

## NOTICE OF MEETING

# CABINET MEMBER SIGNING

**Thursday, 4th December, 2025, 1.00 pm - Alexandra House, 10 Station Road, London, N22 (watch the live meeting [here](#))**

**Members:** Councillor Sarah Williams

### 1. FILMING AT MEETINGS

Please note that this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual or may lead to the breach of a legal obligation by the Council.

### 2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 3. DECLARATION 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

**4. URGENT BUSINESS**

The Chair will consider the admission of any late items of Urgent Business. (Late items of Urgent Business will be considered under the agenda item where they appear).

**5. DEPUTATIONS / PETITIONS / QUESTIONS**

**6. BWF - FRA PROGRAMME VAIATION (PAGES 1 - 8)**

**7. AWARD OF CONSTRUCTION OF CONTRACT (PAGES 9 - 18)**

**8. EXCLUSION OF THE PRESS AND PUBLIC**

Items 9 and 10 are likely to be subject to a motion to exclude the press and public be from the meeting as they contain exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 3 and 5, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

**9. EXEMPT - BWF FRA - PROGRAMME VARIATION (PAGES 19 - 22)**

**10. EXEMPT - AWARD OF CONSTRUCTION OF CONTRACT (PAGES 23 - 56)**

Richard Plummer Committees Manager  
Tel – 020 8489 4319  
Fax – 020 8881 5218  
Email: richard.plummer@haringey.gov.uk

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

Wednesday, 26 November 2025

**Report for:** Cabinet Member for Housing and Planning (Deputy Leader)

**Item number:** 6

**Title:**  
**Report** BWF - FRA Programme Variation

**Authorised by:** Jess Crowe – Corporate Director for Culture, Strategy & Communities

**Lead Officer:** David Sherrington, Head of Estate Renewal

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

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

### **1. Describe the issue under consideration**

- 1.1. In line with Contract Standing Order (CSO) 0.08, 2.01(d) and 18.03, this report seeks approval from the Cabinet Member for Housing and Planning (Deputy Leader) to vary the BWF – Fire Risk Assessment and Protective Coatings contract, increasing the contract sum by a further £690k to deliver the works set out in the report. The revised total contract sum would be £5.94m.
- 1.2. The additional works are detailed in Appendix A – Exempt Report and will be carried out to all eight blocks within the existing BWF – Fire Risk Assessment and Protective Coatings contract. The additional works are required to ensure the programme achieves full compliance with current Fire and Building Safety Regulations
- 1.3. Carrying out these works will provide crucial benefits, including ensuring compliance with the Building Safety Act, fulfilling legal duties to protect occupants from fire hazards, implementing effective fire prevention and control measures, and preventing the spread of fire and smoke. These works will enhance occupant safety, provide peace of mind, and reduce the risk of severe incidents by identifying and rectifying potential fire risks within a building.

### **2. Cabinet Member introduction**

- 2.1. Not applicable

### **3. Recommendations**

**It is recommended that:**

- 3.1. The Cabinet Member for Housing Services, Private Renters, and Planning:
- 3.2. Pursuant to (CSO) 0.08, 2.01(d) and 18.03 approves the variation of the BWF – Fire Risk Assessment and Protective Coatings contract in the sum of £5.25m and authorises an increase in the contract sum by a further £690k to deliver the works set out in the report. The revised contract value will be £5.94m. Approval also

required to expend the contingency sum in Appendix A – Exempt Report and extend the contract programme.

- 3.3. Agrees the total costs and scope of works contained within Appendix A - Exempt Report.

#### **4. Reasons for decision**

- 4.1. The BWF – Fire Risk Assessment and Protective Coatings Contract was developed following a series of fire risk assessments, which identified essential fire safety works to 8 blocks on the estate. The works are required to ensure that our residential buildings meet current fire safety legislation and adequately resist the spread of fire throughout the communal areas and provide a protected means of escape to allow the safe evacuation of residents and safe access by the fire brigade.

The project commenced November 2023. During the works, the project team identified and agreed that additional works are required to ensure the project meets current fire safety regulations.

The additional works were not identified at tender stage; however, they are considered essential for compliance and include the following:

- Replacement of all windows, including spandrel panels to the communal stairwell of Kenley, a 17-storey residential block
- Installation of enhanced emergency lighting across all wing blocks
- Provision of additional fire-rated doors on external balconies
- Upgraded wayfinding and fire safety signage
- Implementation of essential fire safety features and surface finishes across all eight blocks on the Estate
- Additional works to complete the programme as detailed in the table in Appendix A – Exempt Report

The above measures will ensure compliance with current building and fire safety across the estate.

