart of the CPO
3 scheme, is it not?

4 A. It is, yes.

5 Q. And we have -- it is fair to say areas that suffer from
6 particular deprivation are those which lend themselves
7 most to that drive for regeneration?

8 A. Yes.

9 Q. We have a helpful plan. It is at page 15 of CD25. Do
10 you have it to hand?

11 A. I do. Sorry, page 15, did you say?

12 Q. Yes. It has some yellow and orange and brown patches on
13 it. If I understand it correctly, the darker the
14 colouration, the greater is the extent of deprivation;
15 yes?

16 A. Correct.

17 Q. And therefore the greater the need for regeneration in
18 that area; it follows, does it not, Mr Jones?

19 A. The greater the need of the communities in that area.
20 The regeneration clearly could occur in areas around the

21 particular focuses of high IND ranking, as well as in
22 those particular areas themselves.
23 Q. Sorry, I am being a bit slow.
24 A. Some of the activities and processes of regeneration may
25 well take place in the area around the areas that are

35

1 noted of being of high IND ranking, as well as in the
2 areas themselves.
3 Q. Yes. There will be a certain knock-on effect?
4 A. Well, no, it is not a knock-on effect. It is an area
5 approach, and the areas of IND ranking that are
6 particularly high are clearly the areas, the specific
7 areas that have the deprivation, but the solutions or
8 the approach to regeneration may be over a far wider
9 area, and the benefits of that wider regeneration may
10 impact upon those areas of higher need.
11 Q. But in order for a deprived area to benefit from
12 regeneration, if the development that you propose is not
13 to take place within that particular area, it will need
14 to be relatively close by to it; is that fair?
15 A. That is fair. It depends on the issue of scale,
16 clearly.
17 Q. Yes. Okay, well, do you have that plan open in front of
18 you now?
19 A. I do.
20 Q. And are you able to identify on it where the Clays Lane
21 Estate is located?
22 A. Approximately, yes.

23 Q. Yes. Do you note, as I do, that as one travels south
24 along the Lea Valley, one finds a greater degree of
25 darker areas on this plan, and therefore a higher degree

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1 of deprivation?

2 A. I do note that. I also note that the areas within the
3 Lower Lea Valley are generally of a higher level of
4 deprivation than those areas outside the Lea Valley.

5 Q. Yes. I think we can agree on that. But as one moves
6 south along the Valley, what one finds is that
7 deprivation increases to a degree, and that is reflected
8 in the colourings on this plan?

9 A. Correct.

10 Q. So all other things being equal, and perhaps you will
11 indicate if they are not equal, one would favour
12 development which involved new build in those or near to
13 those more deprived areas to the south, West Ham, for
14 example?

15 A. I think to tackle the issues of deprivation across the
16 wider -- the Lea Valley requires a comprehensive
17 approach, and just focusing on those areas that are of
18 darker colour on this plan would not necessarily bring
19 about that regeneration.

20 Q. No. That is why I said all other things being equal,
21 and I suspected you would indicate something along those
22 lines. But if all those other things are equal, one
23 would favour a more southern approach in terms of this
24 plan?

25 A. Well, I think there are some issues here in terms of the

1 approach to regeneration that has been taking place in
2 the Valley. They are matters that Mr Prior would better
3 deal with than I would.

4 Q. Okay.

5 A. But I am happy to keep going if you prefer to.

6 Q. No, I will --

7 THE CHAIRMAN: Presumably the point that you were seeking to
8 put was if there were particularly limited resources,
9 where would one focus those resources, or where would
10 one target those resources; is that the general area
11 that you were trying to establish?

12 MR WALD: Well, yes, and that West Ham is a better candidate
13 on these criteria for the regeneration that Mr Jones
14 promotes for the LDA.

15 THE CHAIRMAN: Yes, as I understand Mr Jones he is saying
16 that there is a very much larger area as opposed to
17 a single focus; it is not a matter of simply choosing
18 the darker areas of shading.

19 A. Absolutely.

20 MR WALD: Sustainability is another major plank of the LDA
21 argument, is it not?

22 A. It is, yes.

23 Q. And your proof makes numerous references to it. For
24 example, at 3.17, your 3.17.3:

25 "When new and expanded communities are needed to

1 ensure these are sustainable, well-designed, high
2 quality and attractive places in which people will
3 possibly choose to live and work."

4 I want to refer you, if I may, to -- do you have
5 a copy of PPS1 in front of you?

6 A. I have not at the moment. Hopefully I can be provided
7 with one. (Handed). Thank you.

8 Q. Actually, it may be simpler, you have it at 3.23 of your
9 proof. 3.23.3 refers to the: "protecting and enhancing
10 of the natural and historic environment the quality and
11 character ... and existing communities".

12 I am sure there is no dispute between us that the
13 Clays Lane Estate contains an existing community, yes?

14 A. It does. And I think you refer back to the debate we
15 were having about your earlier question, my response to
16 your earlier question, about the issues of community not
17 necessarily being those very local but also the wider
18 community of the Lea Valley and the communities and
19 neighbourhoods around that as well.

20 Q. Oh, of course there will be other communities, but --

21 A. Well, I think it is important, in terms of understanding
22 what we mean by "community", it works on a number of
23 scales.

24 Q. There have been a number of revisions, have there not,
25 in January and June, to the masterplan, and

1 reconfiguration of the Clays Lane Estate site?

2 A. Yes, there have. Sorry, revisions to the masterplan,
3 yes.

4 Q. Are you able to assure the Inquiry that on each occasion
5 consideration was given to the exclusion of the Clays
6 Lane site from the acquisition lands?

7 A. Mr Prior has dealt with that design development and the
8 revisions to the masterplan.

9 Q. All right. I will save that for Mr Prior.

10 PPS1, do you have the section that is entitled "What
11 is a sustainable community"? I think it is appendix 1
12 to PPS1.

13 A. Sorry, is there a paragraph reference? I am not sure
14 if ...

15 Q. Perhaps I will come back to it. It is probably easier
16 to work from a core document that everyone has.

17 A. Yes, also I think -- anyway, carry on, yes.

18 Q. The relevant parts are actually extracted and included
19 in Mr Goemans' evidence.

20 A. Yes.

21 Q. Do you have that?

22 A. I do, yes.

23 Q. Page 23 of it, and section 4.68 entitled "Sustainable
24 communities".

25 A. Yes.

1 Q. Do you see in bullet points, the key requirements of
2 sustainable communities are set out there?

3 A. Yes.

4 Q. Look at the third one, for example:

5 "Effective engagement and participation by local
6 people, groups and businesses especially in the
7 planning, design and long-term stewardship of their
8 community, and active voluntary and community sector."

9 Yes?

10 A. Yes.

11 Q. There is a degree to which the Clays Lane Estate
12 satisfies that requirement, is there not?

13 A. There is, yes.

14 Q. Yes:

15 "A safe and healthy local environment with well
16 designed public and green space."

17 Do you accept the same in relation to that bullet
18 point?

19 A. I think that the quality of spaces and design is an
20 issue probably of debate. Again, Mr Prior will probably
21 be better to discuss the merits of that. But I agree
22 that it is an issue that should be considered.

23 Q. "Sufficient size, scale and density and the right layout
24 to support basic amenities in the neighbourhood and
25 minimise the use of resources."

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1 That is applicable in relation to the Clays Lane
2 Estate, is it not?

3 A. It is very much applicable, and that is one of the
4 reasons why the regeneration of the Lower Lea Valley
5 considers this area, including the Clays Lane Estate, to
6 ensure that there is a better access to basic amenities

7 in the neighbourhood, and I am referring to that, not
8 just Clays Lane Estate but the wider neighbourhood, and
9 minimise the use of resources including land, that the
10 wider area that includes Clays Lane is used in a more
11 productive manner to meet the wider needs of the
12 Lea Valley and London.

13 Q. Well, why do you say that? Because Clays Lane is
14 isolated? What is the basis upon which you say that?

15 A. Well, it is isolated from other developments and those
16 matters are not fully resolved with the Stratford City
17 development. Again, Mr Prior is probably better placed
18 to talk about the details of that.

19 Q. All right. I will do that with him. I think a matter
20 I do want to take up with you relates to the planning
21 permissions and the relocation strategy.

22 A. Yes.

23 Q. As of this moment, there is no agreed relocation
24 strategy, or is there?

25 A. There is not one that is approved, no.

1 Q. There seems to be some confusion about this. It is said
2 variously, I think Mr Gaskell says so, that there is one
3 that is being implemented, albeit that there is not one
4 that has been approved. Can you help us understand the
5 position?

6 A. I would read that as meaning there is not a residential
7 relocation strategy approved by the local planning
8 authority as required by the conditions of the 2004

9 planning permission. However, the LDA are working on
10 the relocation needs of residents, and clearly they have
11 a strategy that they are following to deliver that.
12 Q. Indeed, the Fluid Report, with which I take it you are
13 familiar?
14 A. Familiar but not in detail.
15 Q. All right. Do you have a copy of it?
16 A. I do not, no.
17 Q. It is appendix 4 of Mr Gaskell's appendices.
18 A. I do not have that.
19 THE CHAIRMAN: We will just pause a moment while one can be
20 provided. (Pause)
21 MR ROOTS: I am sorry about that, sir. We thought we had
22 provided documents for witnesses to use.
23 THE CHAIRMAN: It seems we have lost a table and some
24 documents overnight. They were there yesterday, yes.
25 (Handed).

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1 A. Thank you.
2 MR WALD: Well, I have handed you a copy of the Fluid
3 Survey, and I have left it open at page 71, which is the
4 Fluid time lines; yes?
5 A. Yes.
6 Q. Do you see under the Olympic planning application an
7 item, "Relocation strategy approval"?
8 A. I do, yes.
9 Q. And you see an arrow that runs between --
10 well, September 2004 and October of 2005 for the
11 relocation strategy approval?

12 A. Yes.

13 Q. That timetable has not been met, has it?

14 A. That timetable has not been met, but I think we should

15 consider the context of this --

16 Q. Sure.

17 A. -- which is a residents' survey report -- apologies.

18 This is part of the questionnaire, is it not? Yes.

19 Okay, no, it has not been met.

20 Q. It has not. It should have been, should it not?

21 A. Well, the relocation strategy approval, the conditions

22 for that approval are that the strategy should be

23 approved prior to commencement of the development.

24 Q. Well, let us have a look at the -- it all arises from

25 a Grampian condition, does it not, on the permission?

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1 A. It does, yes.

2 Q. We have a copy of that. It is document 50 of

3 Mr Cheyne's documents. I do not know if you have that.

4 A. Sorry, I do not.

5 Q. I would ask that you have Mr Cheyne's documents to hand.

6 It ought to appear at tab 2. (Handed)

7 A. Right, I am at tab 2, the document headed "Clays lane

8 Residents Newsletter April 2006".

9 Q. No, I would like you to look at the "Olympic and Legacy

10 development, Grampian conditions, strategy no 8,

11 residential relocation strategy".

12 THE CHAIRMAN: Is there a page number, please?

13 A. Ah, in that same tab.

14 MR WALD: In the same tab.
15 THE CHAIRMAN: They all have page numbers.
16 A. I am at 19.
17 MR WALD: Now, the Grampian condition is set out there. You
18 are familiar with it; yes?
19 A. I am, yes.
20 Q. "Development shall not commence unless and until the
21 residential relocation strategy has been submitted to
22 and approved by the local planning authorities."
23 Which authorities were they at the time?
24 A. The local planning authorities are the London Borough of
25 Newham, Waltham Forest, Hackney and Tower Hamlets

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1 working through the joint planning authorities team.
2 Q. And this was submitted in January 2006, if I am not
3 mistaken?
4 A. Yes.
5 Q. And that is significantly out of the time line that is
6 indicated in the Fluid Report; yes?
7 A. As indicated in the time line in the Fluid Report, yes,
8 but not in terms of the time line where we would need to
9 have the strategy confirmed, or approved.
10 Q. How do you measure that second time limit?
11 A. By the first line of the Grampian condition:
12 "The development shall not commence unless and until
13 the residential relocation strategy has been submitted
14 to and approved by the local planning authorities."
15 Q. Yes. When it was submitted it did not meet with the
16 approval of the authorities, did it?

17 A. It was not approved by the local planning authorities,
18 no.

19 Q. Can you tell us the reasons for that?

20 A. The local planning authorities had put the residential
21 relocation strategy to consultation, and they had
22 a number of comments back, which the LDA received. The
23 LDA also at that time, as you are aware, were looking at
24 revisions to the masterplan, et cetera, and in terms of
25 taking that forward, and responding to those issues,

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1 wanted to do it in the context of that, and indeed the
2 prospect of revised planning applications coming in for
3 the Olympic site in due course, recognising that change
4 to the masterplan that I think we have discussed
5 previously at this Inquiry.

6 Q. Sorry, that was a rather long answer. Is the reason not
7 that the authorities were dissatisfied with the
8 relocation strategy because of monitoring and control?

9 A. I am not aware of the specific issues that the LPAs were
10 concerned with.

11 Q. Well, you are in charge of planning permissions, are you
12 not?

13 A. I am, but this area has been worked through particularly
14 by the LDA, but monitoring control was one of the key
15 issues that they came with.

16 Q. You are the LDA?

17 A. I am a consultant working for the LDA.

18 Q. You are here representing the LDA?

19 A. I am.
20 Q. And your specialism is planning permissions?
21 A. Yes, but specific matters regarding the residential
22 relocation issues and the development of that strategy,
23 the LDA are leading themselves. We are putting forward
24 the strategies to the local authority for sign off,
25 working alongside them.

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1 Q. Is there a witness that will be able to help us more as
2 to this, so far as Clays Lane Estate is concerned,
3 important detail than yourself?

4 MR ROOTS: Mr Gaskell is the witness for the detail of this.

5 MR WALD: Right, okay. Is it sensible for me to carry on
6 asking you any questions about the relocation strategy?

7 A. That would depend what they are.

8 MR ROOTS: About the process but not the detail.

9 MR WALD: All right. Let us carry on with the process. The
10 approval was not achieved in January 2006 and the
11 authorities changed, did they not? It is now
12 a different authority that will need to sign off the
13 relocation strategy.

14 A. Are you referring to the Olympic Delivery Authority
15 becoming the development control authority for this
16 area?

17 Q. I am, yes.

18 A. In which case in due course, presumably if a planning
19 application is submitted in future to the ODA, then they
20 will have to deal with whatever it is at the time, but
21 we are still dealing with the joint planning authority

22 team at this time, because the ODA, as far as I am
23 aware, have not assumed their powers yet.
24 Q. Is there any element of involving affected residents in
25 this process of devising a relocation strategy?

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1 A. That, I think, is a matter for Mr Gaskell.
2 Q. Ah, I thought it was a procedural point. But it is
3 a detailed point for Mr Gaskell, is it?
4 A. I think how that is coming forward is for Mr Gaskell.
5 Q. All right, without immersing ourselves in that detail
6 you can see, and I suspect agree with me, that it is
7 important, so far as the residents are concerned to get
8 a relocation strategy in place as early as possible and
9 not at the latest opportunity as indicated by the
10 Grampian condition itself. That is important, is it
11 not?
12 A. That is important, clearly, and that is why the LDA are
13 progressing with their residential relocation work.
14 Q. The reason I asked the question, Mr Jones, I was
15 a little concerned when I took you to the Fluid Report
16 that you said: well, we have missed that deadline but we
17 have not missed the deadline in the Grampian condition
18 because we have not commenced development yet. But the
19 real point is that residents need to know what the
20 relocation strategy is and ideally be involved with that
21 process?
22 A. Yes.
23 Q. So as a professional planner, does this cause you some

24 disquiet, some discomfort, the fact that the relocation
25 strategy missed the Fluid time line, is still not in

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1 place, albeit that Mr Gaskell says it is sort of being
2 implemented? Local authorities found it to be
3 deficient. Is this a source of anxiety for you?

4 A. I mean, ideally the strategy would be put in place as
5 early as possible, and that clearly would be a benefit.
6 I think we have to consider here that the relocation
7 strategy is effectively a mechanism for the local
8 planning authorities to know that the LDA is making
9 provision for the relocation of residents, but it is
10 not -- these strategies are not meant to be the solution
11 to individual needs or specific relocation requirements.
12 And I do not think they are intended to be
13 a substitution -- well, they are clearly not
14 a substitute for negotiation and coming to agreement
15 with residents.

16 So yes, the strategy would be better put in place
17 earlier rather than later, but I am heartened that the
18 LDA is progressing the work, notwithstanding the
19 approval of that strategy.

20 Q. And do you know at what point the strategy would be
21 submitted to the ODA? On what date is the ODA the
22 relevant authority?

23 A. I do not think that has yet been announced, but --

24 Q. But it is likely to be the ODA, is it not?

25 A. It is likely to be the ODA, yes, and the ODA is likely

1 to be the planning authority before the revised or new
2 planning applications are submitted for the revised
3 masterplans.

4 Q. Are you able to tell us now whether the version that was
5 submitted to the authorities that you have listed,
6 Newham, Waltham Forest --

7 A. Yes.

8 Q. -- will be any different from that which is submitted
9 to the ODA?

10 A. Well, the approach to residential relocation will need
11 to reflect where we are at the time when those
12 applications are submitted. So I would fully expect it
13 to be different.

14 Q. Right. But of course you have a different body
15 determining it, you may find that that body simply
16 approves it. Yes?

17 A. You might. I would expect them to take into
18 consideration the planning permissions that were put in
19 place in 2004 as a material consideration in their --
20 well, certainly in their determination of any new
21 application.

22 THE CHAIRMAN: Sorry to interrupt, can I just be clear on
23 a particular point? In terms of the relocation
24 strategy, when you say it was not approved, was there
25 a formal decision to refuse it?

1 A. No, and to my understanding it is still sitting there
2 with the local authorities.

3 THE CHAIRMAN: So in effect, does it remain undetermined?

4 A. Yes.

5 THE CHAIRMAN: Thank you, Mr Wald. Sorry, the purpose of
6 asking that question was to establish whether in the
7 event of a new authority determining an application or
8 determining the relocation strategy, whether there was
9 an earlier formal decision which would have become
10 a material consideration, as opposed to a no decision
11 situation. Thank you.

12 MR WALD: Mr Jones, so far as the new strategy will contain
13 changes, those changes, is the detail of those changes
14 something that I should take up with Mr Gaskell rather
15 than yourself?

16 A. I think the detail of how the residential relocation
17 strategy content is coming forward, and the approach the
18 LDA is taking, is a matter for Mr Gaskell, yes.

19 Q. I mean, Mr Cheyne, whom I suspect you know, or you have
20 come across him in the course of this Inquiry,
21 Julian Cheyne?

22 A. Indeed.

23 Q. He has supplied a critique of the relocation strategy.
24 Have you seen that?

25 A. I have not, no.

1 Q. You have not. I rather thought you might be the person
2 to have seen it, but that is not the case?

3 A. Indeed.

4 Q. Who would have looked at it carefully?

5 A. Again, that would have been a matter for Mr Gaskell and
6 the team dealing with that.

7 Q. I see.

8 THE CHAIRMAN: Mr Roots, was there anything?

9 MR ROOTS: Sorry, sir?

10 THE CHAIRMAN: Sorry, I sensed you might have wanted to
11 contribute. It is just the confirmation it is likely to
12 be Mr Gaskell.

13 MR ROOTS: Mr Gaskell is the person to whom questions
14 concerning the content should be directed.

15 THE CHAIRMAN: I was anticipating that, yes.

16 MR WALD: Thank you. I think I am getting the hang of what
17 Mr Gaskell is able to tell us and what you are able to
18 tell us, so it may speed up from now on. Can I just ask
19 you this: what will the LDA do if that is not approved
20 by the ODA; the relocation strategy is not approved?

21 A. Well, there is a full expectation that there would be an
22 approval. We have worked to get it. If we were to
23 implement this planning application.

24 Q. Is that because the LDA and the ODA are hand in glove?
25 Why do you have such a full expectation of its approval?

1 A. Well, because the LDA and the work that Mr Gaskell and
2 his team are doing, they are working very hard to ensure
3 that they are addressing the issues of relocation.

4 Q. Yes.

5 A. My expectation of there being an approval would relate
6 to the work that has been done, not any issue of
7 impropriety, or that the ODA would not work as an
8 effective and proper planning authority.

9 Q. But you are leaving it a bit late if it is not
10 successful, are you not?

11 A. Indeed, but as I said before, and as I think has been
12 put in the various documents, the specific components of
13 this strategy and putting it back to the local
14 authorities is being considered in the context of
15 a series of revised or new applications going in to
16 reflect the new masterplan. So we would have to deal
17 with that at that time relating to those applications.

18 Q. Okay. So I have asked you what you would do if it was
19 not approved, you said that you would have every
20 expectation that it would be approved, albeit not
21 because of the --

22 A. If we were to progress with it, because of the work that
23 is going on.

24 Q. And you clarified that that is not because of the
25 proximity of the LDA and the ODA but because you think

1 you will be able to include revisions that would make it
2 acceptable, yes?

3 A. I do not think that is quite what I said, but if we were
4 to progress, work is going on to further the relocation
5 strategy, but we are likely to take this forward in the
6 context of a new planning application or series of
7 planning applications, and therefore the residential

8 relocation issues would have to be addressed at that
9 time in the context of those applications and not of
10 this one.

11 Q. Mr Jones, and I am sure this is a question that I must
12 pursue with you, my question remains: what will you do
13 if it is not approved?

14 A. Well, that permission could not be implemented, under
15 the current Grampian.

16 Q. It is vital that it is approved, is it not?

17 A. If we were to implement that planning permission, yes.
18 But we are looking to come forward with new planning
19 applications where we would need to address those issues
20 under those applications.

21 Q. It is also vital for the residents that there is an
22 agreed relocation strategy in place, is it not?

23 A. I think it is vital for the residents that there is
24 a clear approach to relocation and that their needs are
25 being properly addressed. I think I explained before my

1 understanding of the role of the relocation strategy as
2 explaining the mechanism that the relocation would come
3 forward, relocation issues would come forward rather
4 than the solutions themselves. I think the solutions
5 are very important for the residents, yes.

6 Q. Mr Jones, you will appreciate that as time passes it
7 becomes all the more important to residents, or
8 residents give up. They give up aspirations of group
9 moves, they give up aspirations of reasonable, agreed,

10 approved relocations, and they disappear. That process
11 is ongoing, is it not, even as we sit here today?

12 A. The process of the discussions, yes.

13 Q. No, the process of residents, through no clarity as to
14 relocation, going it alone.

15 A. I am not aware of that. I have not been involved in
16 that part of the process.

17 Q. No. But just on the basis of the answers you have
18 given, the importance to the residents of having a clear
19 relocation strategy, as time passes, if there is not
20 a clear approved relocation strategy, there will be an
21 impact on the community at Clays Lane Estate?

22 A. I think I have answered that question already in that
23 clearly if there is not a clear process that is
24 progressing for the relocation of the residents, then
25 that is clearly an issue. The role of the strategy is

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1 to provide the local planning authority with the comfort
2 that the LDA is making progress in dealing with
3 residents' concerns.

4 Q. And those authorities found the submission defective on
5 the basis of monitoring and control, or you do not know
6 that?

7 A. I am not aware of the detail of that, but I know that
8 they found that further work was required.

9 Q. Monitoring and control is pretty important in terms of
10 residents being assured of a proper relocation, is it
11 not? It is an important element in the strategy.

12 A. It is.

13 THE CHAIRMAN: Mr Wald, just before you move on, there are
14 just a couple of points I wanted to pick up. In terms
15 of the new application for the Olympic and Legacy
16 proposals, can you explain how that is likely to affect
17 the established residential element within the Olympic
18 and Legacy masterplan area?

19 A. The new applications would cover the same -- broadly the
20 same areas as the original OLY1 application, although
21 there would be some differences in how that is packaged
22 up. It would cover the Clays Lane area, as it did
23 before.

24 THE CHAIRMAN: On the basis that it is likely to cover
25 broadly the same elements, can you explain why the

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1 relocation strategy is not being pursued at the present
2 time as opposed to being held back until the new
3 application goes in? I cannot see the direct link.

4 A. Purely so that the revised approach can sit with that
5 new application rather than continue to submit material
6 with relation to the old permissions that we had.

7 THE CHAIRMAN: Do you anticipate that there will need to be
8 a new relocation strategy as part of that application?

9 A. Whether it is a new relocation strategy or a different
10 statement of how this is dealt with, clearly the needs
11 of relocation I would expect would be something that the
12 local planning authority at that time would expect to
13 form part of the application, and they would apply
14 appropriate conditions.

15 THE CHAIRMAN: Thank you. Thank you, Mr Wald.

16 MR WALD: Mr Jones, just picking up on the points that the
17 Inspector has asked you, I am again a little surprised.
18 We looked at the Fluid time line, and then you referred
19 us to the limitation on time that is imposed by the
20 Grampian condition, yes? You viewed it strictly as
21 a planner, and I was asking you questions that related
22 to the lives of residents, yes?

23 A. Yes.

24 Q. And in answer to the questions that the Inspector has
25 just put to you, again, you gave a sort of strict

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1 planning response without, it seemed to me -- and I just
2 want you to have an opportunity to respond to this --
3 without, it seemed to me, any regard for the effect on
4 the lives of the residents at the Clays Lane Estate.

5 A. Well, I believe I answered the Inspector's questions in
6 a way that related to what I am here to give evidence
7 about, so they are the basis of the evidence that I am
8 giving.

9 Going back to the Fluid report, that clearly is
10 a document of over a year ago now, and things are moving
11 on, there have been revisions to the masterplan,
12 et cetera, that means that this project is changing. It
13 would have been beneficial if the strategy had been
14 approved when it was submitted, or as early as possible,
15 but it is not. However, the LDA are continuing with
16 their discussions in terms of implementing the issues
17 around relocation of residents.

18 THE CHAIRMAN: On my understanding of the different roles of
19 Mr Jones and Mr Gaskell, this is something you might
20 want to pick up with Mr Gaskell; that having established
21 a particular point and background to the process,
22 I think Mr Gaskell is perhaps more closely involved in
23 the day to day issues and those particular issues in
24 relation to residents.
25 MR WALD: Sir, I am aware of that. But even on a strict

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1 planning analysis, the policy guidance insists on
2 a balancing act to be conducted between the strict
3 planning requirements and the interests of individuals.
4 You are familiar with Circular 6/2004.
5 A. Yes.
6 Q. Shall we have a quick look at it now? I have raised it.
7 It is at pages 11 and 12 of Mr Goemans' evidence. The
8 two relevant paragraphs are 4.18 and 4.19, yes?
9 A. Yes.
10 Q. Just quickly, paragraph 17 in the circular states that
11 an order shall only be made where there is a compelling
12 case in the public interest.
13 "Compulsory purchase orders should be only be made
14 where there is a compelling case in the public interest,
15 and the acquiring authority should be sure that the
16 purposes for which it is making a compulsory purchase
17 order sufficiently justify interfering with the Human
18 Rights of those with an interest in the land. Regard
19 should be had in particular to provisions of Article 1

20 of the first protocol of the European Convention on
21 Human Rights, and in the case of a dwelling, Article 8
22 of the Convention."

23 Both apply here. Then a balanced view is required:

24 "The confirming minister has to be able to take
25 a balanced view between the intentions of the acquiring

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1 authority and the concerns of those whose interests in
2 land it is proposed to acquire compulsorily. The more
3 comprehensive the justification which the acquiring
4 authority can present, the stronger its case is likely
5 to be, but each case is to be heard on its own merits,
6 and the advice of this part is not intended to imply
7 that the confirming minister will require any particular
8 degree of justification for any specific order. Nor
9 will a confirming minister make any general presumption
10 that in order to show that there is a compelling case in
11 the public interest, an acquiring authority must be able
12 to demonstrate that the land is required immediately in
13 order to secure the purpose for which it is required."

14 I raise that because a balancing act is required, as
15 is so often the case in your line of business.

16 A. Indeed.

17 Q. Here we must balance the strict requirements of the
18 permissions with the real life situation of residents at
19 the Clays Lane Estate, yes?

20 A. Yes.

21 Q. And for that purpose, it is sensible, reasonable and
22 right, is it not, for the London Development Agency not

23 to wait until the last possible moment in order to
24 satisfy the Grampian condition, but to do whatever it
25 can to facilitate the conclusion of an agreed relocation

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1 strategy so that residents know what their future is?

2 A. As I have answered before, it would be beneficial for
3 the strategy to be approved as early as possible, but
4 the LDA are clearly continuing in terms of the
5 relocation issues in the absence of that agreed
6 strategy.

7 Q. And you know that residents have been told that they
8 must be gone by July of next year?

9 A. Indeed.

10 Q. And that is another relevant time limit, is it not, in
11 terms of all of this?

12 A. It is. It is.

13 Q. All right. I think I have explored that enough with
14 you. I have tried not to go too much into the detail of
15 the relocation strategy. But I think you have helpfully
16 accepted that a balance is required, and sometimes one
17 does not rely on the 11th hour approach that might be
18 more sensibly applied where humans and their lives are
19 not affected in the way that they are here?

20 A. Sorry, that is a question, is it?

21 Q. Yes.

22 A. I think a balanced approach is right, and that would
23 clearly be a matter for the Secretary of State to take
24 a view on. And that balance is, in this instance,

1 and other occupiers and objectors to this CPO, along
2 with the project for which this -- the project and the
3 regeneration which this CPO is based around, and the
4 opportunity that that brings.

5 Q. Thank you, Mr Jones. Have you got CD10 on your table
6 there?

7 A. I do not. Which is CD10, please?

8 Q. It is the London Borough of Newham -- actually,
9 Mr Jones, I have just spotted, you include it in your
10 own proof, so let us turn to your reference to it.
11 Sorry, not CD10 but the policy I am talking about, which
12 is UR14. It is at 3.74.1.1 of your evidence. Do you
13 have that policy?

14 A. Yes. I think that refers to the policy in CD11, just
15 for the -- in case we turn back, rather than CD10.

16 Q. Oh, right. This is dated 2001, this policy, yes?

17 A. It is from the adopted plan of 2001, yes.

18 Q. Yes. And you see that at subsection (d) of the policy,
19 specific reference is made to the residential uses which
20 serve to reduce the isolation of the Clays Lane Estate.

21 A. Yes.

22 Q. I wondered earlier whether you were referring to its
23 isolation when I was speaking to you about
24 sustainability.

25 A. Yes.

1 Q. Now, the important point about this 2001 policy is it
2 has as part of its ambition the retention of the
3 Clays Lane Estate, yes?

4 A. Well, the policy says, "The residential uses which serve
5 to reduce the isolation of the Clays Lane Estate", yes.

6 Q. "The Council will seek development of the Stratford rail
7 lands primarily for employment generating uses. The
8 range of uses will include ..."

9 And there in express terms in 2001 is the intended
10 retention of the Clays Lane Estate?

11 A. That would be the reading of the policy, not actually
12 what it says, but yes. The policy, however, does -- and
13 indeed the unitary development plan in a number of other
14 ways -- does predate the Olympic project. It also
15 predates the nature and form of the Stratford City
16 development that is now coming forward. And I think
17 that both of those projects, and the wider regeneration
18 strategy for the Lower Lea Valley that has been worked
19 up with Newham as well as the other boroughs in the GLA,
20 provides a host of new opportunities for delivering the
21 regeneration of this locality and this -- the whole
22 Valley that could not have been anticipated at that
23 time. So on that basis, I am not surprised that the
24 policy in 2001 sought to reduce the isolation of the
25 Clays Lane Estate, as it refers to. But I think we are

1 in a different situation in 2006.

