

# CABINET MEMBER SIGNING

**Wednesday, 12th April, 2023, 10.00 am**

**Members:** Councillor Ruth Gordon

## **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. TANGMERE DEMOLITION CONTRACT EXTENSION (PAGES 1 - 6)**

## **4. UPDATE TO NOEL PARK LEASEHOLDER BUYBACK OFFER (PAGES 7 - 12)**

## **5. EXCLUSION OF THE PRESS AND PUBLIC**

Item 6 is likely to be subject to a motion to exclude the press and public from the meeting as it contains 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.

**6. EXEMPT - TANGMERE DEMOLITION CONTRACT EXTENSION (PAGES 13 - 16)**

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George Meehan House, 294 High Road, Wood Green, N22 8JZ

Friday, 31 March 2023

**Report for:** Cabinet Member Signing

**Title:** Tangmere demolition contract extension

**Report Authorised by:** David Joyce, Director for Placemaking and Housing

**Lead Officer:** David Sherrington, Director of Broadwater Farm

**Ward(s) affected:** West Green

**Report for Key/  
Non Key Decision:** Key Decision

**1. Describe the issue under consideration**

1.1. This report seeks approval to extend the Tangmere demolition contract in the sum of £900,000.00. The contract extension is required following the Grade II Listing of the Mosaic Mural, and the need to reprogramme the works to comply with the Listed Building Consent to carefully remove and relocate the Mural.

**2. Cabinet Member introduction**

2.1. Not applicable

**3. Recommendations**

It is recommended that the Cabinet Member for Council Housebuilding, Placemaking, and Development:

3.1. Pursuant to CSO 10.02.1 (b) and 16.02 approves the extension of the original contract in the sum of £2,043,115.00 due to complete end of March 2023, and approves an additional sum of £900,000.00 to be added to the contract for a period up to the end of September 2023.

3.2. Agrees the total cost contained within the exempt report.

**4. Reasons for decision**

4.1. The extension of the contract will enable the demolition contractor to reprogramme the works to Tangmere for the careful removal and storage of the Grade II Listed Mural.

4.2. Upon removal of the Mural, the demolition programme will continue, with a view of completing the works by September 2023 to make the site ready for the Council's New Homes Programme.

**5. Alternative options considered**

5.1. **Do nothing** – unless the Grade II Listed Mural is removed, the demolition of Tangmere cannot proceed. Therefore, the site will not be cleared to make way for the Council's New Homes Programme.

5.2. The only option available is to extend the current demolition contract to enable the existing contractor to continue to reprogramme and continue with the works.

**6. Background**

- 6.1. At the January 2022 Cabinet, it was agreed to award a contract for the demolition of Tangmere in the sum of £2,043,115.00.
- 6.2. Demolition works commenced 19 April 2022 with a completion date of March 2023.
- 6.3. On 13 September 2022, Historic England notified the Council that they received an application to list the Mosaic Mural on Tangmere.
- 6.4. It was understood that if the listing was approved; the demolition programme will need to be adjusted to account for the time delay in having to draft and submit an application for Listed Building Consent (LBC) to remove the Mural.
- 6.5. It was also recognised that in the event of the listing, the Council will need to quickly mobilise a team to manage the submission of the LBC. The team will comprise a conservation consultant from Historic England's approved list of contractors, an architect, a planning consultant, and an expert to draft the heritage statement to accompany the LBC.
- 6.6. On 05 October 2022 Historic England notified the Council that they approved the application, and the Mosaic Mural received a Grade II Listing.
- 6.7. As agreed with Historic England, the Council mobilised a team of consultants to draft and submit the LBC to remove, restore and re-erect the Mural.
- 6.8. The LBC was drafted and submitted for consideration at the December 2022 Planning Committee. The Application was supported by Historic England and the Local Planning Authority.
- 6.9. The Planning Committee agreed to grant Listed Building Consent for the removal, restoration, and re-erection of the Mural.
- 6.10. The Listed Building Consent came with several Planning Conditions. The main one being the works to remove the Mural must be completed by the end of April 2023. This date reflected the outline programme that was approved by Historic England and submitted with the LBC Application.
- 6.11. Upon receiving LBC consent, the demolition contractor was instructed to work with DBR Conservation Limited – one of Historic England's approved contractors, to agree on the best approach for dismantling the Mural.
- 6.12. It was agreed that major structural works are required to provide support for the existing building to safely dismantle the Mural.
- 6.13. Structural works include erecting a temporary scaffolding and working platform around the Mural, along with commissioning specially designed cutting equipment and a crane to lift the Mural off the building and placing the sections in storage.
- 6.14. The contractor considered the activities for removing the Mural and provided an updated programme and cost for the works. The costs have been reviewed and

verified by Ridge and Partners – the external cost consultants working on the demolition programme.

