

MINUTES OF MEETING Cabinet HELD ON Tuesday, 8th November, 2022, 6.30 - 7.40 pm

PRESENT:

Councillors: Peray Ahmet (Chair), Zena Brabazon, Dana Carlin, Seema Chandwani, Lucia das Neves, Julie Davies, Ruth Gordon, Adam Jogee and Sarah Williams

ALSO ATTENDING: Cllr Connor, Cllr White, Cllr Ibrahim, Cllr M Blake

70. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and attendees noted this information.

71. APOLOGIES

Apologies for absence were received from Councillor Mike Hakata.

72. URGENT BUSINESS

There were no items of urgent business.

73. DECLARATIONS OF INTEREST

There were no declarations of interest.

74. NOTICE OF INTENTION TO CONDUCT BUSINESS IN PRIVATE, ANY REPRESENTATIONS RECEIVED AND THE RESPONSE TO ANY SUCH REPRESENTATIONS

There were no representations received on the exempt items.

75. MINUTES

RESOLVED

To confirm and sign the minutes of the meetings held on 18 October 2022 as a correct record.

76. DEPUTATIONS/PETITIONS/QUESTIONS

There were no deputations, petitions, or questions.

77. MATTERS REFERRED TO CABINET BY THE OVERVIEW AND SCRUTINY COMMITTEE

The Chair advised that the scrutiny report on Adult Social Care Commissioning and Co-production would be considered as part of item 9.

78. CABINET RESPONSE TO SCRUTINY PANEL REVIEW ON ADULT SOCIAL CARE COMMISSIONING & CO-PRODUCTION

Cllr Connor, Chair of the Adults and Health Scrutiny Panel, introduced the Scrutiny Review on Adult Social Care Commissioning and Co-production, and thanked fellow Panel members, Co-opted members, and all of those who participated in the review.

The Chair of the Adults and Health Scrutiny Panel acknowledged the drive from the Council to develop and implement co- production as a new way of working. She further commended the Council in taking forward this significant task in facilitating the change in approach, to work alongside residents in this very meaningful way.

The Chair of the Adults and Health Scrutiny Panel provided the following comments further to considering the Cabinet's response to the recommendations outlined in the report, including:

- Proposing that residents be involved in developing the overarching approach to co -production within the Council.
- That time frames for any new proposals within these recommendations be brought forward, and the process provide residents with the confidence that their part in this is valued. Cllr Connor requested that the response to scrutiny recommendations four , five and eight, that related to the processes by which residents engage with the coproduced project, were re – considered and that there were clearly defined set of guidelines coproduced so that residents understood their part in this process.
- Having a specific senior officer assigned to co- production, driving the change. Cllr Connor referred to the Hammersmith and Fulham Council strategic co - production lead officer, who reported directly to the Chief Executive.

The Cabinet Member for Adult Services and Health welcomed the Scrutiny input to and support for the Council's approach to working differently with residents who were often the experts by experience.

She outlined the following:

- The Haringey Deal and working with residents using the co – production tool and mechanisms and frameworks that were highlighted in the scrutiny report.
- Existing Council experience of delivering and developing services with residents, with lived experience and applying this in Adults services and more widely in the Council.
- Being proud of the learning and the iterative processes on co -production that the Council have developed and working on diverse projects in the Council and with partners.

The Cabinet Member underlined that the administration was committed to co-production so that Haringey residents can participate fully in how the Council works and to help shape the future of the borough.

The Cabinet Member further addressed the specific comments made by the Chair of Adults and Health Scrutiny outlining :

- It was important to have a co – production structure and the Council was listening to residents on how participation and co - production could be better and were compiling a framework.
- The Council had already initiated the process and this would come back to the community who will have the opportunity to evolve and develop the framework.
- The Director for Culture, Strategy and Engagement was leading on co – production and reported to the Chief Executive. The Leader was also closely monitoring the work on co - production as it was a core part of manifesto.
- The Director for Adults, Health and Communities added that there was more in-depth approach to co – production in Adults and Health and more widely around the Council. This did mean a significant cultural shift for the workforce and the Chief Executive had led on a series of workshops exploring the values the Council will work to and build a participation framework with the workforce engaging in a reciprocal way with residents.

In response to a question from the Chair of Adults and Health Scrutiny regarding allowing residents to be involved in the very beginning of the charter and framework, it was confirmed that this work was underway and residents were very much part of the plan.

RESOLVED

1. To note the scrutiny report and recommendations of the Adults and Health Scrutiny Panel (AHSP) at Appendix 1. This is also outlined in Section 7 of the report, and the progress made on each to date.
2. To agree the response to the recommendations as set out in Section 7 of the Report.

Reasons for decision

The Overview and Scrutiny Committee has the Constitutional power to make reports and recommendations to the Cabinet in connection with the discharge of its functions.

This report outlines the Council's response to the AHSP recommendations and includes discussion about work taking place across the borough with our residents, statutory health partners and VCS organisations.

Alternative options considered

Full consideration of the recommendations has been undertaken so no alternative options have been considered.

79. **ADMISSION TO SCHOOLS - PROPOSED ADMISSION ARRANGEMENTS FOR 2024/25**

The Cabinet Member for Children, Schools, and Families introduced the report which sought agreement of the proposed arrangements for admission to community nursery classes, primary, junior and secondary schools and to St Aidan's Voluntary Controlled School and for sixth form admission for the year 2024/25, including proposals to reduce the published admission number (PAN) for several primary schools can go out for consultation.

This was an annual report on the proposed admission arrangements for schools. It was explained that all schools were required to have admission arrangements and that these were proposed and determined by admission authorities; the local authority was the admission authority for the borough's community and voluntary controlled (VC) schools. The Cabinet Member commented that the local authority published a co-ordinated scheme to ensure a smooth transition and to ensure that all pupils were offered a place; it was added that most people got their first or second choice school.

It was explained that the central government funding received by a school was based on the number of children registered which meant that lower pupil numbers affected a school's ability to retain staff and maintain high standards of teaching and learning. It was highlighted that the Council had a responsibility to make sure that school places were organised in a way that helped all schools to maintain high standards. To assist schools that had been significantly impacted by the impact of lower pupil numbers, reductions in numbers were proposed as set out in the report.

It was noted that the purpose of the report was to seek Cabinet approval to commence the six week statutory consultation period in relation to the proposals.

In response to questions from Cabinet Members, the following information was provided:

- It was confirmed that there was a trend in the borough that the numbers of children were declining in the east but remaining relatively stable in the west. It was noted that this put additional pressure on the schools located in the east of the borough.

In response to questions from Cllr Connor, the following information was provided:

- There was a suggestion that some of the schools with proposed reductions in pupil numbers, as set out in the report, had not been consulted. The Cabinet Member understood that all of the named schools had been consulted and stated that she would investigate this
- It was clarified that the proposals related to 2024-25 only at this stage. The Cabinet Member stated that the Council was not looking to close or amalgamate any schools. It was acknowledged that pupil numbers were challenging but highlighted that the Council was looking to support schools through these developments.
- It was noted that the financial resilience of schools was a significant factor in the proposals to reduce pupil numbers. It was added that the levels of funding for schools were set by central government.