2 Q. We are in a different situation because the Olympic bid
3 was won, yes?

4 A. Correct, and as part of that, a catalyst for the
5 regeneration of the wider Valley, which has now been put
6 forward in the regeneration strategy.

7 Q. But the regeneration of the wider Valley, or the other
8 elements of the regeneration that were intended before
9 the Olympic bid was won, did not involve the demolition
10 of the Clays Lane Estate, did it?

11 A. That -- not expressly, no.

12 Q. Well, not at all?

13 A. Not at all.

14 Q. No.

15 A. That I am aware of.

16 Q. Well, not that I am aware of. So the 2001 policy
17 intends the retention in some form of the Clays Lane
18 Estate. We have looked at some of the sustainability
19 criteria, and the Clays Lane Estate itself meets some of
20 them, does it not?

21 A. Some of those addressed in PPS1, but certainly not all.

22 THE CHAIRMAN: Presumably those that you were taken to
23 earlier on, was the point you were making?

24 MR WALD: Yes.

25 A. The ones I was taken to earlier on, indeed, but not many

1 of the other points in that list.

2 Q. No, well, as barristers often do, I picked the ones that
3 were favourable. I do not think that every single one

4 of PPS1's policies applied.

5 A. And as I hope the Inspector would hope that I would do,
6 I pointed him and the Inquiry towards the ones that you
7 have not referred me to.

8 THE CHAIRMAN: I read those elements as a whole, as you
9 would expect me to, and I think if there was going to be
10 any doubt about it, then in terms of re-examination,
11 Mr Roots might indeed have taken you to the whole part
12 of it and said, does it include any more. So I think we
13 know exactly where we are.

14 MR WALD: I have mentioned to you and asked you whether on
15 the occasion of the revisions in January and June,
16 serious consideration was given to the retention of
17 Clays Lane Estate, notwithstanding the Olympic
18 developments, yes?

19 A. You asked me that question, yes.

20 Q. And you said that serious consideration had been given?

21 A. I said that that was a matter for Mr Prior to deal with.

22 THE CHAIRMAN: It is for Mr Prior.

23 MR WALD: Well, Mr Prior is on notice, it is a matter I will
24 be taking up with him. Just another point, I think it
25 relates to procedure in terms of relocation again. What

1 rights will residents have to object if they have moved
2 on without an agreed relocation strategy having been put
3 in place? If time passes and residents move on, will
4 they, as a result of having moved, lose their rights to
5 become involved in that process and potentially object

6 to it?

7 A. Well, any member of the public can make representations
8 following the planning application that is submitted,
9 and the applications for the Olympic and Legacy
10 facilities proposals will have very a wide consultation
11 base, as the 2004 permissions had.

12 THE CHAIRMAN: Would you anticipate there may be any
13 difference in weight that might be attached from
14 representations from people not directly affected on the
15 basis that they have moved on, as opposed to those that
16 are directly affected in the sense that they are an
17 existing resident?

18 A. I would expect the existing residents would have --
19 their representations would be given greater weight,
20 because they are being directly affected. However, all
21 material considerations should be taken into
22 consideration, and that really is a matter for the local
23 planning authority when they look at the material in
24 front of them.

25 MR WALD: So as time passes, the potential weight of

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1 objection decreases, does it not? People leave, and of
2 course you may have an objector who lives in Acton, but
3 it is unlikely, and it would be given very little
4 weight, in any event?

5 A. Well, in that instance -- well, if they had made
6 a representation that was -- a serious representation,
7 then that would be considered by the local planning
8 authority. But the thrust of your point, that if you

9 are away from the area and you are not directly
10 affected, then I would assume the local planning
11 authority would give less weight to that than it would
12 to somebody who was directly affected, and that their
13 representation related to how they were being
14 specifically affected by the proposals.

15 Q. So in terms of your optimism about getting a relocation
16 strategy approved, with every day that passes, there is
17 a better chance of it, is there not, because the extent
18 of objection is going to decrease with time?

19 A. Well, clearly the local planning authority does not make
20 their decision as to whether to approve or not approve
21 something purely on the weight of objection that they
22 get from the public or other stakeholders. They will
23 make their decision based upon a range of things,
24 including their own position, and looking at the
25 material in front of them.

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1 Q. No, Mr Jones, I did not intend that that would be the
2 sole criterion upon which an authority would either
3 agree or not agree to a relocation strategy. But it is
4 right, is it not, that as time passes, and people
5 relocate, for whatever reason, there are fewer left to
6 object or become involved in that process of devising
7 a relocation strategy. That is right, is it not?

8 A. There are fewer -- yes, that would be correct.

9 Q. So delay in this sense favours the LDA in its objective
10 of getting an approved strategy in place, does it not?

11 A. Not necessarily, because the local planning authority
12 will take a balanced view, and one objection can carry
13 as much weight as ten objections. So that is not
14 necessarily the case. And as I have said, the LDA is
15 progressing with the relocation work.

16 Q. Are you happy with that answer? It does not seem to
17 flow logically from what you said earlier. It is not
18 the sole criterion upon which an authority will
19 determine whether to approve or not approve a relocation
20 strategy, but with the passing of time and the
21 disappearance of potential objectors, the chances
22 increase of an approval and of less objection being
23 submitted.

24 Now it follows, does it not, I do not say it is
25 a done deal, I do not say it is bound to happen, but it

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1 follows that as time passes, the prospects of having an
2 approved strategy agreed and in place increase because
3 of the disappearance of objectors?

4 A. No. I disagree with that, because the local planning
5 authority will take its own view and balance the
6 material in front of it, and whether that is on the
7 basis of 100 objections or one objection, they will
8 still take that view. So they will take a balanced
9 view.

10 Q. One final point, Mr Jones. Back to regeneration, which
11 is where we started.

12 A. Yes.

13 Q. Regeneration is intended to benefit existing

14 communities, yes, amongst other things?

15 A. Amongst other things, yes.

16 Q. Is the existing community of Clays Lane to expect any
17 benefit from the regeneration that the LDA promises?

18 A. Well, they are being directly impacted upon, clearly, as
19 we are talking about. The intention through the
20 relocation work and the provision of new accommodation,
21 replacement accommodation for the residents there, would
22 hopefully be of better quality than they are in now.
23 But I think in terms of the basis and the detail of
24 that, that is something that Mr Gaskell would probably
25 better address.

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1 Q. Well, I think you are able to answer this question.
2 Regeneration is intended to benefit existing
3 communities. As far as I can see, the existing
4 community at Clays Lane will not benefit at all from the
5 regeneration that is proposed. Do you say that it will,
6 and if so, how?

7 A. The community as a whole, as it is there today, will be
8 affected and clearly will be moving out, so --

9 Q. Will be negatively affected?

10 A. Well, they will be affected as the community as they are
11 today.

12 Q. Yes.

13 A. But hopefully, the intention would be, or we would aim
14 to have a better quality of accommodation that people
15 move to, and indeed better access to facilities and

16 public transport and other elements, all of the issues
17 that are deficient today in Clays Lane and its
18 environment.

19 Q. Again, we have already looked at a number of promises of
20 "just as good if not better". How do the residents know
21 that they are going to benefit from the relocation?

22 A. I think that is really an issue you should be exploring
23 with Mr Gaskell, not me.

24 Q. In sustainability terms, we are advised to make the best
25 use of existing housing stock, are we not?

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1 A. We are, where that meets current and future standards of
2 housing, yes. We are also charged with making the best
3 use of urban land assets, and I think we need to take
4 a step back here from the Clays Lane development itself
5 and to the locality in which that sits, where the
6 current regeneration proposals, particularly for the
7 legacy of this area, north of Stratford City, will bring
8 forward a sustainable development that is balanced and
9 mixed and will have the range of facilities that you
10 would require of sustainable development. Taking the
11 slightly broader aspect of looking at the East London
12 component, this development also brings in a number of
13 strategic sporting, community and cultural assets. So
14 they are all fundamental components of creating
15 sustainable communities, neighbourhoods, sustainable
16 cities, whatever level you wish to work at.

17 Q. Okay, I think I can leave it on this point. Can
18 I understand your evidence to be that the benefit that

19 the Clays Lane residents will gain is an improved
20 accommodation through their relocation?
21 A. That would be the aim, yes.
22 Q. That is the only benefit that they would get?
23 A. And the other aspects that I answered when you asked me
24 that question.
25 MR WALD: Thank you.

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1 THE CHAIRMAN: Thank you, Mr Wald. Mr Roots, please.
2 Re-examination by MR ROOTS
3 MR ROOTS: Two points, Mr Jones. You were asked some
4 questions about UDP policy UR14, which was set out by
5 you on page 21 of your original proof of evidence.
6 A. Yes.
7 Q. And you were reminded that item D there refers to
8 residential uses -- sorry, perhaps we should look at the
9 whole policy:
10 "The Council will seek development of the Stratford
11 rail lands primarily for employment generating land
12 uses. The range of uses will include ..."
13 And then we can jump to (d):
14 "Residential uses which serve to reduce the
15 isolation of the Clays Lane Estate."
16 Can we just understand what is being proposed there?
17 It is referring to a primarily employment generating
18 development that seems to also be expected to include
19 a degree of residential.
20 A. Yes.

21 Q. And we have to bear in mind that we are talking about
22 the somewhat dated UDP -- this is what you were asked
23 questions about -- and we are told that that range of
24 uses in the proposed development is intended to have an
25 effect that is identified in (d). Can you just explain

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1 what you understand (d) to be all about?

2 A. Well, I understand it to effectively arise from the
3 issues of physical isolation and also isolation in terms
4 of availability of facilities, et cetera. Looking
5 forward to how that actually might be implemented and
6 come forward, I think that needs to be considered in
7 relation to the rest of the development covered by (a)
8 to (e) in UR14, and the prospects of actually resolving
9 those issues of isolation to bring forward a quality
10 development and a quality environment, a quality
11 sustainable environment, where we have a situation where
12 the development adjacent to it at Stratford City is
13 a considerably higher level, and add to that the issues
14 of infrastructure and the quality of environment about
15 it.

16 I think actually when coming down to implement
17 policy UR14, it would have meant a very careful thought
18 as to how or whether Clays Lane could remain there.
19 I do not think, for instance, a bridge link or
20 a causeway or development just joining Clays Lane to the
21 existing Stratford City proposals would have worked in
22 a way that satisfactorily met that policy in isolation
23 whilst looking at Clays Lane independently.

24 THE CHAIRMAN: Put simply, bearing in mind that this was
25 2001, so it is written without the benefit of hindsight,

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1 if you like, and of course the Olympics and Legacy
2 masterplans, can we read it that the intention was to
3 provide a link between the existing Clays Lane Estate,
4 ie link in terms of physical development, which brings
5 Clays Lane into the wider area of developments taking
6 place on the whole of Stratford City? So three
7 elements: one is Stratford City, one is Clays Lane,
8 development of the Stratford rail lands to provide the
9 linkage between the two?

10 A. Incorporating residential and presumably other
11 development as well as part of that.

12 THE CHAIRMAN: Within the link?

13 A. Within that linking component. However, my point is
14 that how would that be achieved, and actually would you
15 be able to do that in a way that would effectively
16 reduce the isolation because of the issues of topography
17 levels, infrastructure, et cetera.

18 THE CHAIRMAN: But nonetheless that was aim of the policy,
19 and in terms of when it was written, one would have to
20 read it within that context.

21 A. I think when it was written, yes.

22 THE CHAIRMAN: When it was written.

23 A. But I think we are in a very different situation now.

24 THE CHAIRMAN: Thank you, Mr Roots.

25 MR ROOTS: Yes, sir, thank you very much. That was very

1 helpful. Before we leave that, it was put to you,
2 Mr Jones, that that policy represented an ambition to
3 retain Clays Lane Estate. Do you go along with that
4 wording?

5 A. Well, it neither says retain nor -- it does not actually
6 address the issue either of removal of the estate as it
7 is or not. The issue is about the isolation of
8 Clays Lane Estate and the area in which it sits north of
9 Stratford City.

10 Q. Thank you. Now, can I move to the topic of the
11 relocation strategy. If I can just remind you of two
12 answers before I put my question to you. At one point,
13 in answer to one of Mr Wald's questions, you explained
14 that, in your view, the relocation strategy would be
15 a mechanism to enable the local planning authority to
16 know that the London Development Agency was making
17 provision. I may not have got absolutely every word,
18 people can check the transcript later. But that was the
19 sense of your answer.

20 A. Yes.

21 Q. And then later on, it was put to you that it would not
22 be right for the London Development Agency to wait to
23 satisfy the Grampian condition, because residents needed
24 to know what their future is, and you agreed that it
25 would be beneficial for residents to know what their

1 future is.

2 A question I wanted to put to you is this: to what
3 extent would you expect a strategy submitted to and
4 approved to the local planning authority in that context
5 to approve the detail that would give knowledge to each
6 resident what each person's future relocation was?

7 A. I would not expect it to contain that material at all.

8 I would expect it to explain the mechanism and the
9 approach that would be set out -- sorry, that the LDA
10 would follow.

11 THE CHAIRMAN: Would you expect that it might, for example,
12 include options in terms of group housing?

13 A. The principle of how that, if appropriate, may come
14 forward would be included in it as one of the options.

15 THE CHAIRMAN: As a principle, not site-specific.

16 A. Absolutely, yes.

17 THE CHAIRMAN: I jumped in again, Mr Roots.

18 MR ROOTS: Sir, you helped me greatly, and you have
19 completed my re-examination.

20 THE CHAIRMAN: The purpose of the questions was not to help
21 either side, so I hope I have not given that impression
22 that in during cross-examination or re-examination
23 I have been helpful to either party, but it has
24 certainly helped clarify matters for me.

25 MR ROOTS: I only meant that in the sense that you saved me

1 from formulating another question.

2 THE CHAIRMAN: I am grateful for that clarification.

3 There are no further questions from me. That brings
4 us to 11.45 am. We indicated that we would take an
5 earlier lunch today so that we can accommodate an early
6 after lunch start for Mr Cheyne. Do you want the full
7 hour? Would it help if you had a little time with
8 Mr Cheyne once he arrives, rather than rushing straight
9 in at 12.30?

10 MR WALD: Certainly it would help me, and I think it may
11 help Mr Cheyne, as because of his condition, that is
12 relatively early to start. I think that would be
13 helpful.

14 THE CHAIRMAN: Yes. We will start at 12.45. So far as
15 Mr Cheyne is concerned, you can tell him, in terms of
16 his evidence, that if he needs a break, then I am happy
17 for him to indicate, but I will adopt the normal
18 practice that I will try not to sit for blocks of
19 anything more than about an hour and a half. But if
20 there is any issue at any time then please draw it to my
21 attention.

22 MR WALD: Thank you sir.

23 THE CHAIRMAN: Any matters before I adjourn for lunch? The
24 Inquiry is adjourned until 12.45 pm.

25 (11.49 am)

1 (The Luncheon Adjournment)

2 (12.45 pm)

3 THE CHAIRMAN: Welcome back, everyone. The Inquiry is
4 resumed.

5 Mr Wald, I see that we have Mr Cheyne in place for
6 his evidence-in-chief, please.

7 JULIAN CHEYNE (called)

8 Examination-in-chief by MR WALD

9 MR WALD: I suspect I barely need to introduce Mr Cheyne or
10 reintroduce him to the Inquiry, but I will do so for
11 form's sake.

12 THE CHAIRMAN: Yes, please.

13 MR WALD: Mr Cheyne, you are Julian Cheyne, you are
14 a statutory objector in this matter, and you are a
15 resident at Clays Lane?

16 A. That is right.

17 Q. You have been there for 15 years?

18 A. Yes.

19 Q. You set out some of your background, including your
20 academic background at your introduction. At 1.4 you
21 say that you have been ill since 1984.

22 A. Yes.

23 Q. I just want to draw to your attention an offer made very
24 kindly by the Inspector that if in the course of this
25 examination-in-chief or indeed cross-examination or

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1 re-examination you feel you need to pause, please do let
2 us know about that.

3 A. Okay. Certainly. Thank you very much.

4 Q. I will move on, then. Still on the introduction stage
5 of your evidence, which effectively takes us
6 chronologically through the process since your first

7 contact with the LDA up to more or less the present
8 time?

9 A. Yes.

10 Q. I will ask you a question that arises out of your
11 introduction and then I will move as swiftly as I can,
12 by reference to many of the documents that you have
13 already submitted to this Inquiry, through that
14 chronology.

15 A. Yes.

16 Q. I am sure if we are engaging in needless repetition we
17 will be advised of that as soon as possible.

18 THE CHAIRMAN: Indeed. Thank you for that.

19 MR WALD: At 1.8 of your introduction you refer to
20 objections that you raised through the UDP Inquiry.

21 You were not here this morning for reasons that we
22 all understand. We had a look at that point at policy
23 UR14 of the 2001 UDP, which is to be found in the main
24 proof of evidence of Mr Andrew Jones, at page 21 and
25 paragraph 3.74.

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1 A. Yes.

2 Q. Or to be precise, 3.74.1.1. There was a little bit of
3 a discussion as to the intention behind subparagraph
4 (d), and I wonder whether you could help us understand
5 a little bit of the background to that and what you
6 understand to have been the intention of subparagraph
7 (d) of UR14?

8 A. Yes. Well, I have detailed the fact in my biography
9 that I was working as the development coordinator for

10 Clays Lane at the time and it just happened to coincide
11 with the City Challenge programme and the UDP Inquiry
12 which was beginning the process of setting up the new
13 UDP for Newham. One of the results was that I received
14 the document, the draft document, from Newham, and I saw
15 this issue of what would happen to this major
16 opportunity zone 1, which was the Stratford rail lands.
17 Clays Lane was included in the site, even though it was
18 not part of the rail lands, nevertheless they have drawn
19 the line around Clays Lane. And plainly the concern for
20 Clays Lane residents was: what would happen on the
21 Stratford rail lands when that land was developed as
22 part of the larger context of development in terms of
23 Newham?

24 So I put forward a proposal that this land, the
25 northern section, should be specifically developed for

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1 housing, and the purpose of that was, from our point of
2 view, that the housing would bring in certain
3 facilities, such as doctors' surgeries, local shops,
4 things like this, new bus routes, and so on, which would
5 mean that the Clays Lane Estate would be adjacent to
6 a housing site which would broaden our contact with
7 other communities and bring in facilities for our
8 benefit.

9 This proposal was accepted by Newham. Although in
10 fact they broadly went along with the zones that
11 I proposed, which was that there should be a retail and

12 kind of conference and so on, or hotel sector in the
13 south, and an environmental approach in the west, and
14 there was going to be an area of industrial already
15 present in the east. By and large, that is the proposal
16 which they have gone along with.

17 The main point from our point of view was to get
18 this connected to Clays Lane so that the two would be
19 tied in together. And very specifically, they said in
20 their response to me that they saw the need to connect
21 Stratford City to Clays Lane, to make sure that the
22 housing which was going to be built on Stratford City
23 would relate to the needs of the Clays Lane residents.

24 THE CHAIRMAN: Mr Wald, can I just draw attention to
25 paragraph 2.1.33 of the unitary development plan of

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1 2001, which provides the background to that. I will
2 read it, it is a short paragraph:

3 "The MOZ includes a residential area known as the
4 Clays Lane Estate. This estate is physically isolated
5 from the remainder of the borough with inadequate public
6 transport links. Its small size discourages the
7 provision of additional links and the provision of
8 supporting retail and service uses. The Council
9 considers that residential development adjacent to the
10 Clays Lane Estate would encourage the provision of
11 facilities that are currently lacking."

12 That precedes, or provides the explanation to the
13 policy UR14.

14 MR WALD: Thank you, sir. That is very helpful.

15 Just very briefly, Mr Cheyne, there was some
16 discussion this morning on whether subsection (d)
17 disclosed an ambition that the Clays Lane Estate be
18 retained rather than demolished. Are you able to offer
19 any insight or interpretation as to that simple matter?
20 A. Yes, in terms of the UDP Inquiry there was no suggestion
21 at any time that Clays Lane was going to be demolished.
22 In fact, I attended the UDP Inquiry and was
23 cross-examined and I also cross-examined the other side
24 and the response was that Newham Council was investing
25 in Clays Lane and at that time they were putting in new

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1 facilities, and indeed with the City Challenge programme
2 we had a number of new facilities brought in and that
3 included the 308 bus route, which was something that
4 I proposed as well, because, as I said, these two things
5 in a sense ran at the same time. The 308 bus route was
6 put in, the bus turning circle. We also had traffic
7 calming bumps put in. There was also a redevelopment of
8 the travellers' site, it was extended, which was a
9 proposal I put forward, and there was a sort of repair
10 yard included.

11 THE CHAIRMAN: These matters are referred to in your proof,
12 are they not?

13 A. Yes. So it was part of a general attitude that Newham
14 had at the time, and we also had discussions about for
15 example remodelling the site entrance to the Stratford
16 rail lands because at that time it was a freight

17 terminal and it had a dangerous entrance and Newham was
18 very happy to cooperate with us in remodelling that.
19 MR WALD: Thank you very much, Mr Cheyne. Moving on, we
20 note that you have had some experience doing battle and
21 winning against the Housing Ombudsman?
22 A. Yes.
23 Q. Which, if I may say so, is quite an achievement, I
24 think.
25 Then on to scope and nature of your evidence. You

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1 list a number of comments that you have made on other
2 people's evidence and you have appended those.
3 Then at 2.2 you set out in thematic form the issues
4 that arise from this particular proof. I ought to be
5 clear at this point, you have an individual objection
6 that was pursued before the collective was formally
7 instructed. As I understand it, those matters are still
8 pursued but not developed within this proof or within
9 the collective case.
10 A. Yes. We had the round table discussion as the Inspector
11 knows and we were told that that evidence would remain
12 in.
13 THE CHAIRMAN: That is correct.
14 A. Obviously there may be some issues which will overlap
15 a bit, but obviously I am not going to do that -- if you
16 discover I am doing that, you will no doubt prevent me
17 doing that, so the issues here are going to be matters
18 that were not discovered for the most part in the round
19 table because we did not get to discuss the specifics --

20 MR WALD: Thank you. So that you are clear, I will not be
21 asking you anything about those issues but you may
22 receive questions from Mr Pereira if appropriate on
23 those matters.

24 So you list at 1 to 9:

25 "The unique qualities of the Clays Lane site; the

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1 LDA consultation process; the Olympic and Legacy
2 planning application and masterplan; the CPO
3 consultation process; the Fluid Survey; relocation
4 procedure" -- "adopted", I think that ought to say,
5 although I understand it may be going to be adapted as
6 well, we will soon see, perhaps -- "alternative housing
7 arrangements by the LDA; effectiveness of the Community
8 Based Housing Association in our relocation; and the LDA
9 proposed sites for a group move."

10 Those describe fully, do they, the different issues
11 that arise?

12 A. I cannot say that this is a complete list but I have
13 tried to head the different sections of my chronology,
14 so I cannot say that we are going to cover everything
15 under those headings, but broadly speaking, these are
16 the main headings, yes.

17 Q. We have a set of documents. Are you working from the
18 original set of documents that you submitted to the
19 Inquiry or from a file --

20 A. No, I am going to use the file. Sorry, I am just
21 looking to see where I have put the conversion table of

22 documents. I can work from either, but I was going to
23 work from your set.
24 Q. I have been working from your original set.
25 A. Okay.

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1 Q. And as long as this is swift enough for the purposes of
2 the Inquiry, I was going to do the conversion on each
3 occasion so that we can all go to the same document.
4 THE CHAIRMAN: Yes, because I do not have the original set.
5 I have the updated set.
6 A. All right. I have got it here somewhere but I seem to
7 have mislaid the conversion table. Do you have a spare
8 copy to save us some time? (Handed). Thank you very
9 much.
10 MR WALD: I take it nobody else needs that table because
11 they do not have the original set in front of them?
12 THE CHAIRMAN: No, I think we have managed to work
13 reasonably efficiently so far, so we will continue that
14 way.
15 MR WALD: Thank you. You set out some either definitions or
16 explanations of individuals at 2.3 and then you move
17 into the body of what you describe as the chronology
18 your proof of evidence, at page 8; yes?
19 A. Yes.
20 Q. In your first contact with the LDA, I just want to be
21 clear, what was your capacity in relation to the
22 residents of Clays Lane Estate?
23 A. I was just an ordinary resident.
24 Q. Then at 1.2 -- I am skipping as fast as we can here --

25 you made reference to the meeting held at Clays Lane

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1 Community Centre attended by several representatives
2 from a variety of organisations including Fluid.

3 Anything you would like to say in relation to that?

4 A. Absolutely. We had a discussion in the round table
5 about the statement that I made that Clays Lane, or the
6 people that attended this meeting said that Clays Lane
7 was going to be demolished. This is LDA21, which has
8 since been produced. I am not quite sure what the
9 intention of that document is, I am afraid I have not
10 got a copy with me here but I know it is known to the
11 other side so I do not suppose there is any great
12 controversy here. From what I can make out, they seem
13 to be suggesting that this statement that I made was
14 inaccurate and the intention of the meeting was to
15 discuss regeneration rather than demolition.

16 I have to state quite categorically that demolition
17 of Clays Lane was referred to at this meeting, and as
18 a result, it was a matter of disturbance to people,
19 a matter of distress to residents, and I went so far as
20 to e-mail some organisations, I have detailed the fact
21 that I e-mailed Steve Redgrave's organisation about what
22 was going to happen to us, and they were under the
23 impression as well that we were going to be demolished,
24 and that this was going to happen and was just something
25 that was not really related to the Olympics.

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1 We did some research with Newham Council planning,
2 and they had never heard of this plan, and we also sent
3 a Freedom of Information search to Newham, another
4 resident did that, and she could not discover anything
5 about this plan. So we were pretty confused about what
6 was going on. So I would say, absolutely clearly, that
7 demolition of Clays Lane was mentioned at this meeting,
8 and they were talking about a closure date for
9 a non-Olympic programme even though apparently this
10 non-Olympic programme had not been devised at this time.

11 As I understand it, there were discussions going on,
12 because if I recall in one of the responses we received,
13 the LDA said they did have -- in fact, I think it is in
14 LDA21 -- they did say that they had had some discussions
15 in 2003 about working up some proposals. So it does
16 appear there was some discussion.

17 A further dimension to this is that later on
18 in May 2005 -- and I can refer you to this document if
19 you wish -- I had a discussion with the LDA about the
20 Park Village site, and I rang Mr Thornet at one point to
21 ask him what was happening to that. Mr Thornet told me
22 that they had the intention of demolishing the Park
23 Village site and this was part of a redevelopment
24 programme which would happen whether or not the Olympics
25 came. Indeed, I then received an e-mail, it was

1 a letter sent as an e-mail to me, from Mr Rahman, and
2 I refer to that in my documents.

3 Q. I think that is document 65, is it not?

4 A. Yes.

5 Q. And it is at tab 11 of the Irwin Mitchell bundle.

6 Sir, I should say that although the statement of
7 case from Mr Cheyne includes references throughout to
8 documents, this proof does not, so it may be of
9 assistance as we go along just to note the document
10 number and tab as we go. We have had LDA21 at 1.2. We
11 are now looking at document 65 within the same
12 paragraph.

13 MR PEREIRA: What page is this?

14 A. This is 65. It is just one page.

15 THE CHAIRMAN: Sorry, there are a lot of page numbers.

16 MR PEREIRA: I received a paginated copy from

17 Irwin Mitchell. I think I am the only person --

18 THE CHAIRMAN: No, I have that as well.

19 A. I apologise. I can only say it is in section 11 --

20 MR PEREIRA: I have it, I think.

21 A. In the third paragraph, he writes:

22 "If the Olympics are not coming to London, the site
23 remains strategically important in the context of its
24 location in the Lower Lea. They are likely [that is the
25 LDA] to seek to enter into a contractual relationship

1 with a residential provider ... over a short time
2 pending its future redevelopment."

3 Then it goes on to say:

4 "If no provider can be found and the LDA ...(Reading
5 to the words)... prior to its demolition."

6 This is a non-Olympic scenario, so plainly in terms
7 of the area there were still at this time -- and I do
8 not know how this relates to Mr Prior's suggestion that
9 there was a non-Olympic programme, because that was
10 abandoned. So I do not know where all this stuff came
11 from. The point I am making here is simply that
12 demolition appears to have been on the minds of the LDA
13 in terms of the Clays Lane area from the time that they
14 first came to us and they were still talking about it in
15 2005 with regard to Park Village.

16 MR WALD: Thank you, that helps clarify the reason that is
17 included in your proof.

18 I am then going to move on to public consultation,
19 and before we go to the detail of it, overall, how would
20 you describe the quality of public consultation with the
21 residents?

22 A. Sorry, you are talking about the first contact or the
23 consultation in Stratford?

24 Q. I have now moved on from the first contact. It is the
25 heading "Public consultation".

1 A. Number 2, yes. This was not Clays Lane consultation.
2 What happened was they came to see us at the end
3 of November 2003, and apparently we were the last
4 community to be visited. We were told that other
5 communities like Leytonstone, and in fact I have since

6 received a document, which I am not going to go into
7 particularly, from community consultation in Poplar. So
8 they were going to different communities over East
9 London and yet our meeting occurred just before the
10 consultations in Stratford, so we appear to have been
11 the last community to be visited, or certainly one of
12 the last communities, which was slightly strange since
13 we are the most affected.

14 They then told us in the following week there would
15 be public consultations, not just for the Clays Lane
16 residents but the residents of Stratford as a whole, or
17 East London, to come along and chat about what was going
18 to happen with the Olympics.

19 Those meetings were divided up into a variety of
20 different subjects. I did not go to all of them but I
21 went to the ones which I thought were relevant to Clays
22 Lane particularly in terms of the environment and
23 housing I think are the two that I attended. There may
24 have been another one as well. They were divided up
25 into interest group meetings in which the priority was

1 dealing with those organisations who were going to play
2 a part in the Olympics, and the evening sessions where
3 you had the public. And the process, particularly in
4 the public sessions, was very guided, and the
5 intention -- it was explicit. I mean, I am not making
6 out that I think this was something that was underhand.
7 They stated quite openly that their intention was to

8 bring the public behind the Olympic programme. So the
9 purpose of this was to interest the public and to try to
10 stimulate its interest.

11 There was one slightly strange situation where I was
12 involved in a group which I have referred to here which
13 proposed a permanent site in Greece but the chair of the
14 meeting was not very interested in that. He said: this
15 is not the objective of this meeting; we want to talk
16 about the London Olympics.

17 MR PEREIRA: In Greece? Did I hear that properly?

18 A. Yes, we had a sub-group, because it was divided up into
19 little groups, so we went away and talked among
20 ourselves and then came back to a kind of plenary
21 session. So one of the sub-groups said: we thought that
22 instead of having the London Olympics, we should propose
23 that the Olympics should be permanently based in Greece.
24 But when we put that proposal back to the plenary, the
25 chair was not very keen on hearing about this, and he

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1 said: we are not here to discuss that kind of project,
2 we are here to discuss the way the London Olympics will
3 be run and to make a success of this Olympics.

4 MR WALD: Okay, well, it is probably a source of enormous
5 relief to the Inspector that he does not have to decide
6 whether the Olympics should be based permanently in
7 Greece.

