

## **Summons to Attend**

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# **Full Council**

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To: The Mayor and Councillors of Haringey Council.

Dear Sir/Madam,

A meeting of the Council of the London Borough of Haringey will be held at the Civic Centre, High Road, Wood Green, N22 8LE on MONDAY, 8TH JANUARY, 2007 at 19:30 HRS, to transact the following business:

### **AGENDA**

- 1. TO RECEIVE APOLOGIES FOR ABSENCE**
- 2. TO ASK THE MAYOR TO CONSIDER THE ADMISSION OF ANY LATE ITEMS OF BUSINESS IN ACCORDANCE WITH SECTION 100B OF THE LOCAL GOVERNMENT ACT 1972**
- 3. DECLARATIONS OF INTEREST**

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest

becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.

4. **TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 13 NOVEMBER 2006 (PAGES 1 - 8)**
5. **TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL**
6. **TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE (TO FOLLOW)**
7. **TO RECEIVE THE REPORTS OF THE HEAD OF LEGAL SERVICES AND MONITORING OFFICER. (TO FOLLOW)**
8. **TO MAKE APPOINTMENTS TO OUTSIDE BODIES (TO FOLLOW).**
9. **TO CONSIDER REQUESTS TO RECEIVE DEPUTATIONS AND/OR PETITIONS AND, IF APPROVED, TO RECEIVE THEM**
10. **TO ANSWER QUESTIONS, IF ANY, IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NOS. 9 & 10 (PAGES 9 - 16)**
11. **TO RECEIVE REPORTS FROM THE FOLLOWING BODIES (PAGES 17 - 80)**
  - a) The Executive – Report 9, 10 and 11. 2006/7 (report 11 to follow)
  - b) General Purposes Committee – Report 3. 2006/7
  - c) Overview and Scrutiny Committee – Report 1. 2006/7 (to follow)
12. **TO CONSIDER THE FOLLOWING MOTIONS IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NO. 13**

**MOTION L (2006/07):**

Councillor Jones has given notice that she will move in the following terms:

“This Council notes that air travel is an exceptionally environmentally damaging form of travel, resulting in far larger quantities of carbon dioxide released into the atmosphere than alternative rapid surface travel by train or coach.

This Council notes that with 1600 more train services each year than in 1997, 1850 new railway vehicles with better access for disabled people since 2002, greatly increased speeds of travel by rail from London, a 36%

increase in the amount of freight moved by rail in the United Kingdom since 1997, and the Channel Tunnel Rail Link opened on time, the current government has worked hard to improve surface transport in Great Britain and to improve our links to cities in mainland Europe.

This Council believes that it has a duty, individually and corporately, to support the UK government in reducing carbon dioxide emissions and to secure the future of the planet for future generations.

This Council therefore resolves that, in order to help meet local, national and global targets for the reduction of CO2 emissions, Council members and officers will henceforth not travel by air on Council business within mainland Great Britain, or when representing the Council in Paris or Brussels.

This Council further resolves to make greater use of communications technology, such as video conferencing, in order to reduce the need to travel. Where travel is necessary, this Council will accommodate to the needs of members and officers by ensuring that sufficient time is allowed either side of an engagement in order to travel on land.”

#### **MOTION M (2006/07):**

Councillor Wilson has given notice that he will move in the following terms:

“This Council notes the damning Commission on Social Care Inspection (CSCI) report on the worsening performance of Adult Social Services in Haringey, which:

- Found that Haringey Social Services are only serving ‘some’ people well, and failing the majority of vulnerable adults in the Borough
- Gave Haringey 1 star – the lowest star rating awarded this year – putting the Council in the bottom 22% of English authorities.
- Found Haringey is one of just 11% of social services departments actually getting worse, dropping down from 2 to 1 stars.
- Determined that Haringey’s capacity to improve is ‘uncertain’ – the worst rating on ability to improve awarded by CSCI this year.
- Scored Haringey worse than every other London Borough except one, with 30 London Boroughs getting a better star rating or capacity to improve rating.

This Council regrets that rather than taking action to improve social services, the Labour Executive has instead brought forward proposals for multi-million pound cuts to social services, with plans to close day centres, cut care beds and increase charges; and believes these cuts will further damage social services’ ability to help the most vulnerable elderly and disabled people, leaving many more without the access they need to essential help and support.

This Council therefore calls on the Executive to urgently take action to halt the decline in social services performance and abandon plans to cut vital services;

and demands that the Executive commit to improving care services, and set a target for gaining a higher star rating in its next inspection”.

**MOTION N (2006/07):**

Councillor Mughal has given notice that he will move in the following terms:

“This Council recognises the vital role played by private sector businesses towards the present and future economic well being of Haringey and its residents, and believes that more work needs to be done to make Haringey an attractive place to do business, and to foster an enterprise culture within the Council.

This Council therefore resolves to make 2007 the 'year of business' for the Council, pursuing with greater vigour the promotion of enterprise in the borough wherever possible, including through the production and promotion, through council publications, of business directories for the borough; the creation of a business services desk in the Council, with the establishment of identified business champions in appropriate council departments, and the development and promotion of a brand for Haringey as a great place to do business”.

**MOTION O (2006/07):**

Councillor Catherine Harris has given notice that she will move in the following terms:

“That this Council notes the continuing chaos and mismanagement within the Homelessness Service and a recent report from Shelter which indicated that over 8000 homeless children are housed by Haringey in temporary accommodation; resulting in poor health, developmental problems and lack of educational attainment.

Furthermore the Lead Member has failed to adequately explain the continuing delays in the launch of the new Home Connections Service and delays and funding shortfalls to the attainment of the Decent Homes Standard.

In view of these difficulties and delays we call on the Leader of the Council, who is ultimately responsible for the strategic direction of the Homelessness service to resign, and for the Lead Member to provide housing staff with the proper resources to carry out their responsibilities”.

Dr Ita O'Donovan  
Chief Executive  
River Park House  
225 High Road  
Wood Green  
London N22 8HQ

Thursday , 21 December 2006

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**MINUTES OF THE COUNCIL MEETING  
13 NOVEMBER 2006**

Councillors: \*The Mayor (Councillor Adamou), \*The Deputy Mayor (Councillor Thompson); Councillors \*Adje, \*Aitken, \*Alexander, \*Amin, \*Baker, \*Basu, \*Beacham, \*Bevan, \*Beynon, \*Bloch, \*Bull, \*Butcher, \*Canver, \*Cooke, \*Davies, \*Demirci, \*Diakides, \*Dobbie, \*Dodds, \*Dogus, \*Edge, \*Egan, \*Engert, \*Gorrie, \*Griffith, \*Haley, \*Hare, \*Bob Harris, \*Catherine Harris, \*Hoban, \*Jones, \*GMMH Rahman Khan, \*Knight, \*Kober, \*Lister, \*Mallett, \*Meehan, \*Mughal, \*Newton, \*Oakes, \*Oatway, \*Patel, \*Peacock, \*Portess, \*Rainger, \*Reid, \*Reith, \*Santry, \*Stanton, \*Vanier, \*Weber, \*Whyte, \*Williams, \*Wilson and \*Winskill.

\* Members present

**49. APOLOGIES:** An apology for absence was received from the Chief Executive due to the birth of her first grandchild.

**50. LATE/URGENT ITEMS OF BUSINESS:**  
See minute numbers 54, 60 & 61.

**51. DECLARATIONS OF INTEREST** (Agenda item 3):

Members were asked by the Mayor to declare any personal interest in respect of items on the agenda. In accordance with Part 2 of the Members Code of Conduct set out in the Council Constitution, any Member disclosing a personal interest which was also prejudicial would be asked to withdraw from the Chamber during consideration of the item and neither were they to seek to improperly influence a decision on the said item.

Councillor Dobbie declared on behalf of all Members of the Labour Group, a personal interest in respect of Members Allowances at Item 11.

Councillor Aitken declared on behalf of all Members of the Liberal Democrat Group, a personal interest in respect of Members Allowances at Item 11.

Councillor Stanton declared a personal and prejudicial interest in respect of Item 10, Council reshaping, as his partner was a senior officer of the Authority and referred to in the body of the report. Councillor Stanton advised that he would withdraw from the Council Chamber during consideration of this item.

Councillor Lister declared a personal interest in respect of Item 10 as he was employed by UNISON in a representative role, and that his employer had been consulted in terms of certain of its Members affected by the proposals. He stated that he was not actually representing any person affected by the proposals and therefore this did not represent a prejudicial interest.

Councillor Davies declared a personal interest in respect of Item 14 – Motion H, as he worked for an organisation involve in campaigning on climate change.

The Head of Legal Services and Monitoring Officer declared a personal interest in item 10, Council reshaping, as her post was referred to in the report.

**52. MINUTES** (Agenda item 4):

Copies of the Minutes having been circulated, they were taken as read.

**RESOLVED:**

**MINUTES OF THE COUNCIL MEETING  
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That the minutes of the meeting of the Council held on 9 October 2006 be signed as a true record.

**53. MAYOR'S COMMUNICATIONS** (Agenda item 5):

1. The Mayor thanked everyone who attended and supported the Remembrance Services in the borough yesterday in Wood Green, Tottenham and Hornsey. The Mayor commented that she believed it was important that the commitment and sacrifices of those who had fought and suffered in the cause of freedom was acknowledged. The Mayor also stated that it was also a time to support and recognise the good work of the Royal British Legion.
2. The Mayor expressed her delight to attend the celebration to mark the 100th birthday celebration of Bruce Castle Museum on 25 October. Her congratulations were expressed to all the staff for making this one of the most exciting museums in North London.
3. The Mayor asked all Members to give their support to her Special Fund – Building for Babies – which will take place in St Joseph's Church Hall in Highgate on Wednesday 22 November. "A Night with Elvis" – which was a very special musical evening. Tickets were available through the Mayor's office.
4. The Mayor, on behalf of the Council passed on her congratulations to the Chief Executive and her family at the birth of her first grandchild. The Mayor also reported the birth of her 4<sup>th</sup> grandchild ten days prior to this meeting. Members extended their congratulations to the Mayor.

**54. REPORT OF THE CHIEF EXECUTIVE** (Agenda item 6):

The Mayor agreed to admit the report as urgent business. The report dealt with matters considered at Party Group meetings within the last few days. These required approval to permit appointments to Council committees to be made.

**RESOLVED:**

That the Membership changes to the Licensing Sub-Committees, as detailed below, be noted:

Sub-Committee A:

Cllr Patel (Chair)  
Cllr Demirci  
Cllr Vanier

Sub-Committee B:

Cllr Peacock (Chair)  
Cllr Mughal  
Cllr Lister

Sub-Committee C:

Cllr Beacham (Chair)  
Cllr Reid  
Cllr Dobbie



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**55. REPORT OF THE MONITORING OFFICER** (Agenda item 7): There were no matters to report.

**56. APPOINTMENT TO OUTSIDE BODIES** (Agenda item 8): There were no matters to report.

**57. DEPUTATIONS AND PETITIONS** (Agenda item 9):

A deputation from Mel Cairns of the Combined Residents Action Group in relation to North Middlesex Cricket Club was received.

Questions were then put to Mr Cairns.

The Mayor thanked Mr Cairns for his attendance.

**58. PROPOSALS FOR RESHAPING THE COUNCIL'S FIRST AND SECOND TIERS AND TO DESCRIBE THE ASSOCIATED ORGANISATIONAL CHANGE PROCESS TO IMPLEMENT THE RECOMMENDATIONS (AGENDA ITEM 10)**

Councillor Stanton, having earlier declared a personal and prejudicial interest in this item withdrew from the proceedings.

Councillor Lister declared a personal interest in this item as he was employed by UNISON in a representative role, and that his employer had been consulted in terms of certain of its Members affected by the proposals. He stated that he was not actually representing any person affected by the proposals and therefore this did not represent a prejudicial interest.

The Head of Legal Services and Monitoring Officer declared a personal interest in this item as her post was referred to in the report.

During her introduction of the report, the Head of Legal Services and Monitoring Officer explained that there was an omission in the report in that two posts had not been included in the paragraph on organisational change arrangements (paragraph 14). These were: the Head of Partnerships, open ring fence to the Head of Neighbourhoods and the vacant Head of Policy; and the Head of Performance & Policy, open ring fence to the Head of Improvement & Performance and the vacant Head of Policy.

The Leader of the Council proposed that the Appointments Panels for the two Director posts, as considered by General Purposes Committee, be increased in size to 9 members.

**RESOLVED:**

1. That the organisational structure proposed at paragraph 12.5 and detailed at Appendix A of the report be adopted.
2. That the grades proposed at paragraph 13.8 of the report be agreed and implemented from the date of appointment to the various posts.
3. That the organisational change process described at paragraph 14.1 of the report be noted as the Council's standard procedure.

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**13 NOVEMBER 2006**

4. That the arrangements to implement the organisational changes proposed at paragraph 14.4 of the report onwards be agreed.
5. That the resultant Constitutional changes arising from adoption of the Council reshaping report be implemented by officers.
6. That in respect of the establishment of Appointments Panels to interview for the posts of Director of Urban Environment, and Director of Adults, Culture & Community Services, the size of the panels be increased to 9 Members.

**59. MEMBER ALLOWANCES SCHEME (AGENDA ITEM 11)**

All 57 members of the Council declared a personal interest in this item.

On a vote there being 30 for and 27 against it was:

**RESOLVED:**

1. That the basic allowance for Councillors in Haringey be set at £10,000 p.a.
2. That the Special Responsibility Allowance for the Leader of the Council (band 4) be set at £30,000 in addition to the basic.
3. That the bandings for the awarding of Special Responsibility Allowance proposed in paragraph 8 of the report be adopted.
4. That all allowances be increased annually in line with the headline figure for the England Local Government Officers National pay settlement from April 1<sup>st</sup> each year.
5. That an annual allowance for the Mayor be set at £10,000 p.a. and the Deputy Mayor at £2,500 p.a. in addition to the basic allowance.
6. That the increases as detailed in 1-5 above take effect from the 1<sup>st</sup> of the month of agreement by Council (1<sup>st</sup> November 2006).

**60. QUESTIONS (Agenda item 12):**

The Mayor agreed to the admission of this report as urgent business. Under Standing Orders, notice of questions was not requested until eight clear days before the meeting, following which matters raised had to be researched and replies prepared, in order to be given at the meeting.

There were 8 oral questions and 27 for written answer.

**61. THE EXECUTIVE – REPORT NO. 7 & 8 2006- 07 (Agenda Item 13):**

The Mayor agreed to the admission of this report as urgent business. The report was not available at the time of dispatch as the matters contained in it were not considered by the Executive until 31 October and potentially subject to call in up to Thursday 9 November.