- 4.2. Subject to approval of the additional budget allocation, the Broadwater Farm (BWF) – Fire Risk Assessment (FRA) Programme will proceed towards full completion. The current programme anticipates a final project sign-off and end of defects period by March 2026.

Completing these works will ensure that the eight blocks currently included in the programme achieve full compliance with the existing Fire and Building Safety Regulations.

While the Broadwater Farm Estate comprises ten blocks in total, it is acknowledged that Rochford and Martlesham are not covered under this scope.

These two blocks will instead benefit from upgrade works under the separate Pilot Refurbishment Programme.

### 5. Alternative options considered

- 5.1 **Do nothing** – Doing nothing is not an option as we need to comply with current fire safety regulations to ensure the safety of our residents and visitors to the 8 blocks on the Broadwater Farm Estate. Also, bringing forward elements of the major works programme will improve the overall condition of the communal parts, and enhance the quality of life for residents on the estate.

The only option available is to extend the current contract sum and programme to enable the existing contractor to continue with the additional works to ensure the essential fire safety features are incorporated into the programme.

### 6. Background

- 6.1. At the 21 September 2023 Cabinet, it was agreed to award a £3.5m contract for the BWF - Fire Risk Assessment and Specialist Coatings Contract. The objective of the contract is to ensure all 8 residential blocks on the estate meet current fire safety regulations. It was also agreed subject to approval - to expend all or part of a contingency sum in the amount shown in Appendix A – Exempt Report.

The works under the Broadwater Farm (BWF) Refurbishment Programme formally commenced in November 2023, with a scheduled completion date of November 2024. This timeline was set to conclude with an end of defects period extending to November 2025. The contract was formally varied in August 2024 following Cabinet approval to revise the contract sum to £5.25 million. This variation also revised the completion date to December 2025. It is important to note, however, that this extension did not encompass the end of the defects liability period.

- 6.2. During the works, the project team identified and agreed that additional essential works are required to ensure the project meets current fire safety regulations.
- 6.3. The additional works covered by this request to increase the contract sum were not identified at the tender stage but have since been deemed essential for compliance with current fire safety regulations. The principal item within the additional scope involves the full replacement of all windows and associated spandrel panels within the single staircase core of Kenley, the 17-storey residential block.
- 6.4. Further supplementary works required under this variation are detailed in Section 4.1. These works collectively contribute to compliance with current fire safety regulations.
- 6.5. The project benefits from the involvement of a multi-disciplinary consultant, serving as the appointed cost consultant. Their role includes the review and evaluation of proposed costs associated with additional works under this programme.

The cost consultant has assessed the contract variation and cost from the main contractor and determined that the proposed increase contract sum of £690k for the additional works is appropriate, reflecting both the nature of the works and prevailing market conditions. The cost consultant will continue to monitor costs throughout the project duration, with a view to identifying potential efficiencies. Where achievable, such efficiencies will be incorporated into the programme to enhance value and deliver cost-effective outcomes

- 6.6. The breakdown of costs for each additional item of work is shown in Appendix A - Exempt Report.
- 6.7. The spend profile for the extended contract sum will be as follows. The sums will be spent in 25/26 and 26/27 financial years:

Broadwater Farm Estate - FRA Programme Spend Profile		
25/26	26/27	Total
£672,750.00	£17,250.00	<b>£690,000.00</b>

- 6.8. The additional £690k to increase the value of the BWF - FRA and Specialist Coatings Programme will be funded from the budget allocated for the Broadwater Farm Refurbishment Programme. This budget will fund the entire cost for delivering the programme in the sum of £5.94m.
- 6.9. The project spend to-date is shown in Appendix A - Exempt Report.
- 6.10. Subject to approval by Cabinet Member for Housing and Planning (Deputy Leader), the appointed contractor and multi-disciplinary consultant will be notified that the contract and programme has been extended, and they can commence the additional works to progress and complete the BWF – Fire Risk Assessment and Protective Coatings contract. Extending the contract sum will also extend the target end of defects period to March 2026.
- 6.11. As some of the works will be chargeable to leaseholders, leasehold consultation was undertaken prior to the award of contract and was concluded in line with the requirements of Section 20 of the Landlord and Tenants Act 1985.