8 THE CHAIRMAN: Well, I was looking forward to the site
9 visit!

10 MR WALD: We will therefore move on, if we may. I am going

11 to go straight to your section which is entitled
12 "Survey" at page 10, please. You said at 6.1, "Nothing
13 happened in March", rather prosaically. What is
14 intended by that?

15 A. Essentially it is that in February we were visited again
16 and I think that, I cannot remember if I mention the
17 specifics -- anyway, we had a further meeting
18 in February and in February we were told that there was
19 going to a survey done and actually it was projected to
20 start in March, and nothing happened in March, and then
21 nothing happened in April, May and June and July either,
22 excepting we got a letter from Mr Winterbottom which
23 I will come to in a moment. So effectively the
24 programme for the survey was delayed. And we did have
25 a meeting with a representative from JPAT and we pointed

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1 this out and he seemed to be a bit surprised, the fact
2 that things were not going according to plan, but apart
3 from that, we did not hear anything more.

4 Q. When Mr Sandison gave evidence, there were some
5 questions put to him that he experienced a loss of faith
6 in terms of what the LDA was prepared to deliver.

7 A. Yes.

8 Q. I wonder if you can either answer it now or bear it in
9 mind as we go through the chronology but I would like
10 you to indicate to the Inquiry if there has been, as
11 there seems to have been from your evidence, a loss of
12 faith, when did that come about and to what would you

13 attribute it?

14 A. I would say that my attitude towards the LDA and the
15 Olympics went up and down during this process. The
16 early process, with the two meetings in November 2003
17 and February 2004, was not good, particularly
18 the February meeting because we had been told about this
19 demolition programme and then found that it did not
20 appear to be -- actually, in reality, we were pretty
21 upset and the February meeting was definitely
22 acrimonious, and a lot of people were very upset, and
23 I have detailed that in some of my evidence.

24 So I was not happy at that stage, and we were
25 waiting for this consultation to happen so I was pretty

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1 upset at that stage as well.

2 During June, July, August and into the autumn of
3 2004, my attitude towards the LDA became much more
4 positive, because I felt they really were getting on top
5 of it. To be frank, I think a lot of people are pretty
6 sceptical about these programmes and I am pretty
7 sceptical about them, so my underlying fear was that
8 this was going to turn out to be a bit of a disaster.
9 But it did look like the LDA was on top of things, and I
10 was seriously thinking that with Mr Winterbottom's
11 letter and his statement in his questions and answers
12 leaflet that came with it saying they were going to plan
13 all of this as early as possible, and a very good Fluid
14 Survey, that this was really a programme that was going
15 to make sense.

16 I have also detailed the fact that I even went along
17 to have a chat with a couple of LDA staff, Lucy Webster
18 and Mark Channon, because they certainly wanted to talk
19 to residents, and I was very happy to go and talk to
20 them, and they appeared to listen to what we were
21 saying. Because, for example, we suggested that they
22 put in a drop-in centre, we proposed it should be at
23 UEL, they chose another site, which I think was actually
24 better, which was at the entrance to the freight
25 terminal and I thought this was a very good sign. So

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1 I was pretty confident at that time. So my faith, you
2 could say, was restored.

3 The thing which kind of knocked it on the head was
4 getting the full Fluid version in the winter when they
5 came up with this revised promise. That was a serious
6 blow, because I thought that the statement, "at least as
7 good as, insofar as is reasonably practicable" took out
8 the assertion of "if not better" and put in this
9 "practicable" business. "Practicable" can mean almost
10 anything, and it was very disturbing to see that.

11 That was the point at which I began to get seriously
12 worried. That was followed up the experience of
13 watching what was going on at Park Village, which seemed
14 to be completely unprepared -- basically they had
15 a perfectly good estate and instead of making
16 arrangements to continue to use it after they had
17 acquired the site, either for students or some other

18 form of housing, they seemed to have no plans at all and
19 were going to get rid of it, or whatever. And in the
20 case of the Olympic scenario actually the original idea
21 was to demolish it before Christmas 2005. I thought:
22 this is ridiculous. Why do you need to demolish the
23 site so early? You will not need it until -- I had
24 thought somewhere around 2009. In fact, I think it was
25 a bit earlier than that, but even if it was earlier than

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1 that, they still had two, maybe three years's use of the
2 site and there were students who had at that time
3 nowhere to go. The UEL did not have accommodation for
4 them. I raised that with Mr Thornet and he apparently
5 was not even talking to UEL about this.

6 So that was really worrying and I wrote to the chief
7 executive, although I called him the director of the
8 LDA, and he did not even reply. I sent him two letters.
9 I tried to converse with Lucy Webster. She was
10 extremely difficult to get hold of and was not able to
11 supply me with Mr Thornet's name. Eventually I had to
12 ring up and find out what was going on. The whole lack
13 of preparation, the confusion over who was doing what
14 and the difficulty of communicating really alarmed me.

15 Q. Mr Cheyne, you have spoken in fairly general terms that
16 presuppose a knowledge of the documents and there may
17 well be that knowledge but I want to whisk through them,
18 please.

19 You have referred to the letter from
20 Tony Winterbottom. It is document 34 at page 97. You

21 have made reference to a broken promise. Can you
22 explain the genesis of the promise?
23 A. You mean the genesis of the promise as in this letter?
24 Q. Yes.
25 A. The genesis of the promise is that they sent a letter

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1 saying that they would provide accommodation for us
2 which would be at least as good as if not better than
3 what we had.
4 Q. Was that a volunteered promise or was it extracted?
5 A. No, absolutely. Volunteered. We had not had any
6 discussions with them about anything. One of the things
7 that has been said about this is that for most part,
8 there were no discussions going on. We did not see
9 anything of the LDA. Once they had left in February, we
10 did not see any more of anybody until I had a chat with
11 Lucy Webster and Mark Channon in the summer. That was
12 in July, I think. This letter came completely out of
13 the blue. Then we had the Fluid Survey. Then after the
14 drop-in centre they disappeared again and we did not
15 hear anything from them in 2005 until September 2005,
16 and then they kind of wandered off again. And then we
17 got a newsletter in November 2005 and the first drop-in
18 session. So one of the issues here is simply the gaps
19 in terms of communication.
20 Q. And the letter itself includes a reference to the
21 commitment to providing you with as much information --
22 A. Absolutely, as much information as possible, and again,

23 I was expecting to get a lot of information. They
24 talked about putting in things like on-site displays.
25 We have never, ever had an on-site display about

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1 anything apart from recently, I think three pictures.
2 I have just had a look at them in the office. Three
3 pictures have gone up concerning sites which have been
4 acquired or may be acquired, and I think they all belong
5 to the LDA or Peabody, so they are in their possession,
6 which are in the foyer of the office.

7 Apart from that there has never been an on-site
8 display at Clays Lane and I would have thought things
9 like the Olympics masterplan would be something to have
10 such a display about.

11 Q. Let us move on from that letter --

12 A. I think also I should mention that the letter was
13 accompanied by the question and answer sheet which is
14 document 61.

15 Q. That is page 187, I think, of the Irwin Mitchell file.

16 A. Right. That referred to the statement that we would
17 be -- that the LDA would be planning with us as early as
18 possible.

19 Q. Which part of the document are you referring to?

20 A. This is the Q and A document. Sorry, I do not have it
21 actually in front of me at the moment. It was attached
22 to the letter from Mr Winterbottom.

23 Q. It is document 61, page 187.

24 A. Which tab is it in, sorry?

25 Q. Tab 6, page 187.

1 A. Yes. So under the section "What does this mean for
2 residents of Clays Lane," it says:

3 "The LDA is responsible for ensuring that suitable
4 accommodation which meets your needs is available and we
5 ought to plan for this with you as early as possible to
6 minimise uncertainty and ensure that a number of options
7 are put to you."

8 So the idea here appeared to be that they were going
9 to start working with us and I was expecting this to
10 happen almost immediately. Almost nothing happened
11 apart, from the drop-in service, which I have nothing to
12 complain about that, but there was nothing else
13 apparently going on. Later on I did ask Lucy Webster
14 about this and she assured me that this stuff was
15 happening but it does not appear as though it was. The
16 first meeting that we have been informed about, for
17 example, the RSL alliance did not happen
18 until July 2005.

19 I was expecting all of this stuff to be going on in
20 the background, and again, the lack of feedback and
21 information about this did also alarm me, and that is
22 why, when Park Village started to go awry, I started to
23 asking these questions, saying: what are the
24 implications of this for us?

25 Q. The Fluid Survey, can I turn to that, now? You say it

1 was a very well conducted survey, 10.1.

2 A. Yes.

3 Q. Just tell us a little bit about why you considered it to
4 be so.

5 A. First of all, I approved of the interview format.
6 I think to have people coming around the estate chatting
7 to people is a very good way of conducting a survey of
8 this kind.

9 Q. What was it intended to establish individual needs or
10 group needs?

11 A. Absolutely.

12 Q. Sorry, what is the answer?

13 A. It was intended to establish individual needs. The
14 purpose of the survey is described -- I cannot remember
15 if it is in the section --

16 Q. It is at tab 4 of Mr Gaskell's appendices. That is only
17 one version of it. We will come back to that in
18 a moment, the April 2005 version. I think the purpose
19 of the survey is at page 14 of --

20 A. Yes, I am looking here.

21 Q. Aims of the residents' survey.

22 A. Yes. We have, on the left hand side it says:
23 "The purpose of the survey has been to follow up
24 initial consultation undertaken ...(Reading to the
25 words)... future needs regarding relocation."

2 "The survey material provides information about
3 general trends as well as individual needs."

4 Q. Why do you draw emphasis to that objective?

5 A. Because Mr Gaskell suggested that the purpose was just
6 to provide an overall response, so that you could
7 establish trends rather than individual needs, and I do
8 not agree with that version. It is quite plain from
9 here that the purpose of the survey -- and I believe
10 actually there is a stronger statement because it says,
11 and I cannot see it at this moment -- it says the
12 primary purpose of the survey was to establish
13 individual needs. I seem to remember I made this
14 comment in my response to Mr Gaskell's -- so it would be
15 in that document, it is one of the appendices.

16 Q. Your reply to Mr Gaskell is at page 46.

17 A. Right. That is the reply to the evidence of Mr Gaskell.
18 His rebuttal is the one I am thinking of.

19 Q. At 7.3 you make reference to the purpose of the Fluid --

20 A. Sorry. I think I go into more detail in the other ...

21 Q. And at page 49, you look at Mr Gaskell's rebuttal.

22 A. Yes, that is the one I am referring to. I think if
23 I remember rightly I go into quite a lot of detail
24 about --

25 MR PEREIRA: Are we looking in Mr Gaskell's rebuttal now?

1 MR WALD: No, we are looking at an appendix to Mr Cheyne's
2 proof of evidence, the reply to the evidence of
3 Andrew Gaskell. It is page 49 and following.

4 THE CHAIRMAN: Can I just be clear about what document we
5 are on?
6 MR WALD: Yes, Mr Cheyne's proof, page 49.
7 THE CHAIRMAN: Mr Cheyne's proof. Okay, thank you.
8 MR WALD: 4.6 at 52 has some discussion of the Fluid forms.
9 A. No, no. No, I think that -- I am a bit puzzled by this.
10 Q. 4.3?
11 A. No, I am sorry, if we go back to the main Fluid
12 statement, because I will have to find it in here, there
13 is a specific reference, and I have referred to this
14 elsewhere, so it will come up, to the fact that the
15 primary point of the survey was to discover individual
16 needs.
17 Q. Right. But, Mr Cheyne, can I cut through this?
18 A. Sure.
19 Q. Before you arrived today we had a discussion with
20 Mr Jones about the relocation strategy, and a question
21 was put I think by the Inspector --
22 A. I do have it, sorry. Page 16.
23 Q. Of the Fluid Report?
24 A. Yes:
25 "The primary concern was to clearly establish the

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1 needs of individual residents."
2 Q. Yes, I see.
3 MR PEREIRA: Sorry, can someone just tell me where that is?
4 A. This is on the Fluid --
5 THE CHAIRMAN: Whereabouts on the page?
6 A. 16, sorry, top left hand side:

7 "Survey methodology, finalising the survey details."

8 A bit further down, line 4:

9 "Primary concern."

10 MR PEREIRA: I have it.

11 MR WALD: Mr Cheyne, we spoke this morning with Mr Jones

12 about the relocation strategy. You have expressed your

13 comments about that relocation strategy and that is

14 appended to your proof of evidence.

15 A. Yes.

16 Q. But would you expect the individual needs as described

17 in the Fluid questionnaires to find their way in some

18 form or other into the relocation strategy?

19 A. Absolutely. I mean, my concern about the relocation

20 strategy is that it is not what I would call

21 a protective document for residents. It does not

22 mention the promises that are made to residents and I do

23 not consider that it provides the kind of support for

24 residents that it should.

25 Q. All right. We will come back to what you think should

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1 be in the relocation strategy. Just while we are on

2 promises: the executive summary of the Fluid Report, the

3 last paragraph of the first section -- do you have that?

4 It is at page 2 of that report.

5 A. Right, okay. Yes.

6 Q. Specifically entails a commitment to relocate the

7 occupants of the estate on a like-for-like or better

8 basis?

9 A. Yes.

10 Q. Then under the heading of "The unique qualities of Clays
11 Lane" at page 5:

12 "The LDA will be seeking to ensure that residents
13 are rehoused in accommodation at least as good as they
14 currently have as far as is reasonably practicable."

15 A. Yes.

16 Q. Is that the qualification that you referred to earlier?

17 A. Yes. That is the concern, because once I saw that,
18 I was bothered by the attitude, and indeed Mr Gaskell
19 has since said that the purpose of the Fluid Survey was
20 to discover the extent to which residents' needs could
21 be met, the aspirations could be met. Again that seems
22 to suggest that they are not looking so much at doing
23 the things that have been asked and meeting them in
24 terms of the original promise, but again using the same
25 sort of criteria of practicability.

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1 Q. All right. Was this version of the report the one that
2 you received?

3 A. No, what we were sent was a much shorter version, which
4 is this document here, which has 17 pages in it. It
5 does not have any of the background material that the
6 longer survey report has. It just starts --

7 Q. I think it is 28A of the Irwin Mitchell bundle.

8 A. Yes.

9 Q. That is right; do you have that?

10 A. Yes, I have a copy of it already.

11 Q. Could you turn to 28(0), which is 15 of this summary

12 report.

13 A. Page 15, yes.

14 Q. Do you see the commitment that is expressed in the box
15 at the bottom of that page?

16 A. Yes.

17 Q. Could you just read it out and then comment on whether
18 or not the LDA lived up to it?

19 A. Yes:

20 "If a number of Clays Lane residents decide they
21 would like to be rehoused in a co-operative collective
22 housing arrangement, then it would be for the RSL that
23 succeeds CLHC to investigate the feasibility of this.
24 The LDA is committed to the relocation of all Clays Lane
25 ..."

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1 I would just take that comment for a start. That is
2 an interesting diversion from the original idea that the
3 LDA -- because when the LDA came to speak to us
4 initially they made it quite plain that they were
5 responsible for this and they were going to investigate
6 this and start working on it straight away. The whole
7 idea of talking about building a purpose-built estate
8 came up right at the very beginning. So the idea that
9 this is something that is going to be dealt with by the
10 RSL that succeeds CLHC is simply not true. This was
11 a programme that was initiated much earlier than that.
12 But in fact there is a much stronger statement that does
13 not appear in other parts in the later Fluid reports,

14 which we have received copies from it in very strange
15 ways:

16 "The LDA is committed to the relocation of all Clays
17 Lane residents and therefore will maintain a high degree
18 of responsibility over the process in order to ensure
19 that all residents are rehoused. No matter which RSL is
20 in charge of the housing allocations they will be
21 accountable to the LDA. The LDA will steer the process
22 and judge it according to regulatory benchmarks to
23 ensure its commitment to the residents is carried out."

24 Q. Right. Is that true or not?

25 A. No.

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1 Q. Can we move on, please. We have a section where you
2 deal with the Fluid Survey, I am not going to go into
3 that further, on 12. Yes, you refer to Mark Channon,
4 and I think this brings in a document at 36 of your
5 original documents, which should be tab 6.

6 A. Yes. Basically this was a letter which came with --

7 THE CHAIRMAN: Can I just --

8 A. Sorry.

9 THE CHAIRMAN: Tab 6, is that the entire document? There
10 are a number of documents in there. Is there a page
11 number?

12 MR WALD: It is page 137, and it is document 248.1.36.

13 THE CHAIRMAN: Thank you.

14 MR WALD: This is a letter from Mark Channon at the LDA.

15 A. Yes.

16 Q. The second paragraph says:

17 "There was a good response to the survey with 296
18 interviews being carried out. The information you have
19 provided is now invaluable in helping us to understand
20 your housing needs and to begin the process of
21 identifying rehousing options."

22 A. Yes.

23 Q. Has it been put to the use that one might expect?

24 A. No. Well, this comes to the issue of what happened to
25 the Fluid information.

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1 MR PEREIRA: Sorry, which page are we on? I am a bit
2 behind.

3 MR WALD: 137 of the Irwin Mitchell bundle.

4 A. The issue was basically what happened to the Fluid
5 information. The individual questionnaires, which, as
6 I have said before, this was to discover information
7 relating to individuals for their rehousing. The
8 information is described as invaluable by Mr Channon.
9 However, during the summer of 2005, when CBHA took over,
10 we discovered -- I mean, I went into the office to chat
11 to Carmen Jones. We discovered that the individual
12 information from the Fluid surveys was not being given
13 to CBHA, because CBHA had now launched a new survey, and
14 a lot of people were unhappy about the new survey
15 because they thought it was not up to the old survey.
16 Mr Gaskell has since said that this was meant to be
17 a complementary survey to the original survey. The
18 problem with a complementary survey is it has to be
19 carried out in conjunction with the original survey,

20 otherwise it is not complementary, it is a replacement.
21 The information we got was that this survey was not
22 being handed over, the information in the individual
23 questionnaires was not being handed over to CBHA, so
24 effectively this information was not being used in the
25 relocation programme.

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1 Q. Is that why you sought sight of your own questionnaires?

2 A. No, actually I had already asked, when the Fluid survey
3 came round, the interviewers came round, I asked the
4 interviewer whether he could supply me with a copy, and
5 he posted it to me later on. I do not know whether this
6 was breaking some rules but he sent me a copy.

7 Q. And this is included in your documents.

8 A. Exactly.

9 THE CHAIRMAN: While we have a pause can I just check with
10 our stenographer if we are going too fast? If we can
11 slow the answers down slightly, because they are coming
12 in in big lumps, are they not? We need the information
13 but if we can just slow it down slightly?

14 MR WALD: Let us start off with an e-mail from Mr Cahill,
15 "To release your Fluid questionnaire". It is document
16 39, it should be in tab 6, page 138.

17 Now, why was there a problem about releasing your
18 Fluid questionnaire?

19 A. Well, the issue was that when we had the meetings
20 in September 2005, Mr Cahill was present, and we raised
21 the question or the fact that these questionnaires, the

22 individual questionnaires were not being released to
23 CBHA. One of the responses was -- well, the response
24 was that the information was confidential to Fluid; not
25 confidential to residents but confidential to Fluid.

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1 This is actually repeated in the November newsletter
2 which was sent out to us. And we asked, you know: why
3 was this a problem? We had supplied the information to
4 the LDA, in the expectation that that information was
5 going to be used for our rehousing.

6 Q. Well, let us have a look at your questionnaire. It is
7 the document 248.1.40. I think it is at tab 11.

8 THE CHAIRMAN: I think I am going to need help with the page
9 number.

10 MR WALD: Sorry, it is at tab 10. The conversion table is
11 not quite right, and it is at page 323.

12 THE CHAIRMAN: Thank you.

13 MR WALD: Do you have that now?

14 A. Yes.

15 Q. Do you see the rubric at the top that relates to
16 confidentiality?

17 A. Yes.

18 Q. And:

19 "The information provided will be treated in the
20 strictest confidence."

21 What did you understand by that?

22 A. Well, I understood that the confidence would indeed
23 apply in terms of the fact that residents themselves,
24 the information provided was provided so that it would

25 be used for a specific purpose, that is for relocation.

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1 The concern here was not about whether the information
2 was going to be handed to an agency which was going to
3 be dealing with our relocation. The concern actually
4 was more to do with the anxieties that some residents
5 had regarding the co-operative management, and so the
6 concern was that information -- because this survey
7 asked questions about the relationships within the
8 co-op, and so there was concern that people might have
9 comments which they had made about the co-operative
10 revealed to the co-operative. That was the concern that
11 I understood. I was --

12 Q. Did you imagine that it would be withheld from the LDA
13 itself?

14 A. Absolutely not. The whole purpose -- it is a LDA
15 document. I mean, it says "LDA" on the top of it, and
16 the whole purpose of the survey was for Fluid to receive
17 this information to give it to the LDA and then it would
18 be used in any relocation programme. So this was
19 explicitly stated at all levels. And the issue here is
20 that when we were told that it was confidential to
21 Fluid, this was completely out of the blue as far as we
22 were concerned. No one ever thought about it being
23 confidential to Fluid, and that the information later,
24 Mr Gaskell has been saying that the information is
25 confidential to residents, not to Fluid. But the

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1 statements were made to us, both in September 2005 and
2 in the November newsletter, that it was confidential to
3 Fluid. So they have tried to change the argument here.

4 Q. Right.

5 A. In the meetings in September, residents like myself
6 said: fine, in that case, if it is confidential and you
7 have a concern about this, give us a slip of paper and
8 we will sign a release form.

9 Q. Did you do that?

10 A. Well, at the time they did not do it, no, because even
11 though they muttered about it, there was some discussion
12 about whether this can be done, and we were told this is
13 going to take a long time, Mr Ogundele said it would
14 take a long time to do this, and it was probably not
15 worth doing and we should just get on and fill in the
16 CBHA survey. No, that was not done. It was only after
17 some badgering by myself that I got an e-mail three
18 months later from Mr Cahill saying that he had the
19 survey and I could now have it released. But by that
20 time you are talking about an opt-in programme and there
21 was no general announcement made to residents to the
22 effect that they could have this done. So effectively
23 this information was simply taken out of the programme.

24 Q. When you received a version of the Fluid Report, was it
25 the version that included the Fluid time lines?

1 A. No. Sorry, yes. All of the versions included the Fluid
2 time lines.

3 Q. Even the summary?

4 A. Even the summary, yes. I am pretty sure about that.

5 Q. You have mentioned time line in a slightly different
6 context at 10.12.2 of your proof.

7 A. Hang on, I will just check that actually. Time line --
8 yes, it does at the back.

9 Q. You say in your proof:

10 "The time line which is referred to [this is for
11 moving out of Clays Lane] mid-2007, at the open meetings
12 we were told the programme could be extended until
13 2008."

14 A. That is right. Actually the original time was not 2007,
15 it was 2008. I have to say they were a bit vague about
16 it. I am not saying they were absolutely committed to
17 that time. Since then, and I cannot recall exactly
18 where I have seen this, but there has been a discussion,
19 there is another document floating around somewhere,
20 which refers to the fact that the powerline programme
21 would be running into 2008 and that does confirm this
22 idea that it was running into 2008.

23 Q. To be fair, was it not said that if the Olympic bid was
24 won it may come quicker?

25 A. No. No, actually, no, if anything, there were

1 suggestions that there was a longer time frame for
2 a non-Olympic programme and there was a shorter time
3 frame for an Olympic programme, and the Olympic

4 programme was talked about in terms of 2008, 2007, 2008.
5 But 2008 was the kind of closing date they were thinking
6 about. That closing date has pulled back and that was
7 what was coming out in the time lines, which was another
8 concern that I had when I saw this.

9 Q. While we are on time line, I want to turn, if you would,
10 to the Fluid time lines, and particularly in relation to
11 the relocation strategy approval?

12 A. Yes.

13 Q. First of all, has that time line been met?

14 A. No. The time line here -- mine is a bit blurred -- it
15 says that this should be completed by the end
16 of September, or October?

17 Q. October 2005.

18 A. Yes. Sorry, it is better in the other version. The
19 photocopying is not very good on this. But anyway, this
20 is meant to have been done before the whole programme
21 started, before the actual relocation programme started.
22 So that has not been done. And I would also say that
23 the very fact that we are talking about a programme that
24 goes back into the autumn of 2004 suggests that this is
25 a consultation programme. Why else would you have such

1 a long period of time for writing a document? This was
2 a consultation programme, not just an approval
3 programme.

4 Q. Have residents been involved in that consultation?

5 A. No. In terms of forming the relocation strategy, no.

6 They have had the opportunity to comment on the
7 relocation strategy after the event, but not in
8 formulating the relocation strategy.

9 Q. What is the effect of delay on residents of the
10 conclusion of this process that is timetabled in the
11 Fluid Report?

12 A. How do you mean, sorry?

13 Q. What is the effect on their ability to play a part in
14 the formulation of the relocation strategy?

15 A. There is a great difference between formulating a policy
16 and just coming in at the end and criticising it. If
17 you are involved in formulating it, it means that you
18 have the opportunity to say what should be in the
19 strategy. If you come along and are given a draft,
20 which has already been submitted, because effectively
21 this was submitted to the planning bodies
22 in January 2006, then you are just commenting on
23 something which may be revised but may not be revised.
24 So it is a different process of consultation completely.

25 Q. And moving on from the procedural side of things, what

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1 is the human impact of not having an approved relocation
2 strategy in place?

3 A. It is difficult to say because I do not know that this
4 is a very good relocation strategy. I would say that if
5 this was an effective relocation strategy obviously it
6 would have a very big impact because the relocation
7 strategy would be guiding what was being done, and that
8 means, presumably, part of the relocation strategy for

9 example would include issues like monitoring, and there
10 is no monitoring going on at the moment. It would
11 include proper complaint procedures; there are no proper
12 complaints procedures that I am aware of, anyway. So
13 there are a variety of things -- controls, there would
14 be benchmarks against which the programme could be
15 measured. There would be issues to do with the kind of
16 information we have been provided with, because, for
17 example, in section 1.1.8 of the relocation strategy it
18 refers to further information which is meant to be
19 details of information which is meant to be provided to
20 residents and the needs of residents in terms of
21 information.

22 There are a variety of things which should have been
23 provided under this strategy. So that exists even now
24 in terms of the strategy as it is, which I have to say
25 I do not think is a very good strategy, but insofar as

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1 we have had an opportunity to consult on this and make
2 sure that the strategy was up to speed and strength,
3 then I think this would have been a very important
4 document.

5 Q. Do you know why the strategy did not meet with the
6 approval of the authorities?

7 A. In March --

8 Q. Of which year?

9 A. Sorry, this year, 2006, Mr Gaskell suggested that the
10 strategy -- there were no particular problems with the

11 approval of the strategy. It had been sent to the
12 boroughs in March, or had been taken to committee, or it
13 was going to be taken to committee in March, to the
14 boroughs, and then we heard that it had not actually
15 been put to the boroughs, and some meetings had been
16 cancelled.

17 This was the first I heard about it. There was no
18 information from the LDA about this. I got this from
19 someone in Hackney, actually. I rang JPAT to find out
20 what was going on and JPAT told me they did have
21 concerns about the approval, about this strategy and the
22 particular concerns they had were monitoring and
23 control. They had other concerns as well but the
24 principal concerns they had were about monitoring and
25 control. Mr Gaskell was saying in March -- and this was

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1 at a meeting, so I am afraid, sir, I cannot be
2 a personal witness to this, I am told this is what he
3 said -- and I was sent an e-mail about this from him
4 saying that he did not think there were any problems.
5 So I rang JPAT specifically because of that, and I rang
6 them twice more because this message about the fact that
7 the strategy was still in force, even though it was not
8 approved, was being given to us. Therefore, effectively
9 the strategy was not approved, it is still in force, it
10 is a draft form, and I asked them several more times,
11 two more times: what exactly is wrong with this
12 strategy; why are you not approving it? And they
13 repeated: monitoring and control are the main issues.

14 Q. What is the importance of those issues to residents?
15 A. In terms of monitoring it is vital that someone is there
16 checking what is going on. If you are running
17 a programme as complicated as this, it is absolutely
18 essential that someone is watching the programme,
19 especially when it is a controversial programme and
20 residents have expressed concerns about aspects of the
21 programming. In my comments on the relocation strategy
22 I refer to concerns about the promises, about the
23 operation of the Fluid Survey, about the operation of
24 the ITLA, so these are -- the advice service, the
25 independent tenant liaison advice service. So these are

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1 all issues which are central to the way in which the
2 programme works.

3 So none of these issues can be addressed without
4 some kind of monitoring programme. I would say it is
5 absolutely vital. And on top of that I would say some
6 sort of arbitration or external complaints procedure as
7 well, because the complaints procedure in the relocation
8 strategy is internal to the LDA. I think there has to
9 be an external procedure as well. These are a lot of
10 comments that I have made in my comments about the
11 relocation strategy.

12 Q. We have dealt now with the issues of time lines in the
13 Fluid Report --

14 A. I would like to make one further comment if I may. It
15 is also the case that Mr Gaskell told me in April that

16 he intended to talk to one of the officers,
17 Mr Trevor Ellis, who I had been communicating with at
18 JPAT in order to sort out this issue of monitoring, and
19 I have raised the issue of monitoring with him several
20 times, and initially I am afraid to say I received no
21 response to the e-mails I had sent, although he did
22 comment on this particular occasion when I attended the
23 meeting that was chaired by Mr Biggs.

24 Q. Thank you for that. You have made reference to an
25 alternative survey, the CBHA survey, which you regard as

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1 inferior to the Fluid Survey.

2 A. The CBHA survey does perform a different function. I am
3 not saying that the CBHA survey has no function at all.
4 It does ask some different questions from the Fluid
5 Survey. The reason it is inferior is because it is
6 a replacement survey. If it was a complementary survey
7 there would be nothing wrong with it. It asks some
8 perfectly sensible questions about, for example: do you
9 want to live on the ground floor or a higher floor; do
10 you have particular health needs which cause you
11 problems, and things like that. There is nothing wrong
12 with those questions and I am not arguing that the CBHA
13 survey should not have been done.

14 Personally I would have thought that the best thing
15 to have done would have been simply to have reviewed the
16 Fluid Survey, updated it, because one of the concerns
17 that the LDA expressed was that the Fluid Survey was out
18 of date. If it was out of date, the best thing to do

19 would be to put it up to date, and to add in some
20 specific questions that would relate to specific issues
21 about how people were going to move. So that would just
22 be practical issues, which would be perfectly sensible.
23 I do not really understand why the Fluid Survey was not
24 simply updated.
25 MR WALD: Sir, for your note at document 248.1.37 is the

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1 CBHA survey.
2 THE CHAIRMAN: Was there a page number?
3 MR WALD: 79.
4 THE CHAIRMAN: Thank you.
5 MR WALD: Thank you very much. There then follows on
6 a section --
7 A. Sorry, you were referring to the fact of the time
8 lines -- are you going to deal with any more of that,
9 because there are a couple of other points I would like
10 to make regarding that?
11 Q. Please do.
12 A. If you look a bit further down the page it refers to
13 consultation with residents on possible rehousing
14 solutions and discussions with registered social
15 landlords about housing solutions. Both of those issues
16 also go back into 2004. So the discussions with
17 registered social landlords are supposed to have been
18 starting in 2004. We have no evidence that this
19 happened, and as far as we can make out, the first
20 discussion with registered social landlords was

21 in July 2005.