The report was urgent because there was a legislative deadline to adopt a Gambling Policy before the end of 2006.

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**RESOLVED:**

1. That reports 7, and 8 of the Executive be received.
2. That the increase in the external borrowing operational boundary for 2006/07 by £17 million be approved and that it be noted that the overall authorised limit would remain as previously approved.
3. That the Statement of Gambling Policy as set out in Appendix A of the report be adopted with effect from 15 January 2007 and published beforehand as legally required.

**62. GENERAL PURPOSES COMMITTEE – REPORT NO. 2 2006/07**

**RESOLVED:**

1. That the amendments to Council Standing Order 43 set out in Appendix 1 to the report be adopted and that Part E.8 of the Council's Constitution be amended accordingly.
2. That the amendments to the Members' Code of Conduct for the Planning Applications Sub-Committee set out in Appendix 2 to the report be adopted and that Part C.4 of the Council's Constitution be amended accordingly.
3. That the amendments to the Scheme of Delegation to Officers set out in Appendix 3 to the report be adopted and that Part F.7 of the Council's Constitution be amended accordingly.

**63. MOTIONS – VARIATION OF ORDER** (Agenda Item 14):

The Council agreed to vary the order of MOTIONS to permit Motion J to be taken first.

**64. MOTION J** (2006/07):

It was moved by Councillor Williams and seconded by Councillor C Harris that:

“This Council resolves:

To move a vote of no confidence in the Executive Member for Housing as provided for in the Councils' Standing Order 28”.

The Motion was put to the vote and declared LOST. There being 26 for and 30 against.

**65. MOTION H** (2006/07)

It was moved by Councillor Haley and seconded by Councillor Jones that:

“This Council resolves to follow over 120 other UK local authorities and sign the new Nottingham Declaration on Climate Change, relaunched at Nottingham on 5 December 2005, and in so doing, this Council acknowledges that:

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- Evidence shows that climate change is occurring.
- Climate change will continue to have far reaching effects on the UK's people and places, economy, society and environment.

This Council welcomes the

- Social, economic and environmental benefits which come from combating climate change.
- Emissions targets agreed by central government and the programme for delivering change, as set out in the UK Climate Change Programme.
- Opportunity for local government to lead the response at a local level, encouraging and helping local residents, local businesses and other organisations - to reduce their energy costs, to reduce congestion, to adapt to the impacts of climate change, to improve the local environment and to deal with fuel poverty in our communities.
- Endorsement of this declaration by central government.

This Council commits itself to

- Work with central government to contribute, at a local level, to the delivery of the UK Climate Change Programme, the Kyoto Protocol and the target for carbon dioxide reduction by 2010.
- Participate in local and regional networks for support.
- Within the next two years develop plans with our partners and local communities to progressively address the causes and the impacts of climate change, according to our local priorities, securing maximum benefit for our communities.
- Publicly declare, within appropriate plans and strategies, the commitment to achieve a significant reduction of greenhouse gas emissions from our own authority's operations, especially energy sourcing and use, travel and transport, waste production and disposal and the purchasing of goods and services.
- Assess the risk associated with climate change and the implications for our services and our communities of climate change impacts and adapt accordingly.
- Encourage all sectors in our local community to take the opportunity to adapt to the impacts of climate change, to reduce their own greenhouse gas emissions and to make public their commitment to action.
- Monitor the progress of our plans against the actions needed and publish the results.

This Council acknowledges the increasing impact that climate change will have on our community during the 21st century and commits to tackling the causes and effects of a changing climate on our borough".

An amendment to the motion was moved by Councillor Butcher and seconded by Councillor Hare proposing:

Delete from "work with central government..." to "...the actions needed and publish the results" and insert:

- Work with central government to contribute, at a local level, to the delivery of the UK Climate Change Programme, the Kyoto Protocol and the target for carbon dioxide reduction by 2010.

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- Participate in local and regional networks for support.
- Within the next 6 months develop plans with our partners and local community to urgently address the causes and the impact of climate change, according to our local priorities, securing maximum benefit for our communities.
- Publicly declare in next 3 months a clear percentage target for cut of green house gas emissions from all authority activities the Council aims to achieve by 2010.
- Assess and report annually the risks associated with climate change and the implications for our services and our communities of climate change impacts and adapt accordingly.
- Become the first port of call for Haringey residents, organisations and businesses seeking help and advise to reduce their impact on climate change.
- Actively encourage all sectors in our local community to take the opportunity to adapt to the impacts of climate change, to reduce their own greenhouse gas emissions and to make public their commitment to action.
- Regularly monitor progress in reducing emissions against targets and publish them regularly in the Chief Executive's Council Performance Report .
- Complete and publish a full and detailed review of all policies and services within 12 months describing their compatibility and contribution in achieving the Council's greenhouse gas reduction target. "

The Amendment was then put to the meeting and declared LOST. There being 26 for and 30 against.

The substantive Motion was then put to the meeting and unanimously declared CARRIED.

**66. MOTIONS I & K (2006/07)**

The remaining two Motions I & K were not heard due the lack of time.

Councillor Adamou  
Mayor

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**COUNCIL QUESTIONS – 8<sup>th</sup> January 2007****Oral Question 1 – To the Executive Member for Housing from Councillor Demirci .**

Can the Executive Member for Housing please outline the plans for Homes for Haringey to implement programmes to combat social exclusion and enhance community cohesion on the housing estates run by Homes for Haringey on behalf of Haringey Council?

**Oral Question 2 - To the Executive Member for Crime and Community Safety from Councillor Vanier.**

Can the Executive Member for Crime and Community Safety comment on the current performance year-to-date in Haringey for crime reduction and how this compares to that of similar and neighbouring boroughs?

**Oral Question 3 - To the Executive Member for Environment and Conservation from Councillor Whyte.**

What was the cost to local taxpayers of the consultation process on the proposed Hornsey CPZ and what criteria was used to decide on a second round of consultation despite the tiny response received from the first round?

**Oral Question 4 - To the Executive Member for Community Involvement from Councillor Bull.**

What have been the results of the recent consultation with readers of *Haringey People*?

**Oral Question 5 - To the Executive Member for Health and Social Services from Councillor Alexander.**

What were the reasons for proposing to close all the Borough's Older Peoples Drop in Centres; what cuts will result from other services as a result of the decision to reprieve the day centres?

**Oral Question 6 - To the Executive Member for Children and Young People from Councillor Griffith.**

Can the Executive Member for Children and Young People comment on the performance of Haringey children and Haringey primary schools in the recently published Key Stage 2 tests?

**Oral Question 7 - To the Executive Member for Health and Social Services from Councillor Rainger.**

What is the latest position regarding future health services on the Hornsey Central Hospital site?

**Oral Question 8 - To the Executive Member for Crime and Community Safety from Councillor Patel.**

Following the Youth Offending Service and Joint Area Review inspections, can the Executive Member for Crime and Community Safety report back on the performance of the Youth Offending Service?

**Oral Question 9 - To the Executive Member for Environment and Conservation from Councillor Butcher.**

Will the Executive Member for the Environment and Conservation apologise to Members of the Council and public for misleading them at the last full Council meeting as to whether Haringey Council sends plastic bottles to China for recycling?

**Written Questions**

**Written Question 1 – To the Executive Member for Finance from Councillor Bloch:**

With regard to procurement the October Programme Highlight Report states “there are concerns about achieving the £2m savings target”. Five of seven project metrics are red which is defined as “progress is well off track...there are major issues which pose immediate threat to the project”. Given this situation why has the project no sponsor and why were officers allowed to cancel the October PPB?

**Written Question 2 – To the Executive Member for Crime and Community Safety from Councillor Alexander:**

What percentage of moving traffic offences and parking tickets issued in Haringey have not been paid over the last three years?

**Written Question 3 – To the Executive Member for Housing from Councillor Baker:**

How are Haringey Council monitoring the management contract with the ALMO, including performance? What resources are put into operating the negotiations with the ALMO as a provider of services, and with relation to Service Level Agreements between the Council and ALMO?

**Written Question 4 – To the Executive Member for Enterprise and Regeneration from Councillor Beacham:**

- i. How many different databases hold information about residents and businesses? Please specify them all and their purpose.



- ii. How many databases need to be updated with a new address or a change of details when someone notifies the council? Please explain the procedure that is in place for all databases held by Haringey to be updated.
- iii. Why did the Planning Service send letters to residents of Fairfield Gardens N8 about a planning application in their area with incorrect addresses?

**Written Question 5 – To the Executive Member for Community Involvement from Councillor Beynon:**

What requirements have arisen that have resulted in the budget proposal for a Community Buildings Manager? Will the Executive Member provide me with a job-description for this post and explain financing and management arrangements?

**Written Question 6 – To the Executive Member for Crime and Community Safety from Councillor Aitken:**

In relation to the Council's parking enforcement contract with Wing Security Ltd, could the Executive Member for Crime and Community Safety please confirm:

- (i) Whether they are licensed by the SIA? If not, why not?
- (ii) Whether they are Members of the Approved Contractor Scheme?
- (iii) Whether contractors who were members of the Approved Contractor Scheme at the time the contract was put out to tender were short listed; if not, why not?
- (iv) Why does the parking scheme at Park Road Swimming Pool, administered by Wing Security on behalf of the Council, not comply with the British Parking Association's Code of Practice?
- (v) How many complaints have been received from vehicle owners in the last two years concerning Wing Security?
- (vi) What representations have been received from the Metropolitan Police regarding Wing Security?

**Written Question 7 – To the Executive Member for Environment and Conservation from Councillor Butcher:**

How much energy is consumed by Haringey Council's traffic lights and how often are they replaced to ensure malfunction? Will the Council consider replacing all new lights with more energy efficient LED lights?

**Written Question 8 – To the Leader of the Council from Councillor Davies:**

To ask the Leader of the Council to detail all verbal and written representations to central government in the last six months over the cost of looking after asylum seekers in Haringey. Have elected Members or Officers from the Council met with Ministers or Civil Servants in the last six months and on what dates did these meetings take place?

**Written Question 9 – To the Executive Member for Housing from Councillor Demirci:**

- i. Can the Executive Member for Housing explain how he is going to reorganise resources in the Housing Service to cover the 2.6 million shortfall in Housing Benefit subsidy, which will occur in April 2007?
- ii. Can the Executive Member for Housing explain for how long the misuse of the Housing Benefit subsidy has taken place, and what this expenditure was used for?
- iii. Does he agree with the Liberal Democrat Group's view that an independent audit by a reputable outside organisation such as Shelter should take place of the Housing Service's expenditure and policies?

**Written Question 10 – To the Executive Member for Crime and Community Safety from Councillor Edge:**

What action will the Council take to prevent lorries using the Western loop of Cranford Way? What are the powers available to the Council?

**Written Question 11 – To the Executive Member for Environment and Conservation from Councillor Engert:**

The Report by Jan Gehl "Towards a Fine City for People, Public Spaces and Public Life" 2004 contains a presumption against guard railings which is supported by TfL and echoed in Haringey's "Streetscape Manual" of 2005; how many metres of pedestrian guard railings has Haringey installed in each month for the years 2004, 2005, and 2006 and at what cost?

**Written Question 12 – To the Executive Member for Crime and Community Safety from Councillor Gorrie:**

If he expects users of the Eastfield Rd N8 Community Centre and Homes for Haringey tenants to endure rat and cockroach infestation over the festive period? When was the last occasion that Eastfield Rd Centre was visited by Pest Control staff and what steps is he taking to clear the backlog of pest control appointments in the Housing Service caused by long-term sickness and outdated approved contractor practices; only one member of staff will be available in parts of December.

**Written Question 13 – To the Executive Member for Environment and Conservation from Councillor Hare:**

With reference to Haringey Parks which achieved Green Flag status this year, could the Executive Member for Environment and Conservation:

- i. Confirm the budget allocated to each park for this financial year?
- ii. Please provide a detailed breakdown of expenditure to date for each of the above parks in connection with achieving Green Flag status in this financial year.

**Written Question 14 – To the Executive Member for Housing from Councillor C. Harris :**

Why did he say at the last meeting of the Full Council that the Home Connections system was to go live on the 27<sup>th</sup> November; what prevented the system from being launched on that date, and will he now stand down.

**Written Question 15 – To the Executive Member for Enterprise and Regeneration from Councillor Hoban:**

In relation to The Bridge NDC Project, could the Executive Member for Regeneration please confirm:

- i. On what basis did the Council decide to set up the NDC as an unincorporated association rather than a legal entity?
- ii. How many other NDC projects in England have been established as unincorporated associations rather than a legal entity?
- iii. Why has The Bridge NDC not produced a set of audited accounts to date, as would be required had it been established as a legal entity?

**Written Question 16 – To the Executive Member for Enterprise and Regeneration from Councillor Mughal:**

Can the Executive Member for Enterprise and Regeneration please provide an update on the status of the lease for Black and Minority Ethnic run business on Lymington Avenue?

**Written Question 17 – To the Executive Member for Environment and Conservation from Councillor Newton:**

Has the Council carried out research into parking schemes that provide a ticketed free parking period, of for example 30 minutes, with any additional longer parking period subject to charge payable at the time of parking? These enforceable schemes are successfully operating in other local authorities. Why was this option not considered for Muswell Hill and Crouch End given that 98% of responses and traders wanted more free parking bays?

**Written Question 18 – To the Executive Member for Enterprise and Regeneration from Councillor Portess:**

Could the Executive Member please confirm the current status of the Bernie Grant Arts Centre with specific reference to the following:

- i. Is the building project on schedule? If not, please give full details of reasons for slippage of the project.
- ii. Are there any problems with the business plan? If so, please provide full details.
- iii. What is the anticipated opening date for the Centre?

**Written Question 19 – To the Executive Member for Children and Young People from Councillor Oatway:**

Will she provide me with a breakdown by year group of all children in Haringey (year 7-11 inclusive) who were without a school place at the beginning of September 2006 and a breakdown in the same categories of all those who are currently (December 2006) without a place. Will she also provide this information broken down by school?

**Written Question 20 – To the Executive Member for Enterprise and Regeneration from Councillor Oakes:**

If he will list all planning applications received in the last two years in Myddleton Rd N22, the outcome of the application and whether agreed through delegated powers or following decision at PASC; what is the Council's current Planning Guidance pertaining to Myddleton Rd?

**Written Question 21 – To the Executive Member for Environment and Conservation from Councillor Rainger:**

What is the Council's gritting policy and schedule for the winter months?

**Written Question 22 – To the Executive Member for Health and Social Services from Councillor Reid:**

Will he acknowledge that the provision of a new GP Surgery was eagerly awaited by the community in Hornsey as part of the proposals for the New River Development; will he confirm that this is still a priority and what steps has he taken to make this a reality?