Leasehold Services has advised that the additional works are in line with the original scope of works and Section 20 Notices. Therefore, no further consultation is required, however discussions will be ongoing to ensure that where works fall outside the original scope, leaseholders will be served with a notice as required to comply with the requirements of the Section 20 of the Landlord and Tenants Act 1985.

### Consultation

- 6.11 In line with the principles of the Haringey Deal and the Council's commitment to inclusive community involvement, stakeholders—particularly residents impacted by the programme—were actively engaged in the design process. A series of engagement sessions were held, providing residents the opportunity to meet with

the Lead Architect and main contractor to collaboratively select wall and door colours for their blocks.

- 6.12 Feedback from these sessions was incorporated into a set of communications that shared the final design proposals and selected colour schemes for each of the eight blocks on the Broadwater Farm Estate. This approach ensured that residents' preferences were reflected in the refurbishment, fostering a sense of ownership and pride in their living environment.

### **Risk Management**

- 6.13 Two key risks have been identified within the additional cost request for the Broadwater Farm Estate – Fire Risk Assessment (FRA) and Specialist Coatings Programme:

- **Cost Management**
- **Programme Delivery and Work Quality**

To mitigate cost-related risks, a dedicated cost consultant has been appointed. Their role is to rigorously review and approve the contractor's proposals for additional works and any associated costs, ensuring financial accountability and transparency.

Programme and quality risks have been addressed through the appointment of a qualified quality inspector. This inspector conducts daily site inspections to monitor and report on the standard of workmanship. In addition, they assess and report on health and safety compliance and overall programme progress, ensuring that delivery remains on track and that residents' safety is prioritised throughout the refurbishment.

## **7. Contribution to the Corporate Delivery Plan 2024-2026 High level Strategic outcomes**

- 7.1 This project actively supports the objectives of the Corporate Delivery Plan by delivering an improved resident experience and fostering success for all individuals affected by the programme.

The initiative has empowered residents of the eight blocks on the Broadwater Farm Estate to participate meaningfully in the decision-making process. For example, consultation meetings were organised to give residents direct access to the design team, enabling them to influence design choices, such as wall and door colours for their respective blocks.

By embedding resident engagement into the project's development, the team has fostered mutual trust and confidence through consistent, positive interactions. From addressing core needs to encouraging deeper involvement in Council-led decisions—particularly those with direct personal impact—this approach demonstrates a commitment to collaborative governance and inclusive service delivery.



**8. Statutory Officers comments  
(Chief Finance Officer, Procurement, Legal and Equalities)**

**8.1 Finance**

Provisions are included within the 2026/27 Broadwater Farm capital budget to accommodate the proposed £690k FRA contract extension. The additional costs can be met from within the approved capital programme allocation, with no requirement for further funding.

**8.2 Strategic Procurement**

Strategic Procurement note that this report relates to the approval to vary the approved spend with the supplier for BWF – Fire Risk Assessment and Protective Coatings contract.

The purpose of this variation has arisen due to additional works that are required to ensure the programme achieves full compliance with current Fire and Building Safety Regulations.

The award of this contract was let under Public Contracts Regulations (PCR 2015) and this variation is in accordance with regulation 72 (1) (b) of PCR 2015.

SP support the recommendation to approve this variation in accordance with CSO's 18.03.1, 18.03.3, 0.08, & 2.01(d).

**8.3 Legal**

Director of Legal and Governance (Monitoring Officer)

The Director of Legal and Governance has been consulted in the preparation of this report.

As the contract was let when the Public Contracts Regulations 2015 was in force, this is the legislation which governs the variation. The works are above the threshold where the modification rules set out in Reg 72 of the Public Contracts Regulations 2015 apply. Under Reg 72 (1) (b) a contract may be modified without following a procurement where the following conditions are met:

for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor—

(i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, and

(ii) would cause significant inconvenience or substantial duplication of costs for the contracting authority, provided that any increase in price does not exceed 50% of the value of the original contract;

The Council will need to publish a notice of the modification on the e-notification service in accordance with Reg 51,



As this variation is a Key Decision, approval would normally be by Cabinet in accordance with CSO 2.01 (d) (variations valued at £500,000 or more). In-between meetings of the Cabinet, the Leader may take any such decision or may allocate to the Cabinet Member with the relevant portfolio (CSO 0.08).

