

CABINET MEMBER SIGNING

Tuesday, 8th March, 2022, 10.00 am

Members: Councillor Ruth Gordon – Cabinet Member for House Building, Place-Making, and Development

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

3. LETTING OF BUILD CONTRACT FOR TOPHAM AND RISLEY (PAGES 1 - 14)

4. APPROVAL OF HOUSING CONSTRUCTION CONTRACT AND LAND APPROPRIATION AT REMINGTON ROAD (PAGES 15 - 26)

5. APPOINTMENT OF CONTRACTOR FOR WORKS TO IRISH CENTRE FOR RELOCATION OF THE GRACE ORGANISATION (PAGES 27 - 36)

6. EXCLUSION OF THE PRESS AND PUBLIC

Items 7-9 are likely to be subject to a motion to exclude the press and public be from the meeting as they contain exempt information as defined in Section

100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 3 and 5, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

- 7. EXEMPT - LETTING OF BUILD CONTRACT FOR TOPHAM AND RISLEY (PAGES 37 - 40)**
- 8. EXEMPT - APPROVAL OF HOUSING CONSTRUCTION CONTRACT AND LAND APPROPRIATION AT REMINGTON ROAD (PAGES 41 - 44)**
- 9. EXEMPT - APPOINTMENT OF CONTRACTOR FOR WORKS TO IRISH CENTRE FOR RELOCATION OF THE GRACE ORGANISATION (PAGES 45 - 48)**

Fiona Rae, Acting Committees Manager
Tel – 020 8489 3541
Email: fiona.rae@haringey.gov.uk

Fiona Alderman
Head of Legal & Governance (Monitoring Officer)
George Meehan House, 294 High Road, Wood Green, N22 8JZ

Friday, 25 February 2022

Report for: Cabinet Member Signing – 8 March 2022

Title: Letting of Build Contract for Topham and Risley

Report

Authorised by: David Joyce, Director of Housing, Regeneration and Planning

Lead Officer: Robbie Erbmman, Assistant Director for Housing

Ward(s) affected: White Hart Lane

Report for Key/

Non-Key Decision: Key Decision

1. Describe the issue under consideration

- 1.1 This report seeks Cabinet's approval, in the light of consultation with local residents, to build four new Council homes on Council-owned land at Topham Square and Risley Avenue, in the White Hart Lane Ward. The homes comprise 1 two-bedroom house, 2 three-bedroom houses and 1 four-bedroom house, all of which will be let at Social Rents.
- 1.2 In order to achieve this, Cabinet is being asked to agree the appropriation of the land, first for planning purposes, and then, on completion, for housing purposes; and in light of a formal tender process to award a construction contract to a locally based firm, NFC Homes Limited.

2. Cabinet Member Introduction

- 2.1. I am delighted to approve the construction of another four new Council homes for lettings at Council rent. The fact we are building new Council houses with three and four bedrooms is good news for the many overcrowded families in Haringey. High thermal insulation, air source heat pumps and photo-voltaic panels in all the homes will not only contribute to the development's net zero carbon target but also help to prevent fuel poverty.

3. Recommendations

The Cabinet Member is asked:

- 3.1 To consider the responses to the consultation carried out on this proposed scheme in line with section 105 of the Housing Act 1985, as set out in the report, and the wider community engagement set out in the report.
- 3.2 To approve the direct appointment allowed by Contract Standing Order 10.01.2.d of NFC Homes Limited to undertake the new build works to provide a total of four new homes at Topham Square and 15-25 Risley Avenue car park for the contract and contingency sum set out in the exempt report attached as Appendix 2.
- 3.3 To approve the appropriation of the land at Topham Square and 15-25 Risley

Avenue car park (edged red in the plans attached at Appendix 1) from housing purposes to planning purposes under Section 122 of the Local Government Act 1972 as it is no longer required for the purpose which it is currently held, and for the purpose of carrying out development as set out in section 6 of this report.

- 3.4 To approve the use of the Council's powers under Section 203 of the Housing and Planning Act 2016 to override easements and other rights of neighbouring properties infringed upon by the Topham Square and Risley Avenue development under planning ref: HGY/2022/0018.
- 3.5 To delegate to the Director of Housing, Regeneration and Planning, after consultation with the Director of Finance and the Cabinet Member for Housing and Estate Renewal, authority to make payments of compensation in the event that any infringement arises from the development and the recommendation 3.1.3, within the existing scheme of delegation.
- 3.6 To approve the appropriation of the land at Topham Square and Risley Avenue Road car park (edged red in the plan attached at Appendix 1) from planning purposes back to housing purposes under Section 19 of the Housing Act 1985, after practical completion of the development.

4. Reasons for the Decisions

- 4.1. The land at Topham Square and Risley Avenue was approved by Cabinet in July 2019 to be included in the Council's Housing Delivery programme. A planning application was submitted on 4 January 2022 and a decision is expected by 1 March 2022. Subject to planning approval, the scheme is ready to progress to the construction phase. This report therefore marks the third, and final, Members' decision to develop on these sites.
- 4.2. Direct appointment of the contractor in this case is justified because it is in the Council's overall interests. Current market conditions are uncertain and difficult, and there is significant risk of a lack of interest in this scheme. The scheme's viability depends on meeting deadlines attached to grant funding and the risk of an unsuccessful competitive tender process was considered to be high, and therefore to put the scheme's viability at risk. A locally based contractor known to have provided the Council with quality work on similar schemes was approached and asked to submit a tender return.
- 4.3. The appropriation of the site for planning purposes is required as it will allow the Council to use the powers contained in Section 203 to override third party rights such as easements and other rights of neighbouring properties and will prevent injunctions that could delay or prevent the Council's proposed development. Section 203 converts the right to seek an injunction into a right to compensation. The land will need to be appropriated back from planning purposes to housing purposes on completion of the development to enable the Council to use the land for housing and let the new Council homes at Council rent.
- 4.4. The proposals will improve security for new and existing residents and alleviate potential anti-social behaviour and fly tipping attracted by an unsecured car park.

5. Alternative options considered

- 5.1. It would be possible not to develop this site for housing. However, this option was rejected as it does not support the Council's commitment to deliver a new generation of Council homes.
- 5.2. The Council could have run a competitive tender from the London Construction Programme (LCP). This option was rejected due to limited interest from the LCP framework contractors and the time constraints involved in delivering this scheme. Instead, this opportunity will be procured via a direct appointment from the Major Works 2019 LCP Framework Agreement, the recommended route for a contract of this value.
- 5.3. The Council could continue with the scheme without appropriating the site for planning purposes, but this would risk the proposed development being delayed or stopped by potential third-party claims. By appropriating it for planning purposes and utilising the powers under Section 203 of the Housing and Planning Act 2016 (HPA 2016), those who benefit from third party rights will not be able to seek an injunction since those rights or easements that are overridden are converted into a claim for compensation only. The Council recognises the potential rights of third parties and will pay compensation where a legal basis for such payments is established. The housing delivery team actively engaged with local residents about the development of this site as they proceeded through the feasibility and design stages and any comments or objections raised were taken into consideration in reaching its decision.
- 5.4. The Council could decide not to appropriate the land for housing purposes upon practical completion of the building works. This option was rejected because it could prevent the Council from being able to offer up these homes for occupation as social housing thereby not supporting the delivery of much needed affordable homes.

6. Background Information

Topham Square and Risley Avenue Car Park

- 6.1. As shown in the plan in Appendix 2, Topham Square and Risley Road car park is situated within White Hart Lane Ward, part of the Tower Gardens conservation area and is bordered on all sides by residential properties. The site is located to the northern side of Risley Avenue and comprises a car parking area behind 15-25 Risley Avenue along with the hardstanding area immediately to the north, which is partly occupied by an electricity substation. White Hart Lane Overground Station and Wood Green Underground Station are the nearest stations to the site, which has a Public Transport Accessibility Level (PTAL) rating of 3.
- 6.2. The site is Council owned and held in the Housing Revenue Account.
- 6.3. In July 2019, Cabinet approved the inclusion of the Topham Square and Risley Avenue car park into the Council's Housing Delivery programme to determine its feasibility and capacity for the delivery of new homes and then, if appropriate, their progression through to planning consent.

- 6.4. Designs for 4 social rented houses on the site were submitted for planning approval on 4 January 2022.