- 6.15. The updated costs submitted by the demolition contractor is in the sum of £900,000.00, and include all physical activities for the works, along with the cost of reprogramming the activities.
- 6.16. To meet the Planning Condition to remove the Mural by the end of April 2023, the demolition contractor will need to mobilise to start the works no later than the end of February or early March 2023. Therefore, this report seeks approval to extend the current demolition contract to enable removal of the Mural to comply with the Planning Conditions stipulated at the December 2022 Planning Committee.
- 6.17. In addition to the works identified under this contract extension, it should be noted that other works are required for the removal, restoration, and re-erection of the Mural.
- 6.18. A Delegated Authority Report has been approved in the sum of £350k. This is to commission a specialist contractor to carry out pre-start surveys and works to enable the removal of the Mural. The works will include assisting with the discharge of planning condition, protection, and careful removal of mosaic tiles to enable diamond cutting of the Mural and monitoring the taking down and placing the cut sections into storage. This contractor will also carry out the restoration works when the Mural is in storage and make the artwork ready for re-erection on another block on the BWF Estate.
- 6.19. Other works to comply with the Listed Building Consent include the design and construction of the temporary storage unit to house and restore the Mural. Procurement is currently assisting with seeking competitive tenders for this work, with Ridge and Partners LLP supporting the design and cost management for the project. A pre-tender estimate for the storage unit is £300k. The temporary storage unit will likely be in place for 18 months i.e., until the Mural is re-erected on another block.
- 6.20. There will also be costs associated with re-erecting the Mural. The scope for these works has yet to be identified, however initial estimates suggest a figure of circa £700k. Efforts will be made to ensure the Council receives value for money for this work, therefore there are proposals to incorporate this into the main refurbishment programme, rather than delivering as a standalone project.
- 6.21. To support the delivery of the removal and re-erection of the Mural, we are exploring the possibility of external funding, and will seek to identify potential sources with Historic England and other organisations.
- 6.22. The spend profile for the extended contract sum will be as follows:

Broadwater Farm Estate Tangmere Demolition and Mural Removal Spend Profile								
March 2023	April 2023	May 2023	June 2023	July 2023	Aug 2023	Sept 2023	Sept 2024	Total
£180,000	£130,000	£150,000	£150,000	£100,000	£90,000	£50,000	£50,000	<b>£900,000</b>

## Demolition decision

- 6.23. Subject to approval by the Cabinet Member for Council Housebuilding, Placemaking, and Development, the demolition contractor will be notified that the contract has been extended, and they can commence mobilising to dismantle the Grade II Listed Mural on Tangmere.
- 6.24. The Contractor will also be made aware that the works must be carried out in accordance with the Planning Conditions agreed at the December 2022 Planning Committee.

## 7. Contribution to strategic outcomes

- 7.1. The removal of the Mural will enable the block known as Tangmere to be demolished to make way for the Council's New Homes Programme.
- 7.2. The New Homes Programme on the Broadwater Farm Estate will contribute to the delivery of the following four priorities set out in the Council's Borough Plan (2019-2023):
- **Priority 1 – Housing:** A safe, stable and affordable home for everyone, whatever their circumstances.
  - **Priority 2 – People:** Strong families, strong networks and strong communities nurture all residents to live well and achieve their potential.
  - **Priority 3 – Place:** A place with strong, resilient and connected communities where people can lead active and healthy lives in an environment that is safe, clean and green.
- Priority 4 – Economy:** A growing economy which provides opportunities for all our residents and supports our businesses to thrive.

## 8. Statutory Officers comments

### 8.1 Finance -

This recommendation is informed by the additional works required to facilitate the dismantling, restoration and re-erection of the Mosaic Mural.

The additional cost of £900k, which includes a retention sum of £50k, will bring the total cost of the demolition contract to £2.94m.

The additional cost of £900k can be contained within the Broad water farm capital programme budget.

There are further costs implication as a result of the approval of listing of the Mosaic Mural by Historic England. Potential total cost is projected as shown below:

Initial Demolition Contract	£2.04m
Additional cost of demolition	£0.90m

Removal of Mural	£0.35m
Storage of Mural	£0.30m
Re- erecting of Mural	<u>£0.70m</u>
<b>Total Projected Cost</b>	<b><u>£4.29m</u></b>

Further reports seeking approval will be brought at a stage when these additional works are fully costed.