**Written Question 23 – To the Executive Member for Finance from Councillor Weber:**

Why was a disabled elderly man allowed to go into debt due to overpayment of council taxes because despite many attempts to amend his address details the Council failed to get his rebate cheque to him for some time? Why did the gentlemen not receive an apology when the fault lay with Haringey in not being able to update their own records in a timely and accurate manner?

**Written Question 24 – To the Leader of the Council from Councillor Whyte:**

Given his stated wish to promote local employment opportunities in Haringey will he provide Members with authentic audited records to prove that St James Homes fulfilled the requirement of the Section 106 Agreement with regard to the New River Development regarding employment; namely that 20% of the onsite workforce would be residents of Haringey. Given that such a condition was legal for the New River Development can he please confirm that a similar local employment condition will be included in the Decent Homes Contracts currently out to tender?

**Written Question 25 – To the Executive Member for Environment and Conservation from Councillor Williams:**

To summarise the results of the first stage of the consultation on the Highgate station CPZ review, and to give an assurance that he will subdivide the zone rather than extend it in such a way as to encourage car journeys to the vicinity of the station from those living elsewhere in the zone, as well as use any alterations as an opportunity to address chronic bottlenecks in Southwood Lane caused by badly designed parking bays, as raised many times with the Council by me before.

**Written Question 26 – To the Executive Member for Enterprise and Regeneration from Councillor Winskill:**

Local residents have had a seven year battle against development of the Gladwell Road/Cecil Park “Backlands” site. Following the welcome news that the Planning Inspectorate has rejected a developer’s appeal against the PASC decisions to refuse Planning Permission what measures can the Council deploy to prevent any further applications being considered for the development of the site, thus allowing residents lives to return to normal? The Inspector’s decision contained many points of planning principle; how will these be assimilated into Haringey planning policy to give more fundamental protection to the remaining sites in the West and the many sites in the East that contribute so much to the character of the Borough?

**Written Question 27 – To the Leader of the Council from Councillor Wilson:**

What verbal and written representations has he made to the Secretary of State for Health, the local PCT or any other NHS bodies about the current funding crisis affecting Haringey?

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**REPORT OF THE EXECUTIVE. No. 09/2006-07  
COUNCIL 8 JANUARY 2007**

Chair:  
Councillor George Meehan

Deputy Chair:  
Councillor Lorna Reith

## **INTRODUCTION**

- 1.1 We reported to the Council on 13 November on two matters for decision which we considered at our meeting on 31 October 2006. We now report for information on other items considered at that meeting. For ease of reference the Report is divided into the Executive portfolios.
- 1.2 We trust that this Report will be helpful to Members in their representative role and facilitate a fruitful dialogue between the Executive and all groups of Councillors. These reports are a welcome opportunity for the Executive on a regular basis to present the priorities and achievements of the Executive to Council colleagues for consideration and comment. The Executive values and encourages the input of fellow members.

## **ITEMS OF REPORT**

### **Finance**

#### **2. FINANCIAL PLANNING 2007/08 – 2010/11**

- 2.1 We reported to the Council on 9 October 2006 on a financial strategy we had agreed for the period 2007/08 to 2010/11 and a business planning and budget-setting process. At that time the budget showed a significant gap for the years 2007/08 and 2010/11, with an overall gap of £13.6m over the full four year planning period. This assumed the achievement of pre-agreed savings proposals of £8.2 million. The assumed Council Tax in the projection was an increase of 2.5% in each of the four years and a known grant settlement figure of 2.7% in 2007/08. We have now considered a report which provided an update on financial planning issues and proposed the release of the pre-business plan reviews for consultation and the scrutiny process.
- 2.2 We noted that there were a number of pending Government announcements in respect of financial planning issues, including the comprehensive spending review 2007, the Lyons Review and the White Paper on Local Government, which might have a significant impact on the Council's medium and long term position. We also noted that local financial issues were being managed as planned, and the pre-business plan reviews were scheduled for release to enable consultation and the budget scrutiny process.
- 2.3 Having noted that the Council had significant financial challenges in terms of producing a balanced budget over the planning period we report that we approved the pre business plan reviews.

#### **3. ESTABLISHMENT OF A LONDON WIDE MUTUAL INSURANCE COMPANY**

- 3.1 We considered a report which advised us of proposals to create a London-wide mutual insurance company and of the risks and benefits of participation in the mutual. The report recommended our participation in the mutual, subject to its successful implementation in

2007 and its ability to fulfil the Council's insurance requirements, and that we provide a financial guarantee of up to £1million to assist the establishment of the mutual and enable Haringey to participate as a full member.

- 3.2 We noted that the establishment of LAML presented both risks and benefits for London Authorities. External legal advice obtained concluded that establishing and operating LAML would be within the powers of local authorities. FSA registration for LAML as an insurer was being sought and it was anticipated that this would be obtained by December 2006. Other issues raised in this report should be clarified by April 2007, the deadline for LAML to become operational. We also noted that subject to our support for the proposals, officers would ensure that we participated in the working groups to set up LAML to ensure that any detailed issues or concerns were raised and addressed appropriately.
- 3.3 At the time of our meeting, LAML proposals were still in draft format and there were areas which required further work and clarification. However, if LAML proved to be successful, the Council could benefit both financially and operationally in terms of economies of scale and improved risk management processes which would bring wider benefits to its residents.
- 3.4 We report that we agreed to Haringey's participation in the mutual, subject to its successful implementation in 2007 and confirmation that the new arrangements would provide value for money. We also agreed to provide a financial guarantee of up to £1million to assist the establishment of the mutual and enable the Council to participate as a full member and to agree to nominate the Director of Finance to become a board member of the mutual, subject to appropriate indemnity insurance being provided.

#### **4. TOTTENHAM TOWN HALL AND FORMER CLYDE ROAD DEPOT**

- 4.1 The development of the Town Hall and depot site has always been a part of the Council's wider plans to transform Tottenham and accords with the Tottenham High Road strategy. Hence the Council's resolution to dispose of the site was based upon the following objectives as outlined in the approved development brief for the site:-
- The desire to restore / refurbish the Town Hall and preserve and enhance the character of the Conservation Area.
  - To assist in creating additional employment opportunities in the area.
  - To improve the local environment, through development, to actively benefit the local community.
  - To develop the site to provide for a mix of uses which complement the adjoining Bernie Grant Arts Centre and neighbouring use.
  - To attract further private and public investment and to act as a catalyst for the regeneration of the wider Tottenham Green area.
- 4.2 It was proposed that the site and buildings be offered on a long lease which would allow the Council, as freeholder to have a degree of control and guardianship in the future in accordance with English Heritage's preference for civic buildings. It was considered essential that there was a properly constituted and co-ordinated management scheme for the site and its environs involving the Bernie Grants Arts Centre and the College of North East London.



- 4.3 We have now considered a report which provided a summary of the revised bids received for the refurbishment and redevelopment of the Tottenham Town Hall and former Clyde Road Depot together with an assessment of the bidders as potential development partners. The report asked us to select a private sector development partner in order to secure the conservation and refurbishment of the principal heritage/community areas of the Town Hall and redevelopment of the former Clyde Road depot.
- 4.4 We report that we approved Newlon Housing Trust as the preferred development partner for the refurbishment of the principal heritage/community areas of the Town Hall and redevelopment of the former Clyde Road depot but that, in the event that final terms could not be agreed with Newlon, then London and Quadrant Housing Trust would be the reserve development partner, subject to our further approval. We authorised the Acting Director of Finance, in consultation with the Executive Member for Finance, to negotiate and enter into a development agreement for both the Town Hall and former Clyde Road depot with the preferred partner as detailed in the report. We also granted approval to the formation of a steering group of Council officers to work with the preferred development partner in order to finalise the detailed scheme proposals for the site including key Member level oversight and sufficient community engagement with key stakeholders.

## **Organisational Development and Performance**

### **5. THE COUNCIL'S PERFORMANCE – AUGUST 2006**

- 5.1 We considered a report which set out the routine financial and performance monitoring for August 2006 in the balanced scorecard format. In summary the balanced scorecard showed that for the excellent service perspective 68% of indicators were on target or close to the end of year target at the end August. For 20 of the 31 (65%) customer focus measures, performance targets were being met or close to being met. For financial health 22 of the 32 measures achieved amber or green status meaning for 69% of indicators performance levels were achieving target or being maintained at an acceptable level. Our organisational development /capacity indicators including recent staff survey results showed that for 13 of the 16 (81%) measures, performance was at or close to expected levels. Overall 69% of indicators were achieving or close to achieving target. In addition 58% of indicators have maintained or improved performance since the end of last year.
- 5.2 In summary, based on the August position, the revenue budget showed a projected net overspend of £4.5m and this was 1.23% compared to the approved net budget. However, the latest position showed a reduction to £2.8m as management actions began to take effect. The remaining overspend was due to pressures in Social Services budgets of £2.9m, Children and Young People's Service £1.5m (relating to asylum seekers), partially offset by a £1.6m under spend on homelessness.
- 5.3 We were advised that Financial Regulations required proposed budget changes be subject to our approval. These were shown in the table below and fell into one of two categories:

- budget virements, where it was proposed that budget provision be transferred between one service budget and another. Explanations were provided where this was the case;
- Increases or decreases in budget, generally where notification had been received in-year of a change in the level of external funding such as grants or supplementary credit approval.

5.4 Under the Constitution, certain virements are key decisions. Key decisions are:

- for revenue, any virement which results in change in a directorate cash limit of more than £250,000; and
- for capital, any virement which results in the change of a programme area of more than £250,000.

Key decisions are highlighted by an asterisk in the table.

Period	Service	Key	Amount current year (£'000)	Full year Amount (£'000)	Description
5	All Services	Rev*	336	403	Agency administrative savings arising from agency contract.
5	Children, Housing	Rev	50		Contribution by Children and Families towards the Hearthstone project.
5	Finance	Rev*	4,744	4,744	Realignment of Benefits and Local Taxation expenditure and income budgets. Net nil impact.
5	Chief Executives	Cap	121		New project in CES Strategy budget funded from GOL SSCF Building Safer Communities grant.
5	Chief Executives	Cap*	421		New project in CES Strategy budget funded from GOL SSCF home office grant.
5	Chief Executives	Rev*	1,421		Home Office grant to implement the drug interventions programme in the CES Strategy budget.
5	Chief Executives	Rev	87		Carry forward of approved unspent 2005/06 Additional Workforce grant to CES Strategy budget.
5	Chief Executives	Rev*	586		Home Office Young People substance misuse partnership grant for CES Strategy budget.
5	Chief Executives	Rev	30		London Development Agency grant for Upper Lea Valley programme and research management project for CES Strategy budget.
5	Chief Executives	Rev	13		DWP funding for the job Centre plus scheme in CES Strategy budget.
5	Chief	Rev	146		DAAT budget in CES Strategy reimbursed

	Executives				by PCT Pooled treatment budget.
5	Chief Executives	Rev	177		North London Strategic Alliance carry forward from 2005/06 (£89k) and 2006/07 contributions (£88k) to CES Strategy budget.
5	Chief Executives	Rev	102		North London Transport Forum carry forward from 2005/06 (£62k) and 2006/07 contributions (£40k) to CES Strategy budget.
5	Chief Executives	Rev	169		ODPM Capacity Building Support carried forward
5	Finance	Rev	192	192	Increased income recovery re court costs in the Benefits and Local Taxation budget.
5	Environment	Cap	-140		Reduction in Markfield GAF project in line with PID.

## 6. PROGRAMME HIGHLIGHT REPORT – AUGUST 2006

- 6.1 The Council will be aware that the programme is the vehicle for the delivery of corporately significant projects and projects that are key political priorities. It underpinned the Council's corporate planning process, ensuring that the projects undertaken reflected and helped to deliver Community Strategy and corporate priorities.
- 6.2 The report provided an opportunity to monitor, challenge and support the Council's key projects to ensure that they finished on time, to budget and deliver the outcomes for the community. We considered a report which provided details of all the Council's corporately significant projects, covering the period up to the end of August 2006.
- 6.3 We were informed that a key driver in developing the programme structure had been to improve financial oversight of the Council's key corporate projects. Accordingly, projects were required to report detailed financial information in their project highlight reports each month. In receiving the report we noted that the key areas of financial concern as at the end of August had been –
- Regeneration – Projects had been identified to allocate the remaining £1.6 million of external resources. Agreement to proceed was still required for some projects. This was to be closely monitored by the stream board;
  - Primary Schools – Primary Schools Capital Projects were to be the subject of a separate report to the Chief Executives Management Board in September / October advising on a revised three-year capital programme for the Children's Service.
  - Children's Centres – Further work was required to ensure the detailed spending plan for delivery of the new centres could be funded within the budget available and in the year the funding was available;
  - Updated spending plans for both Primary Schools and Children's Centres were to be the subject of particular scrutiny when presented to the project board as part of the next month's highlight report;
  - Procurement – this project had a target of £2m of savings, equally split over 2005/06 and 2006/07. Only £1.2m had been identified with projects implemented, so there would be a shortfall of £0.8million against the target in 2006/07. This was reported to us within the budget monitoring report.

**N.B.** These highlight reports reflected the position of some of the Council's corporately significant projects as at 31 August 2006 and might have changed in the meantime.

## **Health and Social Services**

### **7. COMMISSION FOR SOCIAL CARE INSPECTION OF HARINGEY MENTAL HEALTH SERVICES**

- 7.1 We considered a report which advised us that the Commission for Social Care (CSC) Inspection of the Council's Mental Health Services had taken place in February 2006. We also received a presentation from Jan Clark and Margaret Allen of the CSC. We noted that the outcome of this inspection was that the Service had been assessed as 'serving some people well' and capacity to improve as 'uncertain'. We noted that the Inspection Report had identified a number of strengths, including
- a consistent approach to business planning at service level;
  - the quality of some Day Services that were valued by service users;
  - and the strength of partnership arrangements.
- 7.2 The Report also reflected issues about the service which were related to the complexity of the mental health system. Formal integration between health and social care in the operational part of the service was a relatively recent development and was not compatible with the national picture. There was goodwill between partners to increase this formal integration and consider the use of Health Act Flexibilities to establish pooled budgets for the operational part of the service. Pooling budgets for commissioning mental health services had also not extended beyond the use of a section 28 transfer of Health funding to be managed by Social Services. Expanding on these developments had not always been practicable given the very particular internal demands in each of the partner organisations. Obtaining partner agreement on a joint commissioning strategy to underpin the agreed joint mental health strategy had been particularly challenging. We also noted that there were also very specific concerns about the commissioning capacity in Social Services and that budget decisions on individual cases were too removed from operations. The action plan produced by our officers and subsequent reorganisation of the department would address these concerns.
- 7.3 We were informed that the other significant areas of concern within the report focussed on the work of the community services, particularly community mental health teams. Assessment and care planning were felt to be of poor quality with risk assessments also being incomplete or not easily accessible in service users' files. This was a central issue which resulted in a recommendation of a comprehensive review of practice and procedures within Community Mental Health Teams (CMHTs) under the Care Programme Approach. There had been a considerable amount of organisational change within CMHT's during the last twelve months; nonetheless effective care co-ordination was a central tenet of good community mental health care and priority would be given to improving this.
- 7.4 Concern expressed by some members of the Mental Health Partnership Board (Local Implementation Team - LIT) had resulted in a review of the Board being undertaken

while disquiet voiced by service users that services were often crisis led and did not offer holistic care would be addressed by the overall review of practice. Issues regarding advocacy, direct payments and access to work/volunteering opportunities had also been highlighted and work was already underway in these areas.