The extension does not involve any change in scope of works and hence no further s20 consultation is required.

The Director of Legal and Governance confirms that there are no legal reasons preventing the Cabinet Member for Housing and Planning 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 on the BWF – FRA and Communal Decorations Programme to 8 blocks on the Broadwater Farm Estate.

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 8.4 of the original Cabinet Report dated 21 September 2023.

## 9 Use of appendices

### 9.0 Appendix A - Exempt Report

This page is intentionally left blank



**Report for:** November 2025 Cabinet Member signing

**Item number:** TBC

**Title:** Award of construction contract

**Report Authorised by:** Taryn Eves, Corporate Director of Finance and Resources

**Lead Officer:** Robbie Erbmman, Delivery Director of Capital Projects & Property

**Ward(s) affected:** Exempt

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

**1. Describe the issue under consideration**

- 1.1 This report seeks Cabinet Member approval to appoint the preferred contractor for the delivery of a construction contract at undisclosed site – detailed in the exempt part of this report. The development is designed to provide safe and secure accommodation.
- 1.2 The Cabinet Member is asked to approve the appropriation of the land outlined in red on the plan at Appendix 2—from housing to planning purposes—to enable the delivery of the scheme. This appropriation will allow the Council to exercise its powers to override any third-party rights or interests (subject to appropriate engagement with affected parties), and subsequently re-appropriate the land back to housing use upon practical completion of the development.

**2. Cabinet Member Introduction**

- 2.1 N/A

**3. Recommendations**

It is recommended that the Cabinet Member for Housing and Planning:

- 3.1 Approves the appointment of Contractor A, as identified in the Appendix 1 exempt part B of this report, to undertake the new build works for the contract sum as set out in the exempt report.
- 3.2 Approve the rents as set out in section 1.5 of the exempt part of this report.
- 3.3 Approves the exemption as set out in section 1.6 of the exempt part of this report.
- 3.4 Notes and considers the engagement and consultation undertaken in relation to this site, as detailed in section 3 of the exempt part of this report.
- 3.5 Approves the appropriation of the land, shown edged red on the plan at appendix 2 in the exempt part of the report, from housing purposes to planning purposes pursuant

to Section 122 of the Local Government Act 1972, as it is no longer required for the purpose for which it is currently held, and for the purpose of carrying out the works approved under the planning permission for the scheme .

- 3.6 Approves the use of the Council's powers under Section 203 of the Housing and Planning Act 2016 to override any easements and other third-party rights and interests relating to the land edged red on the plan at Appendix 2 in the exempt part of the report that may be infringed by the development approved under the planning permission for the scheme and further described in the exempt part of the report.
- 3.7 Delegates authority to the Corporate Director of Culture, Strategy and Communities, in consultation with the Corporate Director of Finance and Resources, to agree and make any necessary compensation payments arising from valid claims relating to third-party rights affected by the development, in accordance with the Council's scheme of delegation.
- 3.8 Approves the appropriation of the land shown edged red on the plan at appendix 2 in the exempt part of the report, from planning purposes back to the Housing Revenue Account (HRA) for housing purposes under Section 19 of the Housing Act 1985 upon practical completion of the development.
- 3.9 Approves the total scheme cost as set out in the exempt part B of the report.
- 3.10 Approves the issuance of a Letter of Intent for up to 10% of the contract value, as detailed in the exempt section of the report.

#### **4. Reasons for decisions**

- 4.1 Contractor A has been identified through a formal tender process as the preferred contractor to deliver the new build.
- 4.2 There are no known reasons to believe that any third-party rights have been infringed by the development for the reasons set out in the section 6.2 (leading to the exempt part of this report).
- 4.3 This scheme will contribute to the Council's commitment to deliver high-quality, affordable provision as set out in the exempt part of this report in Haringey.

#### **5. Alternative options considered**

- 5.1 One option considered was to not to proceed with the development, as the Council has no statutory duty to provide such services. However, excluding this site would have undermined the Council's ability to meet identified local needs.
- 5.2 The opportunity was procured through a competitive tender process using the Council's Dynamic Purchasing System. This route was recommended by Strategic Procurement based on the contract value and the need to ensure a fair and transparent process.
- 5.3 Alternative procurement options included either a restricted competitive tender to the

open market via the Haringey Procurement and Contract System or a direct award to one of the LCP framework providers. These options were rejected in favour of the DPS route, which offered stronger safeguards around quality and pricing through open competition.