Engagement and Consultation

- 6.5. As a result of the pandemic the scheme proposals were presented to the public virtually via Microsoft Teams.
- 6.6. The loss of amenity at Topham Square Risley Avenue car park obliges the Council to consult in line with Section 105 of the Housing Act 1985. The Section 105 consultation period commenced on 17th August 2020 and ran until 22nd September 2020. Of the fifty-nine homes that received the section 105 pack inviting responses, nine households formally responded.
- 6.7. Two respondents stated that the proposed removal of the car parking bays breaches the lease agreement of secure tenants/leaseholders in the area. Secure tenancies and lease agreements were checked, and no evidence has been found that parking rights were conferred on residents in the area.
- 6.8. One respondent stated that the removal of parking facilities would have a detrimental impact on their daily lives. This included specific impacts on older residents and those with disabilities who require parking medical care or family related travel.
- 6.9. One resident proposed that disabled parking spaces should be included on the new site, one resident suggested the parking area should be converted into a children's play facility rather than housing, and one resident suggested a three-storey car park should be built on the site instead.
- 6.10. The respondents further stated that it would be difficult and costly to park in the surrounding roads and there would be difficulty getting permits for work vehicles.
- 6.11. In response to this feedback, a full parking survey was carried out on two separate weekday nights when residents are home. The survey concluded that the adjoining streets covered by a controlled parking zone have capacity to accommodate any additional parking that may arise from the proposed development.
- 6.12. Topham Square and Risley Avenue has good pedestrian and cycle links, and its Public Transport Accessibility Levels (PTAL) rating of 3 indicates that it has moderate accessibility to the public transport network, taking into account walking distance and service availability.
- 6.13. Two wider community engagement meetings on the proposals were held on Microsoft Teams on Tuesday 19th October and Friday 29th October 2021 and one in-person event on Friday 15th October 2021.
- 6.14. The key comments raised were again the perceived lack of parking spaces in the surrounding roads.

- 6.15. The Council believes that the results of the transport assessment and parking survey show that the additional parking demand created by the loss of the existing car park can be absorbed on-street.
- 6.16. The proposed development is car free.
- 6.17. The Council is satisfied that its parking permit scheme is accessible for residents. The Council will provide advice and offer assistance to residents who wish to apply for a street parking permit.
- 6.18. In relation to the specific impact of losing the car park on older residents and residents with disabilities, the Council is satisfied that proceeding with the development is a proportionate means of achieving a legitimate aim. Individuals with protected characteristics are overrepresented on the waiting list for a council home and stand to benefit from the construction of new homes.
- 6.19. The scheme was submitted for planning on 4 January 2022 and residents were formally consulted as part of this process. Planning committee approval of this scheme is expected on 1 March 2022.

The Build Contract

- 6.20. This report is seeking final approval of the construction contract to enable the new build works to commence.
- 6.21. The housing scheme at Topham Square and Risley Avenue car park been designed up to Stage 3 of the Royal Institute of British Architects (RIBA) Plan of Works 2019. If planning approval is granted, a contractor will need to undertake detailed technical design and building works. It is currently anticipated that the contract period would be 68 weeks.
- 6.22. Direct appointment in this case is justified because it is in the Council's overall interests. The scheme's viability depends on meeting deadlines attached to grant funding: the risk of an unsuccessful competitive tender process was considered to be high, and therefore puts the scheme's viability at risk. A locally based contractor known to have provided the Council with quality work on similar schemes was therefore approached and asked to submit a tender return.
- 6.23. The selected contractor, NFC Homes Limited was asked to respond to a 100% price assessment.
- 6.24. NFC Homes Limited estimated total contract sum is set out in Appendix 2.
- 6.25. Cost was evaluated independently by the Project Team's Cost Consultant to ensure value for money in line with the current market.
- 6.26. The contract is to be awarded to include new build works, site establishments, design works, site enabling, management costs, overheads and profits, and there is a defects liability period of 12 months.
- 6.27. The tender assumes signing of the contract and site possession by 31 March 2022

to allow start on site by Q4 2021/2.

- 6.28. This development at Topham Square and Risley Avenue car park site is expected to deliver significant social value and across all their sites in the borough.
- 6.29. NFC Homs LTD will provide skills training, employment opportunities and apprenticeships to local residents. They have been working jointly with Haringey to devise a Construction Stage Employment Scheme Plan (ESP) with a Histogram detailing out the above opportunities across several sites in the borough. They will also arrange a site visit during Build UK Open Doors week in March/April 2022 or National Careers Week to highlight the variety of careers in construction and pathways into the industry.
- 6.30. NFC Homes LTD have agreed with Haringey to refurbish and fit out an old shop in Park Lane into a food bank free of charge and will manage the build using selected members from their supply chain who has worked on Haringey schemes. This is due to commence in May 2022.
- 6.31. NFC Homes LTD sponsor Haringey Rhinos Youth Team. This club not only teaches Rugby to vulnerable children, instilling life skills and value such as teamwork, hard work, commitment, and leadership, but is also provides free hot meals after each session, often the only hot meal a child has each day and the most nutritious meal they have each week.
- 6.32. This development provides the opportunity to create four family houses designed to meet current good practice and the GLA's London Plan design requirements. The proposal is in line with national and local housing policy which promotes the development of housing with priority to re-using brownfield sites within urban areas. This scheme has been designed to minimise impact on the surrounding residents and respect the scale and Character of the Tower gardens Conservation Area.
- 6.33. This project contributes to creating a more sustainable community by following best practice in respect to inclusive design, including Lifetime Homes Standards and Building Regulations Approved Document part M4(2).

Appropriation of land

- 6.34. This report seeks approval to appropriate the site, being the Topham Square and Risley Avenue car park (outlined in the plan attached at Appendix 2), for planning purposes pursuant to Section 122 of the Local Government Act 1972 as it is no longer required for the purposes for which it is currently held.
- 6.35. Topham Square and Risley Avenue site is a car park. The surrounding area is residential in nature accommodating a range of property types and styles. The site is located with adequate access to public transport and local shopping facilities. The proposed development seeks to optimise the site to accommodate one two-bedroom, two three-bedroom and one four-bedroom houses.
- 6.36. This report also seeks Cabinet approval to use the Council's powers under Section 203 of the Housing and Planning Act 2016 to override third party rights such as

easements and other rights of neighbouring properties infringed upon by the Topham Square and Risley Avenue car park development. The types of rights that can be overridden by Section 203 of the HPA 2016 are any easements, liberty, privilege, right or advantage annexed to land and adversely affecting other land. Any development which interferes with those rights may entitle the owner of that right to seek an injunction preventing the development going ahead or damages for the effect on value of the right lost because of the interference. The Council recognises the potential rights of third parties and will pay compensation where a legal basis for such payments is established.

- 6.37. The public consultation suggests that no third-party rights would be infringed by the development. The engagement events held on 19th and 29th October 2021 did not raise any concerns that there were possible infringements of third-party rights.
- 6.38. The Council has confirmed that no neighbouring properties have easements in relation to the site.
- 6.39. The Council is therefore confident that during the development of this site there will not be any potential infringements of the third-party rights outlined here. In the event that any such right was infringed, the Council is confident that it would not breach rights to private and family life.
- 6.40. If an injunction is sought by a third party for breach of any such right, then, if successfully claimed, the right will be converted into a right of compensation for loss of that right. Based on the circumstances, it is unlikely that there will be any claims. In the event of a claim, the level of compensation is unquantifiable until such a claim is made; however, it is not likely to be so significant as to impact on the scheme's viability.

7. Contribution to Strategic Outcomes

- 7.1. The recommendations in this report will support the delivery of the Housing Priority in the new Borough Plan, which sets out in its first outcome that *"We will work together to deliver the new homes Haringey needs, especially new affordable homes"*. Within this outcome, the Borough Plan sets the aim to *"Ensure that new developments provide affordable homes with the right mix of tenures to meet the wide range of needs across the borough, prioritising new social rented homes"*.
- 7.2. In particular, the recommendations in this report are explicitly about delivering the aim *"to deliver 1,000 new Council homes at Council rents by 2022"*. The proposals in this report contribute directly to the strategic outcomes on new housing supply that are at the core of the aims of the Council as expressed in the Borough Plan.

8. Statutory Officers comments

Procurement

- 8.1. Strategic procurement notes the content of the report and support the use of a direct award via the LCP lot 1.1 B. The structure of the framework allows direct awards up to £1.5m, and above that figure in exceptional circumstances. This scheme is considered as exceptional because we wish to secure a fixed build

price in volatile market circumstances where prices have risen rapidly, and the direct approach assists by speeding up the procurement process.