RESOLVED

1. To agree to consult on the proposed admission arrangements, including the coordinated schemes for admission of children to schools for the academic year 2024/25.
2. To agree to consult on the proposed fair access protocol⁴ which, if agreed at Cabinet in February 2023, would be come into force from 1 March 2023.
3. To agree to consult with stakeholders on the proposal to reduce the PANs by 1fE at 8 primary schools across Haringey's primary school estate; noting that pre-consultation engagement with key stakeholders (school leaders and governors) has been a key factor in formulating these proposals.
4. To note that, following the consultation, a report will be prepared summarising the representations received and a decision on the final admission arrangements for 2024/25 will be taken by Cabinet in February 2023.

Reasons for decision

In common with many London authorities, Haringey has experienced a decrease in demand for reception school places for several years. This is due, in part, to the turbulence brought about by Covid-19 and Brexit. However, the decrease in applications is likely to reflect a wider set of factors at play that have been impacting demand for primary reception places for the past few years.

Following years of rising demand due to the growth in Haringey's population, Haringey is in a position of needing to reduce capacity because of a flattening birth rate and a higher than projected increase in out-migration. This has contributed to a higher than necessary number of reception places in some of Haringey's educational planning areas where supply is predicted to outstrip demand.

This report sets out our response to the change in demand for reception places in the borough and the consultation process we are asking to begin will gather views on an adjustment to our overall number of reception places. We will report back to Cabinet in February 2023 on this consultation and seek final agreement to any adjustment to our reception published admission number (PAN).

Alternative options considered

We are not proposing a change to the oversubscription criteria for our community and VC schools for 2024/25. Whilst there are other ways admission arrangements can influence the allocation of school places set out in the Code (e.g., designated catchment areas, identified feeder schools or giving priority in our oversubscription criteria to children eligible for the early years premium/ pupil premium) no alternative option is being considered at the time of writing this report.

Although other London authorities have taken radical measures to address surplus capacity at primary level (school closures / amalgamations) this is not currently under consideration in Haringey. We are keen to maintain the mix and spread of all of our

existing primary schools so that parents and carers have the optimum choice of school type and location.

Through this process of reducing PANs, we aim to ensure that the number of reception places matches demand. An oversupply of places at a school leads to financial and organisational inefficiency and can be challenging for individual schools to manage. Local Authority officers and school leaders have worked together in the last year to consider options and take steps to address this. A review of the rolls of all primary schools in the borough has been undertaken supported by the Isos partnership and schools where rolls were falling and/or where spare capacity already existed due to schools not recruiting to their PANs have been identified and put forward for reduction. Further information on the pre-engagement consultation process with key stakeholders can be found at para. 6.17 – 6.24.

It has been acknowledged by school leaders and governors that doing nothing would put schools under possibly intolerable financial burden which would likely worsen wider educational outcomes for all pupils. This consultation will give us an opportunity to regularise the number of reception places available and also explore with stakeholders any other longer-term potential for creating future opportunities, for example federations or amalgamations. Our overarching aim is to assist schools in helping to enshrine sustainability and to introduce greater flexibility within our school estate to respond to the increasing rate of variation in population demand.

80. REVIEW OF THE RESIDENT CARERS' PERMIT

The Cabinet Member for Tackling Inequality and Resident Services introduced the report which took forward the next steps in the development of a redesigned parking permit offer to support residents being cared for in their homes.

The Cabinet Member described the changes to the social care landscape and the complex array of professional caregivers providing older people, disabled people and terminally ill residents with a range of services, meaning some residents were seeing between five and six caregivers a day.

The proposed resident carers permit responded to these growing care needs and the Cabinet Member was glad that residents had asked for a change in policy and had also helped co – develop this product. This would be a free physical and transferable permit that would be given to the resident to pass to their carers when visiting and then be passed back to them. This would significantly help residents with care needs living in CPZ areas.

In response to questions from Cllr Connor the following information was noted:

- Very few residents would have more than one person coming to their home to give them care at any one time. There would not be booklets available and a single transferable permit provided. However, it was recognised that there will be situations that two carers may be needed for example for manual handling and this issue would be addressed in the next development stage of carer permit which would be co – designed with residents. It was firstly a priority to ensure that there was an easy application process with one step evidence and then there would be an assessment of the anomalies that occur and the

flexibility needed in the application process. This would be explored at the next stage of development.

- The cost to the budget outlined was £20,000 and this was associated with the loss of income from residents paying for visitor permits and not the new policy.
- The service would be working on the design of the permit with residents and looking at a hologram style and exploring if technology would allow a barcode to be added to help PCO officers understand if a stolen permit was being used more quickly.

RESOLVED

1. To note the outcome of the consultation on the parking needs of residents being cared for in their homes set out in section 7 of the report and agrees for the Council to proceed to statutory consultation on the Proposed Care at Home parking permit set out in Appendix 2.
2. To approve that the existing Resident Carer Permit scheme be replaced with a new Care at Home parking permit that offers one free transferable permit to residents living within a Controlled Parking Zone (CPZ), who require essential home visits by a doctor, district nurse, similar healthcare professional or voluntary carers.
3. To approve that the Care at Home Permit:
 - (a) is limited to the CPZ in which the applicant resides
 - (b) may be used only in resident permit holder and shared use (permit holder or pay by phone) parking bays
 - (c) is in paper form, allowing it to be transferred between vehicles for use solely by carers
 - (d) may be used without time limit, whilst care is being provided
4. To approve that the entitlement is limited to one free Care at Home permit per applicant and that the permit will be valid for 3 years; and that residents requiring more than one carer at a time can access paper visitor parking permits at the concessionary charge.
5. To agree that a further report be brought back to Cabinet for a final decision following the statutory consultation.

Reasons for decision

The Council is committed to supporting people who are cared for at home. The Council's consultation and engagement with those residents, carers and representative groups has highlighted the challenges that current parking arrangements can present to those individuals.

Parking policies have not kept pace with changes in how personal care arrangements are now provided. This often involves a range of carers attending to an individual,

where car use is common and considered, by some, as essential. Proposals in this report aim to address those challenges and remove barriers and seeks approval to proceed to the formal process make changes to the traffic management orders.

Alternative options considered

Consideration was given to relying on existing parking permit schemes. In addition to the Resident Carer and Essential Service Permit schemes, elderly and disabled residents may purchase visitors permits without an upper limit at a reduced charge.

Consideration was given to arrangements involving more than one carer attending an individual at the same time and allowing more than one free permit in those circumstances. The engagement with stakeholders and professionals indicated that more complex care needs requiring more than one carer at the same time are less common. It was considered that residents requiring this level of support may be entitled to housing adaptations and assistive technologies that are on offer. It was therefore felt that that one free permit would be a reasonable offer and that residents needing more than one career at any one time can still access visitor (paper) permits at a concessionary rate.