Further finance comments are contained in exempt report

## 8.2 Strategic Procurement

Although below threshold the variation to the contract is less than 50% of the awarded value and would cause significant cost and inconvenience if procured separately. So although below threshold it follows the spirit of Reg 72 of the Public Contracts Regulations and is compliant.

## 8.3 Legal

### Head of Legal and Governance (Monitoring Officer)

The Head of Legal and Governance (Monitoring Officer) has been consulted in the preparation of this report. The works are below the threshold where the rules on modification of contracts as set out in Reg 72 of the Public Contracts Regulations 2015 apply. The variation is therefore governed by the Council's Contract Standing Orders.

Where the aggregate value of the contract and the variation is in excess of £500,000, the decision to approve the variation would ordinarily fall to Cabinet in accordance with CSO 10.02.1 (b) (contracts valued at £500,000 or more). In-between meetings of the Cabinet, the Leader may take any such decision or allocate to the Cabinet Member with the relevant portfolio (CSO 16.02).

The variation is a Key Decision and, as such, needs to comply with the Council's governance arrangements in respect of Key Decisions including publication in the Forward Plan.

The Head of Legal and Governance (Monitoring Officer) confirms that there are no legal reasons preventing the Cabinet Member for Council Housebuilding, Placemaking and Development from approving the recommendations in this report.

## 8.4 Equality

This report seeks approval to extend an existing contract to enable additional works to be carried out to remove the Mural on Tangmere.

Having reviewed the Council's Equality Impact Assessment (EQIA) guidance, the need for an EQIA is not considered necessary, as an assessment was carried out and included in Section 6.9 of the original Cabinet Report dated January 2022.

**9 Use of appendices**

Exempt Appendix 1

**10 Local Government (Access to Information) Act 1985**

This report contains exempt and non-exempt information. Exempt information is contained in the exempt report (Appendix 1) and is not for publication. The exempt information is identified in the amended schedule 12 A of the Local Government Act 1972, under category (3), information in relation to the financial or business affairs of any particular person (including the authority holding that information).



**Report for:** Cabinet Member Signing

**Title:** Update to Noel Park Leaseholder Buyback Offer

**Report**

**authorised by :** David Joyce, Director Placemaking and Housing

**Lead Officer:** Jahedur Rahman, Operations Director, Housing Services and Building Safety

**Ward(s) affected:** Noel Park

**Report for Key/**

**Non Key Decision:** Key

**1. Describe the issue under consideration**

- 1.1 On 13 July 2021 Cabinet approved the revised leaseholder repayments options for the major works programme and this included the Noel Park estate. Whilst not part of the options approved by Cabinet, there is also an option for leaseholders to offer their properties for purchase by the Council. Such properties are acquired as part of the buyback programme. This discretionary option was open to all 76 Noel Park Leaseholders, both resident and non-resident, who were part of the Noel Park major works programme.
- 1.2 The Council's discretionary option to consider a buyback at the request of a Noel Park leaseholder was reflective of the fact that the leaseholders were facing substantial major works estimates and were likely to face challenges selling on the open market ahead of the works being completed. The Council wanted to ensure that leaseholders would not be "trapped" in their property prior to the commencement of the major works programme.
- 1.3 Following that cabinet report, a programme of direct engagement, including 121 meetings, door knocking and direct mailing took place with those affected leaseholders on Noel Park. During this programme the various re-payment and cost capping options were discussed. The Council also spoke directly with any leaseholder who enquired about the possibility of selling their property back to the Council.
- 1.4 All affected leaseholders have now had over 18 months to request a buyback offer from the Council for their property.
- 1.5 To date the Council has made 12 buyback offers in writing to Noel Park leaseholders, of which 9 were accepted. To date 6 have completed and the remaining 3 leaseholders have been advised that they need to complete the sale of their property to the Council by the end of March 2023.
- 1.6 Work has now started on the Noel Park major works programme and is scheduled to complete by the end of Q1 2024/25. Once works have been completed, leaseholders should not face any challenge selling on the open market, specifically as a result of the Council's major works programme.

1.7 Therefore, the Council is proposing to prioritise its resources and revise the discretionary option for all affected Noel Park leaseholders to request an offer from the Council to purchase their property. From April 2023, the Council will only make offers to purchase Noel Park leaseholder properties from resident leaseholders only, prior to the service of the notice of a commencement date for the major works on their property and who are also facing substantial hardship if they cannot sell immediately. This position will not affect the right of first refusal under the Right to Buy legislation.