Legal

Appropriation for Planning Purposes

- 8.2. The Council holds the site for housing purposes but will be carrying out a redevelopment which may affect third party rights. In order to override any third-party rights affecting the site, the Council will need to appropriate the site for planning purposes. The Council may appropriate land from housing purposes to planning purposes under Section 122 of the Local Government Act 1972 and in order to engage Section 203 HPA 2016. Section 122 LGA 1972 allows the Council to appropriate for any purpose for which the council is authorised by statute to acquire land by agreement any land which belongs to it and is no longer required for the purpose for which it is held immediately before the appropriation.
- 8.3. The requirements (of Section 122 LGA 1972 are met because:
- a) the site is Council owned land.
 - b) the site is no longer required for housing purposes; and
 - c) the Council is seeking to appropriate the land for the statutory purpose of planning.
 - d) The site does not contain open space.

Section 203 of the Housing and Planning Act 2016

- 8.4. By appropriating the land for planning purposes, the Council is therefore able to engage the powers contained in Section 203 of the HPA 2016.
- 8.5. Under Section 203 the Council may carry out the development even it involves (a) interfering with a relevant right or interest (b) breaching a restriction as to use of land. This applies to building work where: -
- a) there is planning consent.
 - b) the work is on land appropriated for planning purposes (as defined under section s.246(1) of the Town and Country Act 1990).
 - c) the authority could acquire the land compulsorily (under section 226(1) of the Town and Country Planning Act 1990) for the purpose of the building work. This is because the land will facilitate the carrying out the development, re-development on or in relation to the land' or 'required for a purpose which is necessary to achieve the proper planning of an area in which the land is situated'. This requirement is satisfied as the Council considers that the development will lead to an improvement in the economic, social, or environmental wellbeing of the areas as outlined in this report.
- 8.6. The requirements of Section 203 will be met once the appropriation takes place.

Appropriation for Housing Purposes

- 8.7. The Council will be seeking to appropriate the site back for housing purposes and be held within the HRA, following practical completion of the development. The Council can do so under Section 19 (1) of the Housing Act 1985. The legislation

allows the Council as a local housing authority to appropriate for housing purposes any land for the time being vested in them and at their disposal. This appropriation is necessary as the new build units will be used for social housing by the Council and therefore must be held in the HRA.

Finance

- 8.8. The Topham Square/Risley Avenue scheme will deliver four homes to be let at social rent.
- 8.9. The preferred contractor was selected through the LCP Major Works 2019 Framework and priced as a direct appointment.
- 8.10. This scheme is contained in the current HRA financial plan and MTFS, and the total estimated cost to completion can be contained in the HRA financial plan.
- 8.11. Further finance comments are contained in the exempt report.

Equalities

- 8.12. The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
 - Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
 - Advance equality of opportunity between people who share those protected characteristics and people who do not
 - Foster good relations between people who share those characteristics and people who do not.
- 8.13. The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex, and sexual orientation. Marriage and civil partnership status apply to the first part of the duty.
- 8.14. The proposed decision relates to new build works to provide four Council rented home at Topham Square and Risley Avenue car park. The decision will increase the supply of Council rented homes which are genuinely affordable to local residents. This is likely to have a positive impact on individuals in temporary accommodation as well as those who are vulnerable to homelessness. Data held by the council suggests that women, young people, and BAME communities are over-represented among those living in temporary accommodation. Furthermore, individuals with these protected characteristics, as well as those who identify as LGBT+ and individuals with disabilities are known to be vulnerable to homelessness, as detailed in the [Equalities Impact Assessment of the council's Draft Homelessness Strategy](#). It is noted that these new homes are designed to meet M4(2) standards without a lift. They will have a level entrance threshold at the ground floor. The entrance hall has a clear width of more than 1200mm and the ground floor has a W.C. that can be converted to include a Part M compliant shower. As such, it is reasonable to anticipate a positive impact on residents with these protected characteristics.

- 8.15. It is noted that during the S105 consultation, three residents raised concerns about the impact of removing the car park including due the specific impact on older residents and those with disabilities. It is also noted that in response to these concerns, the council has undertaken a full parking survey which concluded that the adjoining streets covered by a controlled parking zone have capacity to accommodate any additional parking that may arise from the proposed development. In summary, the decision is a proportionate means of achieving a legitimate aim insofar as individuals with protected characteristics are overrepresented on the waiting list for a council home and stand to benefit from the construction of new homes, while appropriate steps are being taken to mitigate any potential negative impact on individuals with protected characteristics that may be caused by the reduction in car park accessibility.
- 8.16. As an organisation carrying out a public function on behalf of a public body, the contractor will be obliged to have due regard for the need to achieve the three aims of the Public Sector Equality Duty as stated above.

9. Use of Appendices

Appendix 1 – Red line boundaries, CGI Floor Plans

Appendix 2 – Exempt financial information relating to the award of construction contract to NFC Homes Limited for new build works at Topham Square and Risley Avenue

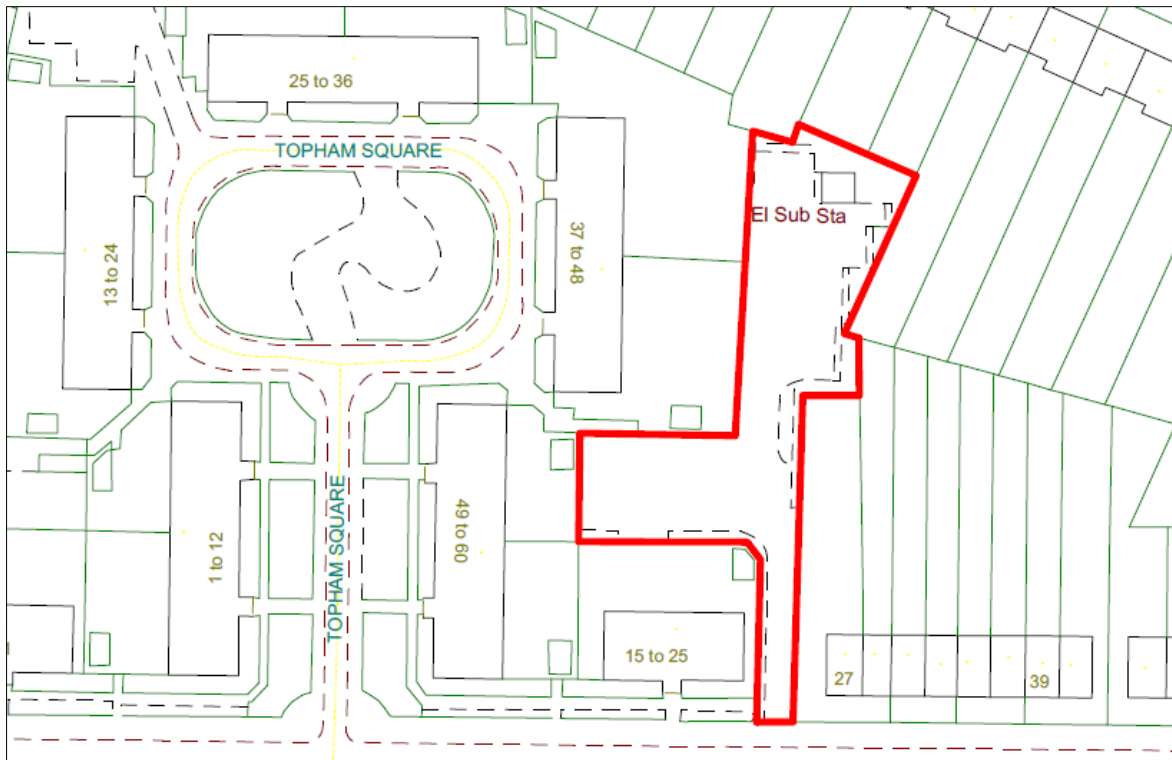
10. Local Government (Access to Information) Act 1985

Appendix 2 – is NOT FOR PUBLICATION by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. This report is not for publication as it contains information classified as exempt under Schedule 12A of the Local Government Act 1972 in that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

Appendix 1

The plan below illustrates the red line boundary plan for Topham Square and Risley Avenue car park development site.

The land marked red will be redeveloped to provide one two-bedroom house, two three bedroom houses and one four bedroom house for social rent.