Consideration was given to widening the scope of this new arrangement to foster carers. Foster carers appear to have a particular problem in parking outside the Maya Angelou Contact Centre in Wood Green, when dropping off or picking up children in their care. Those concerns will be addressed through the provision of additional short-stay parking facilities at that location.

In addition to feedback given through this consultation, the Council also received representations for a range of support, including free parking for foster carers. Their position is that this concession is required when taking children to their many appointments, for example with doctors, family contact centres and court hearings. This new permit offer would not meet the needs of Foster Carers and the design and management of such a scheme would be challenging as there is no practical means of limiting the use such a concession to when looked after children are being transported. Those venues are all supported by short term parking arrangements. Those arrangements can be extended if needed.

The Chair of Overview and Scrutiny has been informed that it was impracticable to give 28 days' notice of the decision. This decision was originally included on the Forward Plan for decision at the Cabinet meeting on 8 November 2022 (Review of the Care at Home Parking Permit). This amended notice provides an updated title and description which more accurately reflects the decision. It has been identified that there is an urgent need to assist those caring for residents who need to use their cars in order to provide care and, therefore, it was not possible to comply with the usual 28 day notice period.

Given the reasons above, it is not practicable to comply with the 28-day notice requirement in Part Four, Section D, Rule 13 of the constitution. This is set out in Part Four, Section D, Rule 16, of the Constitution

81. WOOD GREEN BUSINESS IMPROVEMENT DISTRICT RE-BALLOT

The Cabinet Member for Economic Development, Jobs, and Community Cohesion introduced the report which sought to endorse the Future Wood Green Business Improvement District Re-Ballot Proposals; to instruct the Returning Officer to hold a BID Ballot; and to agree to delegate authority to the Director of Placemaking & Housing to vote on behalf of the Council.

It was noted that BIDs had been effective in developing economic growth. Wood Green was central to the Council's ambition to support businesses and economic growth and to work towards economic recovery. It was explained that the purpose of the report was to ask Cabinet to consider the BID proposals for a second term and agree recommendations that would allow a BID Ballot to take place. It was highlighted that the proposals extended the BID area to cover Turnpike Lane which would be an important contribution with a unique offer and character. The Cabinet Member noted his thanks to the BID for supporting and championing local businesses, particularly during and after the pandemic.

In response to questions from Cabinet Members, the following information was provided:

- The Cabinet welcomed the inclusion of Turnpike Lane into the BID area.

In response to questions from Cllr Connor, the following information was provided:

- It was noted that the BID was an independent organisation and that, although there were some links, the Council could not determine how it operated. It was added that there had been engagement with the businesses on Turnpike Lane on the BID proposals.

RESOLVED

1. To endorse the Wood Green Business Improvement District (BID) Proposals set out in paragraph 4.3 of the report, formally submitted by Future Wood Green BID in accordance with the BID Legislation.
2. To note that the Wood Green BID Proposals do not conflict with any formally adopted or published policies of the Council.
3. To instruct the Returning Officer to hold a BID Ballot in relation to the Wood Green BID Proposals with the final day of the ballot ('Ballot Day') being scheduled for 23 February 2023.
4. To agree to delegate authority to the Director of Placemaking and Housing to vote on behalf of the Council, after consultation with the Cabinet Member for Economic Development, Jobs, and Community Cohesion, in the Wood Green BID Ballot, as a non-domestic ratepayer of Council-owned properties in the proposed Wood Green BID area.
5. In the event that the outcome of the BID ballot is in favour of the Wood Green BID, to agree to delegate authority to the Director of Placemaking and Housing, after

consultation with the Head of Legal and Governance, to make decisions on behalf of the Council in connection with, and during, the process of the setting up the second term of the BID, including authority to finalise two agreements (a Baseline Agreement for the Provision of Standard Services and an Operating Agreement) with the BID Company regarding the operation of the BID.

Reasons for decision

A BID is a defined area within which businesses pay a levy in order to fund projects and improvements (typically related to safety/security, cleansing and environmental measures, marketing and business support) within the district's boundaries.

The BID has developed Proposals for the BID's second term, including the amount of levy to be paid by eligible businesses, and plans for the expenditure. These Proposals are the subject of the BID Ballot campaign and vote.

The BID Proposer has drawn up the BID Proposals (Appendix 1), which will set out the services to be provided and the size and the scope of the Business Improvement District. The Business Improvement District will now be larger than the previous BID and will include the areas shown edged blue and orange on the plan attach as Appendix 7. It also sets out who is liable for the levy, the amount of levy to be collected and how it is calculated. The BID proposals cover all the following items subject to BID Regs (2004) Schedule 1 sub-paragraphs (2) and (3):

- (a) a statement of the works or services to be provided, the name of who will provide them (the name of the BID body or local authority BID body) and the type of body the provider is (whether a local authority, a company under the control of the authority, a limited company or a partnership)
- (b) a statement of the existing baseline services (if any) provided by the relevant billing authority or other public authority
- (c) a description of the geographical area (including a map showing that area) in which the proposed BID arrangements are to have effect
- (d) a statement of whether all non-domestic ratepayers in the geographical area or a specified class of them are to be liable to the BID levy, an explanation of how the amount of the BID levy to be levied is to be calculated and an explanation of whether any of the costs incurred in developing the BID proposals, holding of the ballot or implementing the BID are to be recovered through the BID levy
- (e) a statement of the specified class of non-domestic ratepayer (if any) for which and the level at which any relief from the BID levy is to apply
- (f) a statement of whether the BID arrangements may be altered without an alteration ballot and, if so, which aspects of the BID arrangements may be altered in this way
- (g) a statement of the duration of the BID arrangements; and
- (h) a statement of the commencement date of the BID arrangement.

Where there is a renewal:

The matters which shall be included in renewal proposals are:

- (a) a statement of the proposed period (not exceeding 5 years) of the renewed BID arrangements; and
- (b) a summary of the BID arrangements (including the geographical area of the BID, the works or service provided, an explanation of who is liable for the BID levy, the level of the BID levy and how it is calculated).

The BID proposer has supplied the above information in the BID Proposal document shown in Appendix 1 and this document complies with the BID regulations.

In accordance with Regulation 3(2) of the Bid Regulations, on 12th July 2022 the Chair of the BID as the BID Proposer served 84 days' notice on the Council and the Secretary of State, of the BID's intention to request the Council as billing authority to put BID Proposals to a ballot.

Under the BID Regulations, the Council has a duty to receive BID Proposals as part of the process leading to a ballot. The Council has a role in ensuring compliance and has the power under the BID Regulations to veto a BID proposal after ballot where it believes the BID proposals:

- i. are likely to materially conflict with any of the Council's formal policies
- ii. place an inequitable and significantly disproportionate financial burden on any class of non-domestic ratepayer as a result of manipulation of the BID area or BID levy.

The recommendations are in support of the Wood Green BID Proposal as it is considered to:

- i. conform to all requirements of the BID Regulations; and
- ii. provide leverage of additional resource for the placemaking and improvement of the Wood Green and Turnpike Lane area.