22 I have asked Mr Gaskell on several occasions for
23 information about this rehousing alliance. Again,
24 I have put in e-mails about this into my evidence, and
25 I have not received that information. Mr Gaskell has

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1 provided some information in answer to questions which
2 have been put by the solicitors and he has now listed
3 a number of agencies which are working to provide
4 housing. I was expecting this type of information to be
5 included in a pack when the relocation programme
6 started -- and we are going back to the issue of as much
7 information as possible -- to include knowledge of which
8 agencies were involved, where they operated, the kinds
9 of rents they charged, the sort of services they
10 provided and so on. All of this, I thought would be the
11 sort of information that the LDA would have been
12 collecting during the period leading up to the
13 relocation programme.

14 That pack has never been presented and those
15 comparisons, which were referred to yesterday as well
16 I think by Mr Jamal Hammoud, are the sorts of things
17 which I was expecting to be provided to residents. So
18 in terms of also remembering that the LDA is making
19 a great emphasis on the overall purpose of the strategy,
20 that the Fluid Survey as an attempt to discover overall
21 objectives, overall trends, I would have thought it
22 would be very much the case that this is the sort of
23 overall trend that they were wanting to anticipate, and

24 therefore they would be looking to discover what the
25 needs of residents were for RSL rehousing because they

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1 discovered there was a considerable demand for this in
2 their survey.

3 In terms of the consultation with residents on
4 possible rehousing solutions, again this is meant to go
5 back into 2004.

6 Now this actually, in terms of -- this particular
7 document does not have that, but in the time line in the
8 copy presented by Mr Gaskell, the time line makes it
9 plain it goes back to a time after the Fluid Survey has
10 intended but starts in the autumn of 2004. So according
11 to this, it starts in October 2004. So effectively what
12 they were saying was that once the Fluid Survey had
13 ended there would then be a process of further
14 consultation. Now, there was the drop-in centre, but
15 that ended, I do not know exactly when -- some time
16 around December, maybe the end of November, I cannot be
17 clear myself -- and then it is meant to continue through
18 2005 and into 2006.

19 Effectively there was no consultation in 2005 until
20 the September meetings which I have referred to
21 elsewhere which I personally was not very impressed
22 with, and no further consultation occurred until there
23 was a drop-in meeting in December 2005. So for the most
24 part of 2005 there was effectively no consultation with
25 residents that I am aware of.

1 Q. You have referred to the promise of information in the
2 Winterbottom letter and you have also referred to
3 Mr Hammoud's evidence of yesterday.

4 A. Yes.

5 Q. Could you just briefly turn to your document 248.1.35
6 which is to be found at page 13 in tab 2 of the
7 Irwin Mitchell bundle.

8 Two points just to pick up on here. Do you have
9 that, the Clays Lane newsletter?

10 A. Yes. This is the November newsletter, yes.

11 Q. First of all, a reference there to the status of the
12 information supplied to Fluid.

13 A. Right.

14 Q. Is that the first time you were aware that the LDA were
15 saying that this is information to which they were not
16 privy?

17 A. No. They were saying this earlier. They said this
18 in September 2005, in the meetings which we held, the
19 five repeated meetings. This information is confirmed
20 in writing here:

21 "This information is supplied on a confidential
22 basis to Fluid, and they were reluctant to pass it on
23 without an individual resident's consent."

24 Q. Thank you for that. At page 3 under "Housing costs", it
25 says that the LDA would investigate further what housing

1 costs in East London currently are.

2 A. Yes.

3 Q. Have you ever seen the results of that investigation?

4 A. No. The only material that has ever been provided, as
5 far as I am aware, is the response to the SNU
6 compensation document, because they were effectively
7 trying to deal with the issues raised by SNU in terms of
8 housing costs. So this was not actually information
9 provided to residents, it has never been circulated to
10 anybody apart from those people attending that meeting,
11 and of course it may have filtered out to some other
12 people, but that was not supplied with the purpose of
13 informing residents about housing costs. This
14 information was provided as a rebuttal to the
15 compensation document supplied by SNU. So this is not
16 actually what I would call information anyway.

17 Q. Has the LDA done any of its own work on price
18 comparisons?

19 A. I have no idea. It has not ever told us anything about
20 this. We have never received any information about
21 this.

22 Q. Are SNU and the LDA distinct entities?

23 A. Yes. SNU is paid by for the LDA as the independent
24 tenant liaison advisory service, but it is a -- I have
25 described it as a non-profit making organisation, which

1 is brought in for that particular purpose.

2 Q. Do you regard like-for-like as including comparable
3 costings?

4 A. Absolutely. How can you describe a property -- the
5 first thing that anybody asks when they look at a
6 property, maybe even before they have looked around, the
7 first thing that I think anybody would ask is: what is
8 the rent? I think the concept of getting a flat or any
9 kind of property includes knowledge of first of all what
10 the flat is, the space, et cetera, the facilities in the
11 flat, and then how much it is going to cost. How can
12 you have an estimate of a property unless you know what
13 you are paying for it? Anybody who is looking at
14 a property will automatically want to know whether it is
15 within their price range and whether they think that the
16 price is fair.

17 Q. Thank you, Mr Cheyne.

18 A. Can I deal with one other issue in this regard?

19 Q. Of course. Sorry.

20 A. This newsletter also has the discussion about the
21 promises. And on page 2, it says that -- we have this
22 business about residents expressing concerns about
23 a perceived change in emphasis in the LDA's commitment
24 to rehousing residents. Then it goes on to say a bit
25 further down:

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1 "However, some residents felt that this differed
2 from previous correspondence and statements from the
3 Agency that they recalled a stronger commitment to
4 providing better housing in all circumstances."

5 It is interesting that they have not actually
6 referred to Mr Winterbottom's letter. So what they
7 have -- well, I am afraid this is the way I perceived
8 this -- what they have seemed to have done is to try to
9 suggest that in some way, there may not have been
10 another statement. And this, after all, is a LDA
11 statement, so there is no way they could not have known
12 that this statement had been made. So instead of
13 somebody simply coming out and saying: oh, yes, there
14 was a previous commitment, and this is what it was, and
15 we think that these two things are compatible, which
16 I suppose would have been, not exactly an argument that
17 would have carried much weight, but at least it would
18 have been reasonable in the sense they would have
19 provided both of the statements for our comparison, they
20 simply have tried to provide this statement as if there
21 may not have been a previous statement, or previous
22 offer.

23 So reading this suggests that we are maybe living in
24 some kind of dreamland and we have had a fantasy about
25 some previous statement, but actually there was

1 a previous statement, it was from the LDA, and it does
2 differ from this. I think it is quite plain, in terms
3 of the nature of the statement, I think it has been
4 established so I will not go into that, that the
5 statement did reflect, the new statement did represent
6 a fallback from the original statement.

7 THE CHAIRMAN: Mr Wald, can I just check on progress,
8 please?
9 MR WALD: Yes. Sir, I would expect to be another full hour
10 in-chief.
11 THE CHAIRMAN: On that basis I want to give the stenographer
12 a break. Is it appropriate now?
13 MR WALD: Absolutely.
14 THE CHAIRMAN: We have had a good hour, a very intense hour,
15 so we will take 15 minutes now. Thank you.
16 A. Thank you very much.
17 (1.55 pm)
18 (A short break)
19 (2.10 pm)
20 THE CHAIRMAN: The Inquiry is resumed.
21 MR WALD: Thank you, sir.
22 THE CHAIRMAN: Mr Wald, if you would like to continue?
23 MR WALD: Mr Cheyne, you were talking about living in
24 dreamland before we broke off. I would like to bring
25 you back down to earth and ask you about the statement

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1 that was made about winners and losers. Who made it,
2 when, and in what circumstances?
3 A. Yes, it was made by Mr Ogundele at the September
4 meetings. Mr Cahill was present, and since then the
5 LDA, or rather the Mayor, but I am assuming it was
6 written for him by the LDA, has said that they did not
7 make this statement. The reason why -- I think it was
8 very significant -- is it was made in the presence of
9 Mr Cahill as the representative of the LDA, and he did

10 not make any comments on this, and it was definitely
11 taken as being a statement from the LDA. So if an
12 agency -- if one agency allows its agents to make
13 a comment of that kind, I do not think it can be very
14 surprised in the aftermath if people conclude that it is
15 a statement by the Agency.

16 Q. What happened to Mr Ogundele?

17 A. Mr Ogundele, as far as I know, was replaced, because
18 I attended a second meeting at the end of the week and
19 found that he had been replaced by another person from
20 CBHA so I assume that CBHA was not very happy with his
21 performance.

22 Q. You have referred to the Mayor. What statements or
23 promises have you received from the Mayor?

24 A. Yes, in, if I remember rightly it was in November,
25 I asked some GLA members to ask some questions of the

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1 Mayor, and one of them was to do with the treatment of
2 Clays Lane residents.

3 Q. This is your document 248.1.16, which is page 1 of
4 tab 1.

5 A. Yes. We had had some discussion with Mr Gaskell about
6 the exact meaning of this statement and it states quite
7 clearly that the Mayor was anticipating an improvement,
8 and that he thought that this was also anticipated by
9 the LDA. The statement itself reads:

10 "I am committed to Clays Lane residents being given
11 a range of rehousing opportunities that is expected to

12 lead to an improvement in their current accommodation."

13 When I have discussed this with Mr Gaskell he has
14 been very insistent that the commitment is simply to the
15 rehousing options and he has got a bit annoyed with me
16 when I have insisted that the key to the sentence is in
17 the word "improvement". I am afraid I have to disagree
18 with him because I think that quite plainly the
19 objective of the Mayor is to talk about improvement
20 which is going to arise from these rehousing options.

21 He then goes on to define these options in terms of
22 quality, space, standards and amenities. One of the
23 things we have had is a lot of problems with is actually
24 defining what Clays Lane provides. This is one of the
25 issues that came up in the Fluid Survey when they said

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1 it was important to define what was meant by "as good
2 as" in order to be able to understand what residents
3 should expect.

4 So, to me, the fact that amenities have been
5 included specifically in this concept by the Mayor
6 suggests that all of the different things which we enjoy
7 in terms of, for example, free car parking, community
8 centre, I consider good transport connections although
9 the LDA does not consider they are so good, the open
10 space next door, which has been I think rather poorly
11 described by Mr Strike, which is one of the reasons
12 I presented a set of photographs which include a full
13 range of the kind of facilities that are available on
14 the cycle tracks in terms of woods and paths, walkways,

15 and so on, means that I think that this is the concept
16 which has to be taken into account. Of course, that
17 also includes the concept of the community, the
18 community life, the unique qualities of Clays Lane.
19 Q. I was just turning to that, actually. Your 19.1 is the
20 start of your section on lack of planning for community
21 moves.
22 A. Yes.
23 Q. Just so you have it for your note, there are some
24 references we have skipped, but 17.1 is a reference to
25 Mr Gaskell's original 7.5. I hope these are useful to

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1 you, sir.
2 THE CHAIRMAN: Yes, they are.
3 MR WALD: 17.3 is a reference to paragraph 4.8 of
4 Mr Gaskell's rebuttal to Mr Cheyne, and 17.5 is
5 a reference to Mr Gaskell's 7.3.
6 THE CHAIRMAN: Thank you.
7 MR WALD: Finally, sir, 17.7 is a reference to Mr Gaskell's
8 rebuttal, 4.36.
9 Back to you, Mr Cheyne.
10 A. Yes.
11 Q. You were talking about the lack of planning for
12 community moves. Perhaps the best way to pick this up
13 is by reference to two documents, your documents 17 and
14 18, which are to be found at pages 132 and 134, both
15 tab 6 of the Irwin Mitchell bundle. The first one is
16 a letter to Mr Roots, but as you now know, it ought not

17 to be to Mr Roots --

18 A. Actually not entirely true. I would dispute that. The
19 reason I addressed it to Mr Roots, which I made quite
20 plain in my reply to the LDA, because they got a bit
21 shirty about this --

22 THE CHAIRMAN: I am just wondering if I need to know about
23 this. I think I have seen the correspondence and I have
24 certainly seen the response from Eversheds advising that
25 it is inappropriately addressed. I am aware of the

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1 background.

2 MR WALD: Sir, I will take the extreme step of muzzling my
3 own witness here. I did not mention Mr Roots' in order
4 to elicit an explanation of it.

5 A. Good.

6 THE CHAIRMAN: I am aware of the correspondence.

7 MR WALD: Let us get beyond who it is addressed to. What
8 about the contents of the letter?

9 A. The point here was to discover various information about
10 what had been done in order to prepare for our group
11 moves and I asked them what sites had been -- when had
12 they started looking for land, the sixth question:

13 "Documents to show what work has been done in
14 identifying land for purpose-built accommodation;
15 documents to show what consideration had been given to
16 other options for those wishing to move in substantial
17 groups apart from new build housing since the project
18 began."

19 And also just general questions about what work had

20 been done on planning for the rehousing of residents
21 prior to the end of October.
22 Q. You followed that with a letter of 28th March which is
23 document 18.
24 A. Yes.
25 Q. Did you get responses to these?

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1 A. I got a response to number 17. I have never had
2 a response to number 18. In addition, I would say that
3 in terms of the documents they told me they would supply
4 in their response to number 17, the only document which
5 I think I had not received was a copy of a policy on
6 human rights and how that would apply to Clays Lane.
7 They never supplied that document. What they did supply
8 at a later date at around the time of the round table
9 was a statement about human rights, but that was not the
10 document that was referred to in their response. So
11 I never received the document which they said they were
12 going to reply and I have raised that point in several
13 letters at different times.
14 Q. Was there any indication at the pre-Inquiry meeting
15 about relevant documents to be supplied if possible?
16 A. The only thing -- I was not really up to speed on this,
17 I have to say, which is why these letters came in after
18 the pre-Inquiry meeting, and this also goes to the
19 question about Mr Roots. I addressed it to him because
20 I thought this would speed the process up, so I sent him
21 these requests with the purpose of getting as speedy

22 a response as possible.

23 Q. What was promised at the pre-Inquiry meeting in terms of
24 the supply of information?

25 A. Well, Mr Roots said that he would speed up the response.

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1 I think you may be thinking about a slightly different
2 point. There were two issues that came up in the
3 pre-Inquiry meeting as far as we were concerned. One
4 was to do with the fact that some objectors had said
5 that they had not received replies from the LDA to their
6 request for documents. It occurred to me that I should
7 put in my request and that is why I addressed it to
8 Mr Roots. There was another issue, which I am not sure
9 is what you are referring to, which was that at that
10 meeting the travellers' liaison worker asked whether
11 Mr Roots could organise assistance with residents and
12 travellers and workers in terms of organising a meeting
13 to help them to understand the process.

14 Mr Roots said, and this is in the minutes of the IM1
15 document, that he would seek instructions on that, but
16 we never heard anything more. I am not sure if that is
17 what you are referring to.

18 Q. You are right, that is what I was referring to. Did
19 that include the residents of Clays Lane Estate?

20 A. Absolutely, it was for the residents at Clays Lane in
21 general. Because we were there at the same time. I had
22 had a discussion actually with Mr Groom afterwards about
23 this, with the travellers' representative, and he was
24 also interested to know whether this was going to

25 happen, but actually it never happened.

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1 Q. Did you get any other form of assistance?

2 A. In terms of the CPO? No. I mean, I originally asked
3 back in November whether we could get financial
4 assistance in preparing for the CPO but we were told we
5 could not get that and of course we have since had
6 a further discussion with Mr Blacker about seeking
7 financial assistance for representation here and the LDA
8 turned us down on that as well. I am not sure if there
9 is some other aspect of this.

10 Q. No, that is it. Let us move on to the summary up to
11 2005. Although there is one point in 21.2 of your
12 proof, please.

13 A. Yes.

14 Q. An e-mail to you, Miss Webster, referring to work being
15 done by RSLs:

16 "We discovered in September that the LDA had only
17 just started planning for the alliance in the RSLs."

18 A. Yes. Well, we were told by CBHA -- no, we were told in
19 the September meeting that they were planning to set up
20 this rehousing alliance. Since then I discovered that
21 there was a meeting in July, and I cannot remember
22 exactly where the reference to that was initially, but
23 we now have minutes of an RSL meeting that happened
24 in July. I have to say I was not actually aware of
25 that. But so far as the --

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1 Q. Let us have a look at that. That was supplied with the
2 answers to the 33 questions put in in writing?

3 A. That is right.

4 Q. Is it the 15th July 2005 meeting you are referring to?

5 A. Yes.

6 Q. Do you have a copy there?

7 A. It is here somewhere, if I can just locate it.

8 MR PEREIRA: Which document is this?

9 MR WALD: It is one of the two meeting notes supplied with
10 the answers to the 33 questions put to the LDA, and it
11 is -- I think we got it copied on the last occasion.

12 A. Which one? 29th November and then there is 15th July.

13 Yes.

14 Q. I think it is 15th July. What do you want to say about
15 that?

16 A. If I remember rightly, the point here was that it seemed
17 to be -- Mr Howlett was concerned that they were going
18 to -- I am sorry, I just have to check which point it
19 was.

20 Q. Introduction of Mr Howlett, was it?

21 A. Yes. Oh, that is right, sorry. He said:

22 "The timescale for decanting is approximately two
23 years. CBHA cannot be expected to undertake this
24 process on their own."

25 When I read that, I was a bit surprised because

1 again this document seems to suggest that the LDA was
2 farming out the responsibility for the process to
3 Peabody CBHA, and I thought this was inappropriate.
4 I mean, it is a bit like when we had the meetings
5 in September 2005, and Mr Ogundele was effectively
6 chairing that meeting, and I thought: this is kind of
7 odd in light of the fact that LDA was the lead agency.
8 And once again, in this case, it seems to be that
9 Mr Howlett was concerned about how they were going to
10 organise rehousing.

11 Now, I know perfectly well that the LDA is not
12 a housing agency as such, so I do understand that the
13 responsibilities for specific rehousing will rest with
14 other people. But in terms of the supervision and
15 coordination which I referred to in terms of the
16 document, the summary Fluid Report with its commitment
17 to the LDA's supervisory role, I would have expected to
18 have seen the LDA taking charge of these meetings and
19 organising other RSLs. I am a bit surprised to find
20 that it seems to be that Peabody seem to be trying to
21 organise these other RSLs.

22 Q. And is that an answer to your point at 22.1:

23 "By the end of September 2005 we had seen nothing of
24 the LDA since November 2005."

25 I was going to ask you, what would you have expected

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1 by that stage?

2 A. Well, personally, as I said, because of the statements

3 that were made when the LDA and its various other
4 agencies came at the end of 2003 and early 2004, I was
5 expecting basically the whole programme to be set up.
6 The astonishing thing about the September meetings was
7 that really Mr Cahill and Mr Ogundele had virtually
8 nothing to tell us about what exactly had been done and
9 how the programme was operating. So I was expecting
10 that the RSL alliance was up and running, that it was
11 known who was in it, it was known the kind of
12 accommodation that they would be offering; I was
13 expecting that they had already identified land, because
14 if you work backwards, they have allowed three years for
15 the construction of the Olympic Village. If you work
16 backwards from a closing date of 2007, you are back to
17 the middle of 2004 to make a programme for the Clays
18 Lane residents.

19 If the Clays Lane residents were to be rehoused in
20 purpose-built development, that meant that land needed
21 to be identified, it may have been LDA land which would
22 have speeded up the process, or Peabody land, but land
23 had to be identified, then they had to identify the
24 people that wanted to go into that programme. Then they
25 had made a commitment to access to design, so there had

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1 to be design input, conversations with architects, then
2 there had to be planning permission and then you have to
3 have the construction programme.

4 So a programme like that, I find it difficult to see
5 how a programme like that, to be properly organised,

6 could not take three years and I expected to find that
7 the LDA had done all of the preliminary work in terms of
8 identifying who was interested, which I would say had
9 started with the Fluid Survey; that they had identified
10 land, that they had worked out some design proposals,
11 and I would have thought, also, that they would have
12 started the consultation on design. But actually none
13 of that had happened as far as we can work out.
14 Certainly no information was ever provided that they
15 were doing this.

16 In a response Mr Gaskell did say they did start
17 looking for land in February 2005 but it had no outcome
18 and the first piece of land that we ever heard of was
19 in February 2006, which was the Galleons Roundabout
20 site. So as I understand it, the whole programme was
21 way behind in terms of what would have been expected.
22 The LDA and the Government and everyone else has
23 invested a very, very large amount of money in this
24 programme and the Clays Lane residents are the ones
25 making way for this programme. I was expecting,

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1 frankly, that the LDA would have a department up and
2 running, with funding and a budget, to get a programme
3 of this kind organised, of finding the land, or if
4 necessary purchasing the land.

5 I appreciate there are obviously going to be some
6 difficulties here because we are talking about people
7 wanting different locations, and all that kind of thing,

8 but that is precisely the kind of consultation that
9 I was expecting to occur, is the kind of consultation
10 that Mr Winterbottom suggests in his question and answer
11 document: we will plan as early as possible.

12 So there does not seem to be the funding, because
13 when we talk about affordable rents the whole attitude
14 is: you will pay whatever you have to pay, there is no
15 subsidy available. There does not seem to be any
16 organisation of a particular programme, starting back
17 from when they first decided that they were going to
18 remove us, to organise community moves. They knew
19 perfectly well there was a strong demand for this and
20 they had themselves offered this, and Clays Lane quite
21 plainly has those features.

22 Mr Gaskell is now suggesting that the demand for
23 community moves is relatively small. 95 was the finding
24 in the survey which he has highlighted. The actual
25 projection was over 200.

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1 So the question here is whether the LDA ever
2 seriously intended to get this programme up and running
3 in time for the closure date of the middle of 2007. It
4 became quite apparent, for example when we interviewed
5 for the ITLA in January, this was a point that we put to
6 the different candidates, and they were pretty sceptical
7 that such a programme could be organised in time. It
8 was quite apparent that we were already looking at
9 double moves for those people, particularly those people
10 who are interested in moving into a new build property,

11 and a new build property was the original proposal,
12 purpose-built.

13 I have to say also that the original context this
14 was presented in was in the context of Stratford City,
15 and there is a document here which I know it has not
16 been introduced as evidence, I do not know whether you
17 are prepared to do so, but it is a consultation in
18 Poplar and it does refer to the fact that Stratford City
19 was a possible site for -- I will just locate this
20 document now, which has gone AWOL.

21 Anyway, this was a consultation which happened in
22 Poplar, and the discussion was that Stratford City was
23 a possible location. I am sorry, I have now mislaid
24 this in the various piles of documents I have here.
25 I can produce it a bit later on.

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1 So the issue here was that the original
2 understanding that we had was that they were going to be
3 working on this programme from the beginning. It was an
4 expectation that we had, or was created in us, that they
5 were going to be working to provide this in terms of
6 purpose-built housing. I would have thought that
7 a programme of that kind, in order to be done in time,
8 would have to allow a period of around three years.
9 That may be slightly too long, but, you know, being
10 realistic, you have to expect blockages in these
11 processes, so I would have thought you would have to
12 allow that period of time, and you may even need a bit

13 more. There is no way that they could have made that
14 programme work on the basis of the programme which they
15 put in place some time around -- we do not know exactly
16 when he they started looking for land seriously, but
17 there was no way they could have got that programme up
18 and running on the basis of the search which
19 concluded -- well, it has not concluded but the first
20 finding of Galleons Roundabout, which strangely enough
21 is LDA land anyway.

22 Q. Mr Cheyne, when you did have meetings you were not
23 altogether impressed with them. At 25.2 you make
24 reference to one, and for the Inspector's note it is
25 document 56 which is referred to, which includes an

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1 organogram.

2 THE CHAIRMAN: Can I have the equivalent page number,
3 please?

4 MR WALD: I beg your pardon. 56 is 74, tab 5.

5 THE CHAIRMAN: Thank you.

6 MR WALD: Mr Cheyne, can we move on?

7 A. Yes.

8 Q. We have located the document that you were referring to.

9 A. Good.

10 Q. If I hand it to you, do you want to make any point --
11 bear in mind that others have not seen it. (Handed)

12 A. Sure, I appreciate that, and if it is not going to be
13 accepted I will refer it to it --

14 THE CHAIRMAN: On the basis it is being referred to it will
15 then need to be copied and we can arrange that.

16 A. Fine. Thank you very much. It just says that:

17 "Mr Prior explained the residential impact would be
18 relatively small. He explained that Clays Lane Estate
19 in Stratford had been placed in danger, but there are
20 preliminary plans to move it into Stratford City or
21 accommodate it in the Olympic Village."

22 Now, I am not sure what he means by accommodating it
23 in the Olympic Village but it does suggest that they
24 were thinking about leaving Clays Lane as part of the
25 Olympic Village, maybe to be decanted temporarily, but

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1 he would have to explain that himself. But the issue
2 here is that plainly they understood that they were
3 going to move the community, and that a Stratford City
4 site would have been one possibility for doing that.
5 This is something which happened -- this
6 is November 2003, so this is before they came to talk to
7 us at the end of November.

8 MR PEREIRA: Is this a document in the papers?

9 MR WALD: It is not. The Inspector has indicated that if it
10 is to be referred to, it will be subsequently copied and
11 distributed.

12 THE CHAIRMAN: I will make sure that you have it before
13 cross-examination.

14 MR PEREIRA: Thank you.

15 MR WALD: Mr Cheyne, then you turn to the issue of
16 compensation and the cost of rents elsewhere at 26.3.
17 For the Inspector's note, the references there in the

18 Fluid Report, this is at 26.3 of Mr Cheyne's evidence,
19 are pages 26, 28, 42 and 44.

20 Mr Cheyne, at page 50 of his evidence, Mr Gaskell
21 denies equivalence in rents or the requirement for
22 equivalence in rents. Any comment on that?

23 A. In a sense we have touched upon it already, because you
24 asked the question of whether it was part of the
25 understanding of "as good as or better than", and I

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1 would say that equivalence is most certainly an issue,
2 because if you are saying that you are going to receive
3 accommodation to match what you have or be better than
4 what you have, then surely rental value is a part of an
5 understanding. I think it has to be put in the context
6 of the fact that we are making way for this programme.
7 It is not something we are asking for; we are being
8 moved. Therefore, the question is: how will we be
9 moved, and into what quality and cost of accommodation?
10 So I do not think there is any way that you can talk
11 about this as being something that is being unfairly
12 required by residents. We are talking about a situation
13 in which residents are being displaced and having stuff
14 taken away from them.

15 Q. Mr Cheyne, if you have to hand that memo of July 2005,
16 just possibly a relevant comment by Mark Channon on the
17 second page.

18 A. Sorry, which one?

19 Q. The July 2005 memo supplied by the LDA in response to
20 our 33 questions.

21 A. Is this the July one or the --

22 Q. July. 15th July. We see over the page, second page:

23 "Mark Channon explained that an additional problem
24 is the low rents currently being charged, that any
25 decanting would inevitably involve higher housing

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1 costs."

2 A. Yes.

3 Q. Is he at odds with Mr Gaskell there?

4 A. No. Well, Mr Gaskell I think is trying to suggest now,
5 first of all that our rents are going to go up
6 substantially anyway, but that was contradicted by his
7 own statement, because he then refers to modest rises in
8 rents in his -- I think it is his rebuttal to me. I
9 would say that the line which is being given to us at
10 all stages, going back for example to the September 2005
11 meetings, was that we were going to have to pay higher
12 rents. And this was something which Mr Ogundele said,
13 you know: live in the real world, this is what is going
14 to happen to you. And the experience of Mr Hammoud,
15 I think with the associations that he was involved with,
16 exactly bears that out. So the attitude of the LDA
17 throughout has been: you are going to be paying higher
18 renting -- higher costs.

19 Q. Okay. Let us move on to page 20 of your proof. For the
20 Inspector's note, 28.1 is document 55, which is at 260
21 of tab 8, and then at 2.8, the reference document there
22 is document 34 at page 97 at tab 6.

23 Mr Cheyne, I think a correction needs to be made.
24 The Fluid consultation should have started
25 in September 2004 rather than 2005.

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1 A. That is right. It is a typo, I am afraid. I do make
2 mistakes. I am sorry.

3 THE CHAIRMAN: Can you just point me to that paragraph?
4 Where is that?

5 MR WALD: Sorry, 28.3. Then you talk about the commitment
6 from the Mayor of London. Perhaps you have dealt with
7 that, I think, by looking at the correspondence in your
8 document; yes?

9 A. Mm.

10 Q. Unless there is anything further you want to say. So
11 the reference there is document 16 at page 1 of tab 1.

12 A. Thank you.

13 Q. This idea of having an input into design at 31.4 that
14 you mentioned.

15 A. Yes. 31.4, right. Well, yes, one of the questions we
16 asked the Mayor was about this access to design, and he
17 made a commitment that there would be access to design.
18 One of the interesting things is that in a meeting
19 in February, I think it was 24th February, it is
20 document 6 of my numbers --

21 Q. Document 6?

22 A. -- there is a discussion between actually --

23 Q. Sir, that is 97, tab 6.

24 A. Mr Cahill at this meeting said that there was no promise
25 to have an input into -- or to, I think it was to

1 specify the design of purpose-built accommodation.

2 I think he calls it, I do not have the document in front
3 of me, but I think he calls it a bespoke development.

4 And then in the same document, a little bit further
5 down, Mr Gaskell says that there would be opportunities
6 for an input into design.

7 Q. Do you want to turn it up?

8 A. Yes. I am sorry, I seem to have mislaid it at the
9 moment.

10 Q. Page 97, it is tab 6.

11 A. Sorry, I am working from my own set as well as the ...

12 Q. One is finding that, at 32.4, the request for legal
13 assistance. I will not dwell on that, but the reference
14 is document 19, which is page 135, tab 6.

15 A. Unfortunately I do not actually have the page numbers at
16 the bottom of my set of documents here. This is in
17 tab 6.

18 MR PEREIRA: Page 135 is a letter to Mr Roots.

19 A. Yes. I am referring to a set of minutes, it should be
20 in the minutes section, I think, the one I am referring
21 to, which would be in section 9, I think.

22 24th February, yes, here we are. Group moves. It says:

23 "Aaron said that no undertaking had ever been made
24 that tenants would specify the design of a bespoke
25 development."

1 I am not quite sure what he meant by that, but in
2 the Fluid Report, he refers to the fact -- have you not
3 found it yet?

4 THE CHAIRMAN: Not yet.

5 MR PEREIRA: What is the name of the document?

6 A. It is "Notes of LDA, CBHA and SNU meeting held on
7 24th February 2006", and it is my document number 6.

8 THE CHAIRMAN: Is it 248.1.6, page 256?

9 MR PEREIRA: Yes.

10 THE CHAIRMAN: So that will be a later page, I think. Which
11 page is that on, of that document, or which heading?

12 A. Sorry, the first page, "Group moves", first page.

13 THE CHAIRMAN: Thank you.

14 A. Just under the heading it says:

15 "Aaron said that no undertaking had ever been given
16 that tenants would specify the design of a bespoke
17 development."

18 I would have to disagree with that because as I said
19 before, the whole concept of a bespoke development would
20 be that tenants would have an input into the design.
21 This went right back to the consultations we had
22 in November and February in 2003 and 2004. And in the
23 Fluid Survey it specifically refers to the possibility
24 of incorporating a courtyard design being carried over
25 into a future estate, and that this should be borne in

1 mind in terms of what might be done to house residents

2 who wanted to move as part of the community. But
3 interestingly then Andrew Gaskell then goes on to talk
4 about:

5 "... supported the idea of a carbon neutral
6 eco-friendly environment, and a third possibility is a
7 tenant's right of brief for a development which the LDA
8 would then undertake to publish."