- 5.4 In order for the Council to carry out the works under the planning permission, the land must be appropriated for planning purposes pursuant to Section 122 of the Local Government Act 1972. If the Council did not appropriate the site for planning purposes, the works would not be authorised under the planning powers of Part 9 of the Town and Country Planning Act. Also, the Council could not use its powers under Section 203 of the Housing and Planning Act 2016 to override the party interests and rights, and, this would expose the development to potential delays or legal challenges from third-party claims. By utilising its powers under Section 203 of the Housing and Planning Act 2016, the Council has ensured that any third-party rights or easements affected by the development are converted into a right to compensation, rather than a right to seek an injunction. The Council acknowledges the potential rights of third parties and will make compensation payments where a legal basis is established. The Housing Delivery team engaged with local residents throughout the feasibility and design stages, and feedback received was considered by the Planning Committee in its decision-making.
- 5.5 The Council could have opted not to appropriate the land back to housing purposes upon completion of the building works. This option was rejected, as it would have prevented the Council from offering the much needed provision as set out in the exempt part of this report.

## **6. Background information**

### **6.1 Site History**

See exempt report.

### **6.2 Engagement and Consultation**

See exempt report.

## **Build Contract**

- 6.3 This report seeks approval for the award of the construction contract to enable the commencement of new build works for the scheme.
- 6.4 The scheme was designed up to Stage 3 of the Royal Institute of British Architects (RIBA) Plan of Work 2020. Following the granting of planning permission a contractor is required to develop the technical design and deliver the construction phase.
- 6.5 The scheme was tendered as a single-stage competitive process under the JCT Design & Build Contract 2016 Edition.
- 6.6 Six bids were received, and the Council's appointed Quantity Surveyor independently

evaluated the financial submissions.

- 6.7 Tenders were evaluated based on Quality (40%), Price (50%), and Social Value (10%), in accordance with the criteria set out in the Invitation to Tender (ITT) documents.
- 6.8 The initial review of the tender submissions identified a significant variation in pricing, with a 76% difference between the lowest and highest tendered prices. When focusing solely on construction costs, the variation was approximately 55%.
- 6.9 A detailed analysis of the tenders was undertaken by the independent Quantity Surveyor, who issued post-tender queries to all contractors. All responses to these queries were received by the deadline of 12pm on 28 August 2025.
- 6.10 Contractors were required to provide a percentage rate for overheads and profit (OH&P), both within their tender price and for any post-tender variations. The post-tender OH&P rates submitted were consistent with current market levels, averaging around 10%.
- 6.11 The combined scores for Quality, Price, and Social Value were used to rank the bidders in line with the Most Economically Advantageous Tender (MEAT) methodology. A summary of the overall scores is included in the exempt part of the report due to the commercially sensitive nature of the information.
- 6.12 The contract will be awarded on a fixed-price basis, covering all new build works, site mobilisation, enabling works, contractor management costs, overheads, and profit. A 12-month defects liability period will apply following practical completion.

## **7. Contribution to the Corporate Delivery Plan 2024-2026 High level Strategic outcomes**

The recommendations in this report will make a significant contribution and support the delivery of key themes within the Corporate Delivery Plan (CDP) 2024-2026.

- 7.1. **Homes for the future:** The construction of these new homes directly contributes to this key theme. The council's vision to create a borough where everyone has a safe, sustainable, stable, and affordable home.
- 7.2. **Responding to the climate emergency:** Responding to the climate change emergency is a core part of the Housing Delivery Programme. This scheme has been designed to Passivhaus principles and employs the latest sustainable technologies resulting in significant carbon emission reductions over the Building Regulations baseline, ensuring homes that are comfortable and efficient to run.
- 7.3. **Place and economy:** This project will ensure that the objectives set out in this theme are met by providing jobs through construction. This will help contribute to 'a thriving economy and a pleasant place' where 'everyone can find access to rewarding work that pays a living wage', as set out in the CDP.