Council officers have studied the BID Proposals and are of the opinion that it does not conflict with any of the Council's formal policies, and it does not place any disproportionate financial burden on any class of non-domestic rate payers as the result of the proposed BID area or the levy rate.

Alternative options considered

Officers have been exploring the opportunity for BIDs in the borough since 2014 when a borough-wide feasibility study highlighted Wood Green as the most likely area for a successful BID. Wood Green is currently the only BID in Haringey although officers are currently exploring a potential BID in Green Lanes with the Haringay and Green Lanes Traders Association subject to the funding of a feasibility study. Other centres

including Tottenham, as well as industrial estates, have also been considered, although there are no plans to explore further at this time.

Should the Council vote not to support the BID Proposal, it would risk:

- i. Losing the opportunity for potential investment in the BID area of approximately £334,000 per annum over five years (totalling £1.67M), to be raised from the BID levy and any additional funding secured through the BID accessing external sources of funding and in-kind support to be used by the BID Company. This, working with the Council, could support the promotion and placemaking of the Wood Green and Turnpike Lane areas
- ii. Losing the opportunity for attracting additional leverage and match funding over the next five years; and
- iii. Damaging business relationships and causing the disengagement of local businesses from working in partnership with each other and with the Council for the improvement of the area at a critical period for business and the economy in general.

82. HIGH ROAD WEST PHASE A - COMPULSORY PURCHASE ORDER

The Cabinet Member for Council Housebuilding, Placemaking, and Development introduced the report which sought Cabinet approval to progress Phase A of the High Road West scheme, including seeking to use the Council's compulsory purchase powers to acquire all property interests in Phase A to secure vacant possession, and the appropriation of certain pieces of land belonging to the Council within the Phase A boundary for planning purposes.

Following the grant of planning permission, the proposed use of CPO powers for Phase A would provide much-needed certainty for residents that the 500 new Council homes and other community benefits would be delivered, and that residents were not waiting any longer than they needed to for their new home in a safe and secure neighbourhood.

It was noted that there was a dedicated housing team which would look after the interests of all of the tenants and leaseholders including the private tenants that were on that scheme. The Council were determined to work with the businesses and ensure the scheme, which will facilitate an increase in the population in the High Road West Area, would also include focus on improving the businesses. The Council would be making sure that the businesses that do reside there, that are very valued by the local community and Council, continue to exist and to thrive in the area.

In response to questions from Cllr Connor the following information was noted:

- There were set development phases and Lendlease would need to satisfy the Council conditions for each phase before progression and this included reimbursement of CPO costs for each phase.
- Regarding the potential judicial review by Tottenham Hotspur and Peacock Estate Management Limited and the expected impact on the time scales of development and whether this would affect the ability to successfully draw

down GLA funding, it was noted that Council had sought legal advice that confirmed that there was no reason to not progress the CPOs. The Council would be robustly resisting the legal challenges.

- It was noted that all landowner parties had been contacted several times over by letter or through one to one meetings. This included businesses and residential leaseholders on the Love Lane estate. It was noted that, of the commercial landowners owning the shops on the High road, there was only one landowner that the Council had not heard from.
- It was noted that the Council had not heard from around a third of leaseholders on the Love Lane estate when putting forward substantial negotiation for the purpose of acquiring their property and rehousing options for those living in their properties. However, for those who haven't substantially engaged, the Council would be continuing to make contact and open up negotiations. The Council were in regular dialogue with the remainder of leaseholders.

Following consideration of the exempt information, it was

RESOLVED

- i. To resolve to make a Compulsory Purchase Order for the acquisition of land, interests and new rights over the Order Land shown pink and blue on the Plans attached as outlined at paragraph 6.15-6.17 and Appendix 2, pursuant to section 226(1)(a) and 226(3)(a) of the Town and Country Planning Act 1990, section 13(1) of the Local Government (Miscellaneous Provisions) Act 1976 and other relevant powers, known as "The London Borough of Haringey (High Road West Phase A) Compulsory Purchase Order 2022" ("the Order"), to enable the redevelopment of the Order Land through delivery of Phase A of the High Road West Scheme and promote or improve the economic, social and environmental well being of the area;
- ii. To delegate to the Director of Placemaking & Housing the power to effect the making, to seek confirmation and to effect implementation of the Order and to take all necessary steps to give effect to the Order in respect of the Order Land, including the following:
 - a. Making such amendments and additions to the draft Statement of Reasons attached at Appendix 1 as deemed necessary;
 - b. Making such reductions to the draft Order Plan attached at Appendix 2 as deemed necessary;
 - c. Finalising and then making the Order, the publication and service of any press, site and individual notices and other correspondence for such making;

- d. Entering into and monitoring of negotiated agreements with or undertakings to landowners or statutory undertakers as applicable, setting out the terms for withdrawal of any objections to the Order;
 - e. Seeking confirmation of the Order by the Secretary of State including the preparation and presentation of the Council's case at any Public Inquiry which may be necessary and requesting that the Secretary of State make any necessary modifications to the Order;
 - f. Publication and service of notices of confirmation of the CPO and thereafter to execute and serve any General Vesting Declarations and/or notices to treat and notices of entry, and any other notices or correspondence to acquire those interests within the area;
 - g. Acquiring title to or such rights or interest in the Order Land and, taking and enforcing possession of the Order Land,
 - h. Paying all costs associated with the Order including negotiating and paying any compensation to owners and others entitled to it, provided that the total sum to be spent on these acquisitions shall not exceed the sum referred to in the approved up-to-date capital programme and Project Cost Estimate (PCE) as referenced in the exempt report, noting that those costs will be reimbursed to the Council by Lendlease in accordance with the terms of the CPOIA; and
 - i. Referral and conduct of disputes, relating to compulsory purchase compensation or relating to rights which are overridden, at the Upper Tribunal (Lands Chamber).
- iii. To agree the acquisition for planning purposes by the Council of all the third party land interests located within the Order Land, shown in pink at Appendix 2 and the new rights required over the Order Land shown in blue at Appendix 2, should an agreement be reached with landowners to acquire these by private treaty, and give delegated authority to the Director of Placemaking & Housing and the section 151 Officer after consultation with the Cabinet Member for Finance and Local Investment and the Cabinet Member for Council House Building, Placemaking and Development to agree the final price (including the land price, costs, compensation and fees) to be paid for each of these third party land interests provided that the total sum to be spent on these acquisitions shall not exceed the sum referred to in the approved up-to-date capital programme and Project Cost Estimate (PCE) as referenced in the exempt report, noting that those costs will be reimbursed to the Council by Lendlease in accordance with the terms of the CPOIA;
- iv. To approve the appropriation from housing purposes to planning purposes of the land edged red on the plan attached at Appendix 6 of this report to enable delivery of Plot D of Phase A, pursuant to section 122 of the Local Government Act 1972, subject to Secretary of State consent being granted, pursuant to section 19 (2) of the Housing Act 1985, and noting that section 203 of the