9 So this is different kind of -- sorry, the section
10 above says:

11 "Tenants could contribute to the design brief,
12 appoint architects."

13 Then there is a third possibility, they write a
14 brief for a development.

15 So there were, quite plainly, commitments to access
16 the design, and there does seem to be a little bit of
17 disagreement between Mr Gaskell and Mr Cahill on this.

18 MR WALD: Thank you, Mr Cheyne. Sir, Mr Pereira is quite
19 right. Document 19 should not be at 32.4. We have not
20 yet found the letter from Gareth Blacker turning down
21 the request for legal assistance, but we will supply
22 that.

23 A. Oh, I have that.

24 THE CHAIRMAN: That can be found later.

25 MR WALD: We will give you the reference later, I am not

1 going to turn it up now. Yes. Moving down on to
2 housing costs and your page 22. Yes?

3 A. Yes. Sorry, page 22? Yes, okay.

4 Q. There is some exchange about Mr Hammoud's figures not
5 including any amounts for Newham, but he had looked at
6 other authorities. Do you happen to know whether
7 relocated former residents have gone to Newham generally
8 or have they gone to other boroughs?

9 A. Again, this information is obviously in the hands of the
10 CBHA and the LDA, so they can publish this if they
11 choose. But as far as I am aware, most residents are
12 not going to Newham. First of all the choice-based
13 letting scheme, and I do not know whether this is up and
14 running yet, we have been told many times that the
15 choice-based letting scheme has now been sorted out and
16 Clays Lane tenants have decant status but as far as I am
17 aware this has not actually happened, and tenants have
18 still been going to Newham asking whether they have that
19 status and they are being told they have not. And there
20 appears to have been a long discussion going on, this is
21 part of the incentive argument, between Newham and the
22 LDA as to what nomination rights Newham and I think
23 other boroughs as well get to properties in the legacy
24 phase, and Clays Lane, is I am afraid, a sort of
25 bargaining chip in this argument.

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1 The status, our decant status is very important in
2 terms of being able to access this scheme, because
3 without it, Clays Lane residents are at the bottom of
4 the pile and do not have decant status, so effectively
5 they would be moving into hard to let properties. As
6 I say, we are now seven months into the programme. The

7 commitment was made that the LDA would be taking charge
8 of its relationship with RSLs and councils in order to
9 make sure that these things were sorted out, and yet
10 seven months into the programme, this is still not
11 happening. So access to Newham properties certainly up
12 to now has been very limited, and I do not think it has
13 actually improved.

14 In terms of the number of people going to Newham, I
15 cannot say specifically how many have gone, but I think
16 I have only heard of one person that I personally know
17 of who has moved into Newham.

18 Q. You have a section at 38.1 entitled "Change in promise"
19 and you describe the November newsletter as
20 argumentative.

21 A. Yes.

22 Q. What do you mean by that?

23 A. Well, the two points that I have described already about
24 the status of the Fluid information is I have -- well,
25 I have stated on many occasions that I think that this

1 is I am afraid bad faith and I think it is a statement
2 which is incorrect, I do not think it is -- the fact
3 that the survey was commissioned by the LDA means that
4 the information belongs to the LDA. I have some
5 difficulty understanding precisely what their argument
6 is here and how they think it is information which is
7 given to Fluid. Why on earth would Fluid want this
8 information and have it on their file? Obviously it has

9 to go to the LDA. So the idea that it belongs to Fluid
10 seems to me to be simply incorrect, and I find that
11 whole section argumentative in the sense that it seems
12 to be denying something which is quite obvious.

13 The second part is the discussion about the promise
14 and the fact that instead of just coming out and
15 revealing the fact that there was this earlier promise,
16 and having what I would call an open discussion about it
17 in this newsletter, they have attempted to conceal the
18 original statement by not stating what it was and
19 suggesting that it may not really have existed.

20 Q. You have a section entitled "Appointment of ITLA",
21 starting at 39.1 on page 17. Any comment on that?

22 A. Well, the situation here was that the ITLA was supposed
23 to be appointed in December, and because of a mix-up, I
24 cannot say who was responsible for this, with times and
25 dates, the interview did not happen then. However, it

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1 also coincided with a discussion between Barry Ojar and
2 myself with the LDA about the appointment of the ITLA,
3 and we argued that -- I mean, I did some research on the
4 internet, I have never actually come across the title
5 "ITLA" anyway, but it may be that there are other
6 agencies called this. But an ITA is usually appointed
7 by tenants and the original proposal from the LDA was to
8 appoint it through two staff, one each from LDA and CBHA
9 and one tenant. That, to my mind, was irregular.

10 We had a discussion about this, and Barry Ojar
11 received some correspondence on it, and in among this

12 was a discussion about whether or not -- Mr Cahill said
13 that he had not consulted with housing professionals on
14 the matter. I was a bit surprised because I thought
15 that Mr Cahill himself was a housing professional. But
16 insofar as this may have been something that should have
17 been consulted on, I would have thought that
18 consultation should have happened before this form of
19 appointment was discussed or was put forward.

20 So we had the situation where we had a kind of slow
21 process of altering the process of appointment from,
22 first of all the appointment was two to one, then it was
23 three to three, with a chair, a tenant chair, and then
24 the LDA did concede on this and they said they would
25 have a four to two split with a tenant chair, and

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1 eventually the two staff persons, Mr Cahill and
2 Mr de Ferry did not actually ask any questions. They
3 asked a couple of small questions at the end but they
4 did not participate in the appointment. So the LDA did
5 agree to the proposal from residents, and actually I
6 would say that that was a point of some -- I hoped and
7 felt it might have been a point of some transformation
8 in the process. I do not think it did have much
9 tranformatory result, but it was what I would call
10 a minor improvement and did lead me to think that we
11 might be going to make some further progress.

12 Q. Moving on, the CBHA information sheet section, 41.1, has
13 a reference to document 44.

14 A. Oh, yes.

15 Q. Which is at 96/5. Mr Cheyne, I am not going to invite
16 you to deal with it, but I wanted the Inspector to have
17 a note of that.

18 A. Okay, right.

19 THE CHAIRMAN: What was that page?

20 MR WALD: It is 96, tab 5.

21 THE CHAIRMAN: Thank you. I presume the reference
22 to December 2006 is meant to be 2005?

23 A. Oh, I am sorry.

24 THE CHAIRMAN: It is 2005 rather than --

25 A. No, you are right. I am suffering word blindness.

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1 THE CHAIRMAN: No, it is quite all right.

2 MR WALD: A lot of documents in this, Mr Cheyne.

3 A. Yes.

4 Q. Yes, I am going to move on, and, sir, again, giving
5 references, at 45.1, a reference to document 44, which
6 is 96 of tab 5, and lower down in that paragraph,
7 Mr Cheyne says:
8 "I ask the LDA in my document requests what
9 contracts and incentives existed."
10 That is to be found at document 18.

11 A. This is the report. This is the one which was not
12 answered which we have already dealt with. Yes.

13 Q. Which is 134 at 6. And finally, sir, 463 on that page,
14 that is a reference to page 71 of the Fluid Survey.

15 THE CHAIRMAN: Thank you.

16 A. Can I make -- are you going to ask me --

17 MR WALD: I was going to take you to 49.1 and your meeting
18 with Mr Biggs in December 2005.
19 A. Can I just go back to a little bit about the nature of
20 the relationship with Peabody and CBHA in 41? I will
21 not go on on this very much, but I think the issue is
22 here, Mr Gaskell has specifically referred to the
23 experience of CBHA as a decant agency and I would like
24 to state that I have to say that I do not think that
25 they have performed a particularly good function in

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1 this. We have had a number of problems regarding the
2 way in which CBHA has operated, and I have detailed some
3 of these points here, so I will not go into lots of
4 detail. I just wanted to point out that that was an
5 issue. It does go back to the same issue which you
6 raised earlier on about the supervisory role of the LDA
7 and the fact they were not on the site. Mr Gaskell has
8 told us in responses to questions that he has monitoring
9 meetings with the chief executive of CBHA.

10 I have to say, I do not really feel that I can
11 describe that as monitoring. I think to deal with
12 problems on the ground, like for example when CBHA is
13 telling people that a group move involves shared
14 housing, which the LDA was apparently unaware of for
15 a considerable period of time, that not to be aware of
16 that kind of problem and therefore the impact that might
17 have on people who would be interested in a group move,
18 requires much more hands-on management, and I am

19 concerned, therefore, about the lack of close quarters
20 control, and that goes also to the issue in the
21 relocation strategy, the lack of direct or independent
22 monitoring of the process.

23 Q. Thank you, Mr Cheyne. Sir, sorry to trouble you with --
24 I hope this is helpful -- at page 21, just some other
25 page references.

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1 THE CHAIRMAN: Yes please, it is helpful.

2 MR WALD: 49.1, a reference to 54, which is 182 of tab 6.

3 49.2, sir, references to documents 45 through to 49 of
4 Mr Cheyne's documents, which are all of tab 10, and 292,
5 296, 297, 298 and 301.

6 A. Can I also make a couple of further points, which is in
7 42.3, we have a problem with people who are looking to
8 move out of London, and I know personally of one case of
9 a tenant who wants to move to the Isle of Wight, and she
10 tells me she has received no assistance for this. What
11 is happening is that some people are losing hope and
12 they have decided to go private, and the result of that
13 will be that they will lose their status within the RSL
14 sector. They do not seem to be aware of this. I told
15 this tenant that she would it and she was pretty taken
16 aback, because she thought that she would just put
17 herself on the housing list when she got to the Isle of
18 Wight, and I pointed out she does not have any status.

19 I have heard of someone else who wants to move to
20 Exeter, and he was told that he would not be able to
21 access Exeter's housing because he had no decant status.

22 So again, the issue of exactly how moves out of London
23 are being handled, there does not seem to be any process
24 at the moment for doing this.

25 I am pretty sure that there are people who do not

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1 understand that once they have accepted a private
2 property, they have lost their status. Because remember
3 at the moment we have assured tenancies as opposed to
4 the various kinds of insecure tenancy and there are
5 people, of course, who have received assured short-hold
6 tenancies, but those tenancies are renewable and if the
7 tenant loses their status in some way they also may drop
8 of the RSL programme.

9 Q. Mr Cheyne, is there any evidence of group movers
10 abandoning their ambition with the passing of time?

11 A. Yes, absolutely there is. There was a couple living in
12 my courtyard who were very upset in the September
13 meetings. They had lived in Clays Lane for a long time,
14 Debbie, who was one of the two, said she regarded this
15 as a terrible wrench, they were very upset in the
16 autumn, and suddenly they disappeared, and they had
17 plainly decided that the whole process just was not
18 going to come the way they wanted it to go. They had
19 put their names down for the large co-op group move
20 associated with the management committee. I was not
21 actually aware they had their names down for this, but
22 one day Ian Sandison was delivering letters to people
23 who had shown an interest in this, and I had to tell

24 him: oh, I am afraid they have already gone.

25 And I know of another person, for example, who is at

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1 present planning a move to an individual property and
2 she had also put her name down recently in the group
3 survey that has just been done. There are definitely
4 other people in the same situation. There is another
5 person who has moved -- this is actually the one person
6 that I know who has moved to Newham -- who also told me
7 he was interested in a group move but had given up on
8 it.

9 I would say the problem here is -- you see, if you
10 are looking at the different options, the community
11 group move option is not really available, it is at the
12 planning stage still, so people are sorting out where
13 they are going to go, so because it is an option which
14 is not available they cannot assess it against what is
15 happening elsewhere. They do not know what sites are
16 available, what rents would be charged or anything like
17 that. So the whole programme is, I would say, at least
18 a year behind programme.

19 Q. Just to complete the references on page 21, sir, 53,
20 that compensation offer is at document 38, page 15,
21 tab 2.

22 Paragraph 51 refers to document 71 at page 273 of
23 tab 9, and paragraph 52.2 contains various points made
24 in e-mails at documents 45, 51, 52 and 53, which are 292
25 of 10, 149 of 6, 171 of 6, and 179 of 6.

1 A. I also would like to deal with 43, which is the issue of
2 the eligibility of tenants. This has turned out to be
3 a real problem, because Clays Lane does have a very
4 diverse community. Mr Gaskell has tried to suggest that
5 because we do not have enough Bangladeshi people living
6 there, that we are not a very diverse community, but
7 actually we have a very diverse community and it may
8 very well be the Bangladeshi people are
9 under-represented.

10 But as a result, there are people who have varying
11 immigration status, and CBHA and Peabody have been
12 telling these people that they do not have access to
13 public housing, and Peabody is, after all, the Agency.
14 They are the Agency we have an assured tenancy with.
15 The advice from the ITLA, and I have included a document
16 on that, is that Peabody, of all of the agencies, have
17 a responsibility for rehousing these people. It may be
18 that some other agency, a council or some such because
19 Mr Gaskell has suggested that councils do not have that
20 responsibility, but Peabody of all of these agencies
21 definitely has this responsibility and Peabody is the
22 agency which is making the most difficulty on this.

23 This is still not resolved, because when this
24 document that I have put forward -- which is the --
25 MR PEREIRA: Tab 3, perhaps?

1 A. It is the SNU document on -- it is titled -- sorry, I am
2 just trying to ... oh, it is "Draft rehousing guide.
3 95", so that would be in tab 3, that is correct.

4 THE CHAIRMAN: Page 29.

5 A. That sets out the ITLA's view on eligibility. This was
6 discussed at a meeting of the SNU Clays Lane On The Move
7 meeting with the LDA, and the LDA and CBHA were
8 reluctant to accept this document at that time, so it
9 has not been circulated, so although it has been
10 drafted, it has not been circulated. So residents who
11 are in this sort of limbo state in terms of their
12 understanding of their status have not yet had that
13 status clarified, and it is still unclear as to what
14 precisely is the position that Peabody are taking on
15 this.

16 And I would again say that it seems to me highly
17 likely, although I have to say I do not know anybody who
18 has specifically moved out on this ground, but I have to
19 say it is extremely likely that some people who are
20 maybe not entirely sure of their status will have
21 decided to make some other arrangements and may very
22 well have lost the status they currently have, as I say,
23 as an assured RSL tenant.

24 MR WALD: Sir, 52.3 deals also with SNU and makes reference
25 to two documents, 46 and 47, at 296 of 10 and 297 of 10.

1 As to legal assistance with relocation, Mr Cheyne has
2 included two documents at 51 and 52 at 149 and 171 of 6.

3 In terms of the rehousing policy, at paragraph 55.1,
4 there is a reference to document 118, which is page 84
5 of tab 5.

6 Now, one further one before I ask you about approval
7 of the relocation strategy.

8 A. Sorry, did you want to talk about Mr Biggs?

9 Q. Oh, yes. 49.1, this meeting with Mr Biggs.

10 A. I would say one thing just before that, 47, is that the
11 meeting with Mr Biggs were not started by the LDA. The
12 LDA was invited to meetings with Mr Biggs by Mr Biggs,
13 after I asked Mr Biggs to have a meeting with me and
14 some other tenants. So this was not a process which was
15 established by the LDA. So anyway, yes. 49.1.

16 Q. All right. Sir, 55.3, there is a reference to document
17 120, which we have not been able to locate. It is
18 a confidential document.

19 A. Ah, yes. This is an e-mail --

20 THE CHAIRMAN: Just before we go into it, do we have it?

21 Does anybody know where --

22 A. I have a copy of it somewhere. I mean, let us see --

23 MR PEREIRA: What is the description?

24 A. It would be correspondence with the LDA, I presume.

25 MR WALD: This is the rehousing policy.

1 A. Yes, this concerns -- there was the fact that there was
2 a previous draft of the rehousing policy which actually
3 Clays Lane residents never got to see. Here we go. It
4 is actually the last document in tab 6. I do not know

5 the page number, I am afraid.

6 THE CHAIRMAN: Document 248.1/120.

7 MR WALD: That is correct.

8 THE CHAIRMAN: Page 214.

9 A. This was the first draft of the rehousing policy, which
10 was sent to SNU for comment, and apparently was not
11 a very well drafted document, and in fact Mr Gaskell
12 does say that he does not think it was a well drafted
13 document. I was informed -- in my e-mail I was provided
14 with that:

15 "We have accepted their comments, withdrew that
16 document and reworked it."

17 So the point was that I do not actually think that
18 the second document was a very well drafted document and
19 I have presented my comments on that. But the curious
20 thing to me was that when we had a meeting with SNU
21 about this, SNU told us this document was confidential.
22 I then actually raised this with Mr Gaskell, and he
23 said: well, it was not actually confidential, it was
24 just something they sent to SNU for comment, and there
25 was no particular reason why it should not have been

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1 released to residents at that time for them to have
2 comments on. So he was suggesting that SNU had
3 over-played the confidentially argument in this case.

4 I then thought: well, I will ask to see this
5 document, and I then got this response from Mr Gaskell
6 saying that he thought it was not appropriate to send it
7 because he considered it would cause confusion. So

8 I have not pursued that matter, I have made a complaint
9 about it, I just thought it would be interesting to see
10 what was in the original document.

11 Q. You referred just a few answers ago to diversity. The
12 issue arose yesterday as to whether certain age
13 residents had to leave or could not come, or indeed
14 whether a tenant that became pregnant would have to
15 leave. Can you offer us any assistance on that?

16 A. Absolutely. I have never heard of a tenant being asked
17 to leave on account of her age, so I cannot say that
18 that is the case. The co-operative was originally
19 established, as I understand it, in order to meet the
20 needs particularly of single and younger people, so it
21 may well be -- and when people sign up to join the
22 co-operative, they do so on the basis that -- I think it
23 was between the ages of 18 and 59, and it may be that
24 they have concluded, whoever has read this document has
25 concluded that that meant that people of the age of 59

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1 were arbitrarily told to leave, but that is not the
2 case.

3 The kind of housing that would be available for
4 someone, once they have reached pensionable age, might
5 very well be superior to Clays Lane so the suggestion
6 would I think be, and this I think was the original
7 intention of the policy, was that people who had reached
8 that kind of age might very well feel that it was an
9 appropriate time to move on. This was not something

10 that was enforced as a kind of arbitrary design. This I
11 would regard as being kind of an advisory statement
12 rather than an arbitrary policy.

13 The same thing would apply to the issue of those --
14 say a single mother or whatever, a single person who
15 became pregnant. The accommodation was not designed for
16 children, and there would be an issue, and there is an
17 issue, of overcrowding and nonconformity to housing
18 regulations, because even in a flat you have one bedroom
19 and a living room. Now, it would be possible, and
20 indeed, there are lots of -- not lots, but
21 a considerable number of cases of people who have had
22 children on the estate, and the children and parents
23 continue to live there, sometimes well beyond toddler
24 age, until four, five, that sort of age, and there is
25 a child at the moment in the courtyard next door to me

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1 who I think is about four years-old.

2 There has not been a policy of forcing those people
3 to leave. What used to happen was that especially for
4 example, not so much for people with children in a flat,
5 but if a child was born to a resident in shared
6 accommodation that was obviously unsuitable, it would
7 mean the child being in one room with the parent and
8 possibly two parents, and this might affect other
9 residents, the co-operative would take the view that it
10 was desirable for this person to move on. In order to
11 make that happen, they had to issue notice to quit and
12 start court proceedings so that the single parent or

13 whatever could take that notice to quit with the court
14 proceeding -- because Newham would not accept a notice
15 to quit on its own, they had to have evidence of a
16 serious intention to evict, they would take that to
17 Newham housing and say: I am in danger of being made
18 homeless.

19 If they were to leave the accommodation voluntarily,
20 then they could have been described as making themselves
21 voluntarily homeless in which case they would not have
22 a right necessarily to be rehoused, or put it like this,
23 they might end up in a roundabout way in some sort of
24 bed and breakfast but it would not be an automatic
25 process.

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1 So the procedure that Clays Lane adopted was to
2 proceed with an eviction in order to make it possible
3 for Newham to rehouse that resident. That was the
4 procedure that was adopted and it fits in with the
5 overall intentions of Clays Lane which was not to
6 provide accommodation at that time for children.

7 Q. All right. Mr Cheyne, by now you have had quite a lot
8 of experience with planning matters. You do not have
9 any formal qualifications of planning, no?

10 A. No.

11 Q. You have nevertheless a section in your proof that
12 starts "Revision of masterplan" and I would like to turn
13 to that. You look at the various revisions. Could you
14 summarise what --

15 A. Which document are you looking at at the moment, please?
16 Q. I am looking at your main proof of evidence. You have
17 a section headed "Revision of masterplan, 58.1".
18 A. We seem to have jumped on. There may be other --
19 Q. I am jumping on, bearing in mind that the Inspector has
20 invited us to take much of your proof as read.
21 MR PEREIRA: Sir, I do not know how we are doing timewise.
22 THE CHAIRMAN: I was just going to ask that.
23 MR WALD: I am coming to the conclusion. At the moment I am
24 ten minutes over. I expect to be a total of 15 minutes
25 over.

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1 You have the section. I just thought it would help
2 if you summarised the gist of your evidence as to the
3 revisions in the masterplans.
4 A. I would just like to say, first of all, before that,
5 that I do not think we were correctly informed by the
6 LDA of the revision. The LDA did not tell us that the
7 Olympic Village had been moved in the newsletter and
8 since then, Mr Gaskell has said that his information was
9 correct. But actually the site now includes elements
10 that are not related to the Olympic Village, and so we
11 have a bit of a road and some sporting facilities.
12 So even then I do not think that Mr Gaskell's
13 statement is correct. I do not think it in any way
14 conforms to the expectation of as much information as
15 possible and there has never been any kind of provision
16 of, say, on-site displays to show us what is being done.
17 In terms of the revisions to the masterplan, we did

18 discuss this to some extent in the round table, and
19 obviously I have had further opportunity to think about
20 this, and the issues which seem to me to have arisen out
21 of all of this are primarily to do with the West Ham
22 site, which it seems to me does provide an opportunity
23 either to be put to receive housing the Olympic Village.
24 The LDA has now come up with an objection that the site
25 is not large enough, which they did not provide before.

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1 It has very good transport links, so it could have
2 high density, and there is a section of land next door
3 on Mill Meads that could also I think be used, it may be
4 on a temporary basis, either for services for the
5 Olympic Village or for housing itself, and that could
6 easily be linked with a bridge across, because there is
7 an island in the middle of the channel between the two,
8 which could be used as a walkway to connect the two
9 sites.

10 I do not think there is any problem with security of
11 that site. It is a relatively isolated site, it is
12 bounded by waterways, by railway lines and so on, and by
13 the Greenway, which means that fencing, or whatever was
14 needed to be put up could easily be put up.

15 If you include the Mill Meads site I do not see you
16 have any problem in terms of size for the Olympic
17 Village. If on the other hand it was felt not
18 appropriate, then it would certainly be appropriate to
19 put some of the sporting facilities which are now being

20 put on the main site. Like, for example, Paralympic
21 tennis and fencing have both about imported into the
22 site and they were not in the Olympic Park originally.
23 So I would have thought that those, and if necessary
24 some other sporting facilities could be sited.

25 That would fit in with the MOZ description of the

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1 site, which is that community uses would be one of the
2 purposes, and sports facilities would fit exactly with
3 that definition. In terms of the legacy it also fits in
4 very well with the intention of creating retail
5 facilities. Retail facilities could either be part of
6 the Olympic Village or they would be kick-started by the
7 fact that there would be other facilities relating to
8 supporting facilities.

9 So I do not see there is any reason not to use the
10 West Ham site in order to free up land in the northern
11 part of the Clays Lane, the area including Clays Lane.
12 There will also be very important legacy benefits if it
13 was housing on that site because it would be completely
14 new housing, whereas in Stratford City there is double
15 counting because a lot of the housing is already
16 provided under the Stratford City permissions.

17 Q. I think you went into that already --

18 A. I am sorry, I am going too much -- so the new issue
19 here --

20 THE CHAIRMAN: I think in terms of the question it was the
21 revisions to the masterplan insofar as it affected
22 Clays Lane, is it, as opposed to the more

23 general design?

24 A. Exactly, but what I am trying to suggest is whether this
25 conforms -- because obviously in order to argue that

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1 land could be found elsewhere I have to show some
2 reasons as to why this land would be suitable. So that
3 is why I am going into some detail.

4 Sorry if I am going too far, I will just go a little
5 bit further and then move on to another bit. I think
6 there are other important legacy benefits in terms of
7 the improvements and open space in that area, so you
8 could say that the West Ham site would have a lot of
9 good reasons for facilities which are in another parts
10 of the park to be put there. It could be a secure site,
11 it has very good transport links which overcome the
12 inconvenience to athletes and suchlike.

13 So I am suggesting that there are serious
14 possibilities of finding an alternative site so that
15 land would be freed up in Clays Lane which would mean
16 that the Clays Lane area itself could be taken out of
17 the Park.

18 Q. Mr Cheyne, I am conscious I need to leave enough time
19 for you to be fully cross-examined so I am sorry to cut
20 you off in that way.

21 THE CHAIRMAN: If there are matters that are relevant,
22 I will hear them. I do not want there to be an absolute
23 time constraint. I do not want to give that impression.
24 But clearly there is already a considerable amount of

1 redesign, I am just checking, is this a matter that
2 Mr Goemans touches on?

3 MR WALD: We will pick up on this point, yes. Perhaps it is
4 sufficient, now that Mr Cheyne has flagged this up, that
5 Mr Goemans should be the person to develop it.

6 THE CHAIRMAN: On the basis that, with respect to Mr Cheyne,
7 Mr Goemans is the expert witness.

8 A. Absolutely.

9 THE CHAIRMAN: But it is perfectly right to flag it.

10 MR WALD: Sir, I think it is probably right to say at this
11 point --

12 A. Can I make a couple of further issues or not? I would
13 just like to say --

14 THE CHAIRMAN: Just pause a moment.

15 MR WALD: Sir, the extent to which Mr Goemans can develop
16 this is necessarily limited by limitations of timing and
17 funding and availability of information.

18 THE CHAIRMAN: Yes. I think it has been developed in the
19 sense of seeking to get the LDA to respond to it to
20 justify why they have not chosen that potential option,
21 or they have discarded it at some stage, and to seek
22 clarification on that. It really leaves, as I
23 anticipate, the opportunity to cross-examine Mr Prior
24 about it.

25 MR WALD: Sir, you have precisely the point.

1 You wanted to make two further points?

2 A. There are a couple of little things, like for example

3 Mr Prior suggested in his evidence there was this

4 problem of the communication from West Ham across to

5 Plaistow. Actually, strangely enough when we visited

6 the other day, we did find a little bridge already in

7 position, just next door.

8 THE CHAIRMAN: It might be something, if you brief Mr Wald,

9 then I think he can put that question to Mr Prior.

10 MR WALD: Mr Cheyne, I wanted to just have you make comments

11 on the survey of group moves, and then just read your

12 two concluding paragraphs before you are made available

13 for cross-examination.

14 A. Okay.

15 Q. Sir, very quickly, the references to documents, there

16 are five or six other ones.

17 57.3, the reference to document 6 at page 256 of tab

18 8; 58.2 is document 23, which is page 14A of tab 2; 58.3

19 is document 24, which we have not located, so we owe you

20 that one and Mr Blacker's letter about funding.

21 THE CHAIRMAN: Yes, please.

22 MR WALD: We have now found Mr Blacker's letter about

23 funding. It is page 108.

24 THE CHAIRMAN: Can you just tell me where that reference

25 appeared from, now?

1 MR WALD: It was the one I thought was -- I misdirected you
2 to a letter to Mr Roots.

3 THE CHAIRMAN: Is this the paragraph 53.1?

4 A. No. That is about a later discussion.

5 MR WALD: No, it is --

6 A. It was to do with the CPO I think earlier on.

7 Q. Ah, it is 32.4, which I mistakenly told you was
8 a reference to document 19.

9 THE CHAIRMAN: So that is now page?

10 MR WALD: It should in fact be page 108 of tab 6.

11 THE CHAIRMAN: Thank you.

12 A. I am sorry, the document that I numbered there for the
13 benefit of Mr Wald was Mr Blacker's e-mail saying any
14 additional legal assistance to be requested by the ITLA,
15 so there are two additional documents there, and that is
16 why there is some confusion.

17 MR WALD: Okay. Thank you. Then before we get on to the
18 survey on group moves, sir, I think I had taken you as
19 far as 58.3.

20 A. I mean, there are some other questions there, if you
21 want to deal with anything about --

22 THE CHAIRMAN: Sorry, we are just going through documents.
23 I think we will let Mr Wald complete, and then what
24 I will do, I will take a break so that if there is
25 anything else on reflection that needs to be dealt with,

1 I will give you that opportunity when we come back in.

2 MR WALD: Thank you, sir.

3 THE CHAIRMAN: I think that is the fairest way. Because

6 the process of adding in page references and document
7 references to your proof and I do not propose to take
8 you to any further documents. Just one preliminary
9 point and then I will ask you to make some concluding
10 remarks and then read your last two paragraphs in your
11 written proof.

12 Just so it is clear, your proof deals with both
13 group moves and individual moves; your evidence is
14 concerned with both of those, is that right?

15 A. Yes, absolutely.

16 Q. Fine. That is enough on that point. If you would make
17 some concluding remarks before turning to your two final
18 paragraphs.

19 A. Yes. These are -- I am not going to go back to the
20 particular sections, I am just going to go through some
21 bullet points in order to clarify some particular
22 issues.

23 One of the issues that has occurred for me, and for
24 those of us who are in the particular group move in
25 which I am involved is the delay in providing legal

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1 assistance. I was not personally very keen on the
2 appointment an ITLA. I did seek to get legal advice and
3 I have provided documentary evidence on that, and I will
4 not go into that now.

5 However, I did cooperate with the process of
6 appointing the ITLA, and I wanted to try and make this
7 work as best I could. When the ITLA was appointed I did
8 ask the ITLA to seek legal support, legal back-up, which

9 regrettably they refused to do, or failed to do. So
10 I decided to make an application on my own account,
11 which it was agreed that I could do this in December
12 when we had a meeting with Mr Biggs. It took some time,
13 it was taking a long time for this to materialise. I am
14 not even sure whether this has yet been finalised. But
15 I made an application, I think on February 15th, and I
16 provided the string of e-mails which run through to
17 April about the initial process of trying to make this
18 application.

19 Mr Gaskell was extremely slow in responding. In
20 fact, he did not respond at all, I think it was a couple
21 of weeks. Then once he did respond, we then had
22 a rather tortuous conversation about what exactly it was
23 that I was asking for until finally I simply asked the
24 solicitor involved to make a request, to send in a scope
25 of work and to try and get it accepted by that route.

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1 Mr Gaskell did say he would provide me with response
2 times but he never did, and he did set up a response
3 period, he says of ten days, but actually he overran it,
4 and I think eventually it was more like a month, but
5 I cannot remember the exact time and I am not going to
6 go to the document now.

7 THE CHAIRMAN: That is referred to in here, I think I recall
8 reading it.

9 A. Yes, exactly. So since then I have not recorded any
10 further e-mails. However, this process continued.

11 A little bit of work was done by the lawyer around the
12 search brief period, which was in May, forming up the
13 search brief, but as far as I understand it, this has
14 still not been agreed. The implication is not just that
15 this legal assistance had not been available for our
16 relocation, because that is what this is concerned with,
17 not the CPO, but on top of that it raises a question
18 about the delays in the process as a whole. Because it
19 takes five months, approximately, maybe more, because we
20 are now past five months, to agree a contract of this
21 kind, then I have really serious questions to ask about
22 what is going to happen when it comes to purchasing
23 properties or for example architects being involved.