- 7.5 The recent Healthcare Commission Mental Health Improvement Review (October 2006) had evaluated Haringey Mental Health Services as 'satisfactory' overall. Particular strengths were identified in the provision of services for diverse communities while weaknesses were identified within the service user experience of the service and care coordination. These findings were consistent with findings of the CSC Inspection.
- 7.6 We report that we agreed an action plan developed by the Council's Social Services Directorate in response to the CSC Inspection and to support increased integration of statutory service provision as a priority. We sanctioned closer strategic planning with partners across the health and social care economy whilst maintaining a high profile for social care and the wider Council perspective. We also agreed a comprehensive review of the practice, procedures and processes of community mental health services and the use of the action plan as a means to modernise and improve the service, building on its successes in the context of a complex system which required support to improve further.

## **Housing**

### **8. HOUSING INVOLVEMENT STRUCTURES AND THE FUTURE OF AREA HOUSING FORUMS AND HOUSING MANAGEMENT BOARD**

- 8.1 We considered a report which informed us of the need for new housing consultative/involvement structures, given the changing nature of tenure in the borough and the creation of Homes for Haringey. The report recommended the development of a new 'Integrated Housing Board', which would replace the Housing Management Board and the Housing Strategic Partnership and allow involvement, consultation and strategic decision making across tenure. Within this overall context, a decision was sought from us on the future of Area Housing Forums and Housing Management Board.
- 8.2 We noted that the report proposed the following mechanisms:
- New involvement structures for Council tenants and leaseholders, which would be delivered by Homes for Haringey. These structures had already been agreed.
  - A strengthening of the link between housing and the Area Assemblies to ensure that cross tenure housing issues were addressed and the links with other Council objectives were made.
  - The development of a new strategic 'Integrated Housing Board' that would give a strategic lead across tenure and reflect the significant contribution that housing makes to the success of wider objectives.
- 8.3 In the context of these changes it was recommended that the following groups be disbanded and aspects of their work taken into the new forums.
- Housing Management Board
  - Area Housing Forums

- 8.4 We also noted that if the principles recommended in the report were agreed, further detailed work and consultation would be carried out on the greater integration with Area Assemblies and the development of the new 'Integrated Housing Board'. This would include a full analysis of resourcing implications.
- 8.5 We report that we agreed in principle to the creation of an 'Integrated Housing Board' subject to consultation being carried out with stakeholders and to more detailed resourcing proposals being developed. We also agreed that the link between housing and the Area Assemblies be strengthened as a way of engaging residents in discussions on housing issues across tenure. We asked that a further report be submitted to us on the proposed working relationship vis a vis the Integrated Housing Board and the Area Assemblies and instructed that pending clarification of the proposed new arrangements outlined above the Area Housing Forums and Housing Management Board continue to operate as present.

## **Enterprise and Regeneration**

### **9. DRAFT TOTTENHAM HALE URBAN CENTRE MASTERPLAN AND SUSTAINABILITY APPRAISAL**

- 9.1 The Council will be aware that following a successful bid by the London Development Agency (LDA) for "Sustainable Communities" Growth Area Funding: Round1, the LDA, in association with a client group comprising the Council, the Greater London Authority and Transport for London, commissioned the production of a Master Plan for the regeneration of the Tottenham Hale area. The client partnership intended that Tottenham Hale should be recognised as a landmark location at the point of entry to the east of the borough, with a sound base for investment and job creation. In town planning terms, the status of the area would change from predominantly industrial and employment uses, to that of residential-led mixed-use and mixed-tenure.
- 9.2 We considered a report which advised us that the purpose of creating a Master Plan was to provide an overarching template to guide future applicants, provide coherence and connectivity between the six main development sites, define a set of urban design principles and ensure that the appropriate physical and social infrastructure was commissioned. Tottenham Hale, with its important public transport interchange, would become a key gateway location into Haringey, the Upper Lea Valley and London for those travellers arriving via Stansted Airport. Given its important London Plan status as a major Opportunity Area, the 39 hectare area would be well-placed to deliver new landmark buildings, sustainable, mixed-use development appropriate to its location and accessibility by public transport
- 9.3 We noted that the Draft Tottenham Hale Urban Centre Master Plan and accompanying Sustainability Appraisal had been the subject of public consultation during July and August, as part of the statutory consultation process. The consultation had attracted over 330 comments from 30 respondents. These comments had been considered and taken into account and, where appropriate, the Master Plan and Sustainability Appraisal had been amended.

- 9.4 We report that we noted he proposed amendments and agreed that the amended Draft Tottenham Hale Urban Centre Master Plan and Sustainability Appraisal be adopted as a Supplementary Planning Document (SPD).

## **Leader**

### **10. ACTIONS TAKEN UNDER URGENCY PROCEDURES**

- 10.1 We were informed of the following actions which involved key decisions taken by Directors in consultation with Executive Members. Those items which contain exempt information are marked ♦

#### **♦Stoneleigh Road - Award of Contract**

Approval to award the contract for the construction contract services on the Stoneleigh Road project to Breyer Group Ltd. in the sum of £1,115,252.86.

### **11. DELEGATED DECISIONS AND SIGNIFICANT ACTIONS**

- 11.1 We were informed of significant actions which involved expenditure of more than £50,000 taken by Directors under delegated powers. Those items which contain exempt information are marked ♦

#### **Assistant Chief Executive Access**

♦ IT In-sourcing Programme - Award of contracts to both Certes and Harvey Nash to undertake the external recruitment process for the organisational restructure of IT Services.

#### **Assistant Chief Executive Strategy**

Groundwork Trust – This is a contract to engage with 3 or 4 Council services to deliver 8 pilot projects as part of a wider review, seeking to establish the need for the set up of a Groundwork Trust in Haringey. Total cost of the contract £127,000.

NLL (North London Limited) – This is a contract on behalf of Haringey/Enfield/Waltham Forest and the NLSA (North London Strategic Alliance) for the appointment of a consultant in relation to the Upper Lee Valley Vision Project. Total cost of the contract £117,500.

Northumberland Park School – Approved under Measure 1a of the Prospectus, this will provide an improved vocational offer for Year 10 and Year 11 pupils. £200,000 grant funded.

Positive Employment – Approved under Measure 1b of the Prospectus, this will deliver job brokerage services to support CoNEL students into employment. £100,000 grant funded.

Talent At Work – Approved under Measure 2a of the Prospectus, this will deliver job brokerage services in Haringey based Council services. £200,000 grant funded.

Haringey Teaching Primary Care Trust – Approved under Measure 2b of the Prospectus, this will deliver job brokerage services in Haringey based GP surgeries. £200,000 grant funded.

HAVCO – Approved under Measure 3 of the Prospectus, this will deliver 150 work placements and 30 FTE job opportunities. £100,000 grant funded.



Chair:  
 Councillor George Meehan

Deputy Chair:  
 Councillor Lorna Reith

## **INTRODUCTION**

- 1.1 This report covers matters considered by the Executive at our meeting on 21 November 2006. For ease of reference the Report is divided into the Executive portfolios.
- 1.2 We trust that this Report will be helpful to Members in their representative role and facilitate a fruitful dialogue between the Executive and all groups of Councillors. These reports are a welcome opportunity for the Executive on a regular basis to present the priorities and achievements of the Executive to Council colleagues for consideration and comment. The Executive values and encourages the input of fellow members.

## **ITEMS OF REPORT**

### **Organisational Development and Performance**

#### **3. PROGRAMME HIGHLIGHT REPORT – SEPTEMBER 2006**

- 3.1 The Council will be aware that the programme is the vehicle for the delivery of corporately significant projects and projects that were key political priorities. It underpinned the Council's corporate planning process, ensuring that the projects undertaken reflected and helped to deliver Community Strategy and corporate priorities.
- 3.2 The report provided an opportunity to monitor, challenge and support the Council's key projects to ensure that they finished on time, to budget and deliver the outcomes for the community. We considered a report which provided details of all the Council's corporately significant projects, covering the period up to the end of September 2006.
- 3.3 We were informed that a key driver in developing the programme structure had been to improve financial oversight of the Council's key corporate projects. Accordingly, projects were required to report detailed financial information in their project highlight reports each month. In receiving the report we noted that the key areas of financial concern as at the end of September had been –
  - Primary Schools – Due to concerns about the current programme and finances, Primary Schools Capital Projects were to be the subject of a separate report to the Chief Executives Management Board and to us advising on a revised three-year capital programme for the Children's Service.
  - Children's Centres – Further work was required to ensure the detailed spending plan for delivery of the new centres could be funded within the budget available and in the year the funding was available;
  - Procurement – This project had a target of £2m of savings, equally split over 2005/06 and 2006/07. Only £1.2m had been identified with projects implemented, so there would be a shortfall of £0.8million against the target in 2006/07. This was reported to us within the budget monitoring report.

**N.B.** These highlight reports reflected the position of some of the Council's corporately significant projects as at 30 September 2006 and might have changed in the meantime.

#### **4. THE COUNCIL'S PERFORMANCE – SEPTEMBER 2006**

- 4.1 We considered a report which set out the routine financial and performance monitoring for September 2006 in the new balanced scorecard format.
- 4.2 In summary the balanced scorecard showed that for the excellent service perspective 69% of indicators were on target or close to the end of year target at the end September. For 24 of the 36 (67%) customer focus measures, performance targets were being met or close to being met. For financial health 22 of the 31 measures achieved amber or green status meaning for 71% of indicators performance levels were achieving target or being maintained at an acceptable level. Our organisational development /capacity indicators including staff survey results showed that for 17 of the 18 (94%) measures, performance was at or close to expected levels. Overall 72% of indicators were achieving or close to achieving target. In addition 69% of indicators had maintained or improved performance since the end of last year.
- 4.3 The scorecard appendix also included for the first time some estimated top quartile data so that progress could be assessed not only against the targets we set but in terms of how we compared with others and how close we were to attaining what we ultimately were aiming to achieve.
- 4.3 With regard to finance monitoring, in summary, based on the September position, the revenue budget showed a balanced position. Net variations of £1.1 million made up of the cost pressures in Social Services budgets of £2.4 million, Asylum Seekers of £0.9 million, and underspends of £2 million on homelessness and £0.2million in Chief Executives Service, would be offset by a proposed virement from the service development / contingency for 2006/07.
- 4.4 We also approved a number of virements. Under the Constitution, certain virements are key decisions. Key decisions are:
- for revenue, any virement which resulted in change in a directorate cash limit of more than £250,000; and
  - for capital, any virement which resulted in the change of a programme area of more than £250,000.

The virements approved are set out in the following table:

<b>Period</b>	<b>Service</b>	<b>Key</b>	<b>Amount current year (£'000)</b>	<b>Full year Amount (£'000)</b>	<b>Description</b>
6	Chief Executives, Housing,	Rev*	3,300		Asylum Seekers £0.9m Social Services £2.4m Adults & O.People

	Social Services, NSR				<b>Total £3,3m</b>  Met from homelessness underspend of £2 million, Chief Exec £0.2m and from service development contingency £1.1m
6	Chief Executives	Cap*	500		Bernie Grant Centre – additional contribution to meet higher capital costs to be funded from LPSA grant; paragraphs 12.4 to 12.10 refer.
6	Social Services	Rev	37	37	Transfer of budgets from Older People and Adults for two policy and planning assistants within the Policy and Performance Team.
6	Environment	Rev*	626		Budget revised to reflect Planning and delivery grant (PDG) allocation.
6	Children's, Finance	Rev	10	10	Transfer of non staff costs for Children's Finance Team to Corporate Finance
6	Housing	Cap*	-1,144		Reversal of carry forward from 05/06
6	Housing	Cap	42		Additional budget for Recycling Estates (£30k) and for Booster Pumps (£12k) that are funded from monies received.
6	Chief Executives	Rev*	413		SSCF Neighbourhood element monies
6	Environment	Cap*	-1,000		Revision of 06/07 spend profile re Haringey Heartlands Spine Road project.
6	Environment	Cap*	621		Reallocation of £579k of TFL funded schemes to other TFL schemes in our budget and the balance of £42k is new TFL monies.
6	Environment	Cap*	545		Additional budget for Finsbury Park HLF project that is largely funded from HLF monies and the balance of £160k from capital receipts. The capital receipts have been generated due to lower capital spend requirements on the Lordship Rec project (£100k) and on the Parks and Open Spaces project (£60k).
6	Environment	Rev	120		Greenways allocation funded by TFL monies. Highgate Station to Alexandra Palace Station (£60k) and Finsbury Park to White Hart Lane (£60k).
6	HRA		167		Reallocation of managed budgets for grounds maintenance, waste management and pest control.  - pest control “
6	HRA	*	1,913		- waste management “
6	HRA	*	1,233		- grounds maintenance “
6	HRA	*	-3,313		- central recharges “
6	HRA		3		Homes for Haringey proposes to fund

					various environmental works from the management fee budget.  - pest control “
6	HRA		60		- waste management “
6	HRA		70		- grounds maintenance “
6	HRA		45		- landscaping works “
6	HRA		-178		- management fee – retained budgets
6	HRA	*	-732		Leasehold income - an over-recovery of leaseholder income of £732k is forecast. This reflects the recovery of leaseholders' insurance costs. This is offset by a matching overspend in the Retained Budget where the costs have been incurred.
6	HRA	*	1,500		Reallocation of the provision of bad debts from leaseholder income.