- Housing and Planning Act 2016 may then apply to override (subject to payment of compensation) any rights or covenants (to which section 203 applies);
- v. To approve the appropriation from highway purposes to planning purposes of the land edged green on the plan attached at Appendix 6 of this report to enable delivery of Plot D of Phase A, pursuant to section 122 of the Local Government Act 1972, subject to the Council being registered as the owner of the freehold interest in the subsoil, and noting that section 203 of the Housing and Planning Act 2016 may then apply to override (subject to payment of compensation) any rights or covenants (to which section 203 applies);
 - vi. In relation to the open space land within Phase A (shown edged red on the plan at Appendix 7 of this report), to consider the objection received in response to the notice given in accordance with section 122(1) and (2A) Local Government Act 1972 and section 233 (1) and (4) of the Town and Country Planning Act 1990 before deciding whether or not this land should be appropriated from housing purposes to planning purposes and disposed of; see paragraphs 6.79-6.82; and
 - vii. Subject to recommendation vi., to approve the appropriation from housing purposes to planning purposes within Phase A edged red on the plan attached at Appendix 7 to enable delivery of Phase A (including Plot F and infrastructure works related to Plot D), pursuant to section 122 of the Local Government Act 1972, section 233 of the Town and Country Planning Act 1990 and section 203 of the Housing and Planning Act 2016, and override (subject to payment of compensation) any rights or covenants (to which section 203 applies); and
 - viii. To confirm that the land appropriated for planning purposes to enable the delivery of Plot A, following the decision by Cabinet on 19 July 2022 (agenda item 13), is the land edged in red on the plan attached at Appendix 11, noting that the area remains unchanged and is the same as that described in that report.

Reasons for decision

The High Road West Scheme has been supported by residents through an estate ballot and has now been granted Planning Permission. The Council has entered into a Development Agreement and CPOIA with Lendlease who will deliver the scheme. The Council has also entered into funding agreements with the GLA to support the delivery of Phase A. The CPOIA with Lendlease requires that the Council seeks authority from Cabinet to make a CPO once certain conditions have been met. Those conditions have now been fulfilled in relation to Phase A. The use of CPO powers is necessary in order to ensure that the benefits of Phase A can be delivered and in a timely manner.

The Government's Guidance on Compulsory purchase process and the Crichel Down Rules (the 'Guidance') sets out that a CPO should only be made where there is a compelling case in the public interest. The factors that the Secretary of State can be expected to consider include the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social and environmental wellbeing of its area. The Council is satisfied that there is a compelling

case in the public interest for the use of CPO powers to deliver Phase A. The reasons for this are set out in the draft Statement of Reasons in Appendix 1 and summarised within paragraphs 6.18-6.42 of this report.

The Council and Lendlease have sought to acquire all of the remaining third party land and property interests in Phase A by agreement, as is set out in the draft Statement of Reasons and paragraphs 6.43-6.60 of this report. It is clear that it is unlikely that it will be possible to acquire all outstanding interests through mutual agreement within a reasonable timescale, and without the use of the CPO. The Council and Lendlease will continue to negotiate with landowners with the aim to acquire these outstanding interests by mutual agreement, alongside the CPO process being progressed.

The appropriation of various land parcels belonging to the Council for planning purposes will support the delivery of Phase A, alongside the progression of the CPO. The appropriation will give the Council and its development partner Lendlease the ability to rely on sections 203 and 204 of the Housing and Planning Act 2016 (“2016 Act”) to override any easements or other private rights (such as rights to light) which might otherwise impede redevelopment of this land in accordance with planning permission.

The land to be appropriated for planning purposes includes the land required to deliver Plot D, the second development plot of Phase A, following the decision by Cabinet in July 2022 to appropriate the land required to deliver Plot A. Although the Plot is included within the Order Land, given the small number of acquisitions required, it is hoped that an agreement can be reached with each of the leaseholders and tenants ahead of the CPO, with the aim that Plot D can start on site in 2023, following the commencement of Plot A which is targeted for late 2022. The appropriation of Plot D will facilitate the delivery of this plot should agreement be reached with those leaseholders and tenants. As the land includes a residential block, the proposed appropriation for planning purposes will be subject to consent by the Secretary of State, pursuant to section 19 (2) of the Housing Act 1985. An application would be submitted following the Cabinet decision if approved.

It is also proposed that the Council appropriates open space land within Phase A for planning purposes. This would enable development to proceed within this location as and when it is required, firstly to enable infrastructure works associated with Plot D (currently due to start in 2023), and subsequently the delivery of Plot F (currently due to start in 2025). The open space is currently a playground and a grassed/seating amenity area. Amenity space will be re-provided as part of Phase A, in the form of Moselle Square and other public and private amenity areas (secured through the section 106 agreement associated with the planning permission). The proposed appropriation of the open space land will allow that part of Phase A to come forward, in line with the development programme, ensuring that there are no impediments to delivery (as set out further below). Pursuant to section 122(1) and (2A) Local Government Act 1972 and section 233 (1) and (4) of the Town and Country Planning Act 1990, a notice of the intention to appropriate and dispose of this land was published. One representation was received which is considered at paragraph 6.82.

The officer report accompanying the Cabinet decision of July 2022 to appropriate for planning purposes the land required to enable the development of the first plot (Plot

A), included an appended Plot A Appropriation Plan. While the plan and area shown in the appendix was correct, the report referenced a colour label for the boundary which differed to that shown in the appendix. As clarification, Cabinet are asked to confirm that the land that has been appropriated to enable delivery of Plot A following that decision is that shown edged in red on Appendix 11 of this report. To confirm, the plan and extent of the area remain unchanged.

Alternative options considered

Not to make a CPO or to do so at a later date

If the Council chose not to make a CPO, and instead to solely continue to seek to acquire outstanding land interests in Phase A through mutual agreement, based on the number of interests and the extensive negotiations to date it would not expect that it would be possible to acquire all interests. It is expected that the Council would not be able to deliver Phase A at all in this scenario, potentially losing all the benefits that Phase A of the High Road West Scheme will deliver, the Council's funding with the GLA and failing to honour its commitments to residents set out in the ballot and Landlord Offer.

If the Council chose to make the CPO at a later date, this would result in a significant delay to the delivery of Phase A and the provision of the new Council homes. The process to implement a CPO can take a substantial period of time, and as described above, the Council and Lendlease may not be able to progress development of future plots until this is in place. The Council is satisfied that the required conditions and compelling justification are now in place to progress a CPO for Phase A, and that there is no justifiable reason for postponing action to secure such powers.

Not to appropriate the land for planning purposes or to do so at a later date

If the Council chose to progress development of the land required for Plot D, or on open space land within Phase A, without having appropriated the land for planning purposes, this would risk the potential for third party claims, which could result in the proposed development being delayed or stopped. The current phasing strategy also has works commencing on the site in the near future. To provide certainty that is needed to enable the works to go ahead, as part of and alongside the remainder of Phase A, the appropriation decisions need to be taken now. As noted at paragraph 6.79 below, the relevant areas (including in particular the open space) will remain available for public use until required for the relevant works.