24 Because again I have raised the question of access
25 to design, the fact that we have made contact with an

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1 architect without receiving any response at all. So the
2 delay in the process is very critical and the fact that
3 it takes so long to agree something like this, and in
4 a sense it is an argumentative process as well.

5 Mr Gaskell has argued back on a number of occasions
6 about this.

7 MR WALD: What is the reaction of the residents to delay
8 generally?

9 A. I think the reaction of the residents is that they lose
10 hope. This is one of the big concerns about a group
11 move as a whole, but it is also a concern for
12 individuals. People who might have been -- as I said,
13 there is a particular person, she has health problems,

14 she is under pressure to make decisions, so she has
15 decided to go for, in her case an individual move. She
16 would have been interested in a group move, a group move
17 option is not available so she has decided to go ahead
18 and go for an individual move.

19 I think in terms of the individual movers, again
20 their situation is slightly different from the group
21 movers but they also have the same sort of time
22 constraints and delays and the stress of the process
23 means that people do lose hope. People who had pursued
24 objections, for example, have decided they have had
25 enough and they have just left. So I would say that the

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1 whole process, the stress of the process in itself means
2 that there will be a lot of stress, particularly on
3 these people now who are thinking about group moves,
4 because this is going to be a complicated process of
5 identifying who you want to move with, the site,
6 possible the design and possibility of having to make
7 two moves.

8 So the whole process itself is stressful and the
9 delays in the process. This is a particular delay I am
10 referring to here. I was going to refer also to the
11 delay, for example in organising the new survey on group
12 moves. It was agreed in an e-mail from Mr Cahill to
13 Barry Ojar back in December 2005 that the new survey was
14 needed. Yet they only started to work on producing that
15 survey, I think they started in April. The survey

16 itself was not done until June. So we are six months
17 into the official relocation process, one year away from
18 the closure date, and the individuals who are still
19 interested in this process are only just being
20 identified. That comes on the back of the fact that the
21 LDA knew that there was a substantial demand, which they
22 are now trying to play down, but up to 200 people might
23 have been interested in such a move in 2004.

24 Now, if a proper survey had been done to follow up
25 that original survey, I believe they would have

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1 discovered a greater demand and they would have been
2 able to implement a better programme, because people
3 would have seen the option actually being implemented,
4 and they would have seen the kind of housing available
5 and the location of the housing, and all the rest of it.
6 So in that case they would have been able to make up
7 their minds whether this was something that they were
8 interested in pursuing. The fact that the survey itself
9 has been delayed for so long means that only now are
10 people being put in that situation, and Mr Gaskell is
11 also critical of the fact -- he says he does not believe
12 that the number of people will even reach the number
13 that has been identified by the survey, he says about
14 100, and he says that these people are in many cases
15 keeping their options open.

16 I do not personally see what the criticism is. It
17 is entirely desirable that people should keep their
18 options open, and that is part of the process, that

19 options are available to residents. So to criticise
20 people for keeping their options open seems to me to be
21 very unfair.

22 The issue about the survey also is that 100 people,
23 roughly 100 people I do not think have even been
24 interviewed yet, and they include members of our group,
25 so I know that there are more people out there who want

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1 this move. So the 120-odd that have been identified so
2 far includes more people -- sorry, in the group of
3 people that have not been surveyed there are definitely
4 more people out there looking for this, and I think it
5 is pretty remarkable in that instance that so many
6 people, even under this stressful situation and knowing
7 that this may involve two moves are showing an interest
8 in continuing to move as a community.

9 I think I would also like to draw attention to the
10 problem created by the original promise. Now the
11 problem here, it is not a problem with the promise. The
12 promise was perfectly good, but because a promise was
13 made which has I think been broken, I think this has
14 misled some people into thinking that they would receive
15 what it was that was originally stated. This again may
16 very well -- because a lot of people, we are not talking
17 about, as I have said in my evidence, we are not talking
18 about a highly organised middle class community. We are
19 talking about people who are in many instances actually
20 quite worried and frightened about the process, which

21 they do not really understand, and I think a lot of
22 people are quite reluctant to object under this kind of
23 situation. They find it a very stressful experience,
24 and if they believe that they are going to receive
25 something, and they have been told that they are going

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1 to receive something, this may very well have led some
2 of those people to believe that it was not necessary for
3 them to register any kind of objection.

4 On the issue of the legal advice that is being
5 offered to us -- sorry, the assistance from SNU -- I
6 would say that the quality of assistance has not been up
7 to the standard that we were led to believe we would
8 receive. I was one of the people who interviewed SNU
9 and I have represented this to Mr Gaskell on a number of
10 occasions, and he has told me: in that case you could
11 try and fire SNU, which I think would be extremely
12 disruptive, or it is in a sense it is your fault because
13 it is your tenant adviser.

14 I do not think this is really fair because the
15 process we are talking about here is one in which advice
16 is supposed to be provided by the LDA, so the LDA has
17 a responsibility to make sure that we are receiving
18 proper support and proper advocacy. And I would say
19 that most people are completely unaware of the kind of
20 service that was intended and the kind of statements
21 that were made in the interview. So although people may
22 have gone along and received some advice, and they may
23 have been satisfied with that, I do not think they are

24 aware of the kind of service that really should have
25 been provided, and I have detailed some of the things

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1 which I have suggested should have been done and which
2 were mentioned specifically in the interview; for
3 example, that SNU should be looking to interview people
4 who are hard to reach, and they should have made a
5 special effort to do that, which they have not done, and
6 this is one of the things which they said they would do
7 in the interview, but that has not been done.

8 They said they would put out a newsletter. This is
9 one of the commitments they made in their prospectus.
10 They have not done that.

11 They told me that they would do a legal audit of the
12 issues and they have not done that.

13 These are sort of general issues of policy, you
14 might say, rather than face-to-face meetings with
15 someone who has gone in to ask a particular question.
16 I think this goes to the way the service operates as
17 a whole rather than necessarily at a face-to-face level.

18 In fact, very few people as I understand it have
19 actually gone to ask advice from SNU, and this is
20 another issue, which is that SNU seems to operate on the
21 basis that it waits for people to come to it rather than
22 taking a proactive approach. There are times when they
23 are simply sitting in their office, and nobody is going
24 to talk to them. We did originally suggest, for
25 example, that they should locate themselves in a flat,

1 and this was not done, even though they said they would
2 think about this, and they did not actually apparently
3 look at the flat or seriously take this into account.

4 So the concern I have here is not necessarily that
5 people when they go to talk to SNU receive poor advice.
6 I cannot comment on that because I have not done it
7 myself and I know people have said I think they are
8 satisfied with that. What I am talking about here is
9 the overall objective of providing advice and the kind
10 of service and back-up support that is meant to be
11 provided to residents.

12 We have a particular issue concerning vulnerable
13 people. There is a particular case of a man who went
14 into the office, who was looking originally for a flat
15 in the area of Newham, Waltham Forest, and he was sent
16 to a flat in Upper Holloway, which he had not asked for,
17 not the area, anyway, and he was not happy about the
18 offer, but he went into the office and he actually broke
19 down in the office under the pressure that he felt he
20 was put under to agree to move to this flat.

21 One of the concerns I have raised in the rehousing
22 policy, the comments of which I have presented and
23 I will not go through that document now but simply to
24 draw your attention to it, is that this deals with
25 issues which I do not believe have been properly covered

1 in the draft policy presented by CBHA.

2 I actually believe this document should be an LDA
3 document because they are the lead agency. I have made
4 that point in the document itself. But in terms of the
5 areas which are not covered, I believe there are a range
6 of issues to do with, for example, the kind of service,
7 the automatic referral that should have occur for
8 vulnerable people to an agency like SNU, and again I am
9 afraid up until now it does not appear as though SNU has
10 been proactive in seeking to get this kind of referral.
11 But the process of making sure that vulnerable people
12 are being cared for, I think is deficient.

13 This is just one aspect of the rehousing policy
14 which I think is inadequate. There are a range of other
15 things; for example, the rehousing policy does not deal
16 with issues like what will happen if there are temporary
17 moves. It does not cover some of the options. It does
18 not deal with particularly, for example, how people will
19 access moving to an existing co-operative, which is one
20 of the issues raised in the CBHA survey. It does not go
21 into any specific details about people will be helped to
22 move outside of London, which I know is a problem that I
23 have already raised.

24 That document is already in, so you can examine the
25 points I have made but these are some of the issues

1 which come out of that.

2 Another issue which I would say deals with the lack
3 of control by the LDA, which I referred to in terms of
4 the document which was produced, the summary Fluid
5 Report, is the fact that the LDA did not even know, for
6 example, that CBHA were producing their info sheet
7 in December. And I think I may have mentioned this
8 already, but I am not quite sure, that I met with
9 Mr Gaskell at the December drop-in and I pointed out
10 that I was pretty unhappy about this document and he
11 told me that he was not actually even aware that it had
12 been produced or was going to be produced.

13 In terms of the individual moves, one of the issues
14 I think is the policy of the housing. It is assumed
15 that the quality of the housing will be an improvement
16 on what the residents have now. Actually, I have heard
17 from a number of tenants that they do not consider the
18 housing as an improvement. Some of them have actually
19 said, and this is particularly an issue in terms of the
20 sizes of flats, is that those people with flats or
21 bungalows now -- and we were warned that this would
22 happen -- have said the new properties are smaller than
23 what they have, but they have also said the quality of
24 the accommodation does not match what they were led to
25 expect.

1 So they have complained about the state of the
2 property, the state of the estate, the cleanliness or
3 whatever of the estate where the property is located.
4 We have had a person complain about damp in their flat,

5 we have had another person complaining about building
6 work going on around the estate where she was moved to.
7 Somebody else complained they did not have any water or
8 electricity in their flat.

9 It has to be pointed out that in the case of
10 Peabody, Peabody has had its own problems with Decent
11 Homes Standards and was rapped over the knuckles by the
12 regulator on this and has had to sell off properties in
13 order to initiate a programme of upgrading these
14 properties. The Nag's Head site, which is one of the
15 group move sites, is not actually up to standard at this
16 moment in time and will have to be brought up to
17 standard before residents can move there.

18 Another issue to do with individual moves is that
19 while it is the case that the promises have been made of
20 access to design for group moves, individual tenants
21 moving do not have this. So, for example, if they are
22 moving into a flat, by and large they are not asked what
23 improvements they think should be made to that flat in
24 order to, you might say, give them parity with those who
25 have access to design.

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1 Personally I am unclear as to why it should not be
2 the case that someone, for example, might say that they
3 think improvements could be made to the insulation or
4 things like that. So this would be a particular thing
5 which somebody could request. Obviously, in the case of
6 Decent Homes, one would assume that these were present,

7 but there would be things that they might point to and
8 say: this is a design feature that you could improve,
9 and that would be a particular thing that would
10 compensate for the fact that they were not going to have
11 particular access to design themselves.

12 Although we have concentrated quite a lot on group
13 moves, we have represented the interests of individual
14 movers in terms of discussions with the LDA, repeatedly,
15 and tried to point out some of the problems that these
16 individual movers are having, as I have already referred
17 to, for example, of people wanting to move out of
18 London.

19 Q. Mr Cheyne --

20 A. I know, I am coming to the end. Seriously, it is okay.

21 I have referred to the group move survey delay. One
22 other issue concerning the group moves is the issue of
23 fully mutual status, and the fact that the LDA is not
24 prepared to consider this, and we are tied into the
25 Peabody and CBHA preferred partners.

1 We have had problems with Peabody and CBHA. Whether
2 people want to move with Peabody and CBHA I think is an
3 issue and it also relates to the control that people
4 will get under a TMO. The advice that we have received,
5 and I have to say Mr de Ferry of CBHA said, and it must
6 be at least six weeks ago now, that he was going to
7 organise a meeting to discuss co-ops, this has not
8 happened. We actually, in our group, met with somebody
9 who could advise us on this subject but he said that he

10 considered that TMOs were in serious danger from Housing
11 Associations because they had a tendency to break their
12 agreements with TMOs.

13 I would draw your attention finally to the documents
14 at the end of my proof, which are the flaws in the
15 relocation process and action points which I have
16 referred to. There is an action point missing, which is
17 the issue over return to Clays Lane, as a community as
18 opposed to individuals. This is a matter which
19 regrettably was left out of the points.

20 I will close with the two paragraphs at the end of
21 my proof:

22 "The desire to continue in a community.

23 "It is plain a large number of Clays Lane residents
24 do indeed appreciate the community they have lived in
25 and helped to create. It has inspired in them

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1 sufficient desire to want to continue to live in a
2 community should they be forced to move. Fluid remarks
3 on Clays Lane's unique qualities and that finding still
4 holds true."

5 On the relocation:

6 "Clays Lane residents have been subjected to
7 a tardy, poorly prepared, badly informed relocation
8 programme. Promises have been discarded along with
9 information given in good faith. Extraordinary
10 arguments have been advanced to justify this behaviour.
11 The community includes people from other parts of the

12 world, vulnerable individuals, people who are not
13 familiar with the kind of procedures they are now
14 themselves confronting. This stressful experience has
15 resulted in people leaving who would have preferred to
16 stay. Despite this it is plain there remains a
17 substantial demand to continue to live in a community, a
18 hope fostered by the experience gained through living at
19 Clays Lane."

20 MR WALD: Mr Cheyne, thank you very much. Provided you feel
21 able to continue, and I hope you do ...

22 A. Yes, absolutely. I may munch on a satsuma quickly, but
23 please.

24 Cross-examination by MR PEREIRA

25 MR PEREIRA: Mr Cheyne, first of all can I congratulate you

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1 on completing your evidence-in-chief.

2 A. Thank you very much.

3 Q. Mr Cheyne, I cannot obviously cover every point that the
4 LDA disagrees with you on in the 600-plus pages of
5 evidence that you have produced, so I can only deal with
6 a certain number of points. Do not take it from the
7 fact that I do not deal with certain points that I agree
8 with them or that the LDA agrees with them, rather,
9 because that is not necessarily the case.

10 A. I would not assume that.

11 Q. We have put our evidence in, you have put our evidence
12 in, and there are a number of matters the Inspector will
13 have to form a view on and submissions will be made in
14 due course. So do not take offence if I do not chase

15 every here, it is entirely our choice.

16 A. No, it is entirely your choice.

17 MR WALD: Just for the purposes of the transcript, we have
18 not put the LDA evidence in.

19 THE CHAIRMAN: It was a slip of the tongue, which we
20 noticed.

21 MR PEREIRA: Sorry, if my tongue slips at this time of the
22 day, I hope I will be forgiven.

23 THE CHAIRMAN: Just for the purposes of the transcript,
24 there can be a tendency for witnesses to seek to speak
25 across the advocate. The stenographer can only record

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1 one at once. We need to establish that. Thank you.

2 MR PEREIRA: Mr Cheyne, I just want to pick up on some
3 matters that you raised in-chief. You talked about
4 Mr Gaskell's comment that some residents are keeping
5 their options open, he makes that point in relation to
6 group moves.

7 A. Yes.

8 Q. And you said that this criticism was not justified.

9 What I really want to understand from you is why you
10 regard Mr Gaskell's comment as a criticism.

11 A. Well, I regard it as a criticism in the sense that
12 Mr Gaskell puts that in the context of the fact that he
13 says that he considers the demand is lower than what
14 I am suggesting and therefore that there are going to be
15 people in this group who are not going to want to take
16 up this option. So my suggestion is that he is putting

17 a little bit of pressure. I mean, maybe, you may say
18 I am being unfair to Mr Gaskell, and I am not going to
19 press the point in the sense that I just feel that if
20 there are people who after all of this stress are still
21 interested in making a group move, that they have found
22 themselves facing a serious delay in the process, and,
23 to be talking about options and about keeping options
24 open does not seem to be relevant in the circumstance.

25 I do not really understand why Mr Gaskell feels it

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1 is necessary to say: oh, some of these people seem to be
2 keeping their options open which would suggest that
3 maybe they are probably not very interested in this.
4 I do not think that follows. People have a right to
5 look at the options they have and to be properly
6 informed about those options and to have those options
7 in front of them. So if they were told: we do not quite
8 know whether you are interested in this option, and it
9 may be that you are not going to be interested in this
10 option, I think there is an element of criticism. But
11 if you are suggesting that I have overstated it, I am
12 very happy to say: okay, this is a perception I have,
13 and you may be correct that I have overstated or
14 misunderstood what Mr Gaskell has said.

15 My point is that I think the demand is higher than
16 Mr Gaskell has stated it, it has always been higher as
17 Mr Gaskell has gone for the lower figure of 95, whereas
18 it is quite plain that there was a higher figure, and
19 that the present survey, which is very late in the day

20 and which the LDA has delayed for a long time, has come
21 at a time when people are under greater stress.
22 Q. I wonder if we can try and cut matters short by seeing
23 whether we can reach some common ground. You have said
24 a lot about things you disagree with and criticise. You
25 have said that you were pleased with the Fluid Report.

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1 Can you tell the Inquiry and the Inspector, please,
2 what other things that the LDA has done that you are
3 happy with in the relocation process?
4 A. Well, I do not know if you are referring -- Mr Gaskell
5 suggested that there were people who would inevitably be
6 aggrieved. I do not know if you are suggesting that I
7 am an inevitable aggrieved person.
8 Q. I have asked you a question. It is: can you please tell
9 the Inquiry and the Inspector, apart from the Fluid
10 Report, what other things the LDA has done that you are
11 happy with --
12 A. Right.
13 Q. -- in this process.
14 A. The point I am trying to make is that there is nothing
15 inevitable about criticising the LDA. If I make
16 a criticism of the LDA it has to be assessed on the
17 basis of the performance of the LDA.
18 THE CHAIRMAN: Before we go into the clarification, can we
19 just establish whether there is anything and then we can
20 clarify?
21 A. Oh, yes, I was just going to say. I think, and did say

22 earlier on, that I thought that the -- I do not know if
23 I regard it as a concession or the change of policy
24 regarding the appointment of the ITLA was a point which
25 I personally felt was an improvement. For example, when

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1 Mr Gaskell and I -- not me, sorry, Mr Sandison and I met
2 with Mr Gaskell and with Mr Biggs in December, we had
3 a good meeting and Mr Gaskell sent an e-mail to that
4 effect. And I did not e-mail him back and say: oh, I do
5 not think it was a good meeting, Mr Gaskell. You
6 referred to two things that were agreed at that meeting
7 and we did agree things. We agreed the structure of the
8 committee to appoint the ITLA. It was good. The ITLA
9 was appointed along the lines that it should have been
10 appointed.

11 At that meeting it was also stated that the LDA
12 would agree to allow the appointment of a legal adviser,
13 if someone asked for it, if the ITLA did not ask for
14 that advice. Because this was a point that I raised
15 with Mr Gaskell, because it did occur to me that the
16 ITLA would not ask for further legal assistance. So I
17 had raised that with Mr Gaskell, and Mr Gaskell agreed,
18 and I was very pleased, and actually I went away at
19 Christmas thinking that we had established a better
20 relationship. And I would say, more than that, actually
21 at that time I had a phone conversation with
22 Mr Gaskell -- I cannot remember exactly when it was --
23 just before Christmas, I think, and Mr Gaskell suggested
24 he might give me a further call. Unfortunately he did

25 not, but I would have been very happy to receive that

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1 call. That was later followed by the actual appointment
2 procedure and the appointment procedure went well in the
3 sense that the people who did the appointment were the
4 tenants. That was a good feature of the process.

5 Q. Anything else?

6 A. I would say that we have had some progress in terms of
7 the small group that I belong to, the NLC group.

8 I suggested to Mr Gaskell at the end of March that
9 a group of people would have an interest in looking for
10 a certain kind of property that was terraced housing,
11 and Mr Gaskell -- it did not happen straight away, we
12 were still involved in this discussion or this agreement
13 about the process of getting legal assistance up and
14 running, but I had a discussion after the meeting with
15 Mr Gaskell on 20th April, I think it was, again with
16 Mr Biggs and Mr Gaskell asked me to stay on. We had
17 a five-minute chat, we were able to agree that there
18 should be a meeting to discuss a search brief for that
19 group.

20 There was then a delay in organising it, because
21 I am afraid CBHA did not organise it. Mr Gaskell
22 intervened and organised it. That was a good thing that
23 he did. Unfortunately he could not actually make that
24 particular evening because he was baby-sitting, so he
25 e-mailed us and said: I am sorry, I cannot make that

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1 meeting, can we have a meeting two days earlier? We
2 immediately agreed that. It was sorted out straight
3 away. So we had a meeting, the next week we actually
4 had the search brief meeting with David Lee and the
5 Redloft team. Mr Gaskell produced the brief for the
6 search, I think it was two days later, it may have been
7 one day later, it was very quick. We were able to
8 discuss it among ourselves and get our response to that
9 search brief plus our lawyer's comments, he worked on
10 Saturdays to do that. That was all back to him on the
11 Sunday evening. By the Monday, Mr Gaskell had a couple
12 of points to raise with me, we had a phone conversation
13 about it, it was sorted out immediately. He then sorted
14 it out, the brief was actually with Redloft, the whole
15 thing was done, what, eight days.

16 That was efficient, that was well organised and the
17 residents cooperated fully in that process. Again, at
18 that time I thought we were making some further
19 progress.

20 Unfortunately there has been a delay, there was
21 meant to be a proper report back on July 6th, that did
22 not happen. We did not get further information about
23 when this was going to happen. I got an e-mail from
24 Mr Gaskell saying: would you like to nominate a day.
25 I said I thought that the LDA had more difficulty --

1 THE CHAIRMAN: I think we are straying beyond the question.
2 It was: what were you happy with? I can sense there is
3 a negative coming along.
4 A. No, I was going to finish with a positive, actually --
5 THE CHAIRMAN: All right, continue then?
6 A. -- which was that we have had a delay, but the other day
7 I sent an e-mail to Mr Gaskell saying we would like to
8 nominate a day -- sorry, not just me, we had a meeting,
9 the NLC group had a meeting, we would like to nominate a
10 day in early August, I met with Mr Gaskell the other day
11 and he said: please take it as read that that meeting
12 will happen on that day. So we have now organised
13 a further follow-up meeting for that.
14 MR PEREIRA: Anything else?
15 A. Well, there are a lot of difficulties, as I have already
16 gone through, so I think I have given you some points to
17 think about.
18 Q. Right. That narrows it down a little bit. Now, you
19 said that you were happy --
20 A. Sorry, Mr Pereira, if you want to, I can think about it
21 a bit further and try and reflect a bit further. You
22 are asking me to think about something, and over
23 a period of time there have been things. If you want me
24 to go back to the Fluid Survey, I have already told you
25 that was a good process.

1 Q. I said apart from the Fluid survey.
2 A. I also pointed out that the drop-in after that was well

3 done. I also pointed out when I had the meeting with
4 Mark Channon and Lucy Webster that was well done, they
5 were receptive, they listened to what I had to say and
6 to the friend that I went along with and actually the
7 drop-in centre idea was proposed by us and they agreed
8 to do it.

9 We also had, of course, Mr Winterbottom's letter
10 which I am entirely happy with and we also of course had
11 the statement from the Mayor which I was very happy
12 with. So you have several more points and if you want
13 me to I could probably think of some more.

14 MR WALD: Sir, I was going to suggest, we have a 40-minute
15 time estimate for this cross-examination. The list may
16 take longer than that to produce on the hoof.

17 MR PEREIRA: I would be delighted if it did.

18 MR WALD: If it took longer?

19 A. I think I have given you several items. The issue seems
20 to be that you want to present this as being a long list
21 of negatives and the issue I would have to address is:
22 is there any merit in the negatives that I have
23 presented? I think there is.

24 MR PEREIRA: Mr Cheyne, do not try to second guess why I am
25 asking you questions. You have had three hours, if

1 I might say, of my learned friend's up to two hour
2 estimate in-chief. I am now asking you questions, all I
3 want is answers to the questions. I do not want a
4 commentary or a questioning of my motives in asking the
5 questions, otherwise we will go over the 40-minute

6 estimate.

7 A. Yes, I am very happy to continue.

8 Q. Is there anything else that comes to mind at present
9 that you would like to list?

10 MR WALD: Sir, I had not quite finished with my suggestion
11 and it was only intended to be helpful.

12 MR PEREIRA: Is there anything else that comes to mind at
13 present of things that you would like to list that you
14 are happy with that the LDA has done?

15 A. I think I presented you with a fairly substantial list
16 and I do not think that it is fair -- well, okay, you
17 are not suggesting that my commentary is negative so
18 I will say that I have provided you with a number of
19 items and I think there are good items in what the LDA
20 has done and I have provided you with some important
21 contributions that the LDA has made.

22 Q. Thank you.

23 THE CHAIRMAN: Are you satisfied that you have highlighted
24 the lows and the highs?

25 A. Yes, I think I have given a good idea of some of the

1 things that have impressed me and pleased me about the
2 proposals. They have occurred, and I have pointed out
3 that they relate for example to the group move that I am
4 involved in, they relate to particular discussions that
5 I have had with particular individuals, as in the case
6 of Mr Gaskell for example or with Mr Biggs, or with
7 Mr Gaskell when we were talking about the search brief

8 and so on, so yes, absolutely.

9 MR PEREIRA: Thank you.

10 THE CHAIRMAN: Mr Pereira, I apologise. Mr Wald, you were
11 cut off. I do not want things left hanging.

12 MR WALD: Sorry, I was making a suggestion and then was
13 myself was interrupted. It was that if it was helpful
14 that such matters as occurred to Mr Cheyne be reduced to
15 writing for the saving of time. But if it is necessary
16 for Mr Pereira to have the responses in order for him to
17 continue with his cross-examination now, of course they
18 must be heard immediately. It was simply a suggestion.

19 MR PEREIRA: Sir, I do not think it would be helpful, I will
20 not use the words "reduce to writing" for Mr Cheyne to
21 put things in writing. I would like this to be his
22 evidence.

23 THE CHAIRMAN: I would prefer for it to be dealt with in
24 open session.

25 A. Absolutely. If I think of anything else as I am going

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1 along I will refer to it. Is that okay?

2 THE CHAIRMAN: It may well be that when we get to the end of
3 this session that Mr Wald will have the opportunity of
4 re-examination, so he can ask you to reflect on
5 particular answers. So he may well now be making a note
6 that he will say to you that: Mr Pereira asked you the
7 positives, have you any more that you would wish to add
8 on reflection?

9 A. Yes, I understand.

10 MR PEREIRA: Can I just add, we have had three hours of

11 examination-in-chief during which, apart from to ask
12 where the documents were and to ask how we were doing on
13 time, at a time when you were going to ask the same
14 question, there were no interventions from the LDA at
15 all. I have been cross-examining for seven minutes and
16 I have had two interventions.

17 MR WALD: I am sorry, sir, I was merely trying to be helpful
18 to Mr Pereira and that I am criticised for it now is a
19 little bit rich, I am afraid to have to say.

20 THE CHAIRMAN: We are wasting time. I was not going to be
21 critical of you because I recognised it was in the sense
22 of being helpful.

23 MR PEREIRA: Thank you. Mr Cheyne, you said that if you
24 reflected on it you may be able to think of other
25 things. I will remind you of the question from time to

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1 time and if you can think of any other things?

2 A. I have already thought of one more.

3 THE CHAIRMAN: He said he has thought of one more.

4 MR PEREIRA: Can you tell me what that is, please?

5 A. Yes, I would say that when CBHA appeared, I was actually
6 impressed with the relationship I was able to develop
7 with Carmen Jones and her initial response to our
8 questions. I went to talk to her several times and she
9 was apparently, for example, very keen to get the LDA to
10 come in September. As I understand it, she had to make
11 some effort to bring them along. So I would say,
12 although she is an agent, not a direct employee of the

13 LDA, she performed a useful function in getting
14 that September set of meetings up and running.
15 Q. Thank you. Now, you talked about the appointment of
16 SNU, but I think following their appointment -- I do not
17 want you to go through a long history because you have
18 given that to us already -- I think following their
19 appointment you are disappointed in broad terms with the
20 performance of SNU.
21 A. I am. Can I just make one point?
22 THE CHAIRMAN: Just a moment. We will have the question
23 first rather than you trying to anticipate the question.
24 MR PEREIRA: Can you just turn up, please, page 91 of your
25 bundle there is not a document number so I cannot give

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1 you one. There is 105 written in the top right-hand
2 corner. It follows on some way from your document
3 248/1/118, which is the rehousing policy, yes.
4 A. Right.
5 Q. I am looking in your bundle of documents, Mr Cheyne.
6 THE CHAIRMAN: No, that is the wrong --
7 A. Sorry, not the appendix. You are looking at what,
8 sorry?
9 MR PEREIRA: Your bundle.
10 A. Okay, which category are we looking at.
11 Q. Let us do it in stages. It is tab 5 --
12 A. Right, because I do not have the page numbers.
13 Q. You have a document, 248/1/118, it is the draft
14 rehousing policy.
15 A. Right. Yes.

16 Q. We have a paginated one here. Can that be handed up to
17 the witness?
18 THE CHAIRMAN: That will make a big difference.
19 A. Good. (Handed) Thank you.
20 MR PEREIRA: Great. In the new world that we find
21 ourselves, can you turn to page 91, please.
22 A. Yes.
23 Q. It is the Clays Lane Group move survey initial report.
24 A. Yes.
25 Q. I am not going to ask you a question about the page you

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1 are looking at. I just refer to that page so we know
2 what the document is, all right?
3 A. Yes.
4 Q. And we can see that it is a survey that was carried out:
5 "Introduction
6 "Main purpose of the survey was to obtain
7 information from tenants on their interest in
8 participating in group moves ..."
9 And we can see in the fourth paragraph on that page
10 a total of 205 tenants have been polled to date, 188 of
11 them completed the questionnaires.
12 So that is the context.
13 A. Yes.
14 Q. Can you turn to page 95.
15 A. All right.
16 Q. All right? People who were surveyed were also asked
17 whether they were aware of the ITA role, and we got the

18 responses there; whether they have asked for advice, we
19 got the responses there; and then whether they were
20 satisfied with the response, and we have the responses
21 there. Do you see that?

22 A. Yes, absolutely.

23 Q. And of course responses about being satisfied, it was
24 only six people of those who had actually asked for
25 advice. Do you see that?

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1

2 A. Yes, I do, and I have already made it plain that the
3 issue that I was discussing about the performance of the
4 ITA was not about the individual specific advice they
5 were receiving. It was about the overall performance,
6 that is the policy, that was being adopted. I made this
7 quite plain, because as one of the people who
8 interviewed the ITA, we had particular questions to ask
9 about for example whether they were going to go out and
10 reach hard to reach people, for example, or whether they
11 were going to produce a newsletter.

12 Now, it may well be that these people are satisfied,
13 and I am not going to contradict them. If they are
14 happy, they are happy. The points that I am trying to
15 raise is that most people are not aware -- in fact,
16 there has never been, as far as I am aware, a full remit
17 produced as to what the ITLA was going to do. This was
18 a document that was meant to be produced under 118 of
19 the Relocation Strategy. But the point I am trying to
20 make is we are talking about the way the ITLA

21 communicated with the community as a whole and the
22 service it was providing to the community as a whole, so
23 my concern is about some of the things which were
24 promised as part of the -- under the questioning that
25 occurred, in terms of, for example, as I say, putting

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1 out a newsletter; hard to reach people; advocacy; that
2 this is a role which I feel the ITLA has not fulfilled,
3 and I have made this quite plain in my discussions with
4 Mr Gaskell.