**N.B.** The performance report reflected the position at 30 September 2006 and might have changed in the meantime.

## Children and Young People

### 5. COUNCIL'S OWN PROPOSAL FOR THE NEW SCHOOL IN HARINGEY

- 5.1 We reported to the Council on 17 July 2006, that we had agreed that statutory consultation and the competition processes for the new secondary school in Haringey Heartlands under the Education Act 2005 could begin. The first phase of the consultation had finished on 11 August 2006. On 4 September 2006 Statutory Notices had been published inviting bids for the new school. The Notice invited bids from independent promoters to be received by the Council no later than 4 January 2007. On 3 October 2006 a meeting had been arranged by representatives of the Department for Education and Skills (DfES) for interested parties and potential sponsors at The Decorium, in Wood Green. Representatives of the Council had discussed why a new school was needed, listened to comments and answered questions.
- 5.2 We have now considered a further report which set out a Council proposal on which we were invited to comment. The paper set out the Council's bid for a mixed comprehensive community school, to open in September 2010 with specialisms in visual arts and media. Additional specialisms would be in areas of SEN (Autism) and vocational diplomas. The new school would open with six forms of entry and grow until it eventually had eight forms of entry. It will be an 11-16 school, with a roll of 1080 when at full capacity plus an additional 25 places in a special unit for students with autism.
- 5.3 We report that, having noted that the primary objective of the new school would be to advance the best interests of children in Haringey that the outcome of the competition process would be on the basis of merit and that details of potential independent promoters would be available after 4 January 2007, we granted approval to the Council's proposal for the establishment of a community secondary school.

## **6. LEARNER SUPPORT FUND (LSF) POLICY**

- 6.1 We considered a report which advised us that all providers of a Learner Support Fund (LSF) were required to have a written policy on how the Fund was allocated, including an assessment of learners' income and a procedure for learners to appeal if they were refused funding. These policies had to be made widely available and had to apply principles of equality and diversity.
- 6.2 We noted that the Learning and Skills Council gave Haringey a LSF of £10,660, of which 5% (£533) could be applied to offset administrative costs leaving £10,127 to be allocated to those who met the criteria and applied on a first come first served basis. In the last academic year of the 36 applications received, 27 totalling £7,337 had been approved. Two were still pending. The highest payment made was £400 and the lowest was £60, with an average of £253.
- 6.3 We noted that approval of applications would be on a first come first served basis and, as the funds were limited, only those applications who met the criteria, i.e. those living in the Borough who were in receipt of Education Maintenance Allowance (EMA), Free School Meals (FSM), or who had a medical or learning difficulty would be considered. In order to minimise the risk of fraud, applicants would be required to provide their EMA for the year in which they are applying. Their FSM authorisation letter was also required. These two documents carried proof of address as applicants must be resident in Haringey. Applicants would also be asked to provide proof of purchase.
- 6.4 We report that we approved the Learner Support Fund policy as proposed and we delegated authority to the Director of the Children and Young People's Service in consultation with the Executive Member for Children and Young People to agree the Learner Support Fund policy in future years.

## **Social Services & Health**

### **7. MAXIMISING HOUSEHOLD INCOME IN HARINGEY**

- 7.1 In September 2002 we agreed a response to a Scrutiny Review of Benefit Take-Up which had made a number of recommendations to aid improving benefit take-up rates, particularly by improving strategic direction and co-ordination. These recommendations included that an anti-poverty strategy be developed for the Borough and that the Director of Social Services be made the corporate lead officer for income maximisation.
- 7.2 A Review of Advice Funding commissioned by the Council's Voluntary Sector Team published in March 2006 had found that there was "a huge and unmet need" for advice in Haringey. It made a number of recommendations to improve provision, including that consideration should be given to:
- developing an advice strategy with partner organisations;
  - developing a strategic planning and commissioning body with partner organisations;
  - providing greater support for voluntary sector capacity-building;
  - providing welfare rights training to appropriate Council staff; and

- tightening the Council's commissioning criteria to ensure value for money and to minimise capacity and competence issues amongst voluntary organisations commissioned to provide advice.
- 7.3 A study published in October 2006 by London Councils (formerly the Association of London Government) entitled 'Mapping London Voluntary Sector Child Poverty Related Activity' had found that there was a general need across London for all tiers of government to increase focus on the advice sector. Recommended measures included developing understanding and awareness of what services were in place, levelling out provision and making it more accessible, particularly to disadvantaged and vulnerable groups, and ensuring that an appropriate range of specialist advice was available.
- 7.4 In addition to the strategic advantages of improving benefit take-up identified in the Scrutiny Review of Benefit Take-Up, national research had also shown that:
- not only was benefits income mostly spent locally, but for every extra £100,000 spent at local shops and businesses an extra job was likely to be created within the local economy;
  - provision of debt advice to tenants (especially private sector tenants) could significantly reduce rates of property abandonment; and
  - increases in benefit income resulted in better physical and mental health both 6 and 12 months later.
- 7.5 In our response to the Scrutiny Review of Benefit Take-Up we stressed that it should not be attempted to write a comprehensive "anti-poverty strategy" addressing all the underlying determinants of poverty, because this would inevitably involve duplication of various existing Council and partnership strategies which already addressed different elements of these determinants. However, the absence of any such all-encompassing strategic document meant that:
- it might be hard to gain an overall understanding of the range of work carried out by the Council and partners which impacted upon poverty and social exclusion; and
  - there might not be consistent policy principles behind different initiatives stemming from different service areas.
- 7.6 We considered a report which proposed that the respective sets of recommendations from the Scrutiny Review of Benefit Take-Up and the Review of Advice Funding be taken forward through the development of a single 'income maximisation' strategy and action plan. This would fulfil our decision that a strategy on anti-poverty issues should be "strongly focused on practical action the Council can deliver organisationally and practically". We believe that this approach had the potential to make a significant impact on financial hardship in Haringey over the first three years of the lifespan of the Community Strategy. We noted that, in addition, officers were investigating future development of a broader strategic framework (as opposed to an actual strategy) for anti-poverty and social exclusion initiatives in Haringey which would have the potential to
- identify where gaps existed in current Council and partner activity in this area; and

- establish basic policy principles to inform all future activity.

- 7.7 However, we felt that any such strategic framework should be developed following the completion of the new Community Strategy in order to ensure synergy in further articulating the broad vision of the Council (and its partners) in relation to addressing poverty and social exclusion over the full 10-year lifespan of the new Community Strategy.
- 7.8 We report that we approved the development of a focused 'income maximisation' strategy and action plan to be taken forward as a project to be planned by January 2007, concentrating on improved co-ordination of activity in the areas of welfare rights services and advice provision. In so doing we noted that the development was dependent on ongoing resources being found through the Council's business planning process. We also agreed, in principle, that the future development of a strategic framework for all activity in Haringey which tackled poverty and social exclusion was to follow after the agreement of the new Community Strategy.

## **Housing**

### **8. FORFEITURE PROCEEDINGS AGAINST RESIDENTIAL LEASEHOLDERS**

- 8.1 The Council is the freeholder of and Homes for Haringey (HfH) manages about 4300 residential leasehold flats sold under the Right to Buy. HfH is responsible for collecting the leasehold service charges payable to the Council which may vary between relatively small debts for annual maintenance charges to more substantial debts in respect of the leaseholder contribution to major improvements.
- 8.2 HfH regularly takes County Court proceedings against individual leaseholders to recover unpaid leasehold service charges and once a County Court Judgement (CCJ) has been obtained it is often necessary to take enforcement proceedings to recover the debt. While various procedures are available, the most efficient and cost effective sanction is likely to be forfeiture proceedings. This means that if the debtor fails or refuses to pay the CCJ debt the Council can ask the Court to order that the lease be forfeit and the property returned to Council ownership. The Council's standard Right-to-Buy lease already provides for forfeiture in these circumstances which is a standard procedure in the private sector but which the Council has not hitherto used. The Home Ownership Team (HOT) at HfH has introduced numerous schemes to assist leaseholders who cannot pay.
- 8.3 We report that we approved a policy of taking legal proceedings to forfeit the lease as an enforcement procedure of last resort against residential leaseholders who failed to pay leasehold service charges.

## **Enterprise and Regeneration**

### **9. DRAFT STATEMENT OF COMMUNITY INVOLVEMENT**

- 9.1 We considered a report the purpose of which was to seek our approval for the draft

Statement of Community Involvement (SCI) to go out to consultation with the public and general consultation bodies in accordance with the legal requirement. The draft Statement set out the Council's vision and standards for involving the community and other stakeholders in the preparation, revision and alteration of Local Development Documents which will form part of the Local Development Framework and consideration of planning applications.

- 9.2 We noted that, depending on the comments received from the public and general consultation bodies, the draft Statement of Community Involvement might be amended in the light of comments received. A Statement of Community Involvement would be submitted to the Government Office for London in Spring 2007 for examination by a planning inspector.
- 9.3 We report that we approved the draft Statement of Community Involvement for consultation with the public and general consultation bodies and that we delegated to the Assistant Director (Planning, Enforcement Policy and Performance) in consultation with the Executive Member for Enterprise and Regeneration authority to approve any changes prior to public consultation and publish a public notice of consultation.

## **Environment and Conservation**

### **10. TOTTENHAM HALE CONTROLLED PARKING ZONE EXTENSION AND STONELEIGH ROAD PAY AND DISPLAY SCHEME – REPORT OF STATUTORY CONSULTATION**

- 10.1 We considered a report which summarized the feedback from the Statutory Consultation process carried out in February/March 2006 in connection with the proposed extension to the Tottenham Hale Compulsory Parking Zone (CPZ). We noted that the proposed extension was generally supported by the residents within the proposed area with the Council receiving a majority in support (65%) for the proposals during the informal stage of Consultation. Concerns were expressed during the Statutory Consultation predominantly by the Tottenham Traders Association regarding how the scheme would operate. However, we were informed that the concerns raised were based mainly around the operational times which were supported when the original scheme was implemented and the tariffs set.
- 10.2 We noted that the proposal was in accordance with the statutory legal provisions and we considered that measures designed to discourage the use of the private car for non-essential journeys would reduce congestion and would have a positive effect on residents and businesses within the area. Given the feedback of Statutory Consultation and taking into account the objections received, the report also recommended the extension of the Tottenham Hale CPZ and the implementation of pay and display parking along Stoneleigh Road.
- 10.3 We report that, having noted the feedback of the Statutory Consultation process and in particular the objections received, we agreed the reasons for providing parking controls, authorized the Council officers to make the Traffic Management Order and take all the steps necessary for the extension of the Tottenham Hale and the introduction of the Stoneleigh Road pay and display scheme. We also agreed that residents of the affected area should be notified of our decision by letter.



## Crime and Community Safety

### 11. FINAL HATE CRIME AND HARASSMENT STRATEGY

11.1 We considered a report which advised us that in 2005 Middlesex University had been commissioned to undertake research on the nature and extent of hate crime and harassment in Haringey. This highlighted some of the weaknesses in the Safer Communities Partnership's response to the issue including the need for better co-ordination across agencies; the need for a shared definition of hate crime and harassment and the need to improve the confidence of communities that reports of these incidents were taken seriously and dealt with appropriately. The report proposed a strategy which addressed these findings.

11.2 The Strategy acknowledged key national and local agendas including:

- The Government Respect Action Plan for combating anti-social behaviour which stressed the importance of cohesive communities and asked local authorities to monitor the extent to which people feel they were treated with respect.
- The Community Cohesion Agenda which encouraged breaking down barriers between different ethnic and religious groups

11.3 Priorities for Action: The strategic priorities outlined in the document were defined under five headings. However, we noted that they did overlap and in some cases were dependent on each other. The strategy document provided more detail including SMART targets and clear responsibilities:

*1) Improving Community Cohesion:*

Encouraging the voluntary and community sector (VCS) to work with different communities and promote joint working within the VCS and with the Council, Police and other partners. This includes new funding guidance from the Voluntary Sector Grants Department and co-ordinating the work of this Strategy with developments for a Community Cohesion Strategy.

*2) Long Term Prevention Work:*

Increase social intolerance to hate crime and harassment amongst young people and the wider community. This includes building on work in schools to raise awareness that hate crime and harassment is not tolerated and to promote social disapproval of the issue. This work also includes action to challenge intolerance of difference.

*3) Improving Intelligence:*

Improving the collection and analysis of hate crime and harassment data between the Police, Council's Community Safety Team, VCS, Anti-Social Behaviour Action Team and other relevant partners. It also concerns improving front line agencies' connection with communities to increase community intelligence.

*4) Encouraging Reporting of Hate Crime and Harassment:*

This is about increasing awareness about hate crime reporting methods, publicising the benefits of reporting and improving the Borough's capacity to capture reports and respond suitably through training.

*5) Responding to Hate Crime and Harassment:*

Improving the co-ordination of relevant partners' work in dealing with perpetrators and supporting victims. This includes joint mechanisms for sharing information and making referrals as well as improving front line staff's capacity and understanding of where to refer victims and how to deal sensitively with reports through training.

- 11.4 We report, for information, that we endorsed and supported the proposed approach, priorities and actions and agreed and supported the implementation of the strategy.

**12. YOUTH CRIME REDUCTION STRATEGY**

- 12.1 The Council will be aware that Haringey was one of eleven Boroughs asked by the Government Office for London (GOL) to produce a Youth Crime Reduction Strategy for 2002-2005. This strategy was instrumental in setting up services in the Prevention Team within the YOS. The Scrutiny Review – Reducing Re-offending by Young People recommended that a Corporate Youth Crime Prevention Strategy be developed. The strategy described existing services and defines strategic aims for 2006-2008.
- 12.2 We have now considered a report and accompanying Strategy which defined 5 strategic aims:
1. To build on and improve partnership working.
  2. To reduce re-offending and tackling persistent and high risk offenders.
  3. To reduce child and youth victimisation.
  4. Targeted crime prevention and reduction and early intervention.
  5. To improve consultation and participation with young people.
- 12.3 In agreeing the Strategy we noted that achievement of these aims would involve adopting a multi-disciplinary approach working in conjunction with other key partners and agencies and that the aims would be reviewed regularly by the Youth Crime Reduction Steering Group with oversight by the YOS Partnership Board.

**Leader****13. DRAFT EQUALITY SCHEME**

- 13.1 We considered a report which sought our approval to introduce a generic Equality Scheme which would bring the duties under the various UK anti-discrimination legislation such as on race, gender, disability, religion or belief, age and sexuality under a single strategic policy and operational framework. We noted that when finalised and adopted, the Equality Scheme would signal a move towards a unified and integrated approach to equalities work in Haringey. We also noted that the Scheme had to be introduced by 4 December 2006 to coincide with the coming into force of the Disability Public Duties.
- 13.2 The adoption of the Equality Scheme would have a number of policy implications for the Council -

- It would confirm that Haringey had a generic and integrated approach to equal opportunity, which does not recognise a hierarchy of inequality.
- It would avoid the need to develop a separate equality scheme for each of the strands to which they were public duties.
- At grassroots level, it had the potential to bring together the various equality organisations and promote joint working between them.
- It would provide the Council with a full picture of the equalities agenda as it had developed in last few years and its wider linkage with social inclusion and community cohesion.
- It would provide a single strategic document that would govern equalities work in Haringey and provide the basis for assessing performance that covered a broad spectrum of equality, inclusion and social cohesion issues.