Based on the consideration of these options, Cabinet is recommended to reject them and approve the recommendations outlined in Section 3 of this report.

83. CRANWOOD, 100 WOODSIDE AVENUE, N10 - AWARD OF CONSTRUCTION CONTRACT

The Cabinet Member for Council Housebuilding, Placemaking, and Development introduced the report which sought approval to appoint the recommended winning contractor to complete a new build development comprising thirty two council rented

homes and nine private homes for sale at Cranwood, 100 Woodside Avenue, N10 and to appropriate the land for planning purposes to facilitate the development process.

The Cabinet Member noted that eight of the proposed homes would be 3-bed homes and five of the homes would be adapted for the bespoke housing programme for those with disabilities. It was added that the scheme would also deliver an open, green space of 830sqm and a new subway to Parkland Walk. Subject to Cabinet approval and the appropriation of land for planning purposes, it was anticipated that construction would commence in December 2022 and would complete before the end of 2024.

In response to questions from Cllr White, Cllr Mark Blake, Cllr Ibrahim, and Cllr Connor the following information was provided:

- It was noted that construction had been significantly impacted by cost increases and interest rates and that this was causing significant pressure in the Housing Revenue Account (HRA).
- It was explained that there would be future discussions about housebuilding and possible mitigations, including in the Medium Term Financial Strategy (MTFS) and that these may focus rent levels on a number of homes that already have Cabinet approval
- It was confirmed that this report, however, sought authority for expenditure to bring the scheme forward at formula rent and further financial information was set out in the exempt report for Cabinet consideration. If any mitigations were to be brought forward, these would be proposed in the upcoming December MTFS paper.
- It was explained that it was very important that the Housing Development Programme was affordable overall and it was ensured, as much as possible, that individual schemes were also affordable.
- It was explained that there were two funding regimes for affordable housing delivery: the Building Council Homes for Londoners programme, which allowed both Formula Rent and London Affordable Rent to be provided as social housing products, and the 2021-26 Affordable Homes Programme, which specified that only formula rent would qualify as a social housing product and had a higher grant tariff. The different funding arrangements and scheme rules meant that there may be different approaches in different schemes.
- It was confirmed that on projects starting on site from April 2023, London Affordable Rent would no longer be a rent level that local authorities could charge .
- The Cabinet Member noted that the Council was proud of its Housing Delivery Programme. So far, the programme had been delivered with a small number of private for sale units. It was acknowledged that the current conditions were challenging but that it was important to protect the HRA and the manifesto promise to build homes.
- In relation to queries about the quality of the build and increasing costs, it was confirmed that this was a fixed price contract with a clear specification. It was noted that, sometimes, opportunities for value engineering were considered but that this would not be pursued in a manner that would undermine the landscaping or quality of the scheme.

Following consideration of the exempt information, it was

RESOLVED

1. To approve the appointment of the recommended contractor identified in the exempt part of the report to undertake the new build works to provide a total of forty one council homes and private for sale homes at Cranwood, 100 Woodside Avenue, N10 for a total contract sum as set out in the exempt part of this report and the client contingency sum set out in the exempt part of the report.
2. To approve the appropriation of the land at Cranwood, 100 Woodside Avenue, N10 3JA (edged red in the plan attached at Appendix 1) currently held partly for general fund purposes (shown coloured red) and partly held for housing purposes (shown coloured blue in Appendix 3) for planning purposes under Section 122 of the Local Government Act 1972 as they are no longer required for the purpose for which they are currently held, and for the purpose of carrying out development as set out in paragraphs 5.6 to 5.32 of this report.
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 Cranwood, 100 Woodside Avenue N10 development, under planning permission Ref: HGY/2021/2727.
4. To delegate to the Director of Placemaking and Housing, after consultation with the Director of Finance and the Cabinet Member for Council Housebuilding, Placemaking, and Development, authority to make payments of compensation as a result of any infringement arising from the development in respect of recommendation [3.1.3].
5. To approve the appropriation of the land at Cranwood, 100 Woodside Avenue (edged red in the plans 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 (which is anticipated to take place on or about 31 December 2024).
6. To approve the Total Scheme Costs, including on costs, works, interest, contingency, and other costs to the value as set out in detail in the exempt part of the report.
7. To approve the disposal of a total of nine open market sale units to be constructed and contained within the development at Cranwood and more particularly described in paragraph 5.10 for a minimum total sale price as set out in the exempt report and note that such disposals will only be implemented in the event that (if required) the consent of Secretary of State for each of the disposals has first been obtained; and
8. To delegate authority to the Director of Placemaking and Housing, in consultation with the section 151 Officer and after consultation with the Cabinet Member for Finance and Local Investment and Cabinet Member for Council Housebuilding, Placemaking, and Development, to agree the timing, price, and the terms and conditions for each disposal to a formal valuation at the time of sale based on the minimum value stated in the exempt part of the report and legal documentations.

Reasons for decision

The site known as Cranwood former care home was approved by Cabinet on 9 July 2019 to be included in the Council housing delivery programme. This scheme was granted planning consent on 10 October and is ready to progress to construction. This report therefore marks the third, and final, Member led decision to develop the site.

Following a formal competitive tender process, a contractor has been identified to undertake these works. These have been assessed through our usual process as outlined in the Exempt paper. This includes an independent assessment from a cost perspective by the Employer's Agent. At tender stage, this involves cost benchmarking against the wider market and ensuring that the tenders are priced correctly against each other.

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 easements and other third party 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 site 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 thirty two new Council homes at social rent, although nine private for sale homes will be disposed of on the open market.

The new development at Cranwood will allow the Council to redevelop an underutilised site, where the former Cranwood care home has been vacant for some time. The development offers a high quality scheme providing forty one homes, open space and landscaping, disabled parking and enhancements to the Parkland Park along Woodside Avenue. The development will help support delivery of the Borough Plan, Priority 1: "Our vision is for a safe, stable and affordable home for everyone, whatever their circumstances".

During planning consultation stages, local stakeholders raised concerns about demolition works taking place during school term time. Demolition of the existing care home started on 22/08/22 and is due to complete on 14/11/22.

Alternative options considered

It would be possible not to develop this site for housing purposes. However, this option was rejected as it does not support the Council's commitment to deliver a new generation of Council homes and would lose the opportunity to develop across the whole of the borough including wards in the West. In addition, not going ahead at this time would result in the loss of GLA grant funding under the Building Council Homes for Londoners Programme making the viability of any future scheme difficult.

This opportunity was procured via a competitive tender from the Cabinet Office backed consortium Westworks Procurement Ltd CONST2018DPS (Development and Construction DPS route) for pre-tendered works, services and supplies for the public sector, the recommended route for a contract of this value. An alternative option would

have been to run a competitive tender via the Council's LCP Major Works Framework, but this option was rejected due to a poor response following issuing a number of expressions of interest and because sufficient and suitable interest was not attracted via this framework.

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. Making use of this power allows the Council to override these third rights and allows the third party to make 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 these sites 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. For these reasons, this option was rejected.