5 THE CHAIRMAN: It is also reflected in your evidence. Let
6 us have a quick recap of the rules: Mr Pereira will ask
7 you a question. I did not actually detect a question.
8 You have taken us to a document, was there a specific
9 question you wanted to ask?

10 MR PEREIRA: Well, he has already answered it. He says
11 he will not contradict the responses that people have
12 given.

13 A. No, what I said is --

14 THE CHAIRMAN: What I do not want is somebody anticipating a
15 question. I would prefer a question first and then an
16 answer. It makes it much easier to control.

17 A. What I have said, and I have said this in my evidence,
18 but there are two different issues here. First of all,
19 the number of people I think who have actually
20 approached the ITLA, and this is recording -- I do not
21 know, 39 people down here. Oh no, 141 have asked advice
22 from the ITA, and of those people, 39, I think, have

23 given a response -- is this the answer at the bottom
24 here? A satisfied response from the ITA, so 39 people
25 I think have given an answer as to whether they were

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1 satisfied. For example, when I had a discussion with
2 the SNU person who came around, I had to point out that
3 I had not asked advice from the ITLA, but I still
4 presented criticisms with the ITLA. Those are not
5 reflected here. So the point I am getting at is, the
6 point I was dealing with was not about the specifics of
7 someone going and asking for advice. It was about the
8 specifics of the service that was meant to be provided
9 and the nature of the service that was meant to be
10 provided.

11 This is the sort of issue like, for example, in
12 terms of doing a legal audit, which is one of the things
13 that Mr Farr(?) told me that they were planning to do.
14 I recently asked him about that, and he said, "Oh, they
15 have not done it", and they decided to take these issues
16 on the basis of how they came up.

17 So my concern here is with a matter of policy; the
18 way in which the service operates. And this is again
19 the same sort of issue about the attitude of information
20 as a whole.

21 If you do not know what it is that is on offer, then
22 it is difficult to judge, and in the case of the ITA,
23 the community as a whole does not know what is on offer
24 or what was discussed in the interviews and as part of
25 the overall process of providing a service. This is the

1 sort of thing I am afraid -- maybe it is unfair, but
2 this is what we discussed in the interviews, and that is
3 why I have had those discussions with the ITA which
4 other people may not have had.

5 You also made a comment earlier on about the fact
6 that I have expressed my dissatisfaction. Because you
7 have asked me earlier about whether I have any points of
8 satisfaction with the LDA, I am also going to tell you
9 about points of satisfaction with the ITA.

10 Q. Please.

11 A. I do believe the ITA has done some good work, and I have
12 particularly mentioned the work that they did on the
13 status of immigrants, the issue of eligibility. I think
14 that they produced a very good leaflet on that, and I am
15 very happy to congratulate them on that.

16 I also believe that they have done substantially
17 good work, maybe not quite as good work, but basically
18 good work on the issue of compensation and rents, and so
19 I think that their presence on the estate has been
20 beneficial in that regard. When Mr Gaskell has
21 suggested that I should seek to sack the ITLA because
22 I am unhappy, which is obviously a process that would be
23 extremely distressing to a lot of people, I have said
24 I think that would be a complete waste of time.

25 Q. I suppose I ask you the same question I started with,

1 but in relation to the ITA, is there anything else in
2 relation to what the ITA has done you are also --

3 A. Yes, the ITA has recently -- for example, I had
4 an e-mail conversation with Mr Farr recently about some
5 of the aspects of the rehousing policy, and Mr Farr has
6 e-mailed to me to say, "Why do we not have a meeting",
7 and it is probably going to happen. I think he is away
8 on leave this week coming, I think it will be the week
9 after, he will get back to me when he gets back.

10 The suggestion -- sorry, I should not say "the
11 suggestion". The issue for me is that when the prospect
12 of having an ITLA became a reality -- because as I said,
13 I had suggested something different, because
14 I considered that maybe we should have had access to
15 legal representation regarding our relocation -- when it
16 became a reality, I did cooperate with this process, and
17 there were four of us who ended up doing the interviews,
18 and I am one of them.

19 So the idea -- well, I will not say "the idea",
20 because you may criticise me for suggesting it. I would
21 simply say that when it has come to a situation like
22 that, I have sought to make the process work insofar as
23 I can. And if making the process work -- and I think
24 that what I would call criticism say for example of the
25 kind that I presented in the rehousing policy is a

1 criticism which may improve the process, then I think it

2 is fair for me to point out that I have attempted to
3 cooperate.

4 I am one of the few people, I think maybe in some
5 instances the only person, who actually puts in written
6 comments for the benefit of whoever it is who has asked
7 for them. It may be they do not find them very
8 beneficial, but I think it is fair for me to say that to
9 suggest that there should be -- like for example an
10 automatic process of referral of vulnerable people to
11 SNU -- and after all, I am suggesting that they use SNU
12 services, not that they should go somewhere else -- then
13 I think that is a perfectly reasonable and desirable
14 policy.

15 Q. Is there anything else about the ITLA SNU that you are
16 pleased with that you would like to mention?

17 A. Well, I think unfortunately we got off to a bit of a bad
18 start when we had a discussion about the issue with
19 legal advice. I was impressed -- I mean, I was one of
20 the people who voted for SNU when they were appointed,
21 and I hoped that they would live up to the performance.
22 So you could say I was actually in favour of SNU,
23 because they were the people that I thought were the
24 best candidates.

25 Q. Now, can you turn to page -- on my copy it is numbered

1 page 13 of your proof, that kind of hard bound document.

2 A. Yes.

3 Q. Time lines and Fluid.

4 A. Yes.

5 Q. I just want to take you to your 11.4, please.

6 A. Right.

7 Q. You suggest there that Fluid is saying that the time
8 line for vacating Clays Lane is 2008, or is that what
9 you are saying?

10 A. Well, no, I do not think I am saying that, because the
11 Fluid Survey makes it quite plain that the closure date
12 is 2007. What I am saying is that when the closure date
13 was first mentioned, it was in 2008, at the meetings
14 which happened when the LDA team first arrived.

15 The reason that I have put that in here was because
16 when I first read this time line, this was maybe
17 a misapprehension on my part, I looked at this and saw
18 the review process continuing, and I understand the
19 review process may continue beyond the conclusion of the
20 programme. So I was in a sense slightly -- maybe
21 foolishly -- I read this as being some sort of
22 indication that maybe there had been this intention, but
23 that is not to say that the Fluid Survey stated that,
24 no.

25 I am just talking about the fact that I was still

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1 thinking in terms of the original date that we had
2 been -- or I personally had come to the conclusion that
3 they were talking about -- and that is the date that was
4 referred to when they first came.

5 Q. Can we just turn up what on a hand-numbered page that
6 your solicitors gave me is page 28Q of the bundle. It

7 may not be in your bundle, perhaps your solicitors can
8 provide you with the additional page.

9 A. Sorry, is this in this document here?

10 Q. It would be if that document had been complete when it
11 was submitted, but you will get the pages now. (Handed)

12 A. Right. Oh, yes. Okay, yes.

13 Q. See this page 28Q. It is page 17 of the -- it is the
14 last page I think of the document, of the Fluid Report.

15 A. Oh, right. Yes.

16 Q. The time line is split into three sections, is it not?
17 Olympic bidding process, milestones, Olympic planning
18 application, then the last one is the Clays Lane co-op
19 relocation programme.

20 A. Yes, absolutely.

21 Q. So being fair, you look at that, and then you look at
22 the last bullet point, which is "relocation of
23 residents" and you can see that the time line goes to --
24 I think on this, to be fair, it goes to September 2007.

25 A. Absolutely. And as I was saying, I was looking at the

1 one further up, which was relocation strategy reviews,
2 which goes on to 2008. I am not suggesting, as I said
3 already, that this is a correct understanding of that,
4 but I am referring back to the original statement that
5 2008 was a date that had been previously mentioned. So
6 although I appreciate that the Fluid Survey is not
7 making that point, I am afraid I, in a sense, misled
8 myself by looking at this and thinking, oh, maybe it is

9 going on a bit longer. That is the only comment I would
10 make about that.

11 Q. Okay, thank you. You took us to page 256 of the bundle.
12 Can we go there, please?

13 A. Yes.

14 Q. And the section "group moves", do you remember?

15 A. Yes.

16 Q. And you were critical of the LDA, because you said that
17 here, Mr Cahill said that no undertaking had ever been
18 made that tenants would specify the design of the
19 bespoke development, yet Mr Gaskell was saying that they
20 could contribute to the design of it.

21 A. Yes.

22 Q. It is not inconsistent, is it, to say: you cannot
23 specify exactly what the design will be but you can
24 contribute to what that design will be. Because after
25 all, as you know, Mr Cheyne, ultimately the planning

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1 authority is going to be the decision maker in any
2 design, is it not?

3 A. I cannot really understand that point at all --

4 Q. Can you not?

5 A. No, absolutely not. To say you cannot specify the
6 design, no one is suggesting, or I have never suggested
7 that I am going to be a planning authority. I mean, we
8 are talking here about access to design. We are talking
9 about consultation. I am not the planning authority.

10 Q. Exactly.

11 A. No, but that is not the issue here, and I would never

12 suggest that a undertaking had been given that we would
13 be able to tell the planning authority exactly what it
14 was they had to put up with at all.

15 Q. Or to specify the design of the development. You would
16 not suggest that an undertaking had ever been given to
17 say that Clays Lane residents could specify the design
18 of their development, would you?

19 A. I think that the issue --

20 THE CHAIRMAN: Mr Cheyne, please do not cut across. We will
21 give you plenty of time to answer.

22 A. I apologise. The issue I think that I was trying to get
23 at, and I would have thought was quite plain, because it
24 was also related to -- in the Fluid, is the issue about
25 courtyards, and about that kind of design. And that is

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1 something which, if I recall correctly, Mr Cahill has
2 specifically stated was not acceptable: that is that
3 there would be some kind of replicated Clays Lane
4 Estate. That is the issue which I was dealing with,
5 which is that the design of Clays Lane, which is
6 a courtyard design, that is the issue which Fluid
7 mentions, and that is the issue which I was expecting
8 would be part of the access to the design.

9 When we are talking about undertaking to look at
10 access to design in this context, it is that aspect of
11 the Clays Lane Estate that I would say was most
12 important to residents, and that is the bit that I would
13 have expected or hoped to see in a bespoke development.

14 So the issue here is nothing to do with ordering
15 a planning authority around, or anything like that. It
16 is about the kind of basic structure of the estate, the
17 way in which it is going to be laid out, whether it can
18 include that kind of sociable feature.

19 Q. I just want to be clear. Are you saying that the LDA
20 have said that tenants can specify the design of the
21 development or not? I just want to know as a matter of
22 fact?

23 A. I would say, in the context of what I have just said,
24 yes. In the sense that we have had discussions with the
25 LDA, that when the LDA first appeared, they were talking

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1 about this kind of input, that is that Clays Lane,
2 features of Clays Lane could be incorporated into
3 a future design, and that Fluid itself refers
4 specifically to a courtyard design, yes. In that
5 respect, that is exactly what I am saying.

6 Q. So in the respect of tenants being able to contribute to
7 the design, is that fair?

8 A. No, because -- well, I think that this is getting into
9 semantics.

10 Q. Well --

11 A. Hang on, let me finish. What is the difference between
12 specify or contribute? I mean, inevitably there is
13 a process of negotiation that is going to be involved.
14 The point is that if Clays Lane residents had
15 a particular design proposal in mind, which would
16 I think obviously be based on the courtyard design which

17 they have already experienced, that would be the kind of
18 thing that they would be looking to incorporate into any
19 future estate. So in that sense, I do believe that that
20 was the promise that was made, yes.

21 Q. You used the word "they".

22 A. Well, the LDA.

23 Q. No, the tenants, the residents of Clays Lane, that
24 "they" would want to have.

25 A. Yes, sorry.

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1 Q. You are a member of a particular group, are you not?

2 A. I am, indeed, yes. The NLC group, yes.

3 Q. How many people are there?

4 A. We are a very small group.

5 Q. Yes, how many people are there?

6 A. 13.

7 Q. Thank you. Could you go to page 101 of your bound
8 documents, please.

9 A. I feel I should make some comments about your last
10 question. I mean, one of the reasons why we have ended
11 up in a small group is because the programme has taken
12 so long to deliver. If the original design and the
13 original way in which this programme had run had gone
14 back to the beginning in 2004, I think the possibilities
15 of being involved in a larger group move of the kind
16 which I have specified would have been much greater.

17 Q. How large would you say?

18 A. Well, I originally, when Fluid asked me, I thought, for

19 myself, I was thinking in terms of a group probably
20 numbering around about 50. The idea of that was that 50
21 is indeed the number in a courtyard, and so my idea of
22 a group move would have incorporated a courtyard design,
23 because it would have included the number of people who
24 are at present in a courtyard. And indeed, during the
25 winter, when we first -- in fact going back to the end

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1 of the autumn, I cannot remember exactly when we
2 started, November, I think, I was part of a group which
3 was looking at the issue of design, and that was along
4 with John Sole, for example, who is also a member of the
5 NLC group now, and we were considering specifically the
6 issue of design in the context of a larger group, and
7 one of the issues we were considering or looking at was
8 how to incorporate a courtyard design in such a move.

9 We did do research, and we did ask the LDA whether
10 it had come up with any building systems, for example,
11 whether it had any design, we asked CBHA if they knew
12 anything about this, and we did not get any answers. So
13 the specific kind of designs that we were talking about
14 did indeed include a courtyard.

15 When the group move programme did not seem to be
16 working very well, and we were concerned also about the
17 kind of -- the size of the flats that we might be going
18 to get, we came up with a specific proposal for
19 Mr Gaskell, which was that we thought that a successful
20 design or a successful programme would be based on some
21 terraced housing, older terraced housing, and if we

22 could find such a set of houses, then we would look to
23 create a kind of communal background, that is a garden.
24 The ideal situation for that would be houses which
25 backed on to each other, that is two streets back to

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1 back. You would then be able to create a large communal
2 garden between these different houses. So in that
3 context, you would then create in miniature a kind of
4 courtyard design on the basis of existing properties.

5 The existing properties would not need design, they
6 would simply be involved in refurbishment, which meant
7 the programme could probably be dealt with before the
8 closure date, you would not have to worry about the
9 purchase of properties, and you would have properties
10 probably having flats of a good size, because older
11 properties in many instances do have good size flats, or
12 you can create good size flats out of them.

13 So our objective -- remember, this was a core group,
14 and our group may still get bigger, because at the
15 moment we do not have access to the list of people who
16 may become group movers. This list is at present in the
17 hands of SNU and has not been made available to those of
18 us who are planning group moves. We would have created
19 that kind of entity, and we have specifically thought
20 about that design or that configuration in terms of some
21 existing co-ops which do indeed try to create this kind
22 of back-to-back facility in which you can create
23 a communal space in the gardens.

24 So I would say, absolutely, that even a small group,
25 as we have now thought about -- because we thought,

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1 well, in order to get this programme up and running,
2 this is what we are going to look for, and we have a
3 specific design concept, as opposed to for example
4 a large concept which was mainly based in the Docklands,
5 and I do not think anybody in our group wanted to go to
6 the Docklands -- we came up with a specific proposal
7 based on a design that would incorporate terraced
8 housing.

9 Q. Thank you. I was going to take you to your bound proof.
10 I am not going to do that now. But you mentioned your
11 Fluid response. Can we turn that up, please? It starts
12 at page 323.

13 A. Right. Yes.

14 Q. Firstly, can we try and agree through some short
15 answers, if you could, Mr Cheyne, some matters of fact.
16 You accept, do you not, that this survey was carried out
17 on the understanding that its answers and information
18 would be treated in strict confidence.

19 A. Yes, absolutely.

20 Q. That is what it says. And it must follow, must it not,
21 that provision of this information to CBHA would be
22 a breach of that confidence, would it not?

23 A. No, it does not, because as I have said already, the
24 information was provided, as I understood it, for our
25 rehousing, and therefore the survey is quite plainly

1 presented for those people who are going to be rehousing
2 us, and that would involve the LDA or its agents.

3 Q. Where is that --

4 A. This is my understanding. Sorry, you asked me about my
5 understanding of the situation.

6 Q. Sorry?

7 A. You asked me about my understanding. As far as I am
8 concerned, this is absolutely the case. I provided this
9 information for the benefit of the relocation agencies,
10 and I have stated absolutely plainly, and I stated in a
11 meeting which Aaron was present at, that I wanted my
12 information released, and I said, "I will happily sign
13 a form straight away". So I have never had any issue
14 about confidentiality of this information and that I did
15 not want it released to anybody else. Absolutely not.

16 The only concern that I had and I think maybe some
17 other people had was because this survey looked at
18 information to do with the co-op, it could prove very
19 difficult if it was released to certain people, and
20 therefore that was an issue.

21 All of these surveys I think as a matter of course
22 have this kind of statement about confidentiality on
23 them. As far as I am concerned, the purpose of
24 confidentiality here is nothing to do with keeping it
25 reserved to certain people. It is, but it will be --

1 well, it will be reserved for certain people, but it
2 will be used for the purpose intended, not for some
3 other purpose. That is the confidentiality issue.

4 Q. Do you accept on the basis of what you have just said
5 that at the very least, it was important that people
6 should understand that their answers would not be
7 released to other residents at Clays Lane, and that
8 other residents of Clays Lane would not be able to find
9 out what responses were given?

10 A. I would agree with that, yes. I think particularly in
11 the terms of the co-op management committee, yes, at
12 that time, yes. Absolutely, I do not dispute that.

13 Q. That has two beneficial effects, does it not? Not only
14 does it protect the people giving the answers, but it
15 also helps in encouraging those people to give honest
16 answers?

17 A. Absolutely, yes.

18 Q. Is the writing here yours, or is it the writing of the
19 person who interviewed you?

20 A. No, it is the writing of the person who interviewed me.

21 Q. Let me turn the question the other way around. Is there
22 anything that is written down here that is a summary of
23 your Fluid response that you are unhappy with?

24 A. Well, I have not studied it that carefully to be able to
25 say that, and I have not objected to what has been

1 written, so by and large, I am content with it, yes. If
2 you have a particular issue you want to put to me,

3 I will tell you whether I think this represents a fair
4 representation. I do not know specifically what you are
5 referring to.

6 Q. Well, you have read it.

7 A. I am reading it, I have it in front of me. Please tell
8 me what it is you have a concern about.

9 Q. Well, Mr Cheyne, I assume, because you have made quite
10 a lot of effort not only to obtain it but then to
11 describe the process --

12 A. No, I did not --

13 THE CHAIRMAN: Mr Cheyne, please do not cut across. You
14 will have the opportunity to respond.

15 MR PEREIRA: Because you went to the effort of obtaining it,
16 and then described the process which you had to go
17 through to obtain it, can I assume that you have read it
18 more than once since obtaining it?

19 A. No. I think you are under a misapprehension here. I
20 did not get it from the LDA.

21 Q. I did not say where you got it from.

22 A. Okay, well, let me explain, in that case.

23 THE CHAIRMAN: We do not need the background. We are just
24 trying to establish a few short points. If there is
25 anything critical which arises, Mr Wald can deal with

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1 it.

2 MR PEREIRA: Have you read it more than once, that is the
3 question.

4 A. No, I have not read it more than once. I have read it

5 maybe a couple of times. I have not been particularly
6 concerned about it because, as far as I am concerned,
7 I trusted the interviewers. So it is not of great
8 concern to me. But I have not been studying this
9 document and thinking: oh, that was not so good about
10 that. So no.

11 THE CHAIRMAN: We have had the answer: once or twice.

12 A. I can say I have looked through it, but I cannot say
13 I have studied it very --

14 THE CHAIRMAN: Thank you, we have had the answer.

15 MR PEREIRA: At this time, if we go to page 325, please.

16 A. Yes.

17 Q. Various things are set out on that page.

18 A. Yes.

19 Q. You were asked a question, question 9, about whether you
20 would like to remain within a co-op/collective housing
21 arrangement.

22 A. Absolutely.

23 Q. No distinction on the face of it in the question drawn
24 between the two, but in your answer, "the co-op", the
25 interviewer has written "unsure"; for "collective

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1 housing arrangement", the interviewer has written "yes".

2 A. Yes, exactly. That was my position at the time, because
3 I was someone who did have some difficulties in the
4 co-operative, and I have specified those in other
5 places, and I am completely straightforward about it.
6 I do not think there is any issue here. I know I was
7 wondering whether it would be a good idea to move as

8 part of a co-operative at that time, but I did want to
9 move as part of a collective housing arrangement.
10 Finding out exactly how that would happen would have
11 been one of the issues that would have occurred as this
12 option was developed.

13 Q. A TMO, although you do not want to be in a TMO, a TMO is
14 a form of collective housing arrangement, is it not?

15 A. Well, this is the specific form of co-operative that
16 would be developed. The issue obviously develops over
17 time, because this survey was done in 2004, and we are
18 now in the summer of 2006. The form of co-operative
19 management that we are now going to be involved with
20 will obviously influence the way in which I approach
21 a group move, so it is important to understand what
22 powers the tenants who are in the group that I am
23 involved with will have, and whether it is a fully
24 mutual, which I think actually I would prefer, or
25 whether it is a TMO, which actually I do not know

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1 anything about, is one of the issues I am waiting to
2 explore with the LDA.

3 Q. Okay. But you have now said in your proof, you say you
4 are being denied the right to form a fully mutual co-op?

5 A. Yes, exactly. I mean, the LDA has made it plain so far
6 that they are not interested in allowing us a fully
7 mutual co-op. I consider this to be unfair, and
8 I consider it to be particularly unfair in my case,
9 because -- and I do not know how much you are aware, but

10 I have referred to it --

11 Q. I have read it all. I think you --

12 A. Well, can I continue in that case?

13 Q. Yes.

14 A. The reason I think it is unfair is because actually
15 I did make fairly substantial efforts to approach the
16 Housing Corporation in order to try and resolve some of
17 the problems at Clays Lane, and I actually eventually
18 ended up making a complaint against the Housing
19 Corporation which they did not deal with. Instead of
20 doing that, they decided to launch their statutory
21 inquiry, which I never actually got to speak to, at
22 which they were supposed to be looking at the complaint
23 that I had made, even though it was not in the remit.

24 So I am afraid I do have a problem with the fact
25 that, in a sense, all tenants are being tarred with the

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1 same brush. I would say that this is unfair, and that
2 tenants should be allowed to approach the LDA on the
3 basis of representations that they can make for a fully
4 mutual co-op. I am not personally arguing that other
5 people should have the same right. I am just talking
6 about myself in this instance.

7 I think that to simply rule out this possibility for
8 those tenants who have a desire to do this is unjust,
9 and I think it does reflect on the nature of the kind of
10 organisation which will emerge, the kind of community
11 which will emerge.

12 Q. Can you turn over the page, please. 326. There is

13 a question there about preferred accommodation, and the
14 last note in answer to that question says, "What is
15 equal or better 'judgment'?". I am not going to ask you
16 yet about that judgment, but do you accept, it is
17 a matter of judgment, is it not, what is equal or
18 better?

19 A. If I can just read the particular section. Actually
20 I have said, a bit above that, "Looking to the future,
21 what would be your preferred option?". They have ticked
22 "self-contained flat", which is not quite what I have
23 said, because what I have then gone on to specify is
24 actually a self-contained house, bungalow, with some
25 element of detachment from other houses and bungalows --

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1 sorry, flats or houses, which is what I have at the
2 moment. Then I have also put in a plus, with external
3 space. So when I have tried to describe my personal
4 situation and what I think would be my preferred
5 accommodation, then I have been quite specific.

6 Then it has gone on to say -- actually I think this
7 is to do with -- no, it is not to do with location, it
8 is a continuation of the same section. "Not trying to
9 be prescriptive", and this is a comment made by the
10 interviewer, not my statement. They are drawing this
11 conclusion, that:

12 "Mr Cheyne is not trying to be prescriptive, it
13 depends on options, but must be at least as good as
14 current semi-detached bungalow. What is equal or

15 better ... "

16 That is presumably a question. Then they have put
17 on the bottom:

18 " ... this is a matter of 'judgment'."

19 Q. That part of the text is not something you said, then;
20 those are the interviewer's comments, are they?

21 A. Absolutely, these are the interviewer's comments, and --

22 Q. Can we get back to my question, please? Do you agree
23 that what is equal or better is a matter of judgment?

24 A. It is something that needs to be assessed, and that is
25 what Fluid said should have been done, and as far as I

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1 am aware it has not been done, and the question of how
2 it should be done and who would have an input in
3 deciding what "as good as or better than" is would be
4 one of the issues of consultation, and of course that is
5 a matter of judgment, yes.

6 Q. Now, will you agree that certainly since January 2005
7 when the Fluid Report in the summary form was made
8 available to residents, that -- I am using your terms
9 now -- the qualification on the statement "as good as or
10 better" was known to residents?

11 A. Sorry, say that again?

12 Q. Yes. From at least January 2005, the qualification was
13 made known to residents. I am using your language.

14 A. Well, this is an interesting point, because the only
15 document which was actually sent directly to residents
16 was the summary version, which does not actually have
17 the statement in it. The document which does have it in

18 it is the longer version, and the way in which this
19 turned up on the estate is somewhat mysterious, because
20 what seems to have happened is that the -- I do not know
21 whether the LDA sent a copy to the co-operative or
22 whether somebody found a copy -- I have no idea how they
23 would do such a thing -- it was then being handed out in
24 the office. It was not circulated and was not sent to
25 residents by the LDA. So what I have entered as the

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1 draft Fluid Report, which is not actually the same -- it
2 is the same document, it is the one in Mr Gaskell's
3 appendix, but it has a different title at the base of
4 the page. The draft Fluid Report was sent -- sorry, was
5 handed out in the office, and for example recently
6 I wanted to get a copy of the Fluid Report --

7 THE CHAIRMAN: Could I stop you, Mr Cheyne. We are going
8 well beyond the question that was put.

9 A. Okay. Sorry. I was just trying to explain the --

10 THE CHAIRMAN: I do not think we need a subsequent
11 explanation. I am aware of the background.

12 A. Okay. So the issue is the Fluid Report, the whole Fluid
13 Report was known on the estate, but I cannot say whether
14 all tenants knew it, because it was not actually sent to
15 all tenants.

16 MR PEREIRA: When you say it was not actually sent to all
17 tenants, have you spoken to all tenants to find out
18 whether it was communicated or not?

19 A. Of course I have not. If the LDA has figures on this, I

20 do not see why necessarily I am expected to investigate
21 what all tenants know. The LDA --
22 THE CHAIRMAN: There was no suggestion that you should have
23 done, I am sure. It was simply trying to establish
24 whether you knew --
25 A. No, of course I have not spoken to all tenants.

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1 MR PEREIRA: Thank you. And the qualification, again, using
2 your language, was sent out in a newsletter, was it not?
3 A. The qualification was sent out in a newsletter, yes, and
4 that was sent to every tenant, as far as I am aware.
5 THE CHAIRMAN: Is that an appropriate moment to take a time
6 check?
7 MR PEREIRA: Yes, I do not mind taking a time check there at
8 all. I probably have about 15 minutes.
9 THE CHAIRMAN: Do you mind if we take a short break? I
10 would like to see the programme officer before he
11 disappears for the day in relation to two other
12 appearances I have on Monday, so if you are both content
13 to take ten minutes. I have to remind Mr Cheyne that
14 you cannot speak to anybody else.
15 A. Absolutely, I will stay here.
16 THE CHAIRMAN: Thank you. I will adjourn for ten minutes.
17 (4.55 pm)
18 (A short break)
19 (5.10 pm)
20 THE CHAIRMAN: The Inquiry is resumed. Mr Pereira, would
21 you like to continue, please.
22 MR PEREIRA: Thank you very much, sir. Mr Cheyne, can we

23 just go to -- it will be in the documents that you were
24 handed up to add to the bundle. It is hand numbered
25 page 28P.

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1 A. I am a little confused by which bundle --
2 Q. It is page 16 of the summary of Fluid.
3 A. Oh, right. The Fluid summary. Sorry.
4 Q. Yes.
5 A. Yes, okay.
6 Q. Are you there?
7 A. Yes.
8 Q. Can we just look at the right-hand column.
9 A. Yes.
10 Q. Second question. And can you see there that in the
11 answer it says, "The LDA will be seeking to ensure that
12 residents are rehoused in accommodation -- "
13 A. Ah, yes, you are quite right. I have to say, I had not
14 noticed that, but you are quite right, it is included.
15 Q. Now, next, please, you make some comments in your
16 evidence about vulnerable tenants.
17 A. Yes.
18 Q. Can we just turn up, please, page 257 of the bundle. In
19 fact, can we go to 256, first of all.
20 A. Right.
21 Q. This is, is it not, a minute of notes of a meeting?
22 A. Yes.
23 Q. And it is the one that we have looked at earlier for
24 another reason. But if you go over the page, page 257,
25 we can see that vulnerable tenants is one of the things

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1 discussed.

2 A. Yes, absolutely.

3 Q. And there is discussion about the impact of the process
4 on vulnerable tenants:

5 " ... some of whom were very anxious about what was
6 happening. Michaela(?) CBHA said that she was liaising
7 with Health and Social Services in relation to
8 vulnerable tenants. It was agreed SNU and the rehousing
9 team needed to work closely on this issue."

10 A. Yes.

11 Q. You would not say there is anything inappropriate about
12 CBHA liaising with Health and Social Services?

13 A. Absolutely not. In fact it should very much happen.

14 Q. Thank you.

15 A. I think the question there is whether the extent of
16 this -- I mean, I am particularly referring here to the
17 relationship with SNU and the rehousing team -- is
18 exactly how this working closely has occurred. And the
19 reason I say that, I have raised this matter with SNU
20 and I have also raised it with CBHA. When I talked to
21 SNU in the meeting, they did not seem to have -- and
22 I am not a party to these discussions, so I cannot say
23 exactly what is going on -- they did not seem to have
24 any process for example of people being referred to them
25 automatically. One of the proposals -- a couple of the

1 proposals I put forward in the rehousing policy was that
2 there should be a cooling-off period and an automatic
3 referral to SNU for advice. As far as I understand it,
4 there is no such policy. So the proposal I put forward
5 is on the basis of what I have discovered in terms of
6 asking SNU what they are doing.

7 In terms of the issue about what CBHA is doing with
8 Health and Social Services, I cannot comment, because
9 I am obviously not a party to that discussion. The only
10 thing I would say there is that I have raised the case
11 of a particular person who was moved into an assured
12 shorthold tenancy in Wanstead who was a vulnerable
13 person, and I was concerned about the fact that they had
14 been moved into a shorthold property with a shorthold
15 tenancy, and I raised that with the CBHA's Chief
16 Executive, Mr Ferry, on one occasion, and he did not
17 think there was anything inappropriate about this.
18 I think that there could be something inappropriate
19 about it, in the sense that people -- I think it is
20 undesirable that people are swapping assured tenancies,
21 secured tenancies, for insecure, shorthold tenancies.