13.3 The Scheme, in its final form would be the product of an extensive consultation process which would involve a wide range of groups in Haringey, including strategic partners, Council staff and organisations covering the six equality strands covered in the Scheme. These would include among others:

- Council staff;
- The Local Strategic Partnership;
- The Race Equality Joint Consultative Committee;
- Haringey Women's Forum;
- Haringey Disabilities Consortium;
- Haringey Faith Forum;
- Haringey Age Concern;
- Gypsies and Irish Travellers;
- Lesbian, Gay, Bisexual and Transgender (LGBT) Network.

13.4 We report that we approved the draft Equality Public Duties Scheme its potential implications for the Council and the consultation scheduled. We also agreed that the Scheme be introduced by 4 December 2006 to coincide with the Disabilities Public Duties coming into force on that date.

#### **14. URGENT ACTION TAKEN IN CONSULTATION WITH EXECUTIVE MEMBERS**

14.1 We were informed of the following actions taken by Directors under urgency procedures following consultation with Executive Members. Those items which contain exempt information are marked ♦

Novation of the IT Customer Relationship Management (CRM) Contract from Serco Solutions Ltd. to Serco Ltd.	♦Approval to the novation of the IT CRM contract from Serco Solutions Ltd. to Serco Ltd. and to proceed to the Council's sealing of the Novation Agreement.
Building Schools for the Future – Outline Business Case	Following discussions with Partnerships for Schools, approval to submission of a revised Outline Business Case seeking a grant of £178,782,000 (up from £165,159,610) from the Department for Education and Skills.
Appointment of Councillor to serve on the Hornsey Town Hall Community Partnership	Approval to the appointment of Councillor Gorrie to serve on the Hornsey Town Hall Community Partnership Board in place of Councillor Winskill.

## **15. DELEGATED DECISIONS AND SIGNIFICANT ACTIONS – MAY 2006**

- 15.1 We were informed of significant actions which involved expenditure of more than £50,000 taken by Directors under delegated powers. Those items which contain exempt information are marked ♦

### **Assistant Chief Executive Access**

Extension to the Capgemini Technical Services contract for the development and support of the Siebel (CRM) application.

### **The Director of Children and Young People's Service**

Developing Further training opportunities to raise quality of nursery education - Agreed two new additional Assessor posts

Establishment Changes – Leaving Care Service - Agreed creation of two permanent posts for 18+care leavers

### **Director of Environmental Services**

Haringey Cycle Training Contract - To award the contract for cycle training in the London Borough of Haringey to Cycle Training UK in the sum of £60,000.

**REPORT OF THE GENERAL  
PURPOSES COMMITTEE No.03/2006-07**

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**COUNCIL 8 JANUARY 2007**

Chair:  
Councillor Eddie Griffith

Deputy Chair:  
Councillor Charles Adje

**INTRODUCTION**

- 1.1 This report to full Council arises from two reports considered by the General Purposes Committee at our meeting on 18 December 2006. Both reports resulted in recommendations from the Committee to full Council. In one case full Council is asked to amend Contract Standing Orders which form part of the Council's Constitution. In the other full Council is asked to revise the Statement of Licensing Policy.
- 1.2 The proposed changes are needed immediately to ensure the proper and lawful operation of the Council's procurement procedures and its Statement of Licensing Policy. They are being recommended to Members now rather than after completion of the ongoing Review of the Council's Constitution.

**ITEMS FOR DECISION FROM THE MEETING OF THE  
COMMITTEE ON 18 DECEMBER 2006**

**2. AMENDMENTS TO CONTRACT STANDING ORDERS**

- 2.1 We received a report on proposed amendments to Contract Standing Orders (CSOs). This report had been received and approved in principle by the Procurement Committee at its meeting on 7 December. We were advised that the changes were needed to secure compliance with European and UK legislation. They would also help to promote voluntary collaboration between local authorities in their efforts to achieve cost savings in procurement.
- 2.2 The full text changes are set out in Appendix 1 to this report and a more convenient comparison between the existing CSOs and the proposals is attached as Appendix 2.
- 2.3 The Head of Procurement when presenting the report withdrew the proposal that the contract value, where it was appropriate to require the sealing of a contract, should be increased from £150,000 to £250,000. We were advised that it would be appropriate to bring the revised CSOs into force with the new central procurement register on 5 February 2007.

- 2.4 We noted that the EU Consolidated Procurement Directive had been transposed into UK law by the Public Contracts Regulations 2006 which replaced all the Regulations previously referred to in CSO 8.01. To ensure compliance with the European Court of Justice decision in “Alcatel”, which requires a standstill period between notifying unsuccessful tenders and contract award, a 10 day period is to be inserted into CSO 8.02. In accordance with the 2006 Regulations, a new procurement procedure known as competitive dialogue is to be included in CSO 8.03(d) and provision is made for electronic tendering and auctions in CSOs 9.06 to 9.09.
- 2.5 We were asked to approve improvements to streamline contract management. In some cases the urgency of works requires the use of “Letters of Intent” which are now to be permitted subject to value limits of 10% of contract value for works and services and £50,000 for supply of goods as proposed in CSO 12.02. CSO 12.09 will make it the responsibility of the Director of Corporate Resources to decide whether a bond is needed for a works contract or whether a parent company guarantee either is needed in respect of contracts with subsidiary companies.
- 2.6 We noted that certain requirements would be strengthened. CSO 12.04(d) provided for compliance with the Council’s insurance requirements for all contract values and CSO 12.04(e) required compliance with the Council’s equalities policies. A new CSO 12.11 is proposed to ensure that the Council can meet its duties to secure CRB checks where services involve children or vulnerable adults.
- 2.7 The report before us recommended changes to clarify certain procedures or improve their logic. A new CSO 6.02 ensures that Contract Standing Orders apply to procurements funded by ring fenced income streams such as grants received by the Council. The wording of CSO 6.9 on Framework and Consortia Arrangements has been clarified. CSOs 11.02 and 11.03 have been amended to reflect the powers of Directors to novate and assign contracts. CSO 11.01(b) would now include “whole life costing methodologies” when assessing the most economically advantageous tender.
- 2.8 We were invited to approve two new procedures. CSO 15 sets out a proper procedure for the disposal of Council assets other than land which are surplus to requirements, damaged or obsolete. We considered that the proposals should be amended to require the approval of The Executive to disposals valued at over £150,000, rather than over £250,000. We agreed CSO 16 which will make express provision for taking genuinely urgent procurement decisions between meetings.

**WE RECOMMEND**

That Council adopt the changes to Contract Standing Orders set out in Appendix 1 to this report and that Part G.3 of the Council's Constitution be amended accordingly with effect from 5 February 2007.

**3. REVISION OF THE STATEMENT OF LICENSING POLICY**

- 3.1 We received a report on proposed amendments to the Council's Statement of Licensing Policy. This is a statutory policy under the Licensing Act 2003 which can only be formally adopted or revised by full Council. It is not part of the Council's Constitution.
- 3.2 Concerns have been expressed about the relationship between licensing decisions and Town Planning controls, especially where public houses, restaurants or night cafes applied for premises licences with hours outside those allowed by the planning permission.
- 3.3 Counsel's Opinion has been obtained which advises that the existing provision in paragraph 8.2 of the Statement of Licensing Policy is not sustainable. The paragraph states that any application for licensing hours will not be considered if the hours applied for exceeded those permitted by Planning controls. Counsel is very clear that the Licensing Committee and Sub-Committees cannot be tied in this way to Planning. Licensing bodies have a duty to reach their own conclusions about the hours and activities that are acceptable when determining contested cases. However, licensing bodies can give appropriate weight to related planning decisions when these are relevant to the licensing objectives.
- 3.4 We noted that applicants for premises licences would still be encouraged to obtain the necessary planning permission for their hours of opening. If they failed to do so they could be subject to Planning Enforcement action, if this was expedient.
- 3.5 Counsel also advises that paragraph 8.1 of the Statement of Licensing Policy requires amendment to reflect the fact that public houses and hot food take-aways are now in a separate Planning Use Class from restaurants and cafes. This is purely technical change to update the Policy.
- 3.6 We were advised that statutory consultation of stakeholders had taken place but no representations had been received in relation to the proposed changes to the Statement of Licensing Policy. We noted that

a report on this matter had been received approved in principle by the Licensing Committee at its meeting on 31 October.

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**WE RECOMMEND**

That Council adopt the amendments to the Statement of Licensing Policy set out in Appendix 3 to this report.



## APPENDIX 1

### PROPOSED CONTRACT STANDING ORDERS

[the words proposed for deletion are shown struck through and the words proposed for addition or insertion are shown in italics and underlined]

#### Part G.3

#### Contract Procedure Rules

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### STATEMENT OF PRINCIPLES

1. The Contract Standing Orders provide the framework rules for the Council's procurement of works, goods and services. Following them will ensure value for money, propriety and the proper spending of public money.
2. The Procurement Code of Practice provides more detail and shall govern Council tendering and contract procedures. The Director of Corporate Resources and Head of Procurement shall maintain and issue the Procurement Code of Practice. Any procurement activity shall proceed in accordance with the Contract Standing Orders the Procurement Code of Practice and all such other guidance issued by the Head of Procurement.
3. The Head of Procurement shall make the latest version of the Contract Standing Orders and the Procurement Code of Practice available to every Director and Member of the Council. Directors or officers acting on their behalf shall apply the requirements of the Standing Orders and the Procurement Code of Practice when engaging in any procurement activity.
4. The purpose of procurement activity shall be to achieve best value in accordance with the Council's statutory or approved objectives. This should include an innovative approach to building partnerships with the private and not-for-profit sectors

within a robust contractual framework. Officers with responsibility for procurement shall ensure that they are able to demonstrate achievement of best value by having regard to a combination of economy, efficiency and effectiveness.

5. Every contract or official order for works, goods or services made by the Council shall be for the purpose of achieving the Council's statutory or approved objectives and shall conform to all relevant English and European Union legislation.
6. Nothing in the Contract Standing Orders or the Procurement Code of Practice shall be construed as removing or diminishing the responsibility of all involved to meet individual and collective accountabilities.
7. Directors shall ensure that the Council Executive or a member of the Executive is consulted on any procurement activity of a controversial nature.
8. Directors must ensure that audit trails are in place for all procurement activity in accordance with the Procurement Code of Practice.
9. No Member shall enter into any contract on the Council's behalf.
10. No Member shall be permitted to become security under any agreement between the Council and a contractor employed by it.
11. Where Haringey Council is the procuring authority, and it is practical to do so, contracts shall be advertised and awarded as a minimum "on behalf of public sector bodies in Greater London".

# CONTRACT STANDING ORDERS

## 1. INTRODUCTION

- 1.01. Procurement decisions are among the most important decisions a manager will make because the money involved is public money and the Council is concerned to ensure that best value goods, works and services are provided. Efficient use of resources in order to achieve best value is therefore an imperative. The Council's reputation is equally important and should be safeguarded from any imputation of dishonesty or corruption.
- 1.02. For these reasons it is a disciplinary offence to fail to comply with Contract Standing Orders and the Procurement Code of Practice when letting contracts and employees have a duty to report breaches of Contract Standing Orders to an appropriate senior manager and the Head of Audit.
- 1.03. Reference should be made to the Procurement Code of Practice for more detailed procurement procedures.

## 2. DEFINITIONS AND INTERPRETATION

- 2.01. These Contract Standing Orders are made pursuant to section 135 of the Local Government Act 1972 and shall come into force with this Constitution.
- 2.02. Unless the context otherwise requires, in these Contract Standing Orders the terms below shall have the meanings ascribed to them.
  - a) **"Director"** means an employee of the Council holding a post designated as Director, Chief Executive or Assistant Chief Executive.
  - b) **"EU"** means European Union.
  - c) **"Executive"** means the Executive of Haringey Council or any other formally constituted Member body operating within the terms of its reference (e.g. the Executive Procurement Committee).
  - d) **"General Manager"** means the person holding the position of General Manager of Alexandra Palace and Park Charitable Trust.

- 2.03. In the event of any conflict between EU law, English law and Council policy, the requirements of EU law shall prevail over English law and the requirements of English law shall prevail over Council policy. ~~In particular caution should be exercised when considering the use of an approved list as this may conflict with EU Procurement legislation.~~
- 2.04. In the event of any doubt as to the interpretation of these Contract Standing Orders, or as to the proper procedure to be followed, reference should be made to the Head of Procurement.

### **3. THE ROLE AND RESPONSIBILITIES OF DIRECTORS**

- 3.01. The Director has responsibility for all contracts tendered and let by his/her Directorate. He/she is accountable to the Executive for the performance of his/her duties in relation to contract letting and management, which are:
- a) to ensure compliance with English and EU legislation and Council Policy;
  - b) to ensure value for money in all procurement matters;
  - c) to ensure compliance with Contract Standing Orders and the Procurement Code of Practice;
  - d) to maintain a departmental scheme of delegation;
  - e) to ensure that all relevant staff are familiar with the provisions of Contract Standing Orders and the Procurement Code of Practice and that they receive adequate training on their operation;
  - f) to ensure compliance with any guidelines issued in respect of these Contract Standing Orders;
  - g) to take immediate action in the event of a breach of Contract Standing Orders or the Procurement Code of Practice within his or her area;
  - h) to keep proper records of all contracts, tenders etc. including minutes of tender evaluation panels and other meetings;

- i) to keep records of waivers of any provision of these Contract Standing Orders;
- j) to make appropriate arrangements for the opening of tenders and their secure retention so as to protect the integrity of the tendering process;
- k) to ensure that the Council's seal is affixed to any document required to be executed as a deed and that where a document is not expressed to be under seal, it is signed by two people as provided for in these Contract Standing Orders;
- l) to ensure original contract documents are forwarded to the Head of Legal Services for safekeeping;
- m) to record all contracts in the Contract Register ~~of the relevant Business Unit~~;
- n) to ensure effective management of all contracts in his/her area and to a level deemed appropriate in regard to risk or value of each contract.

#### **4. THE ROLE AND RESPONSIBILITY OF THE EXECUTIVE AND THE GENERAL PURPOSES COMMITTEE**

- 4.01. The Executive will hold Directors accountable for any decisions he/she makes under his/her delegated authority or under these Contract Standing Orders.
- 4.02. The General Purposes Committee will keep under review these Contract Standing Orders and recommend amendments to full Council for adoption.
- 4.03. ~~The Executive will award contracts valued over £250,000 (two hundred and fifty thousand) provided that the award of any contract valued over £3,000,000 (three million) is a 'key decision' and as such must be in the Council's forward plan and comply with the other procedures in that regard set out in the Constitution.~~

#### **5. CALCULATION OF CONTRACT VALUES**

- 5.01. Directors must ensure that a pre-tender estimate of anticipated costs is prepared and recorded in writing. Where EU Public

Procurement rules apply, Directors must also ascertain the value of a contract in accordance with those rules.