## **8. Carbon and Climate Change**

- 8.1. The scheme has been designed to meet the Mayor of London's definition of a net zero carbon building through on-site measures alone. The development will deliver homes with a strong emphasis on sustainability and environmental performance.
- 8.2. The scheme incorporates a range of passive and active design strategies to reduce both operational and embodied carbon. These include:
  - A rooftop array of photovoltaic solar panels to generate renewable electricity on-site.
  - Air source heat pumps to provide low-carbon heating and hot water.
  - Green roofs to support biodiversity, manage rainwater, and improve insulation.
  - High levels of insulation and airtightness to reduce energy demand.
- 8.3. The building has been designed to mitigate overheating risk and maximise natural ventilation. All homes are dual or multiple aspect, allowing for cross-ventilation and enhanced daylighting. The layout also ensures that habitable rooms are positioned to optimise comfort and privacy.
- 8.4. The landscaping strategy supports climate resilience and biodiversity designed to promote resident wellbeing and environmental quality. New semi-mature trees will be planted, and existing trees will be retained wherever possible.
- 8.5. The scheme aligns with Haringey Council's Climate Change Action Plan and its commitment to delivering sustainable, low-carbon housing.

## **9. Statutory Officer Comments**

### **Legal**

- 9.1. The Director of Legal and Governance (Monitoring Officer) was consulted in the preparation of the report.
- 9.2. This report has an exempt part as it contains information considered exempt under Schedule 12A of the Local Government Act 1972. The public interest in maintaining the exemption outweighs disclosure.
- 9.3. Strategic Procurement has confirmed that the contract in the report was procured via the London Construction Programme, Dynamic Purchasing System under Minor Works, Principal Contractor – Housing & Residential Service Category and this is in line with the Council's Contract Standing Order (CSO) 8.01 and Regulation 34 of the Public Contracts Regulations 2015.
- 9.4. Pursuant to the Council's CSO 2.01(c), Cabinet has authority to approve awards of Contract valued at £500,000 or more.
- 9.5. Further to paragraph 9.3 above and pursuant to CSO 0.08 a decision reserved for Cabinet may be taken by a Cabinet Member with the agreement of the Leader and as such the recommendation in paragraph 3 of the report requesting approval from

Cabinet Member for Housing and Planning is in line with the Council's CSO so long as the Cabinet Member is taking the decision with the agreement of the Leader.

- 9.6. The recommendation in paragraph 3.10 of the report is permitted under the Council's CSO 16.04 which allows the issuance of a Letter of Intent pending the issuance and execution of a formal contract where works, goods or services under a contract is required to commence prior to the issuance and execution of a formal contract.

Appropriation under Section 122 of the Local Government Act 1972

- 9.7. Recommendation 3.5 seeks to appropriate the land edged red on the plan at Appendix 2 in the exempt part of the report currently held for housing. In order to carry out the development under the planning permission, the development site is required to be appropriated from housing purposes to planning purposes under Section 122 of the Local Government Act 1972 ("Section 122 LGA 1972"), which will allow the Council to utilise its powers under Section 203 of the Housing and Planning Act 2016 at Recommendation 3.6
- 9.8. Section 122 LGA 1972 provides that the Council may appropriate for any purpose for which the Council is authorised by any statute to acquire land by agreement any land which belongs to it and is no longer required for the purpose for which it is held immediately before the appropriation.

The key procedural points are as follows:

- a) The land must already belong to the council
- b) The land must no longer be required for the purpose for which it is currently appropriated; and
- c) The purpose for which the Council is appropriating must be authorised by statute

The site does not contain open space.

By appropriating the land for planning purposes under Section 122 of the LGA 1972, the Council is therefore able to engage the powers contained in Section 203 of the Housing and Planning Act 2016.

Section 203 of Housing and Planning Act 2016

- 9.9. Section 203 states a person may carry out building or maintenance work even if it involves (a) Interfering with a relevant right or interest (b) breaching a restriction as to use of land. This applies to building work where: -
- a) there is planning consent,
  - b) the work is on land for the purpose for which the land was vested, acquired or appropriated for planning purposes under section s.246(1) of the Town and Country Act 1990;
  - c) the authority could acquire the land compulsorily for the purpose of the building

work.

9.10. In applying the requirements of Section 203 above:

- a) full planning permission was granted for the full scheme in April 2022;
- b) it is recommended at 3.8 of this report that the land be appropriated for planning purposes under Section 122 of the LGA 1972;
- c) this requires that the Council acquire the land compulsorily for the purposes of the building work. Section 226(1) of the Town and Country Planning Act 1990 contains the compulsory purchase powers of the Council which 'the authority think that the acquisition will facilitate the carrying out the development, re-development on or in relation to the land' or 'required for a purpose which is necessary to achieve the proper planning of an area in which the land is situated'. This requirement is satisfied as the Council considers that the development will lead to an improvement in the economic, social or environmental wellbeing of the area, as outlined in this report.