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.

The Council could decide to redesign the project and deliver it at a reduced specification in order to save on costs. This option has been rejected because, in a highly febrile construction market, there is no guarantee that a reduced specification would necessarily reduce the Council's overall costs on this project. Any significant change to the specification would involve significant and costly changes to design. Amendments would need to be agreed through the planning process, and any significant changes would likely involve a return of the scheme to Committee. Given the material changes to the tender, it would also be likely to be retendered in a construction market where inflation is currently running at c.15%. Withdrawing the project at this stage would put the funding of this and other projects at risk, with more information set out in the exempt report.

84. PROPOSED COMPULSORY PURCHASE OF FOUR EMPTY HOMES

The Cabinet Member for Communities and Civic Life introduced the report which was seeking authority to use enforcement powers through the use of Compulsory Purchase Orders to acquire four empty homes set out in the report.

The Cabinet Member described the critical shortage of homes in the borough and how these privately owned homes have been deemed as long term empty and were subject to complaints by neighbours and the local community and had been targeted in accordance with the Council's Empty Homes Policy 2020.

In response to a question from Cllr Connor , the sale proceeds of the CPO concerning the First Floor Flat 33 Priory Road N8 would be paid to the court. The owner would be able to access the funds from the court.

Following consideration of the exempt information, it was

RESOLVED

1. To consider each of the four empty properties set out in paragraph [1.1] of this report on a case-by-case basis for an individual decision for the use of compulsory purchase powers under section 17 of the Housing Act 1985 to acquire each of the properties and agree to the making of a compulsory purchase order (CPO) for each of the properties.
2. To authorise the submission of each those orders to the Secretary State for the Department for Levelling Up, Housing and Communities for each of the orders to be confirmed, under Compulsory Purchase powers.
3. To authorise the Head of Legal and Governance to:
 - (a) Agree the statements of reasons and make and seal each of the Orders for submission to the Secretary of State for consideration and approval (including the service of any requisition notices necessary to establish interests in the property) and to carry out the statutory notification required.
 - (b) Confirm each of the Compulsory Purchase Order in the event of the Secretary of State returning the Order authorising the Council to do so.
 - (c) Prepare for, and represent the Council at, any public inquiry held following submission of the Order to the Secretary of State.
 - (d) Upon confirmation of each of the Compulsory Purchase Orders proceed with acquisition of the relevant property.
 - (e) In the event that any of the owner(s) undertakes in the form of a legally enforceable cross undertaking to bring the relevant property back into residential occupation and use within a reasonable timescale, to authorise the Head of Legal Services in consultation with the Director of Adult and Housing Services to enter in to and enforce such an undertaking at any time during the CPO process for the property in question; and
 - (f) Act in relation to any other procedural matters that may arise in the normal course of the CPO process.
4. To approve (following vesting of any of the properties) the disposal of such property to a Registered Provider where possible, or to an individual or private developer for a sum equivalent to the open market value of the property, with covenants to bring the property back into use as soon as practicable; and to give delegated authority to the Director of Environment and Resident Experience to agree the final terms and conditions. All sale fees incurred by the Council are paid by the purchaser. Stamp Duty is not payable by the Council as CPOs are given Stamp Duty Land Tax relief so the Council is not penalised by using this enforcement tool. Properties are sold on in the same condition as the day of possession and the Council carries out no works prior to sale.

5. To authorise the costs of each of the CPO to be met from the allocated capital programme; and
6. To approve the recycling of the receipt from each of the disposal back to the capital programme budget for the continued private sector housing CPO programme; and
7. To give delegated authority to the Director of Environment and Resident Experience to agree any compensation to be paid (in accordance with the CPO Compensation Code) to each of the owners of and anyone with a legal interest (and entitled to compensation) in each of the properties as result of the CPO.

Reasons for decision

In accordance with guidelines all owners have received a series of five letters which advise of the Council's empty homes policy and the need for them to take steps to bring their property back into use. The letters follow a robust warning procedure and enforce the Council's ability to use Compulsory Purchase Orders on their property should they not act themselves to return the property back into use.

Due to the lack of action and or co-operation following these warning letters from property owners, there is little confidence that these owners will ever take action to bring the properties back into use themselves. Following the use and consideration of alternative options, the use of CPO is being sought as a last resort.

The reason for these properties being targeted and to aid in the decision making a brief outline on why each property should be considered for the use of CPO powers is outlined below. Full details can be found in appendix 1. All four properties have been through the council's empty homes enforcement procedures and alternative options considered. Please see paragraph 6.5 which outlines enforcement process in summary for full details please see appendix.

Brief description and reasons for recommendation to CPO.

➤ 27 Elsdon Road N17

This property first came to attention of the Council in May 2018 when neighbours complained about the house being empty and in a very poor state of repair. Investigations identified that the original tenant of the property had been a hoarder and was moved into social care leaving the property empty. The house is owned by a company called Phillips (Family Properties) Ltd who had assured the Council that they would renovate it with a view to re-letting without delay. In spite of intervention by the Council and taking account of the impact of Covid 19 restrictions the house remains empty. The Company who owns the property have been forced to undertake work to mitigate further damage caused by squatters and anti-social behaviour. Despite the house now being clear of hoarded items the property remains in severe disrepair and is being allowed to continue to deteriorate which is now affecting the neighbouring property. Full Details are available in Appendix 1.

➤ First Floor Flat 33 Priory Road N8:

This upstairs flat has been empty since the beginning of 2020 when the registered owner went to live with her mother in Coventry. She has not returned since and has not responded to any letters or emails that have been sent to her. The flat is in a poor state of repair and is affecting the ground floor flat as well as neighbouring property who have complained repeatedly to the council. Until recently there was no access to the flat as the side entrance (leading to an external staircase) was completely covered in overgrown ivy. This was cut back by the Council as it was also blocking the pavement. Full Details are available in Appendix 1

➤ **118 Stapleton Hall Road N4:**

This house was severely damaged by a fire in 2015 in which the previous owner sadly died. The house was so damaged that it was subject to a dangerous structure notice from Building Control which was complied with eventually by the nephew of the owner who is the beneficiary. The house is an eyesore in the road and is complained about regularly by neighbours.

There is now a new registered owner for the property who has stated that he wants to convert the house into four flats (there is planning precedent for this as next door is also converted into four flats) and has an investor on board. However there has been no activity at the site and due to the sheer dilapidation of the property the level of money needed to rebuild this house is likely to be vast. There is no evidence to suggest that the owner is in a financial position to do the renovation works required at this property in either a timely manner or at all. During which time the site continues to blight the local environment and cause issues for neighbours. This property has been taken out of Council Tax ratings, so no debt is owed. Full Details are available in Appendix 1

➤ **2 Woodberry Crescent N10:**

This large end of terrace property was purchased 6 years ago by a developer who has taken down the garages and gutted the property but then stopped work. There has been no communication with the Council, The house has hoarding around it which came down at the start of 2022 in high winds revealing that the house no longer has a front door which allowed anyone who wanted to gain access. This was reinstated but no work has started and there is no commitment as to when works will commence. This has been taken out of Council Tax ratings, so no debt is owed. Full Details are available in Appendix 1

Alternative options considered

Advice and Support - Advice and guidance is the first stage and an important part of the process and takes place at the start of any empty home engagement. Very few property owners require the incentive of public enforcement to seek a productive use of their asset. While some owners do leave their homes empty through deliberate choice many owners due to financial constraints necessary skills or having other concerns which make dealing with the property difficult and or too complex. Council Officers have therefore played a vital role at the start of initial engagement with all of these property owners offering advice, guidance and or support where possible. We have sought to advice and support in all the properties outlined but no action has been taken.