1.8 This report seeks authority to proceed on this basis.

## **2. Cabinet Member Introduction**

N/A

## **3. Recommendations**

3.1 It is recommended that the Cabinet Member agrees to an updated and revised discretionary option of a buyback offer to Noel Park Leaseholders who wish to sell their property to the Council after 1 April 2023 onwards by only making and agreeing offers to those that satisfy the following conditions:

- the request is received within 12 months from 1 April 2023;
- the seller is a resident leaseholders only; and
- who have not yet been served notice of a commencement date for the major works on their property; and
- who are also facing a case of genuine financial hardship that requires them to sell immediately

## **4. Reasons for decision**

4.1 On 13 July 2021 Cabinet approved the revised leaseholder repayments options for the major works programme and this included the Noel Park estate. Whilst not part of the options approved by Cabinet, there is also an option for leaseholders to offer their properties for purchase by the Council. Such properties are acquired as part of the buyback programme. This discretionary option was open to all 76 Noel Park Leaseholders, both resident and non-resident, who were part of the Noel Park major works programme.

4.2 Leaseholders have now had over 18 months to request a buyback offer from the Council for their property.

4.3 Work has now started on the Noel Park major works programme and is scheduled to complete by the end of Q1 2024/25. Once works have been completed, leaseholders should not face any challenge selling on the open market, specifically as a result of the Council's major works programme.

4.4 Therefore, from 1 April 2023, the Council no longer needs to continue to make offers to buyback Noel Park leaseholder properties except in very limited circumstances. Specifically, the request must be received within 12 months of 1 April 2023, the seller is a resident leaseholders only, before works have been scheduled to start on their property and who also face genuine financial hardship if they cannot sell immediately,

## **5. Alternative options considered**

- 5.1 The major works programme on Noel Park has now started and the current discretionary option to leaseholders to request a buyback has been open for 18 months to all affected leaseholders. The option to keep the current, opened ended, discretionary option of a buyback on request to all 76 Noel Park leaseholders would preferentially prioritise resources for all affected Noel Park leaseholders ahead of other Council housing priorities.
- 5.2 The option to extend the limited buyback option for the next 12 months for non-resident leasehold properties as well as resident leaseholder properties would potentially prioritise leaseholders' investment risk over the primary housing needs of resident leaseholders.
- 5.3 Therefore, the need to prioritise resources in the next 12 month starting on 1 April 2023 for resident leaseholders only, who may face substantial financial hardship in their primary housing situation if they cannot sell immediately, was deemed most critical.

6. **Background information**

- 6.1 On 13 July 2021 Cabinet approved the revised leaseholder repayments options for the major works programme and this included the Noel Park estate. Whilst not part of the options approved by Cabinet, there is also an option for leaseholders to offer their property for purchase by the Council. Such properties are acquired as part of the buyback programme. This discretionary option was available to all 76 Noel Park Leaseholders, both resident and non- resident, who were part of the Noel Park major works programme. This was in parallel to a full suite of cost capping and repayment options to help support them manage the impact of the significant s20 notices they were facing, where the potential cost to individual leaseholders was expected to be in excess of £30,000.
- 6.2 The Council was aware that Noel Park leaseholders were facing substantial major works estimates and were likely to face challenges selling on the open market ahead of the works being completed.
- 6.3 The Council wanted to ensure leaseholders would not be “trapped” in their property prior to the commencement of the major works programme and could continue to make reasonable decisions about their future housing needs, including if they wanted or needed to sell their property, ahead of the completion of the major works programme in 2024.
- 6.4 Following that cabinet report, a programme of direct engagement, including 121 meetings, door knocking and direct mailing took place with those affected leaseholders on Noel Park. During this programme the various re-payment and cost capping options were discussed. The Council also spoke directly with any leaseholder who enquired about the possibility of selling their property back to the Council.
- 6.5 It has now been over 18 months since leaseholders have had the option to request that the Council buyback their property.
- 6.6 To date the Council has made 12 buyback offers in writing to Noel Park leaseholder who wanted to sell prior to works being completed. On those 12 offers in writing 9 were accepted. To date 6 of those 9 have completed and the

remaining 3 leaseholders have been advised that they need to complete the sale of their property to the Council by the end of March 2023.