View of proposed development from the access road



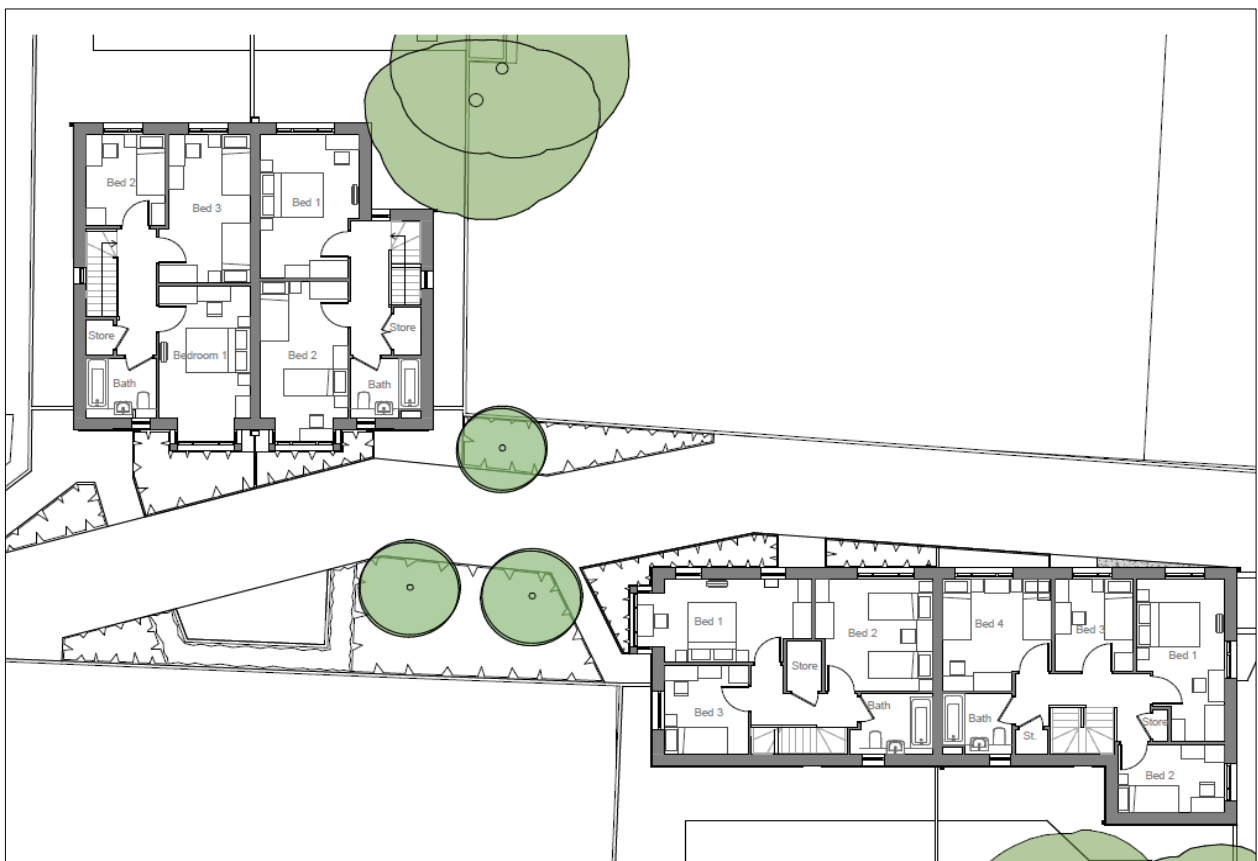
View of proposed houses to the rear of the site



Proposed first floor layout



Proposed ground floor layout



This page is intentionally left blank

Report for: Cabinet Member Signing – 8 March 2021

Title: Approval of Housing Construction Contract and Land Appropriation at Remington Road

Report

Authorised by: David Joyce, Director of Housing, Regeneration and Planning

Lead Officer: Robbie Erbmann, Assistant Director for Housing

Ward(s) affected: Seven Sisters

Report for Key/

Non Key Decision: Key Decision

1. Describe the issue under consideration

- 1.1. This report seeks Cabinet's approval, in light of engagement with local residents, to deliver forty-six new Council homes for Council rent on Council land consisting of twelve one-bedroom, sixteen two-bedroom, fourteen three-bedroom and four four-bedroom with five of these homes being fully accessible for wheelchair-users.
- 1.2. In order to facilitate this, Cabinet is being asked to approve use of the Council's powers to appropriate the land for planning purposes and to override any easements.
- 1.3. Cabinet is asked in light of a formal procurement exercise to approve the appointment of Formation Design & Build Ltd (exempt - further details in exempt report), to deliver these new Council homes on vacant land.

2. Cabinet Member Introduction

- 2.1. Not applicable.

3. Recommendation

- 3.1. The Cabinet Member is asked:
 - 3.1.1. To approve the appointment of Formation Design & Build Ltd to undertake building works to provide a total of forty-six Council rented homes at Remington Road for a total contract sum as set out in the exempt appendix; and to approve the client contingency sum set out in the exempt part of the report.
 - 3.1.2. To approve the appropriation of the land at Remington Road highlighted in the red line boundary plan attached at Appendix 1 from housing purposes to planning purposes under Section 122 of the Local Government Act 1972 as it is no longer required for the purpose which it is currently held, and for the purpose of carrying out development as set out in paragraphs 6.1 to 6.7 of the report.
 - 3.1.3. To approve the use of the Council's powers under Section 203 of the Housing and Planning Act 2016 to override easements and other rights of neighbouring properties infringed upon by the Remington Road development, under planning

permission Ref: HGY/2021/2882.

- 3.1.4. To delegate to the Director of Housing, Regeneration and Planning, after consultation with the Director of Finance and the Cabinet Member for Housing and Estate Renewal, authority to make payments of compensation as a result of any infringement arising from the development and payable as a result of recommendation 3.1.3, within the existing scheme of delegation.
- 3.2. To approve the appropriation of the land at Remington Road (edged red in the boundary plan attached at Appendix 1) from planning purposes back to housing purposes under Section 19 of the Housing Act 1985, after practical completion of the development.

4. Reasons for decisions

- 4.1. On July 2019 Cabinet included the land at Remington Road into the Council's housing delivery programme. This scheme has subsequently been granted planning consent and is ready to progress to construction. This report therefore marks the third, and final, Member led decision to develop on this site.
- 4.2. Following a formal procurement process, a contractor has been identified to undertake these works.

5. Alternative options considered

- 5.1. It would be possible not to appoint a contractor to develop this site for the Council. However, this option was rejected as it does not support the Council's commitment to deliver a new generation of Council homes.
- 5.2. This opportunity was procured via a competitive tender through the Westworks Development and Construction Dynamic Purchasing System, using JCT Design & Build 2016 with amendments. An alternative option would have been to do a direct appointment, but this option was rejected due to the estimated contract value of the scheme.
- 5.3. The Council could continue with the scheme without appropriating the site for planning purposes, but this would risk the proposed development being delayed or stopped by potential third-party claims. By utilising the powers under Section 203 of the Housing and Planning Act 2016 (HPA 2016), those who benefit from third party rights will not be able to seek an injunction since those rights or easements that are overridden are converted into a claim for compensation only. The Council recognises the potential rights of third parties and will pay compensation where a legal basis for such payments is established. The housing delivery team actively engaged with local residents about the development of this site as they proceeded through the feasibility and design stages and any comments or objections raised were taken into consideration by Planning Committee in reaching its decision.

6. Background information

Remington Road development site

- 6.1. The site includes an underused piece of green land located adjacent to Remington and Pulford Road and is bordered to the north by Network Rail land. Located to the south of the site is a six-storey residential building, under management by Homes for Haringey. To the far west of the site is a row of twenty garages, with the southeast comprised of 2 storey terraced houses.
- 6.2. This land is owned by the Council and held in the HRA.
- 6.3. On 19 July 2019, Cabinet approved the inclusion of the Remington Road site into the Council's housing delivery programme to determine its feasibility and capacity for the delivery of new homes on the basis that, if appropriate, its development would be progressed through to planning consent.
- 6.4. Designs have been developed that will deliver twelve one-bedroom, sixteen two-bedroom, fourteen three-bedroom and four four-bedroom with five of these homes being fully accessible for wheelchair-users all for Council rent.
- 6.5. The development of the Remington Road site can be expected to provide training and employment opportunities to local residents. The planning permission for the site requires the submission for an Employment and Skills Plan (ESP) prior to commencing construction. The Council as developer and the appointed build contractor will set out in the ESP the planned objectives and targets for local training and employment opportunities to be created through the construction period, alongside a commitment to creating local economic value through procuring materials and services from local suppliers.
- 6.6. Initial training and employment figures targeted by the recommended Contractor provides 20% of the peak on-site workforce to be Haringey residents. Provision of pre-employment training to Haringey residents as well as career education workshops for secondary schools in Haringey.
- 6.7. Skills-Based Training to the twenty percent (20%) and at least five percent (5%) of these to comprise Traineeships and liaison with the assigned officer to help suppliers and businesses which are based in the Borough to tender for such works as may be appropriate for them to undertake and or support locally based social enterprises.