- 5.02. Unless otherwise specifically provided, ~~where a value or an estimated value is given~~ reference to contract value or an estimated contract value in these Contract Standing Orders it means the aggregate value payable in pounds sterling exclusive of Value Added Tax over the entire contract period.
- 5.03. Contracts must not be artificially under or over estimated or divided into two or more separate contracts where the effect is to avoid the application of Contract Standing Orders or EU legislation.

## **6. SCOPE OF CONTRACT STANDING ORDERS**

- 6.01. These Contract Standing Orders shall apply to all contracts "for the procurement by the Council of works, goods and services" unless otherwise expressly stated or these requirements are waived in accordance with paragraph 7.
- 6.02. Where the Council secures funding from an external funding body, and the funding is conditional upon the grant monies being used to facilitate service delivery, Contract Standing Orders shall apply to procurement by the Council of the works, goods, and services to facilitate the service delivery.
- 6.03. Where a contract has an estimated value of less than £5000 (five thousand), the relevant Director should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.
- 6.04. Where a contract has an estimated value of more than £5000 (five thousand), but less than £25,000 (twenty-five thousand) quotations should be obtained or the tender procedure followed. However the Director may decide that such processes are not appropriate in order to secure value for money for the Council. If that is the case, the Director may determine another process of selecting a contractor which will meet best value criteria. The decision and process must be properly documented.
- 6.05. Except as otherwise provided, contracts with an estimated value of more than £25,000 (twenty-five thousand) must be let following a competitive tendering process in accordance with the procedures set out in these Contract Standing Orders and

any guidelines or Codes of Practice issued from time to time under these Contract Standing Orders.

- 6.06. No contract shall be let unless the expenditure involved has been fully considered and approved and sufficient money has been allocated in the relevant budget.
- 6.07. It shall be a condition of any contract between the Council and any person (not being an Officer of the Council) who is required to ~~supervise~~ manage a contract on the Council's behalf that, in relation to such contract, he/she shall comply in all respects with the requirements of these Contract Standing Orders as if he/she were an employee of the Council.
- 6.08. These Contract Standing Orders shall not apply to contracts of employment, or to contracts relating to any interest in land. For the avoidance of doubt, there are excluded from these Contract Standing Orders any agreement relating to the provision of nomination rights to housing, collateral management arrangements in respect of social housing and the acquisition of rights or benefits pursuant to the Council's Private Sector Temporary Accommodation Leasing Scheme.

#### **Framework and Consortia Arrangements**

- 6.09. Subject to the provision of CSO 6.10, these Contract Standing Orders shall not apply where the Council procures particular goods, services or works:
- a) as part of a group of public sector bodies contracting with one or more contractors (consortium arrangement), provided the contract standing orders of one of the public sector bodies constituting the group and/ or any applicable EU Regulations have been followed, or
  - b) by selecting one or more contractors ~~using~~ from a Framework or similar arrangement (including approved lists), established by a public sector body ~~or bodies~~ in accordance with the contract standing orders of that public sector body and/ or any applicable EU regulations.

~~where the contractor selection has gone through a tender process using the~~

~~standing orders of a public sector body or otherwise on a basis designed to achieve best value~~

- 6.10 The Council's decision to enter into a contract with the recommended contractor must be made in accordance with Contract Standing Orders 11.02 to 11.04.
- 6.11. The Council shall observe these Contract Standing Orders where it procures goods, services and works for the benefit, or on behalf of, other public bodies.

### **Education Schools**

- 6.12. *In accordance with the requirements of the Council's Scheme for Financing Schools, and the Financial Regulations for Schools*, ~~For the avoidance of doubt~~, these Contract Standing Orders apply to all schools within the London Borough of Haringey. A school's governing body shall have the powers and duties of a Director specified in these Contract Standing Orders, except in relation to waiver (paragraph 7.02).

### **~~Social Services Care Contracts for Individuals~~**

- 6.13. Social Services and *the Children and Young People's Service* care contracts may be 'block' contracts (where a number of beds, places or services are provided by the contractor **at pre-agreed pricing schedules**, to which the Council may refer users over the contract period) or 'spot' contracts (one-off contracts meeting an individual user's needs, or contracts where a number of beds, places or services are provided by the contractor **without pre-agreed prices**, such prices to be agreed upon each referral of a user over the contract period). The Directors of Social Services and *the Children and Young People's Service* will seek to maximise the use of block contracts where this represents best value for the Council. The following provisions shall apply to Social Services and *the Children and Young People's Service* care contracts:
- a) All Contract Standing Orders apply to block contracts;
  - b) Contract Standing Orders 8, 9, 10 and 11 (in relation to tender procedures and formation of contract) **shall not apply to spot contracts**;
  - c) The Directors of Social Services and *the Children and Young People's Service* may award all spot contracts, which shall be reviewed at least annually as part of the



review of whether the service provided continues to meet the needs of the service user;

- d) The Directors of Social Services and the Children and Young People's Service shall provide monthly reports to the relevant Executive Member and a quarterly report to the Executive detailing the nature, extent and value of spot contracts entered into in the previous quarter.

### **Alexandra Palace and Park**

6.14 These Contract Standing Orders apply to the procurement of works, goods and services by or on behalf of Alexandra Palace and Park Charitable Trust on the following basis:

- a) The General Manager shall have the powers and duties of a Director specified in these Contract Standing Orders;
- b) The Alexandra Palace and Park Board and Panel shall have the powers and duties of the Executive and an Executive Member specified in these Contract Standing Orders;
- c) In the event of any conflict, the requirements of the Charities Act 1993, any regulations made under that Act or charity law in general shall prevail over the provisions of Contract Standing Orders.

## **7. WAIVER OF CONTRACT STANDING ORDERS**

7.01. Where these Contract Standing Orders apply to a contract (see CSO 6 above) any individual provision in ~~them~~ Contract Standing Orders other than paragraph 8.01 (which relates to EU procedures) may be waived by the appropriate person specified in paragraph 7.02 on the basis set out in paragraph 7.03.

7.02. Subject to paragraph 7.05, a waiver of a provision of these Contract Standing Orders may be agreed by:

- a) the Executive; or
- b) a Director where the contract value is £50,000 (fifty thousand) or less (save that the Director shall not have authority to waive any of the provisions of Contract Standing Order 12 which relate to conditions applying to contracts unless expressly stated in CSO 12); or

- c) an Executive Member where the contract value is between £50,000 (fifty thousand) and £250,000 (two hundred and fifty thousand).
- 7.03. A waiver may be agreed by the appropriate person if they are satisfied after considering a written report by the appropriate officer that the waiver is justified because:
- a) the nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is demonstrated to be such that a departure from the requirements of Contract Standing Orders is justifiable; or
  - b) the contract is for works, goods or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen; or
  - c) the circumstances of the proposed contract are covered by legislative exemptions (whether under EU or English law); or
  - d) it is in the Council's overall interest; or
  - e) there are other circumstances which are genuinely exceptional.
- 7.04. A record of the decision approving a waiver and the reasons for it must be kept and an entry made in ~~the appropriate~~ a central register maintained and monitored by the Head of Procurement.
- 7.05. Where a waiver of Contract Standing Orders is sought for the second time in relation to the same contract, then regardless of the value of the contract, that waiver may only be agreed by the Executive.

## **8. TENDER PROCEDURES**

8.01 Where the value of a works, goods or services contract is equal to, or exceeds, the applicable threshold set out in ~~respect of the Public Works Contracts Regulations 1991, the — Public Supply Contracts Regulations 1995 or the Public Services Contracts Regulations 1993 (whichever is relevant) and the Regulations require open competition the Public Contracts Regulations 2006, then the relevant~~ the provisions of those Regulations shall govern the tendering process and paragraph 8.02 shall not apply and shall take precedence over the provisions of these Contract Standing Orders in the event of any conflict.. Where

~~the subject matter of the contract is exempt from EU tendering requirements paragraph 8.02 shall apply.~~

8.02. In respect of contracts to which CSO 8.01 apply, all bidders must be notified in writing of a tender selection decision by the Council at least 10 (ten) calendar days prior to the proposed contract award date. Where the last day of this ten-day notice period falls on a non-working day, the period must be extended to the next working day.

8.03 Where tenders are to be invited ~~(other than in accordance with the open competition requirements of the regulations referred to in paragraph 8.01)~~ the procedure to be followed shall be determined prior to advertising and shall be one of the following:

- a) open tender (all interested contractors submit a tender in response to an advertisement);
- b) restricted procedure (expressions of interest from interested contractors in response to an advertisement, with a selection of those contractors being invited to submit a tender);
- c) negotiated procedure (expressions of interest from interested contractors in response to an advertisement, with a selection of those contractors being invited to negotiate);
- d) competitive dialogue (expressions of interest from interested contractors in response to an advertisement, followed by dialogue with a selection of those contractors to identify a solution (or solutions) which meets the Council's requirements, and an invitation to the selected contractors to submit tenders based on the solution/s resulting from the dialogue);
- e) where a Framework arrangement (including approved lists) exists in respect of the subject matter, tenders shall be invited using the Framework arrangement from all capable contractors having regard to the principles of best value.

## **9. RECEIPT AND OPENING OF TENDERS**

9.01. Contractors must be informed that their tenders will only be considered if they are:

- a) sent in a plain envelope or parcel with a label on which is printed the word "Tender" followed by the subject of the contract; and
- b) contained in a sealed envelope or parcel which does not show the identity of the tenderer in any way; and
- c) delivered to the place and by the time stated in the tender invitation.

9.02. Tenders which do not meet the requirements of Contract Standing Order 9.01 may only be considered if the other tenders have not yet been opened and:

- a) failure to comply is the Council's fault; or
- b) a tender is late, and it is clear without any contact with the contractor that the tender was sent in such a way that in the normal course of events it would have arrived on time.

9.03. In accordance with the responsibilities set out at CSO 3.01 (j), tenders must be

kept safe until the time for their opening by ~~an~~ the officers given this duty by the Director responsible for the tendering process. Records of non-compliant bids and of the time and date of receipt of all unopened tenders must be kept by ~~that~~ those officers.

9.04. Tenders for a particular contract must be opened at the same time in the presence of two officers who ~~are employed in teams not involved~~ have had no involvement in the tendering process. These officers ~~are~~ shall be responsible for properly recording the price, duration of any works and all other relevant details of each opened tender.

9.05. The Head of Procurement must approve the training and seniority of all officers employed to open tenders and also the arrangements in each Directorate for ensuring the independence of such officers from the teams involved in the tendering process.

### **E-Tendering**

9.06 ~~Tenders may be received electronically~~ Invitations to tender may be dispatched, and tenders received, by electronic means with the prior approval of, and in accordance with a procedure specified by the Head of Procurement.

- 9.07 Tenders received electronically must be stored securely, and must not be accessible until after the closing date in respect of submission of the tenders.
- 9.08 At an appointed time for opening the electronically submitted tenders, two authorised officers who have had no involvement in the tendering process shall access the submitted tender data simultaneously, open the tenders and record the price, duration of any works and all other relevant details of each opened tender.

## **E-Auctions**

- 9.09 In appropriate cases, the submission of prices for a tender may be conducted by e-auction using an on-line facility, with the prior approval of, and in accordance with a procedure specified by the Head of Procurement.

## **10. POST TENDER NEGOTIATIONS**

- 10.01. Except where the negotiated procedure referred to in paragraph ~~8.02~~ 8.03(c) applies, negotiations after receipt of formal bids or tenders and before the ~~letting~~ award of contract~~s~~ is only permitted:
- (a) with those tenderers submitting the most economically advantageous tender, and
- (b) with a view to obtaining an improvement in content in circumstances which do not put other tenderers at a disadvantage, distort competition or adversely affect ~~adversely~~ trust in the competitive tendering process, and
- (c) ~~may only take place~~ if the prior authority of the Director has been obtained.
- 10.02 ~~In addition~~ There may be circumstances where an officer authorised by the Director may contact a contractor in order to clarify an ambiguous tender. This does not constitute post tender negotiations.
- 10.03. All communication with contractors under this Contract Standing Order must be in writing or recorded in writing.

## **11. TENDER ACCEPTANCE AND CONTRACT FORMATION AWARD**

11.01 Tenders are to be accepted on the basis of either:

- a) The lowest price; or
- b) The most economically advantageous tender (i.e. the tender providing the most benefit to the Council) as determined by such criteria, to include whole life costing methodologies, as are relevant to the type of works, goods or services.

11.02. A Director may award, assign or novate contracts valued at £250,000 (two hundred and fifty thousand) or less.

11.03. Subject to the provisions of paragraph 11.04 and 11.05, ~~the Executive must award~~ all contracts valued over £250,000 (two hundred and fifty thousand) may only be awarded, assigned or novated by the Executive.

11.04. The award of any contract valued over £3,000,000 (three million) is a 'key decision' and as such must be in the Council's forward plan and comply with the other procedures in that regard set out in the Constitution.

11.05. ~~Subject to paragraph 11.06 any~~ Contracts for the supply of energy to the Council valued ~~at~~ over £250,000 may be awarded by ~~the a Director of Finance or~~ in accordance with CSO 6.09. in his/her absence by any other Director. —

~~11.06 The award of contracts under paragraph 11.05 is subject to compliance with paragraph 8.01 and adherence to a robust and market tested process.~~

~~11.07 Requirements for signing contracts are set out in paragraph 12.~~

## **12. CONDITIONS APPLYING TO CONTRACTS**

### **Form and execution of contracts**

12.01. Except as provided in ~~clause CSO~~ 12.02, all contracts above £50 (fifty) in value must be in writing ~~and~~ by way of a document prepared, ~~by~~ or on a basis approved, by the Head of Legal Services.

12.02. Where the works, goods or services to be provided under a contract are required to commence prior to the issuance and

execution of a formal contract, a Director, if satisfied that it is in the Council's best interest in the particular circumstances, may approve issuance of a Letter of Intent pending the issuance and execution of a formal contract. However, the maximum cover afforded by any Letter of Intent shall not exceed 10% of the contract price in respect of works or services contracts, or £50,000 in respect of supplies contracts.

12.03 A contract made in extreme urgency need not be in writing so long as it is confirmed in writing within ~~two~~ four weeks

12.04. Every contract shall specify:

- a) the works, goods or services to be provided or executed;
- b) the price to be paid or the precise method of its ascertainment and a statement of any discounts or other deductions; and
- c) as appropriate, the start and finish dates, or delivery dates, and any maintenance or defects liability period.
- d) compliance with the Council's insurance requirements. The requirement to comply with the Council's standard insurance requirements may only be waived with the Director of Corporate Resource's approval.
- e) compliance with the Council's equality policy.