22 But I think also the question was that in the case
23 of a vulnerable person, and often vulnerable people do
24 have difficulties, that person might get into
25 difficulties with their neighbours, or something like

1 that, they could end up getting into a dispute, because
2 this particular person did have problems living in
3 a shared house, for example, and that this would result

4 in possibly the termination of their tenancy. So
5 I expressed that concern to CBHA, and they did not seem
6 to be -- he did not seem to be very concerned about
7 that.

8 Q. And you do not know the details of that particular
9 person, do you? You expressed a concern, but you do not
10 know the details of that, do you?

11 A. Put it like this: the concern was raised with me by some
12 other residents in that courtyard, so as far as I am
13 aware, the information is correct. But if you are
14 asking me whether I am specifically involved in this
15 relocation: no, I am not.

16 Q. As you might imagine, those who work in the housing
17 sector do frequently have to deal with the accommodation
18 of people who are vulnerable.

19 A. Absolutely, yes.

20 Q. You can imagine that because a lot of vulnerable people
21 live in that sector, and as you can imagine, there are
22 accepted and understood ways of dealing with these kind
23 of issues. This is not something new.

24 A. I think this is always a matter of -- the devil is in
25 the detail of a particular case. How do you know what

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1 is happening in a particular case? As I have already
2 detailed, there is another case of someone --

3 THE CHAIRMAN: Can you just slow down slightly?

4 A. Sorry. There is another case of someone who did feel
5 under a lot of pressure and who did break down in the
6 office. There was another case of a woman who wanted to

7 stay in Newham and who was taken to an estate in Waltham
8 Forest, she was actually taken by a member of staff, but
9 for some reason she was not taken to the housing office,
10 she managed to get lost in the distance between where
11 she was dropped off and the housing office and returned
12 to the estate in a distressed state. I mean, there are
13 cases like that.

14 So if you are asking me whether I believe that
15 Housing Associations have procedures and the rest of it
16 in place for these situations: yes, of course I do. Do
17 I think necessarily that people are always cared for
18 according to these procedures? Regrettably, no. It is
19 always a matter of particular cases.

20 In terms of the specifics of the SNU relationship
21 with CBHA, as far as I can make out, there is not, or
22 was not, a specific policy put in place in order to
23 refer people in this situation.

24 Q. Can I turn, please, to page 3 of your bundle. No, I do
25 not mean page 3. Sorry, it is Mr Gaskell's appendices.

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1 A. Right.

2 Q. In his rebuttal to you. It is appendix 1, page 3 of
3 that.

4 THE CHAIRMAN: This is REB 13, is it?

5 MR PEREIRA: This is REB 13 and page 3. It is the Olympic
6 Park update, the January 2006 newsletter.

7 A. Okay. Sorry, I am not quite sure which document this
8 is.

9 Q. I do not think the pages are numbered, but it is the
10 third page in appendix 1.

11 A. All right. Olympic Park latest update, January 2006.

12 Q. Yes, it has lots of blue on it.

13 A. Yes, okay.

14 Q. Now, you have written a lot about this. It is
15 a newsletter, and by necessity, of its nature, it is
16 giving a brief update, is it not? It is not attempting
17 to give comprehensive information, and no one would read
18 it as though it was giving comprehensive information,
19 would they, Mr Cheyne?

20 A. Well, I think that is a very interesting question you
21 have raised there. I think that apart from these news
22 letters, actually there is no other written information.
23 I mean, we do not get a pack of information. So
24 effectively this is the only information we get. So if
25 you are saying that the newsletter is not designed to

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1 perform the function of providing information to
2 residents on the kind of basis of a sort of broad depth,
3 then I would have to say we have not received that at
4 all. In fact the way that the newsletter has developed
5 it has been interesting in itself, because --

6 Q. Mr Cheyne, can you please answer my question. I am not
7 asking about other information. All I am asking is
8 about the newsletter. You would not expect the
9 newsletter, and the newsletters do not, give
10 comprehensive information, do they?

11 A. Mr Pereira, you cut me off halfway through --

12 Q. I know I did, for a reason.

13 A. -- when I was about to address that point.

14 THE CHAIRMAN: Gentlemen, please. I was going to cut

15 Mr Cheyne off, but I was satisfied that he was giving an

16 answer to the question on the basis that absent anything

17 else, in his view, he was expressing some reservations

18 about the lack of information.

19 A. I am going to do more than that. I am going to say

20 that -- this is the point I am trying to make -- that

21 later newsletters have attempted to perform the role

22 which you are now describing. You are saying that these

23 newsletters only have the function of providing basic

24 information updates. Actually, I would not agree with

25 you. As we have gone along, the newsletters have turned

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1 into information sheets, so for example we have had more

2 information in -- I think it is the May newsletter,

3 which is not in here, which I have referred to in my

4 evidence, I have not put it into the evidence, in which

5 the LDA provided substantially more information, for

6 example about the part ownership scheme. Now, I am not

7 saying it was a full leaflet, full information, but

8 insofar as a newsletter provides information, I would

9 have to disagree with you.

10 There is a difference between some of the earlier

11 newsletters and the later newsletters, and the later

12 newsletters are much more informative. But if you are

13 saying that the only function of this newsletter is to

14 provide this, I would have to then disagree with you
15 insofar as the information in this newsletter is still
16 inadequate. The statement simply provides a -- no
17 statement about the situation at Clays Lane apart from
18 a bald statement that this announcement does not affect
19 Clays Lane. Actually, it did affect Clays Lane, because
20 the facilities at Clays Lane, the housing facilities,
21 were removed, for the most part. All that was left was
22 15 per cent. So actually the statement is inadequate in
23 itself as a news update.

24 MR PEREIRA: Have you finished?

25 A. I am sorry if my answer offends you.

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1 Q. It does not offend me at all, Mr Cheyne, but I am trying
2 to get an answer to my question. Let us put this in
3 context, please. One might think your suggestion that
4 this is the only information sent to tenants quite
5 surprising when one looks at the length of the bundle of
6 information that you have provided. There are of course
7 regular meetings that go on, are there not, between for
8 example Clays Lane On The Move and other authorities.
9 That is right, is it not?

10 A. Yes, but this is not information that is provided to
11 tenants as a whole. I mean, there are some tenants who
12 attend those meetings, yes, but actually no newsletters,
13 as I have already pointed out, have been produced by
14 SNU, so there is no feedback from SNU on that, and in
15 terms of the information which is provided to SNU, that
16 information is not disseminated around the estate. So

17 to a great extent, the only written information we
18 receive is in these newsletters.

19 Q. Mr Cheyne, the answer to my question is yes, is it not;
20 there are regular meetings that take place between
21 Clays Lane On The Move and authorities?

22 A. Of course there are, so what?

23 THE CHAIRMAN: It does not demand a question at the end, it
24 was simply to establish a matter of fact: whether there
25 is or there is not.

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1 A. Yes, there are indeed meetings. I attend some of them.

2 MR PEREIRA: Good, and information is exchanged at those
3 meetings, is it not?

4 A. It is indeed.

5 Q. Thank you. You said at the early stages, newsletters
6 were performing one function, but as time went by, the
7 information they provided became fuller?

8 A. I would say that, yes. And I would say -- earlier on
9 you asked me whether there was anything I approved of
10 about the LDA. I would say that is another feature of
11 an improvement in the LDA's performance.

12 Q. In January 2006, newsletters were not of the kind where
13 they were giving the fuller information that you
14 referred to, were they?

15 A. And? What is the point? I mean, so what?

16 Q. Answer the question.

17 THE CHAIRMAN: Mr Pereira does not have to actually express
18 what the point is. Mr Pereira can ask you --

19 A. Well, they were not doing that, you are quite right --
20 THE CHAIRMAN: Mr Cheyne, please. Mr Pereira does not have
21 to explain the point. It is for Mr Pereira to ask you
22 a question, and we will take the points perhaps as
23 necessary in closing submissions.
24 A. Okay. Yes, the earlier newsletters were not as
25 informative as later newsletters.

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1 MR PEREIRA: And at this time, in January 2006, the style of
2 the newsletters was that they were providing summary
3 information, were they not?
4 A. If you say so. I cannot really comment. I do not know
5 if that is what the intention was. The information
6 being provided is limited.
7 THE CHAIRMAN: Mr Cheyne, we do not need to go behind the
8 intention, but it is really your perception of the style
9 of the newsletter in January as to whether it was
10 a summary.
11 A. I would absolutely agree. Yes, I would say it is a
12 summary, yes.
13 MR PEREIRA: Thank you. Now, would you agree that the main
14 matter of concern to a resident at Clays Lane is whether
15 their estate is to be compulsorily purchased or not?
16 A. I am sorry --
17 Q. Do you agree that the main matter of concern to the
18 residents of the estate is whether the estate is to be
19 compulsorily purchased or not?
20 A. Do I agree it is the main concern?
21 Q. Yes. I mean, if it was not to be compulsorily purchased

22 you would not be sitting here. You would be entirely
23 happy.
24 A. Well, I would agree. Obviously it is a main -- I would
25 try and balance this in two ways, because we are talking

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1 about two different issues here. There is the
2 compulsory purchase, yes, and there is also the
3 relocation process. So I cannot necessarily say that
4 the main concern is the CPO in the sense that it is
5 accompanied by a process of relocation, and the way in
6 which that relocation is working is also a main concern.
7 Q. Right. If there is a change to the Olympic Park, and it
8 was such as to bring Clays Lane out of the CPO boundary,
9 you would have expected that to be stated on
10 a newsletter, would you not?
11 A. Yes, I would. Of course.
12 Q. Now, before the January revisions, the Clays Lane Estate
13 was inside the CPO boundary to be compulsorily
14 purchased, was it not?
15 A. Yes.
16 Q. And after the January revisions, Clays Lane was inside
17 the CPO boundary to be compulsorily purchased, was it
18 not?
19 A. Yes.
20 Q. And in the light of that, do you not understand what is
21 being said in this newsletter, where it says, having
22 talked about Pudding Mill Lane and Fish Island --
23 Fish Island is an area not being purchased -- having
24 said this it then goes on to say, "please note that this

1 being that just as before the changes, after the
2 changes, Clays Lane was still to be CPOed?

3 A. Well, I would obviously agree with you. However, I
4 would have to point out two things. First of all, the
5 statement actually starts off with, "have announced
6 changes to the layout of the Olympic Park", so the
7 layout does not just affect those parts that have been
8 taken out.

9 Secondly, as objectors, I think it is reasonable for
10 us to expect to be informed about changes which might
11 have some impact on our objections, thus for example
12 there would be later planning applications related to
13 this, it would have an impact on our assessment of the
14 existing layout of the Park and the way in which we
15 might formulate our objections or consider whether the
16 changes to the Park affected things, for example, like
17 the timescale of our removal, which was an issue and has
18 been an issue all of the way through, and one of the
19 issues arising from the changes was the fact that the
20 housing had been removed and the concern -- one issue
21 which arose from that was whether that might lead to
22 a change in the time line.

23 So although I accept obviously that this is
24 a statement about the existing CPO, I do not actually
25 agree with you that that is the only thing that

1 a newsletter should inform us about.

2 Q. Do you accept that it is the LDA's position that the
3 announcement did not affect Clays Lane?

4 A. Of course, I do, yes.

5 Q. You do?

6 A. Of course, you have repeatedly told me that this is an
7 adequate announcement, yes. I do not have to agree with
8 you, but you think that this is an adequate
9 announcement, yes.

10 Q. Just one moment, Mr Cheyne. I just want to check my
11 notes. (Pause).

12 Thank you very much, Mr Cheyne.

13 A. Okay, thank you.

14 THE CHAIRMAN: Thank you Mr Pereira. Mr Wald, any matters
15 of re-examination?

16 MR WALD: Sir, very few, you will be perhaps pleased to
17 hear.

18 THE CHAIRMAN: Well, whatever it takes.

19 Re-examination by MR WALD

20 A. Am I allowed to ask Mr Wald about certain matters I
21 would like him to --

22 THE CHAIRMAN: No, I am afraid not. This is something that
23 Mr Wald keeps in control of.

24 A. Okay.

25 THE CHAIRMAN: Have you explained to Mr Cheyne the purpose

1 of re-examination?

2 MR WALD: No, but I could do that now, if you would like me
3 to, sir.

4 THE CHAIRMAN: I think in fairness to the witness so that he
5 is aware of it, so that there are no issues arising from
6 elsewhere.

7 MR WALD: Okay. Mr Cheyne, for your benefit, the purpose of
8 this going to be short bout of questions is to clarify
9 if necessary any points that have been raised in
10 cross-examination. I cannot go beyond anything that has
11 been asked in cross-examination.

12 A. Sure. Well, actually the issues I was raising were
13 issues that have been asked, but I am not pressing that
14 point.

15 Q. Okay. We looked at a newsletter, and you were asked
16 about the degree of reliance that one might place on the
17 information contained in it and how comprehensive one
18 would expect that information to be. I have two points
19 of clarification that arise. One is that you said that
20 as time went on, they became better. Are you able to
21 add to that to your list of pluses?

22 A. Yes, I did say to Mr Pereira, I did consider that that
23 was something I would add to the list of pluses.

24 THE CHAIRMAN: I recorded that. I heard that.

25 MR WALD: Then you made mention of information packs which

1 you did not receive.

2 A. Yes.

3 Q. I wondered, when you first answered questions about the
4 extent of reliance to be placed on a newsletter such as

5 this, you said that it was the only source of
6 information that you were getting.

7 A. As far as the LDA is concerned, yes. Actually, I would
8 have to say I did rely on this statement, because --
9 I think we dealt with this before -- I did e-mail
10 Mr Cahill about it and I asked him for clarification
11 about what had happened to the Olympic Village. I have
12 to say, and I think I mentioned this in my evidence,
13 I personally was not clear about what exactly was
14 involved in the Olympic Village, and so this information
15 was something I was relying upon.

16 I had asked Mr Cahill the further question, which
17 somebody had told me -- well, in fact I think he said
18 the Village had moved, and then I had been told --
19 Mr Cahill did not actually provide any further
20 information apart from referring me to a web page, which
21 in itself did not really explain much either. So I did
22 rely on this information, just --

23 Q. That is fine.

24 A. Sorry.

25 Q. I take it that you mean written information, because you

1 went on to concede that certain amounts of information
2 were transferred in the course of meetings?

3 A. Well, in terms of this particular information, I cannot
4 say that it was. I mean, obviously there are --

5 Q. I am talking about in general terms.

6 A. General terms. Well, information is provided in

7 meetings, yes, but again the issue is it is not
8 circulated around the estate as a whole, so I would say
9 the only written information we get are these
10 newsletters.

11 Q. Okay. What other sorts of written information might you
12 have expected?

13 A. Well, I have set out what I think would have been
14 desirable in the rehousing policy that I have submitted,
15 the draft rehousing policy. Basically one of the things
16 I would expect would have been an information pack which
17 would have included -- and I think I have mentioned some
18 of these things already -- details about the rehousing
19 agents, the different Housing Associations and Councils
20 participating, the kind of properties they had, where
21 they are, the sort of rents that they would offer, the
22 service charges, all of that kind of stuff.

23 I would have expected policies on specifically like,
24 for example, you know, the whole issue of what is
25 considered to be "as good as"; I would have expected to

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1 be receiving information and assessments along those
2 lines. I think that would be part of the process of
3 consultation as well.

4 I think an information pack, if we looked at it from
5 the point of view of Mr Winterbottom's original
6 statement of as much information as possible, would have
7 included a whole range of different information
8 including policies, allocation policies, for example --
9 the rehousing policy has only just been presented, so I

10 would have expected to have had a rehousing policy
11 available at the beginning of the process.

12 Q. Yes. You have anticipated my follow up question. You
13 have explained which expectations you had, on the basis
14 of what? You have referred now to Mr Winterbottom. Is
15 there any other basis upon which you would have expected
16 to receive written information beyond the newsletters?

17 A. Well, I guess my own expectations. I cannot say
18 necessarily.

19 Q. I am talking about promises, that sort of thing.

20 A. Well, if you are saying -- we are going back to the very
21 beginning of the process when the LDA first arrived,
22 I mean, there is a sort of general care and duty of care
23 which I think they expressed, and their concern to treat
24 us sensitively. I would say the general discussion
25 which we had, particularly in the first meeting, because

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1 the second meeting was rather acrimonious, was along
2 these lines: that they intended to treat communities,
3 our community well, but also the consultations that
4 happened in Stratford also referred to the way in which
5 local communities would be treated with respect. This
6 was not just Clays Lane; this was a more general concern
7 for communities in the area.

8 Q. We have seen it enough I think to not have to turn to
9 it, but did the November newsletter contain any promises
10 of supply of information?

11 A. Well, there is the supply of information concerning rent

12 comparisons. Sorry, the information about rents of East
13 London. So certainly that would be a further thing.

14 Q. Was there any indication of a supply of information made
15 at the pre-Inquiry meeting stage?

16 A. Yes. Well, you are referring -- I suppose there are two
17 possibilities there. One is the statement that
18 documents would be supplied through document requests.
19 In addition, there is the possibility of a meeting being
20 organised by the LDA to inform us about the CPO process
21 and the process of objection.

22 Q. Okay, so that is not written but oral information,
23 presumably?

24 A. Well, not necessarily, because I suppose someone could
25 have produced some kind of leaflet or document to

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1 describe the process. I would not like to say what they
2 would come up with, but --

3 Q. Okay, can I move on to another point that came up in
4 cross-examination. This question of equal or better and
5 whether you agreed that it was a matter of judgment.
6 Your response was that it does need to be assessed. Do
7 you remember that?

8 A. Yes.

9 Q. How is that assessment to be conducted, and how was it
10 conducted, if at all?

11 A. As far as I am aware, it has not been conducted. I do
12 not think anyone has ever conducted this assessment.
13 I think if I remember rightly, when I was answering
14 Mr Pereira, I suggested that that would be a process of

15 consultation, because the -- if I remember rightly, the
16 way that the Fluid Report puts this is that it is
17 something which needs to be defined for the benefit of
18 residents, and in order to clarify this for residents in
19 terms of their relocation, so I would have expected that
20 it would be something that was done in consultation with
21 residents, in order to establish what they thought this
22 meant, as much as anybody else thought it meant.

23 Q. I just want to establish, what is the scope for your
24 expectation? Is it the Fluid document itself?

25 A. It is the Fluid document insofar as they have

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1 specifically mentioned this, but I think I would say,
2 again, I would go back to the whole issue of the
3 original meetings and say that the care, the way in
4 which we would expect to be treated carefully by the
5 agents, by the relocation agents, would have led to that
6 kind of consultation.

7 Q. When did you first see the Fluid Report?

8 A. Well, I got the shortened version, the summary version,
9 in January.

10 Q. January of which year?

11 A. Sorry, 2005.

12 Q. And was that the birthplace of that particular
13 expectation?

14 A. I do not think it is in there, actually, is it? Sorry,
15 I would have to check in this list of things. Does it
16 talk about the ... well, there is a statement. I have

17 to say, I cannot recall exactly at what time, because
18 I received the other copy, the draft copy, shortly
19 afterwards, I think it was about a month later, and it
20 was in that.

21 Q. Well, between the two of those documents there is some
22 mention of the assessment or the --

23 A. Well, there is certainly an assessment. The specific
24 statement about defining "as good as" is in the longer
25 version. I am looking at this here, and it does

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1 actually refer to, "will the quality of accommodation be
2 of a similar standard", and it just says -- no, sorry,
3 the next one:

4 "To what extent will the views of Clays Lane
5 residents be taken into account? The information you
6 provide will be valuable in order to devise appropriate
7 rehousing options based on your needs and wishes."

8 Again, how you assess what people are going to --
9 what they regard as being their needs and wishes would
10 be the sort of thing you would put into that discussion.
11 The previous section does discuss the "accommodation at
12 least as good as", but again, this will be informed by
13 the requirements identified in the questionnaire
14 responses, so I suppose I would have expected that the
15 LDA would also be looking at those responses in order to
16 discover what people thought was "as good as". But this
17 is --

18 Q. On the later view, this is the second document, we are
19 18 months on from that.

20 A. Yes.

21 Q. Do you have any idea, do you know whether anything has
22 been done in the direction of conducting that
23 assessment?

24 A. I have not heard of any assessment, no.

25 Q. All right. Back to this confidentiality point about the

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1 questionnaires.

2 THE CHAIRMAN: Mr Wald, just before we go on to that, can we
3 give the stenographer a couple of minutes? It has been
4 a fairly intense half an hour. Oh, I think she is still
5 all right.

6 MR WALD: If it helps the stenographer, I am on my
7 penultimate question.

8 MR PEREIRA: I am not sure that will help the stenographer,
9 but there we are.

10 THE CHAIRMAN: Thank you very much. Mr Wald, I am sorry for
11 interrupting.

12 MR WALD: Sir, even if it does not help the stenographer, I
13 am on my penultimate question. Apologies to the
14 stenographer.

15 You have taken us to the parts of the Fluid Report
16 that identify the purpose and the discussion of
17 individual and general needs, yes?

18 A. Yes.

19 Q. Would it be possible for it to achieve that stated
20 purpose, I am talking about the individual side, without
21 the use of particularised personal information?

22 A. Sorry, could you repeat the question?
23 Q. Would it be possible to achieve the individual needs
24 assessment expressed in the Fluid Report without the use
25 of the particular information given --

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1 A. No.

2 MR PEREIRA: Just to confirm, I did not cross-examine at all
3 on the purpose of the Fluid Report, quite deliberately.
4 All I did was ask a question about confidentiality. But
5 I do not mind --

6 MR WALD: Sir, I think that is a fair point. If I can
7 explain how this arises from the cross-examination:
8 there was a question about whether the information
9 should be transferred to the CBHA from Fluid, and the
10 purpose of this clarification is to establish as
11 a matter of logic whether it had to go to CBHA or not.
12 But it is right that that specific point was not put.

13 THE CHAIRMAN: Yes, I can see the link and I am happy to
14 take the question.

15 MR WALD: Thank you.

16 A. Yes, I would say that in order to establish how this
17 related to individuals, you would have to have the
18 individual information, of course, yes.

19 Q. And is it right that that information in order to be
20 useful would have to be transferred to CBHA?

21 A. Well, as they are the people who, for the most part, are
22 relocating people, yes, absolutely. In terms of the
23 group move side of the thing, that is a little bit more
24 unclear, because we are not quite sure how this is

25 operating. But I would say as a matter of principle,

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1 because everyone has a right to access all of these
2 different options, that information should have been
3 provided to CBHA regardless of any specific option that
4 anybody wanted to pursue. Absolutely, yes.

5 Q. To the extent that confidentiality applied, there is
6 obviously a difference of opinion about whether there is
7 confidentiality between CBHA and Fluid, but to the
8 extent that any existed, could that be overcome by
9 requests for waivers of that confidentiality from the
10 individuals concerned?

11 A. Absolutely, yes, and we said that, at the time,
12 in September, yes.

13 I would go back, sorry, to my last -- penultimate
14 point and make one further comment. When I said that we
15 do not know exactly how CBHA are tying in with us at the
16 moment, CBHA are of course -- the group move, that is --
17 they are the preferred partners, so it certainly will be
18 relevant for CBHA to know those people who are
19 interested in group moves. So I am not suggesting
20 therefore that they should not know those people's
21 information for that reason, but I would say they should
22 have known anyway, because information about options
23 should have been made available to all residents
24 regardless of which option they choose.

25 Q. Finally, and I think I mean that this time --

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1 THE CHAIRMAN: The dictionary definition of "penultimate"
2 seems to have changed.

3 MR WALD: Sir, I have been told that Mr Village kept the
4 Inquiry going until late each evening, so this is
5 perhaps slightly more lenient than that. You were asked
6 at the very beginning of your cross-examination to
7 accentuate the positive and to pick out points of
8 satisfaction. You thought on the hoof and compiled
9 a list. You have been sitting here for a few hours now.
10 Is there anything you would like to add to that list?

11 A. Well, I have not been thinking about it too much, I have
12 to say. Every now and then something has occurred to
13 me. I mean, I would say that the process as a whole has
14 been fairly stressful, but there have been points where
15 it has become slightly more enjoyable than others, and
16 I have tried to highlight the fact that there have been
17 times when I think the process has been more successful,
18 maybe I can put it that way, than other times. So it is
19 not a case of saying this is one long downhill slope.

20 There have been ups and there have been downs, and
21 I have tried to -- I hope, anyway -- be fair to the
22 relocation agency so far as I have thought that they
23 have done a good job, and I am not going to say that
24 they have themselves not attempted to do a good job in
25 the sense that I am sure that they have themselves

1 worked hard. So I am not trying to cast aspersions
2 individually or whatever.

3 My point merely is about the way the programme has
4 worked as a whole and about the, I would say, lack of
5 investment in this programme, which I think goes back
6 really to the way in which I would say Clays Lane
7 residents have not been treated with the same regard as
8 the Olympic programme itself. The Olympic programme has
9 had massive investment in it, whereas the Clays Lane
10 residents have not. And I can well understand that
11 maybe the investment in terms of personnel has not been
12 as great, and that those personnel who have been
13 involved with us have been overloaded with work.

14 Q. One of those was Mr Ogundele?

15 A. Yes.

16 Q. What was his remark to you?

17 A. You mean the one about winners and losers?

18 Q. Yes.

19 A. Yes.

20 Q. He subsequently was removed from this process.

21 A. Yes.

22 Q. Were you pleased about that?

23 A. Yes, absolutely. I thought that was very good, and in

24 fact --

25 Q. Can we add that to the list?

1 A. You can add that to the list. The fact that Mr Brown
2 was the chair at the second meeting I attended made it

3 a better meeting and a more productive meeting.

4 MR PEREIRA: You cannot add that to the list, because he was
5 not involved just because of a rotation on work.

6 Nothing that the LDA positively did.

7 A. Oh, sorry, he was not taken off. In that case I have to
8 withdraw one of my good points. I thought he had been
9 removed for that reason, and that was actually the
10 explanation that I did have at the time, but apparently
11 not.

12 MR WALD: His disappearance was positive, but it was not
13 caused by the LDA, so we will not add it to the list.

14 Mr Cheyne, those are all my questions. I am sorry
15 if I did not ask the ones that you wanted me too.

16 A. No, that is okay. Maybe I can add another one,
17 actually, that has suddenly occurred to me --

18 THE CHAIRMAN: Another positive?

19 A. Another positive, which is although regrettably they
20 fenced off the post box and the phone box, they did
21 relocate them, and the post box is now available for
22 people to use, and the phone box is also available for
23 people to use.

24 Q. So there has been relocation --

25 A. There has been relocation more successful, and indeed

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1 I use the post box quite frequently.

2 Q. Sir, we will try and put in evidence a photograph of the
3 post box by the beginning of next week.

4 MR PEREIRA: As long as Mr Cheyne is not just putting
5 a letter into it.

6 A. It would be a letter to the LDA.

7 MR PEREIRA: No doubt more than one.

8 MR WALD: Sir, I do not know whether after all of that there
9 are any lingering questions that you may have?

10 THE CHAIRMAN: There are not any lingering questions, no.
11 That has been very helpful.

12 MR PEREIRA: Sir, I wonder if in the light of that, Mr Wald
13 can just confirm that that is Mr Cheyne's evidence
14 concluded, and that all the documents that my learned
15 friend wants to put in have now been put in?

16 MR WALD: I can certainly conclude that that is the end of
17 Mr Cheyne's evidence. There may be further documents
18 that we submit as part of the collective case, but they
19 will not be Julian Cheyne documents. I do not have any
20 particular one in mind, but if for example a plan
21 assists in the course of our time next week, I will not
22 hesitate to seek to submit that into the Inquiry.

23 A. Actually, may I ask something in that respect? Can
24 I just make a -- ask a question here?

25 THE CHAIRMAN: Who to?

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1 A. To you, I guess, or the other side, or anybody. It is
2 simply whether in the light of the fact that documents
3 have been sent to me, like for example rebuttals,
4 whether in principle there is the opportunity to present
5 rebuttal responses to those rebuttals or not? I am not
6 saying necessarily I am going to do that, but I am just
7 asking whether, because documents have been sent to me

8 recently and I have not had a chance to complete
9 responses to that, whether that is an opportunity for me
10 to submit documents about those rebuttals or not?
11 THE CHAIRMAN: Having appeared at the Inquiry and given
12 evidence, the general rule is that that is the one and
13 only opportunity.
14 A. Absolutely. Right. Okay.
15 THE CHAIRMAN: There is not a further opportunity, having
16 given evidence, to come back on the process.
17 A. Okay, thank you.
18 THE CHAIRMAN: Is there anything further for this afternoon,
19 any procedural matters to raise, housekeeping matters?
20 MR PEREIRA: The only thing I am told is, sir, that there
21 will be two objectors coming on Monday.
22 THE CHAIRMAN: Thank you. That was a coded message for what
23 time I start on Monday.
24 MR WALD: Sir, do I take it that Tuesday and Wednesday are
25 10 o'clock starts?

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1 THE CHAIRMAN: Tuesday and Wednesday will be 10 o'clock
2 starts for the resumption of this appearance.
3 MR WALD: Then just -- it may be repetition, for which
4 I apologise in advance -- it is Mr Goemans on Tuesday
5 morning, and one of the LDA witnesses, has that been
6 determined, which witness it will be on Tuesday
7 afternoon?
8 MR PEREIRA: I think the order I gave was Mr Jones, Mr Prior
9 and Mr Gaskell, and Mr Jones has given his evidence.
10 I think it will be Mr Prior.

11 MR WALD: So Mr Goemans and Mr Prior on Tuesday.
12 MR PEREIRA: And then Mr Gaskell.
13 THE CHAIRMAN: Are we anticipating we will get through all
14 three?
15 MR WALD: Sir, I rather assumed that we may need to use some
16 of Wednesday morning to complete evidence, and then
17 closings whenever is convenient on Wednesday.
18 THE CHAIRMAN: Yes. I am perfectly acceptable in terms of
19 a witness having to go into Wednesday morning if we
20 needed -- I know that in terms of the ideal world, it
21 was to finish all of the evidence by the end of Tuesday
22 to give you an opportunity of preparing closings
23 overnight. But clearly we have the whole of Wednesday
24 for the appearance, so if we need to take a witness into
25 Wednesday, then there is no issue with that.

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1 MR PEREIRA: Sir, can we assume that that is the order of
2 witnesses. I will check with Mr Roots when we adjourn
3 now, because he is calling Mr Prior.
4 THE CHAIRMAN: Presumably, in the normal way, if either or
5 both of you are relying on legal submissions, will you
6 give an indication to each other before we get to the
7 final day and closing submissions.
8 MR PEREIRA: Sir, I think what was agreed at the last
9 pre-Inquiry programming meeting was that the residents
10 would let us know what authorities they were proposing
11 to rely on by the weekend, actually, and I can do
12 likewise. I do not mind if it is left until Monday.

13 THE CHAIRMAN: That is fine.

14 MR WALD: Sir, I am happy, by some point on Monday, to
15 supply the authorities relied on.

16 THE CHAIRMAN: That would be very helpful. Thank you.

17 If there is nothing further, can I thank you all for
18 your attendance. Thank you for your attendance this
19 afternoon, Mr Cheyne. I think today a special thank you
20 to Paula, the stenographer. Thank you. So the Inquiry
21 is now adjourned until Monday at noon.

22 As I said earlier, the resumption for this
23 appearance is 10 o'clock on Tuesday. Thank you.

24 (6.00 pm)

25 (The Inquiry adjourned until 12.00 pm on Monday,

1 31st July 2006)

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