Engagement and Consultation

- 6.8. As a result of the pandemic the scheme proposals were presented to the public virtually via Microsoft Teams.
- 6.9. The loss of amenity (vacant land adjacent to the railway) at Remington Road obliges the Council to consult in line with section 105 of the Housing Act 1985 ('section 105'). The section 105 consultation period commenced on 9th November 2020 and ran until 13th December 2020. The Council consulted six hundred seventy-one (671) households. In addition to consulting with secure tenants as required by law, the above figure also includes resident leaseholders, non-resident leaseholders and freeholders. The Council consults leaseholders as part of Section 105 consultations as a matter of good practice. Of the six hundred seventy-one (671) homes that received the section 105 pack inviting responses,

thirty-nine households formally responded.

- 6.10. The Housing Engagement Team held two engagement events for residents on Wednesday 25 November (13:00 to 14.30) and Wednesday 2 December (18:00 to 19:30).
- 6.11. A letter advertising the event and asking for views was sent to residents in the area surrounding the site. The feedback from consultation did not require any major configuration to the design.
- 6.12. The scheme was submitted to planning on the 17 September 2021 and residents were formally consulted as part of this process. Planning committee approval of the scheme was granted on the 10th January 2022.

The Build Contract

- 6.13. This report is seeking final approval of the construction contract in order to enable the new build works to commence.
- 6.14. The Remington Road scheme has been designed up to stage 3 of the Royal Institute of British Architects Plan of Works 2019. Since planning approval has been granted, a contractor is now needed to undertake the technical design and new build works. It is currently anticipated that the contract period will be twenty months.
- 6.15. The project tender process involved conducting an expression of interest exercise via the LCP in August and October 2021. Due to the limited number of interests received from several build contractors, a competitive tender was conducted via the Westworks DPS. A competitive tender is considered the preferred route for the appointment of a principal contractor.
- 6.16. Contractors were asked to respond to a 50% quality 50% price assessment. Full tender sum analysis based on the cost consultants estimate has been provided in Appendix 2, which is exempt due to the commercially sensitive nature of this information.
- 6.17. Costs were evaluated independently by the Project Team's Employers Agent/Quantity Surveyor to ensure value for money in line with current market trends.
- 6.18. The contract is to be awarded on a fixed price basis. It includes new build works, site establishments, site enabling works, management costs and includes overheads and profits and there is a defects and liability period of 12 months.
- 6.19. The tender assumes signing of the contract and site possession by 25 March 2021, as the tender offer remains open for sixteen weeks from the return date.

Appropriation of Land

- 6.20. This report seeks approval to appropriate the Remington Road site (outlined in red in the plan attached at Appendix 1), for planning purposes pursuant to Section 122 of the Local Government Act 1972 as it is no longer required for the purposes for which it is currently held.

- 6.21. The site is currently held for housing purposes and is vacant and underutilised. It had been previously cleared and secured but has historically been a location for fly tipping.
- 6.22. The appropriation of the land and the subsequent development will enable the Council to improve the existing environment, repair the urban grain and create new affordable homes for local people.
- 6.23. This report also seeks Cabinet approval to use the Council's powers under section 203 of the Housing and Planning Act ('HPA') 2016 to override any easements, liberty, privilege, right or advantage of neighbouring properties infringed upon by the Remington Road development. An easement is a right of light, or right of way or interest in land which entitles a neighbouring landowner to enjoy such rights over the adjoining site. Any development which interferes with that right may entitle the owner of that right to seek an injunction preventing the development going ahead or damages for the effect on value of the right lost because of the interference. The Council recognises the potential rights of third parties and will pay compensation where a legal basis for such payments is established.
- 6.24. The use of power of the section 203 for the development site would override potentially enforceable third-party rights that may prevent the construction of the development. The power use section 203 HPA will instead convert those rights into rights for compensation for the loss of that right. Appropriation of the land and the use of section 203 powers to override easements would prevent this.
- 6.25. We have no reason to believe that any such rights will be significantly infringed by this development.
- 6.26. To appropriate the land at this development site for housing purposes on completion of the development will enable the Council to then offer these homes for rent thereby positively contributing to the demand for affordable housing the Borough.
- 6.27. **Procurement Process**
- 6.28. The contract was tendered via the Westworks Development and Construction DPS on 25 November 2021.
- 6.29. Three (3) tender submissions were received by the tender deadline date on 20 January 2022.
- 6.30. Tender submissions were checked for compliance and completeness by the Strategic Procurement team on 20th January 2022. All were found to be compliant and complete and were taken forward to evaluation.
- 6.31. The tenders were evaluated for Quality and Price as set out in the ITT document.
- 6.32. Following the evaluation process, the total overall Quality and Price scores were combined to provide the ranking of the bidders in accordance with the Most Economically Advantageous Tender (MEAT) and as outlined in the tender documents.
- 6.33. The information below summarise the overall tender scores achieved by each Bidder in line with the tender evaluation criteria of 50% Price and 50% Quality as set out in the Invitation to Tender document.

Supplier	Quality Score (50%)	Price Score (50%)	Total Score (100%)
Formation Design & Build Ltd	45.0%	48.3%	93.3%
Bidder B	34.0%	47.6%	81.6%
Bidder C	23.0%	50.0%	73.0%

7. Contribution of Strategic Outcomes

- 7.1. The recommendations in this report will support the delivery of the Housing Priority in the new Borough Plan, which sets out in its first outcome that *“We will work together to deliver the new homes Haringey needs, especially new affordable homes”*. Within this outcome, the Borough Plan sets the aim to *“Ensure that new developments provide affordable homes with the right mix of tenures to meet the wide range of needs across the borough, prioritising new social rented homes”*.
- 7.2. In particular, the recommendations in this report are explicitly about delivering the aim *“to deliver 1,000 new council homes at council rents by 2022”*. The proposals in this report contribute directly to the strategic outcomes on new housing supply that are at the core of the aims of the Council as expressed in the Borough Plan.

Statutory Officers' Comments

8. Legal

8.1. Appropriation for Planning Purposes

8.1.1 The Council holds the site for housing purposes but will be carrying out a redevelopment which may affect third party rights. In order to override any third-party rights affecting the site, the Council will need to appropriate the site for planning purposes. The Council may appropriate land from housing purposes to planning purposes under Section 122 of the Local Government Act 1972 and in order to engage Section 203 HPA 2016. Section 122 LGA 1972 allows all the Council to appropriate for any purpose for which the council is authorised by statute to acquire land by agreement any land which belongs to it and is no longer required for the purpose for which it is held immediately before the appropriation.

8.1.2 The requirements (of Section 122 LGA 1972) are that:

- a) the site is Council owned land;
- b) the site is no longer required for housing purposes; and
- c) the Council is seeking to appropriate the land for the statutory purpose of planning.

8.1.3 The site does not contain open space.

Section 203 of the Housing and Planning Act 2016

8.1.4 By appropriating the land for planning purposes the Council is therefore able to engage the powers contained in Section 203 of the HPA 2016.

8.1.5 Under Section 203 the Council may carry out the development even it involves (a)

interfering with a relevant right or interest (b) breaching a restriction as to use of land. This applies to building work where: -

- a) there is planning consent;
- b) the work is on land appropriated for planning purposes (as defined under section s.246(1) of the Town and Country Act 1990);
- c) the authority could acquire the land compulsorily (under section 226(1) of the Town and Country Planning Act 1990) for the purpose of the building work. This is because the land will facilitate the carrying out the development, re-development on or in relation to the land' or 'required for a purpose which is necessary to achieve the proper planning of an area in which the land is situated'. This requirement is satisfied as the Council considers that the development will lead to an improvement in the economic, social or environmental wellbeing of the areas as outlined in this report.

8.1.6 The requirements of Section 203 will be met once the appropriation takes place.

Appropriation for Housing Purposes

8.1.7 The Council will be seeking to appropriate the site back for housing purposes and be held within the HRA, following practical completion of the development. The Council can do so under Section 19 (1) of the Housing Act 1985. The legislation allows the Council as a local housing authority to appropriate for housing purposes any land for the time being vested in them and at their disposal. This appropriation is necessary as the new build units will be used for social housing by the Council and therefore must be held in the HRA.

Contracts Legal Comments

8.1.8 The works are above the threshold where the rules on tendering as set out in the Public Contracts Regulations 2015 (the Regulations) apply.