9.11. Under Section 204 of the Housing and Planning Act 2016, any third-party rights interfered with by the proposed development are converted into rights to compensation. Recommendation 3.4 seeks delegated authority to approve and make such compensation payments where applicable

At Recommendation 3.5 the Council will be seeking to appropriate the land edged red on the plan at Appendix 2 in the exempt part of the report site, following practical completion back into the HRA. Recommendation 3.5 may take place under Section 19 of the Housing Act 1985 as it will no longer be required for its current purpose, in this case, planning, and will be appropriated back into housing, to be held in the HRA.

9.12. The Director of Legal and Governance (Monitoring Officer) see no legal reasons preventing the approval of the recommendations in the report.

### **Procurement**

9.13. Strategic procurement notes the contents of this report, and the recommendations as set out in section 3.1.

9.14. SP note the recommendations in this report are in line with the Contract Standing Orders clause 8.01. Pursuant to Regulation 34 of the Public Contracts Regulations 2015, tenderers were invited to Tender through the London Construction Programme, Dynamic Purchasing System under Minor Works, Principal Contractor – Housing & Residential Service Category.

9.15. The Council received six compliant bids for this for this Project. The Tender return was evaluated independently by a quality panel and the price element of the tender was evaluated separately. Bidder A scored the highest in price for this tender and evidenced they were able to meet the Quality element of the contract. The outcome

has achieved value for money as the winning bidder submitted the lowest price for this tender and it was tendered through a Dynamic Purchasing System, going out to around 162 suppliers which achieved competition.

- 9.16. SP supports the recommendation in this report to award the contract to Bidder A in accordance with CSO 2.01. (c) for Cabinet to approve awards of Contract valued at £500,000 or more and (CSO 0.08).

### **Finance**

- 9.17. The recent cost projection in the new build capital programme suggest that this scheme can be accommodated within the existing budget/MTFS.
- 9.18. Further finance comments are contained in the exempt report.

### **Equality**

- 9.19. The Council has a statutory duty under the Equality Act 2010 to have due regard to the need to:
- Eliminate discrimination, harassment, victimisation, and any other conduct prohibited under the Act;
  - Advance equality of opportunity between persons who share a protected characteristic and those who do not; and
  - Foster good relations between persons who share a protected characteristic and those who do not.
- 9.20. This duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The characteristic of marriage and civil partnership is relevant only to the first limb of the duty (elimination of discrimination).
- 9.21. Although not a protected characteristic under the Equality Act 2010, Haringey Council recognises socio-economic status as a local priority and considers it in its decision-making processes to promote fairness and inclusion.
- 9.22. The proposed decision relates to the procurement of a contractor to deliver the new build in Haringey.
- 9.23. Haringey is a diverse borough, with over 60% of residents identifying as Black, Asian or Minority Ethnic (BAME), which is significantly above the London average. Several areas within the borough experience high levels of deprivation, including income inequality, child poverty, and unemployment. The borough also has a higher-than-average proportion of residents reporting long-term health conditions or disabilities, and a relatively young population, with a large number of children and young adults under the age of 35.
- 9.24. The scheme will help meet identified needs within the borough for specialist housing enabling individuals to live independently and safely in the community.

9.25. The development will contribute to the Council's wider strategic objectives around housing, health, and social care integration, and will support improved outcomes for residents.

9.26. As part of the procurement process, the appointed contractor acting on behalf of the Council in delivering a public function, will be required to comply with the Public Sector Equality Duty. This includes having due regard to the three aims of the duty: eliminating discrimination, advancing equality of opportunity, and fostering good relations between different groups throughout the delivery of the contract.

## **10. Use of appendices**

Appendix 1 - Exempt part B report

Appendix 2 - Exempt site plan

Appendix 3 – Exempt tender report

## **11. Local Government (Access to Information) Act 1985**

11.1. Appendices 1, 2 and 3 are NOT FOR PUBLICATION under Schedule 12A of the Local Government Act 1972 in that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information) and include details that could identify an individual.

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

Document is exempt

This page is intentionally left blank



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

Document is exempt

This page is intentionally left blank

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

Document is exempt

This page is intentionally left blank

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

Document is exempt

This page is intentionally left blank