- 6.7 Work has now started on individual properties on Noel Park and within the next 12 months all leaseholders should receive notice of a work commencement date on their property. Once leaseholders have been given notice that works are starting to their property, it should only be a matter of a few months before works are completed. The Noel Park major works programme is currently forecasting to complete all works by the end of the first quarter of 2024/25.
- 6.8 Leaseholders will continue to be able to sell on the open market and once works have completed will also have the advantage of all the structural updates to their property. They will also continue to retain the benefit of a cap to works costs and a suite of repayment options (agreed by Cabinet on 13 July 2021) while they continue to retain their property.
- 6.9 Consequently, the Council can now revise the discretionary option for all affected Noel Park leaseholders to request a buyback although this will not affect the right of first refusal contained in Right to Buy legislation.
- 6.10 In parallel, the financial landscape the Council is operating in has changed since July 2021. The Council's borrowing costs have increased significantly, as has every other Council's. This means that the financial viability of buying back Noel Park leaseholder properties has reduced.
- 6.11 Therefore, the Council is proposing that the discretionary option for all Noel Park leaseholders to request a buyback is updated and revised. The need for an open option to all affected leaseholders on Noel Park is no longer required. When works have completed there will be no further challenge to an open market sale, specifically as a result of the Council's major works programme.
- 6.12 Therefore, those affected leaseholders will not need a Council buyback option. However, in very specific and very limited cases for the next 12 months only, the Council can prioritise resources for resident leaseholders only, who may face previously substantial hardship if they cannot sell immediately prior to works starting.
- 6.13 The updated and revised Council offer to buyback a leaseholder property on Noel Park will start from 1 April 2023 and be subject to the following conditions:
- the request must be received within 12 months of 1 April 2023;
  - the seller is a resident leaseholder only; and
  - who have not yet been served notice of a commencement date for the major works on their property; and
  - who are also facing a case of genuine financial hardship that requires them to sell immediately

## **7. Contribution to the Corporate Delivery Plan 2022-2024 High level Strategic outcomes'?**

- 7.1 This proposal aligns with the Corporate Delivery Plan Theme 5: Homes for the Future, including:

- Our council homes will be of a higher quality
- Provide reliable customer focused services that we, our tenants and leaseholders can be proud of

## **8. Statutory Officers comments**

### **8.1 Finance**

- 8.1.1 This report recommends that cabinet agrees to an update of the discretionary buyback offer to Noel Park Leaseholders that has been in place for 18months.
- 8.1.2 The updates being recommended, on their own, appear not to have additional financial implication.
- 8.1.3 Subsequent offers and acquisitions will be continue to go through the same level of financial assessment and approval process as before.
- 8.1.4 Approved acquisitions will be met from the budget provision set up for these when the discretionary buyback offer was agreed.

### **8.2 Procurement**

- 8.2.1 Strategic Procurement notes the contents of this report and confirm these property and lease related matters sit outside of the Public Contract Regulations and therefore there is no procurement impact related to the Recommendations in Section 3 of this report.

### **8.3 Head of Legal & Governance**

- 8.3.1 The Council is setting out the conditions whereby it will from 1 April 2023 put in an offer to acquire a property on the Noel Park Estate. The properties are acquired as part of the Buyback programme. The Council must inform leaseholders of the change in position as the previous position may have created an expectation that the Council would acquire or at least put in an offer to acquire their property if they wished to sell.
- 8.3.2 The Cabinet Member should note that the recommendation in this report will not affect the right of first refusal under the RTB legislation whereby leaseholders must offer their property back to the Council for acquisition if they wish to sell within 10 years of its acquisition.

### **8.4 Equality**

- 8.4.1 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 protected characteristics and people who do not
  - Foster good relations between people who share those characteristics and people who do not

- 8.4.2 The three parts of the duty apply 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.
- 8.4.3 Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.
- 8.4.4 The decision is regarding revising the discretionary option for leaseholders to offer their properties for purchase by the Council. This discretionary option was open to all Noel Park Leaseholders, both resident and non- resident, who were part of the Noel Park major works programme. This was to ensure that leaseholders would not be “trapped” in their property prior to the commencement of the major works programme. All affected leaseholders have now had over 18 months to request a buyback offer from the Council for their property. The major works programme has now started and is scheduled to complete by the end of Q1 2024/25. As a result, the new proposal is for the Council only to make offers to purchase Noel Park leaseholder properties from resident leaseholders only, prior to the service of the notice of a commencement date for the major works on their property and who are also facing substantial hardship if they cannot sell immediately,
- 8.4.5 Those with protected characteristics are overrepresented among Haringey Council leaseholders, so the initial option to request a buyback offer was intended to affect equalities positively. Considering that leaseholders have had the option to request a buyback offer for the last 18 months, we expect that most leaseholders, regardless of protected characteristics, to have requested an offer if they wanted to. Additionally, the update does not end the option to request a buyback offer but reduces its availability to only those resident leaseholders "facing a case of genuine hardship". With both these points in mind, it is reasonable to assume that the decision should have a neutral impact on those with protected characteristics.

## 9. Use of Appendices

None

## 10. Local Government (Access to Information) Act 1985

N/A

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

Document is exempt

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