8.1.9 The Council has accessed the Westworks Development and Construction DPS (DPS). This is a permitted procurement route under Regulation 34 of the Regulations.

It is also provided for under the Council's Contract Standing Orders (CSO 7.01 (b)).

8.1.10 The Head of Legal and Governance (Monitoring Officer) has been advised that the procurement has been conducted in accordance with the Regulations and with the process set out in the DPS for appointment of contractors.

8.1.11 The award of this contract will be a Key Decision as it is over £500,000 in value. Therefore compliance with the Council's governance processes including publication in the Forward Plan is required.

8.1.12 The Cabinet has power to approve the award under CSO 9.07.1 (d) (award of contracts of £500,000 and more).

9. Procurement

- 9.1. Strategic Procurement (SP) note that this report relates to the approval of Approval of construction contract and land appropriation at Remington Road N15 6SR
- 9.2. SP support the recommendations in this report in accordance with Contract Standing Order clause 7.01 (b)
- 9.3. Pursuant to CSO 7.01 (b) and Regulation 34 of the Public Contract Regulations 2015, SP confirms that tenders were invited to tender through the Westworks Development and Construction Dynamic Purchasing System
- 9.4. The Council received 3 compliant tenders. The tenders were reviewed and evaluated independently by a quality panel and the pricing was assessed separately by the Employers Agent. Bidder A has scored the overall highest as set out in the Exempt part of this report
- 9.5. SP support the recommendations within this report and have no objections with awarding this Contract to Bidder A for the value outlined in the Exempt part of the report

10. Finance

- 10.1. The Remington scheme will deliver 46 new council rent homes.
- 10.2. The preferred contractor was selected via council approved tender framework.
- 10.3. The proposed total cost to completion can be contained within the HRA financial plan.
- 10.4. Further finance comments are contained in Appendix 2 exempt report.

11. Equality

- 11.1. The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
 - Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
 - Advance equality of opportunity between people who share those protected characteristics and people who do not
 - Foster good relations between people who share those characteristics and people who do not.
- 11.2 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.
- 11.3 The proposed decision relates to new build works to provide forty-six new Council rented homes at land adjoining Remington Road and Pulford Road, N15: this includes the appointment of a contractor, the appropriation of land adjoining Remington Road and Pulford Road, and approval of plans to override easements and other rights of neighbouring properties.
- 11.4 The decision will increase the supply of Council rented homes to local residents.

This is likely to have a positive impact on individuals in temporary accommodation as well as those who are vulnerable to homelessness. Data held by the council suggests that women, young people, and BAME communities are over-represented among those living in temporary accommodation. Furthermore, individuals with these protected characteristics, as well as those who identify as LGBT+ and individuals with disabilities are known to be vulnerable to homelessness. It is further noted that five of the forty-six homes are fully accessible for wheelchair users which will benefit residents with certain disabilities. As such, it is reasonable to anticipate a positive impact on residents with these protected characteristics.

- 11.5 As an organisation carrying out a public function on behalf of a public body, the Contractor will be obliged to have due regard for the need to achieve the three aims of the Public Sector Equality Duty as stated above. Appropriate contract management arrangements will be established to ensure that the delivery of the major works does not result in any preventable or disproportionate inequality.

12. Use of appendices

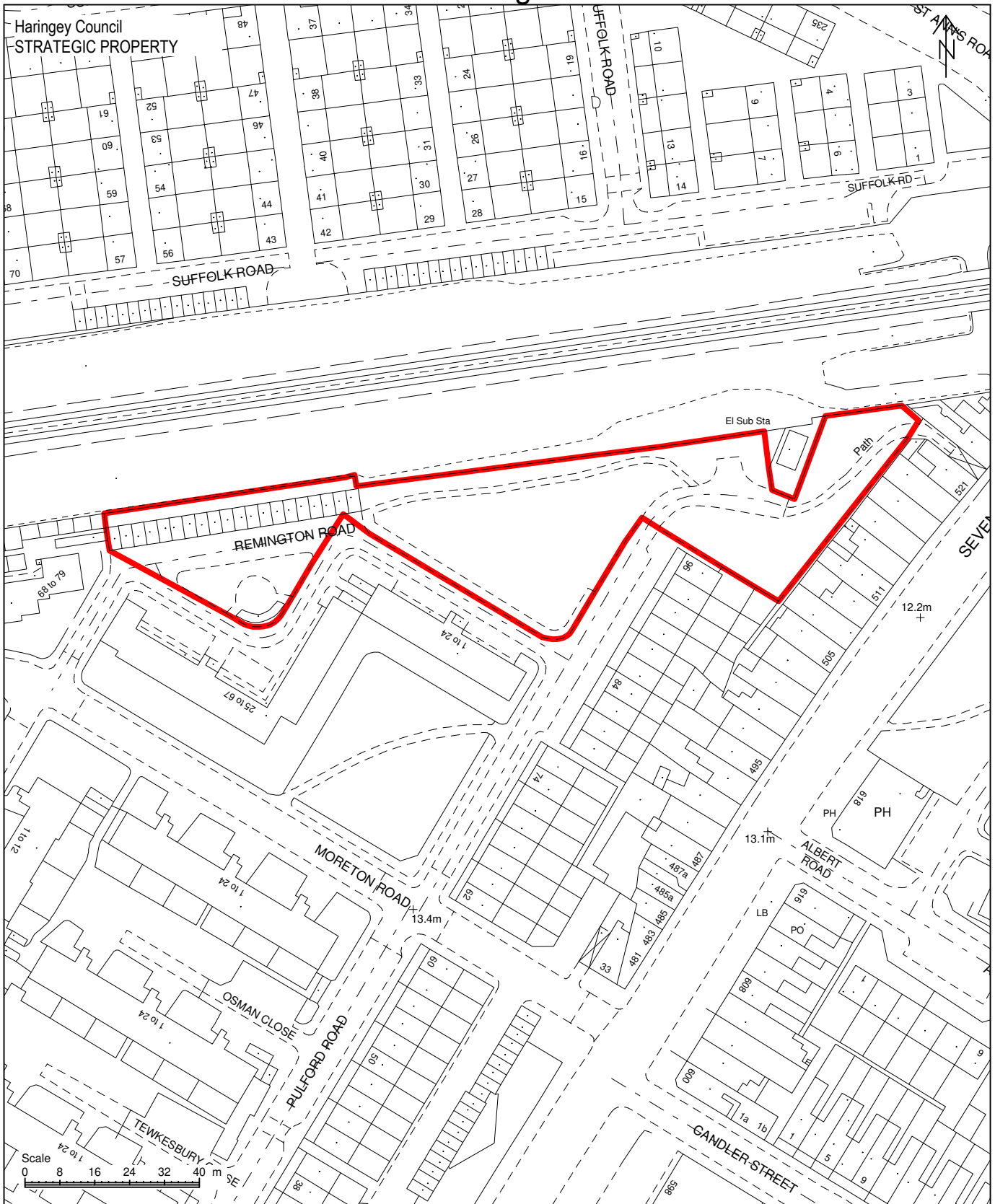
Appendix 1 – Red line boundary Remington Road.

Appendix 2 – NOT FOR PUBLICATION - Exempt financial information relating to the award of a contract for the construction works on Remington Road.

13. Local Government (Access to Information) Act 1985

- 13.1. Appendix 2 is NOT FOR PUBLICATION by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 in that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

This page is intentionally left blank



This product includes mapping data licenced from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright 2021 LBH. All rights reserved. Licence no. 100019199

Remington Road
London
N15 6SS

Red Line - Site boundary

Deed document no. :

LR title no. : Freehold - NGL202041 (part)

Area:

Scale 1:1250

Drawing No. BVES A4 Misc

Overlay : Hss - Misc

Plan produced by Sean Purcell on 28/01/2022

This page is intentionally left blank

Report for: Cabinet Member Signing – 8 March 2022

Title: Appointment of Contractor for Works to Irish Centre for Relocation of the Grace Organisation

Report authorised by: David Joyce, Director of Housing, Regeneration and Planning

Lead Officer: Sarah Lovell, Head of Area Regeneration (North),
sarah.lovell@haringey.gov.uk, 020 8489 2025

Ward(s) affected: Northumberland Park

Report for Key/

Non Key Decision: Key Decision

1. Describe the issue under consideration

- 1.1 The Whitehall Street premises occupied by the GRACE are in the first phase of the High Road West Scheme, recently confirmed as proceeding following a 'yes' vote in the ballot of Love Lane Estate residents. The High Road West Scheme will require the demolition of Grace Centre premises at Whitehall Street as this is the location for the first new council houses. The GRACE Organisation's relocation is therefore important for the delivery of the scheme and in light of the importance of the service to the community in north Tottenham, the Council has prioritised finding suitable new premises to enable this service for Haringey residents to continue. The Council has committed to finding the GRACE Organisation a space of similar size in which to provide their day provision services. The Council is working with the Grace Organisation to shape the design and agree the works required to refurbish the Irish Centre to enable their relocation. The relocation is required to provide vacant possession of the first part of the High Road West site, ahead of the deadline for Start on Site of Plot A of the High Road West scheme as required under the terms of the GLA funding.
- 1.2 This report to the Cabinet Member seeks approval for a budget of up to **[This information is contained in the exempt report]** to deliver these works, and to approve a delegated authority to the Director for Housing, Regeneration and Planning to appoint a Contractor on completion of the tender. The report describes the nature of those works and the basis for this decision.