Enforced Sale – The Council has considered enforced sale for each of the properties. The reasons and route for using enforced sale are often complex, but broadly it can be used if the property has any of the following:

- **Council tax debt.**

Owners who have failed to pay their Council tax or Council tax premiums creating a debt to the Council.

- **Land charge debt.**

If the Council has undertaken works in default of an owner a charge is put on the property in order to recover the monies spent including an enforcement of that charge.

- **The property represents a substantial public nuisance.**

The property is affecting neighbouring property with regards to pest, ASB and or crime.

Enforced Sale was not considered an appropriate route for these particular properties as there is no debt owed on any which is a pre-requisite for the enforced sale procedure.

All four properties have been discussed at an empty property panel meeting which includes representatives from the following services: Legal, Council Tax, Planning Enforcement, ASB and any other service area that may have been involved with the property. The purpose of this panel is to look at all options and to agree and help inform decision making in terms of best and most appropriate courses of action for empty homes requiring enforcement and or possession.

85. AWARD OF CONTRACT FOR REMEDIATION WORKS AT THE PADDOCK

The Cabinet Member for Communities and Public Life introduced the report which sought approval to award a contract for the remediation of the land at The Paddock in Tottenham Hale to treat the invasive plant species that are present on the site.

It was explained that there was a mandatory duty to remove Japanese Knotweed and other invasive species. It was proposed to use a capping method which was a specialist and largely chemical free technique. The works would enable the delivery of an enhancement programme to create a new nature reserve.

In response to questions from Cllr Connor, the following information was provided:

- It was confirmed that the proposed method of capping the Japanese Knotweed was an alternative method to chemical techniques which was largely chemical free.

Following consideration of the exempt information, it was

RESOLVED

Pursuant to Contract Standing Order 9.07.1(d), to approve the waiver of Contract Standing Order (CSO) 9.01 the requirement to obtain three competitive quotations as permitted by CSO 10.01.1a) and to approve the award of a contract to Ebsford Environmental Ltd. for a package of Japanese Knotweed remediation works at The Paddock, Tottenham Hale, for a maximum value of £545,752, subject to the further recommendation in the exempt report.

Reasons for decision

Statutory duty to treat

The Council has a statutory duty to treat Japanese Knotweed, which has been a long-standing maintenance issue at The Paddock. The Council has agreed heads of terms with Thames Water for the lease of its land at The Paddock to be incorporated into the new nature reserve, which also places a responsibility on the Council to treat the Japanese Knotweed.

Chemical-free approach

The proposed approach involves minimal use of chemical treatments, which would be unsuitable in close proximity to watercourses and in areas used by the public. Advice from invasive species remediation specialists has indicated that chemical treatment is not viable or effective long-term, and evidence indicates that a level of chemical resistance is developing within the knotweed strains on the site. Chemical treatment is therefore unlikely to provide a permanent solution and will require more extensive treatment measures within a few years.

Capping has been identified as the most effective remediation solution for the site. This methodology responds to the underlying site conditions (e.g., asbestos fibre contamination in areas of The Paddock), the ecology of the site and its use by members of the public rendering chemical treatments unsuitable, and the long-term nature of a capping solution, reducing ongoing revenue costs by undertaking one core package of capital works.

Habitat Protection

The Japanese Knotweed remediation works form the critical first phase of a capital works programme to enhance The Paddock. The Japanese Knotweed infestation risks significant damage to The Paddock's ecosystems, reducing the biodiversity of flora and fauna by out-competing native species. A large area of The Paddock is threatened by the spread of Japanese Knotweed, so its eradication will help protect the range of habitats on site, improve biodiversity and enable implementation of the long-term management plan that is required to achieve local nature reserve status.

Alternative options considered

Chemical treatment

Chemical spraying with a glyphosate-based treatment is the only other possible treatment method. This option was rejected as such a treatment programme would take three to five years, during which time no site improvement works could take place within the treated areas. This would delay any significant enhancement of The Paddock and cause prolonged disruption.

Previous attempts at chemical treatment of Japanese Knotweed in some areas of the site have not been successful. Furthermore, spraying chemicals in a busy public area

and next to a watercourse would bring risks to other plant and animal life. Capping is a more permanent and predictable solution, resulting in the Japanese Knotweed issues largely being dealt with in one project phase, and reducing the likelihood of any future recurrence.

Re-tendering

The early engagement and soft market testing undertaken by the Council with several specialist suppliers has not resulted in a strong response to the procurement exercises undertaken. It is unlikely that going out to the market again would provide a stronger response to the specification, as the works are specialist in nature and would serve only to delay the project and impact on the delivery of the programme.

Not awarding the contract

The Council has a statutory duty to treat the Japanese Knotweed on the site. These works are the critical first phase of the Paddock enhancement programme, enabling the comprehensive landscape works to be undertaken. Using an alternative chemical treatment approach would not be effective or viable long-term and would require the comprehensive landscape scheme to be re-designed. This would lead to delays in the programme and in the delivery of benefits to local communities.

86. MINUTES OF OTHER BODIES

RESOLVED

To note the minutes of other bodies.

87. SIGNIFICANT AND DELEGATED ACTIONS

RESOLVED

To note the significant and delegated actions.

88. NEW ITEMS OF URGENT BUSINESS

There were no items of urgent business.

89. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting for the consideration of agenda items 21 to 25 as they contained exempt information as defined in Section 100a of the Local Government Act 1972; Paragraph 1 – information relating to any individual; Paragraph 2 – information which is likely to reveal the identity of an individual; Paragraph 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information; Paragraph 5 – information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

90. EXEMPT - HIGH ROAD WEST PHASE A - COMPULSORY PURCHASE ORDER

The Cabinet considered the exempt information.

91. EXEMPT - CRANWOOD, 100 WOODSIDE AVENUE, N10 - AWARD OF CONSTRUCTION CONTRACT

The Cabinet considered the exempt information.

92. EXEMPT - PROPOSED COMPULSORY PURCHASE OF FOUR EMPTY HOMES

The Cabinet considered the exempt information.

93. EXEMPT - AWARD OF CONTRACT FOR REMEDIATION WORKS AT THE PADDOCK

The Cabinet considered the exempt information.

94. NEW ITEMS OF EXEMPT URGENT BUSINESS

There were no new items of exempt urgent business.

CHAIR: Councillor Peray Ahmet

Signed by Chair

Date