2. Cabinet Member Introduction

- 2.1 N/A

3. Recommendations

- 3.1 The Cabinet Member is asked:

- (i) To approve the sum of up to **[This information is contained in the exempt report]** for the appointment of a Contractor for delivery of the Grace Relocation Works as outlined in paragraphs 6.7 to 6.8 of the report.
- (ii) To give delegated authority to the Director of Housing, Regeneration and Planning to agree the final sum for the works within the upper limit referred to in 'i' above, and to appoint, and enter into contract with a Contractor based on the outcome of the tender process.
- (iii) To agree for the costs for the works to be paid from the Land Assembly Budget and subsequently claimed from Lendlease on transfer of the lease for Phase 1 of the scheme, as part of the reimbursement costs for property in the High Road West scheme as related to the CPO Indemnity Agreement as described at paragraph 6.9 of the report.

4. Reasons for decision

- 4.1 The Grace Organisation delivers a valuable day service to the local older community including clients referred by Adults and Health, which will need to be maintained following their relocation from their current site, which is in the first phase of the High Road West scheme. The proposed refurbishment of the Irish Centre to accommodate the Grace Organisation provides the opportunity for a good quality new facility to be provided for the Grace Organisation that is compliant with recognised day provision and dementia standards as part of the wider range of community organisations based at the Irish Centre.
- 4.2 The High Road West scheme is required to meet challenging timescales related to the funding and delivery deadlines. The Council needs to procure a contractor to deliver the works to the required level of quality and specification, in line with the timescales. The period available to the Council in which to procure and deliver the works to meet GLA funding deadlines, requires that a contractor is procured by mid March and in contract by April. Approval of the recommendation(s) through this Cabinet Member Signing will allow the Council to meet this timescale.

5. Alternative options considered

Not to approve the sum to undertake the works to the Irish Centre

- 5.1. Not to approve the sum recommended in this report would result in the Council being unable to procure and deliver the refurbishment works at the Irish Centre that would allow the relocation of the Grace Organisation. This in turn, would result in Grace not being able to move away from the site area to a facility with which to deliver their service and the Council being unable to meet its obligations in delivering a vacant site for the first phase of High Road West. This would result in substantial risks (e.g. financial, political, reputational, legal) due to the failure of the High Road West scheme to progress in line with commitments made by the Council.

6. Background information

The Grace Centre

- 6.1. The Grace Centre is an older people's day service operating from a property on Whitehall Street, leased from the Council during the past 37 years, latterly providing older people day opportunity provision. The day opportunity provision constitutes an important contribution in north Tottenham, providing a significant proportion (around 40%) of overall older people day opportunity placements and supporting a high number of clients (36 clients) referred by Haringey Adults and Health. Their current property comprises approximately 370sqm floorspace and includes several spaces including a main hall, activity rooms, a kitchen and office space as well as parking and a garden externally.
- 6.2. The Grace Centre occupies an important location within the High Road scheme, being the first phase of development and location for the rehousing of current tenants in the Love Lane Estate. The Council is committed to raising standards for Day Provision across the borough including at the Grace, through moving to Single-Provider Framework Agreements with a detailed Service Specification clearly setting out outcomes, service standards, and performance requirements. The relocation of The Grace Centre to the Irish Centre provides an opportunity for many of those standards to be met, through following the principles of providing an enhanced facility, which can be used more flexibly, and is designed with people with high needs in mind, particularly dementia.
- 6.3. Delivery of the High Road West Scheme works is due to commence by March 2022 with the demolition of the British Queen public house, followed by delivery of 'Plot A', which is the site of the current 'Grace Centre', later in the year, with GLA funding requirements including a September 2022 start date. The delivery of a vacant site at Plot A is required by end July in order to meet this requirement.

Irish Centre

- 6.4. The Irish Cultural and Community Centre went into liquidation during Summer 2020 at which time the administration of the premises reverted to the Council as freeholder. At that time, the building housed six other Voluntary & Community Sector Organisations (the former licensees) which rented space directly from the Irish Centre Organisation on the second and third floors. The property includes sufficient space that is currently undesignated for the previous licensees, to accommodate the Grace Organisation, and can be modified to provide a space which meets borough standards for day provision, and enables the relocation of the Grace Centre.
- 6.5. The Council, at least in the short term will manage the Irish Centre building directly, enabling a return to community use and enhancing the role of the building for community benefit as part of the Council's Localities Strategy. This will include exploring the potential of enabling access to Council services from the Irish Centre site as part of an overall community offer.
- 6.6. All agreements with the existing licensees have been regularised and all intend continuing to occupy the building on a Tenancy at Will basis, which will be possible soon once the compliance works have been completed. Longer term

licenses will then be agreed with the returning former licensees, including review of rental terms, during their first 12 months of occupation. Service charge arrangements will be agreed with returning former licensees. The Council will carry out engagement on the future use of the overall building, and service charge requirements, with a wide range of stakeholders, including those who previously used the building for a range of purposes. The objective in this will be to try and optimise and co-ordinate the use of the spaces within the Irish Centre, including shared spaces such as the main hall, to meet the needs of current and any new community groups who have a requirement for space, and ensure the facility is providing a productive a role in supporting the community in the area.

Proposal

- 6.7. Council Officers across a range of Services (Capital Projects, Strategic Property Unit, Commissioning, Regeneration, working with Legal and Procurement) have been working with the Grace Organisation to develop a proposal for the Irish Centre that would meet their requirements. While aiming to provide a good quality and suitably sized facility for the Grace Organisation, the proposal also recognises the Council's need to maintain an approach to management of the Irish Centre that ensures access to and maximises utilisation of the Centre across the wider community and the opportunity to test out a more proactive role in brokering of space within the setting. This is within the context of the Council's localities approach and seeks to deliver opportunities for community access, integrated working and touch down space for staff if applicable.
- 6.8. The proposal includes a primary dedicated space on the ground floor as well as additional office space provided on the first floor. The works which are subject to this report are only related to the ground floor space, with no significant works planned for the office space. Some of the key elements of the proposal are indicated below, with a plan of the proposed ground floor layout included at Appendix 1. Heads of Terms are in the process of being agreed towards finalising a lease between the Council and the Grace Organisation.

Key elements of the proposal and terms (see also appendix 1)

- A five year term including break provisions
- Community Model Lease Rent of £35,600, further discounted to £20,000 per annum exclusive for a period of 12 months including seven dedicated parking spaces
- A large multifunction activity space including capacity for dining and events
- A flexible space for consultation and activities
- Care office (further office space provided at first floor)
- A reception space / quiet room for visitors
- Kitchen space
- Secure entrances
- Car parking (including for meals on wheels)

- Use of the main hall between 12-3pm on Sundays and Monday to Friday for the first 12 months of the lease

Costs

6.9. to 6.13 **[This information is contained in the exempt report]**

Programme

- 6.14. Delivery of the project has been required to take place within the period of the initial availability of the Irish Centre and the requirement for the current Grace Centre site. Close working on the design between the Grace Centre and the Council led to agreement of the proposal being reached in December '21, and detailed elements continuing into January '22. This positive joint working, which strengthens the proposed designs and ensures they will meet the needs of the Grace Centre now and going forward, means there is now limited time in which to procure and deliver the works.
- 6.15. The current project programme is indicated below (all estimated dates and may be subject to change based on rate of delivery of each activity):-

Activity	Period	Date
Surveys, Design, Cost Planning		By Mid Feb
Planning (for external M&E) and Building Regs	4 weeks	By 8 th March (Planning app to continue through Tender)
Tender period	3 weeks	24 th February to 16 th March
Recommended Cabinet Member Sign Off		By 7 th March
Award (followed by approvals and Framework docs)		16 th March (allowing for value engineering and completion of Call in Period)
Contract negotiations	4 weeks	7 th April to 4 th May

Pre-election period and Election	6 weeks	25 th March to 5 th May
Construction	10 weeks	5 th May to 10 th August

- 6.16. The Council has endeavoured to mitigate the programme where it is possible to do so, including delivery of the procurement through a Framework, “South East Consortium”, through a direct award, based on an assessment of the suitability of the selected contractor. The decision making route, through Cabinet Member decision also assists to meet the required deadline. Any further delay to the programme would be likely to result in an increased risk in meeting the GLA funding milestone criteria.
- 6.17. A decision by 7th March allows a bid to be made based on an agreed specification and contract budget, avoiding more complex arrangements such as a two part tender.

Procurement

- 6.18. As the estimated cost is over the Standing Order threshold of £500k, it would normally be a requirement that it was considered by Cabinet (CSO Pt4, Sec J, 9.07.1(d)). However, para 16 of the same Section refers to Urgent Decisions/ Decisions between Cabinets, noting: “the Leader may take any such decision between meetings of the Cabinet, including decisions that have become urgent, and the Leader may also allocate any such decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities or to a Committee of the Cabinet.”

7. Contribution to strategic outcomes

- 7.1. The delivery of the High Road West Scheme will support the Council in delivering its corporate priorities, as well as supporting the progression of objectives in the London Plan to support regional growth in North London. Delivery of the works required to enable the Grace Organisation to continue their day provision activities responds to priorities in the Council’s Borough Plan (2019-2023):
- Priority 2 (Outcome 8): Strong communities where people look out for and care for one another; a) Carers are supported and valued... celebrat(ing) Haringey as a borough that cares, ... and listening to the voice of carers; promot(ing) the local offer for carers in Haringey...

8. Statutory Officers comments (Director of Finance (including procurement), Head of Legal and Governance, Equalities)

Finance

- 8.1. The recommendation to undertake works at the Irish Centre to enable the Grace organisation to occupy part of the building is required to enable the first phase of the HRW redevelopment to proceed. The estimated cost [**as set out in the exempt report**] will be reimbursed to the Council by Lendlease as part of the development agreement entered into between the Council and Lendlease.

Legal

- 8.2. The Head of Legal and Governance (Monitoring Officer)) has been consulted in the preparation of the report.
- 8.3. Pursuant to Contract Standing Order 16.02 a Cabinet Member having the relevant portfolio responsibilities has authority to approve the recommendations in the report.
- 8.4. Further legal comments should be sought from Legal Services at the award of contract stage.
- 8.5. The Head of Legal and Governance (Monitoring Officer) sees no legal reasons preventing the Cabinet Member for House Building, Placemaking and Development.

Equality

- 8.6. The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
 - Advance equality of opportunity between people who share those protected characteristics and people who do not
 - Foster good relations between people who share those characteristics and people who do not.
- 8.7. The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty. Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.
- 8.8. The substantive decision of this report concerns the relocation of Grace Organisation from their current location to the Irish Centre. This was recognised in the Equalities Impact Assessment appended to the Cabinet report regarding the approval of GLA funding in March 2021:-

“A short-term negative impact of relocating the Grace centre, used by older people which should be moved to a continually accessible location. Work is ongoing to work with the Grace Centre to find suitable accommodation in the

local area which will at least maintain (and potentially enhance) their level of service.”

- 8.9. The relocation of The Grace Centre to the Irish Centre satisfies this requirement and provides an opportunity for many of enhanced standards to be met for the benefit of the adult day provision service that supports older people, including people with disabilities in the community. This is undertaken through providing an enhanced facility that follows recognised principles, which can be used more flexibly, and is designed with people with high needs in mind, particularly dementia. The development of the design has been undertaken in consultation with the Grace Organisation, in accordance with recognised standards (the Stirling dementia standard) so that the implementation of those standards is in accordance with their specific needs.
- 8.10. The March Cabinet report also refers to the impact regarding religion / beliefs, in respect of the use of the current facility for Christian services. This can also be accommodated as part of the relocation.
- 8.11. As an organisation carrying out a public function on behalf of a public body, the appointed contractor would be obliged to have due regard for the need to achieve the three aims of the Public Sector Equality Duty as stated above. Appropriate contract management arrangements will be established to ensure that the delivery of the major works does not result in any preventable or disproportionate inequality.

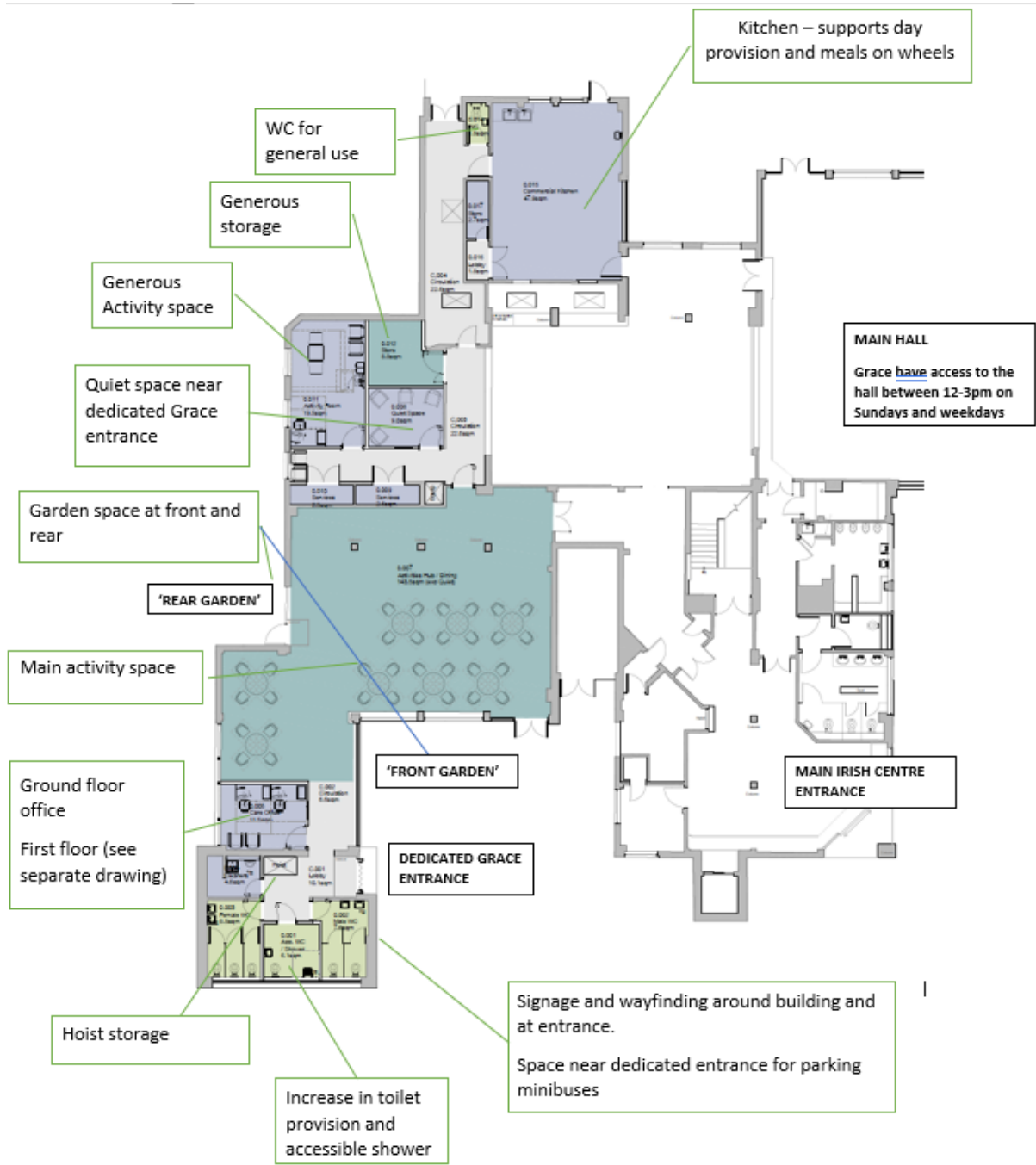
9. Use of Appendices

- Appendix 1: Proposed Layout
- Appendix 2: Breakdown of costs [**contained in the exempt report**]

10. Local Government (Access to Information) Act 1985

Not applicable.

APPENDIX 1: PROPOSED LAYOUT



This page is intentionally left blank

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is exempt

This page is intentionally left blank

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is exempt

This page is intentionally left blank

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is exempt

This page is intentionally left blank