12.05. A contract up to and including £150,000 (one hundred and fifty thousand) in value does not require sealing-If and should be signed on behalf of the Council, ~~such a contract must be signed~~ by both the relevant Director and the Head of the relevant business unit.

12.06. A contract over £150,000 (one hundred and fifty thousand) in value must be executed on behalf of the Council under seal as a deed.

**Conditions applying to all contracts with value of £25,000 (twenty-five thousand) or more**

12.07 Every contract with a value of £25,000 (twenty five thousand) or more must unless the Head of Legal Services and Director of Finance Corporate Resources agree to the contrary contain clauses to cover the following:

- a) compliance with all applicable legislation;
- ~~b) compliance with the Council's insurance requirements;~~
- b) a prohibition on assignment and/or subletting without the written consent of the Director;
- c) a provision allowing the Council to cancel the contract and recover any resulting loss from the contractor if the contractor does anything which is contrary to the Prevention of Corruption Acts 1889 to 1916 or incites breach of Section 117 (2) of the Local Government Act 1972;
- d) a provision to ensure the Council is protected against the contractor's defective performance by default provisions which are appropriate to the contract;
- e) if the contractor is in breach of contract the Council can do any or all of the following:
  - i. determine all or part of the contract or determine the contractor's appointment;
  - ii. itself perform the contract in whole or in part;
  - iii. recover from the contractor any additional cost resulting from the completion or cancellation of the contract.
- f) if the contractor has obtained or received by whatever means any information which gives or is intended or likely to give the contractor any unfair advantage over any other tenderer (including the Council's own workforce) in relation to the tendering for, and award of, any works/services contract, that the Council shall be entitled to terminate that contract;
- g) that the contractor shall be required to make available to the Council or its auditors such documents or access to information or access to the staff/officers of the contractor as is necessary to conduct any audit investigation into the contract;
- h) that the contractor shall be required to make available to the Council upon request such information the Council considers necessary whether in relation to staff or otherwise, to enable the Council to meet its duties in relation to retendering the contract.



**Conditions applying to all contracts over ~~£150,000~~ £250,000 (~~two one~~ hundred and fifty thousand)**

12.08. Every contract which exceeds ~~£150,000~~ £250,000 (~~one~~ two hundred and fifty thousand) in value must contain clauses to cover the following:

- a) if it is a contract for works, that the Council may require the contractor to provide security for completing the contract in the form of a bond;
- b) that where the contractor is a subsidiary or group company, the contractor may be required to provide a parent or group company guarantee.

12.09 *The decision as to whether or not a bond or parent company guarantee will be required in respect of a contract will ultimately be made by the Director of Corporate Resources, or an officer acting under his/her delegated authority.*

**Conditions applying specifically to computer software contracts**

12.10. All computer software contracts shall contain a clause to the effect that use of the software by the Council's contractors shall not amount to use by a third party for which an additional software licence might otherwise be required.

**Conditions applying specifically to contracts involving Children and Vulnerable Adults**

12.11. *All contracts for the provision of services which may potentially involve either direct contact with children and vulnerable adult or access to their personal records shall contain a provision requiring the service provider (including agents and assigns) to undertake a Criminal Records Bureau check on relevant employees prior to provision of the services under the contract and at appropriate intervals thereafter.*

**13. VARIATIONS AND EXTENSIONS**

13.01. Subject to the provisions of CSO 5, any statutory restrictions and compliance with Financial Regulations, a Director may authorise the following extensions and variations to an existing contract:

- a) Either:

- (i) an extension for a particular period provided for within the terms of the contract (but subject to satisfactory outcomes of contract monitoring, such information having been provided to the relevant Executive Member); or
  - (ii) a single extension of the contract by up to six months, or half the contract term (whichever is less); and
- b) any other variation, and if relevant a consequent change in price, determined in accordance with the contract terms.

13.02. In any other circumstances the Executive may vary or extend a contract providing that to do so is consistent with the provisions of Financial Regulations.

13.03 In addition a Director may authorise variations to a contract where either delay would incur substantial cost penalties to the Council or the proposed variations are unavoidable and/or essential for the contract to proceed or continue, and the additional cost of such variations does not exceed 25% of the value of the contract, up to a maximum of £150,000 (one hundred and fifty thousand). Variations above this level may be authorised by a Director, where the Director considers that circumstances require such authorisation, as long as such variations are reported to the Executive at the earliest opportunity.

13.04. All variations and extensions must be recorded in writing.

#### **14. NOVATIONS (TRANSFERS)**

14.01 In appropriate circumstances the Council may agree to ~~novate~~ ~~(transfer)~~ the novation or assignment of a contract. This decision must be taken based on the value of the contract at the date of award and subject to CSO 11.02 – 11.04. ~~by the Executive for contracts of a value in excess of £250,000 (two hundred and fifty thousand) and by the Director for contracts of a value up to £250,000 (two hundred and fifty thousand).~~

#### **15. DISPOSAL OF ASSETS**

- 15.01 Where Council assets (other than land) are to be disposed of because they are surplus to requirements, damaged or obsolete, reasonable endeavours must be undertaken to realise the residual value of the assets.
- 15.02 Assets having little or no realisable value may be disposed of as waste with the approval of the relevant Head of Business Unit, provided the disposal shall be in favour of recycling wherever possible.
- 15.03 In respect of assets to be disposed of having an estimated value of less than £5,000 (five thousand), the Director concerned should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.
- 15.04 Assets recommended for disposal with an estimated value of more than £5,000 (five thousand), shall be disposed of in such a manner as to secure best value.
- 15.05 Disposal of assets valued at more than £150,000 (one hundred and fifty thousand) must be approved by the Executive.
- 15.06 Under no circumstances shall disposal of Council assets be made to employees of the Council without the prior approval of the Director

## **16. URGENT DECISIONS**

- 16.01 These provisions apply where action needs to be taken urgently on any matter between meetings of the Executive and that action would be outside the powers given to a Director or an individual Executive Member. They may only be used in cases of genuine urgency and not to avoid proper forward planning.
- 16.02 All urgent decisions, including waivers and awards of contract, that are not "key decisions", may be taken by the Chair of the Procurement Committee or in his/her absence by the Leader of the Council.
- 16.03 All urgent decisions, including waivers and awards of contract, that are "key decisions", may be taken by the Leader of the Council in accordance with his/her powers under the Constitution and subject to the statutory "Special Urgency" rules where these apply. In the absence of the Leader, the decision may be taken

by the Chair of the Procurement Committee subject to the same procedures being followed.



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## APPENDIX 2

**Table showing comparisons of the existing text and the proposed text of  
Contract Standing Orders**

<b>Proposed Number</b>	<b>Existing Text</b>	<b>Proposed Text</b>
2  11	<p><b>Statement of Principles</b></p> <p>The Procurement Code of Practice provides more detail and shall govern Council tendering and contract procedures. The Director of Corporate Resources and Head of Procurement shall maintain and issue the Procurement Code of Practice. Any procurement activity shall proceed in accordance with the Contract Standing Orders and the Procurement Code of Practice</p>	<p><b>Statement of Principles</b></p> <p>The Procurement Code of Practice provides more detail and shall govern Council tendering and contract procedures. The Director of Corporate Resources and Head of Procurement shall maintain and issue the Procurement Code of Practice. Any procurement activity shall proceed in accordance with the Contract Standing Orders and the Procurement Code of Practice <a href="#"><u>and all such other guidance issued by the Head of Procurement.</u></a></p> <p><a href="#"><u>Where Haringey Council is the procuring authority, and it is practical to do so, contracts shall be advertised and awarded as a minimum “on behalf of public sector bodies in Greater London”.</u></a></p>
2.03	In the event of any conflict between European Union law, English law and Council policy, the requirements of European Union law shall prevail over English law and the requirements of English law shall prevail over Council	In the event of any conflict between European Union law, English law and Council policy, the requirements of European Union law shall prevail over English law and the requirements of English law

	policy. In particular caution should be exercised when considering the use of an approved list as this may conflict with EU Procurement legislation.	shall prevail over Council policy. <del>In particular caution should be exercised when considering the use of an approved list as this may conflict with EU Procurement legislation.</del>
3.01(m)	to record all contracts in the Contract Register of the relevant Business Unit;	to record all contracts in the Contract Register <del>of the relevant Business Unit;</del>
3.01(n)	to ensure effective monitoring of all contracts in his/her area.	to ensure effective monitoring of all contracts in his/her area <u>and to a level deemed appropriate in regard to risk or value of each contract.</u>
4.03	The Executive will award contracts valued over £250,000 (two hundred and fifty thousand) provided that the award of any contract valued over £3,000,000 (three million) is a 'key decision' and as such must be in the Council's forward plan and comply with the other procedures in that regard set out in the Constitution.	<del>The Executive will award contracts valued over £250,000 (two hundred and fifty thousand) provided that the award of any contract valued over £3,000,000 (three million) is a 'key decision' and as such must be in the Council's forward plan and comply with the other procedures in that regard set out in the Constitution.</del>
5.02	Unless otherwise specifically provided, where a value or an estimated value is given in these Contract Standing Orders it means the aggregate value payable in pounds sterling exclusive of Value Added Tax over the entire contract period.	Unless otherwise specifically provided, <u>reference to contract value or an estimated contract value</u> in these Contract Standing Orders <del>it</del> means the aggregate value payable in pounds sterling exclusive of Value Added Tax over the entire contract period.
5.03	Contracts must not be artificially under or over estimated or divided into two or more separate contracts where the effect is to avoid the application of Contract Standing Orders.	Contracts must not be artificially under or over estimated or divided into two or more separate contracts where the effect is to avoid the application of Contract Standing Orders <u>or EU</u>



		<a href="#">legislation.</a>
6.02		<a href="#">Where the Council secures funding from an external funding body, and the funding is conditional upon the grant monies being used to facilitate service delivery, Contract Standing Orders shall apply to procurement by the Council of the works, goods, and services to facilitate the service delivery.</a>
6.03	Where a contract has an estimated value of less than £5000 (five thousand), the Director should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.	Where a contract has an estimated value of less than £5000 (five thousand), the <a href="#">relevant</a> Director should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.
6.05	Except as otherwise provided, contracts must be let following a competitive tendering process in accordance with the procedures set out in these Contract Standing Orders and any guidelines or Codes of Practice issued from time to time under these Contract Standing Orders.	Except as otherwise provided, contracts <a href="#">with an estimated value of more than £25,000 (twenty-five thousand)</a> must be let following a competitive tendering process in accordance with the procedures set out in these Contract Standing Orders and any guidelines or Codes of Practice issued from time to time under these Contract Standing Orders.
6.07	It shall be a condition of any contract between the Council and any person (not being an Officer of the Council) who is required to supervise a contract on the Council's behalf that, in relation to such contract, he/she shall comply in all respects with the requirements of these Contract Standing Orders as if he/she were an employee of the Council.	It shall be a condition of any contract between the Council and any person (not being an Officer of the Council) who is required to <a href="#">manage</a> a contract on the Council's behalf that, in relation to such contract, he/she shall comply in all respects with the requirements of these Contract Standing Orders as if he/she were an employee of the Council.
6.09	'Framework Arrangements'	Framework <a href="#">and Consortia</a> Arrangements
6.09	These Contract Standing Orders	<a href="#">Subject to the provision of CSO</a>

	shall not apply where the Council procures particular goods, services or works:	<u>6.10</u> , these Contract Standing Orders shall not apply where the Council procures particular goods, services or works:
6.09a)	as part of a group of public sector bodies contracting with one or more contractors	as part of a group of public sector bodies contracting with one or more contractors <a href="#"><u>(consortium arrangement)</u></a> , <a href="#"><u>provided the contract standing orders of one of the public sector bodies constituting the group and/ or any applicable EU Regulations have been followed, or</u></a>
6.09b)	by selecting one or more contractors using a Framework (including approved lists) or similar arrangement, established by a public sector body or bodies, where the contractor selection has gone through a tender process using the Standing Orders of a public sector body or otherwise on a basis designed to achieve best value.	by selecting one or more contractors <a href="#"><u>from</u></a> a Framework or similar arrangement (including approved lists), established by a public sector body <a href="#"><u>in accordance with the contract standing orders of that public sector body and/ or any applicable EU regulations.</u></a>
6.12	<u>Education</u>  <u>For the avoidance of doubt, these Contract Standing Orders apply to all schools within the London Borough of Haringey. A school's governing body shall have the powers and duties of a Director specified in these Contract Standing Orders, except in relation to waiver (paragraph 7.02).</u>	<a href="#"><u>Schools</u></a>  <a href="#"><u>In accordance with the requirements of the Council's Scheme for Financing School, and the Financial Regulation for Schools, For the avoidance of doubt,</u></a> these Contract Standing Orders apply to all schools within the London Borough of Haringey. A school's governing body shall have the powers and duties of a Director specified in these Contract Standing Orders, except in relation to waiver (paragraph 7.02).
6.13	Social services care contracts for individuals	
6.13	Social Services and Children's Services care contracts may be 'block' contracts (where a number	Social Services and Children <a href="#"><u>and Young People</u></a> 's Service care contracts may be 'block'

	<p>of beds, places or services is provided by the contractor <b>at pre-agreed pricing schedules</b>, to which the Council may refer users over the contract period) or 'spot' contracts (one-off contracts meeting an individual user's needs, or contracts where a number of beds, places or services are provided by the contractor <b>without pre-agreed prices</b>, such prices to be agreed upon each referral of a user over the contract period). The Directors of Social Services and Children's Services will seek to maximise the use of block contracts where this represents best value for the Council. The following provisions shall apply to Social Services and Children's Services care contracts:</p>	<p>contracts (where a number of beds, places or services <a href="#">are</a> provided by the contractor <b>at pre-agreed pricing schedules</b>, to which the Council may refer users over the contract period) or 'spot' contracts (one-off contracts meeting an individual user's needs, or contracts where a number of beds, places or services are provided by the contractor <b>without pre-agreed prices</b>, such prices to be agreed upon each referral of a user over the contract period). The Directors of Social Services and <a href="#">the Children and Young People's</a> Service will seek to maximise the use of block contracts where this represents best value for the Council. The following provisions shall apply to Social Services and Children <a href="#">and Young People's</a> Service care contracts:</p>
6.13c)	<p>The Directors of Social Services and Children's Services may award all spot contracts, which shall be reviewed at least annually as part of the review of whether the service provided continues to meet the needs of the service user;</p>	<p>The Directors of Social Services and <a href="#">the Children and Young People's</a> Service may award all spot contracts, which shall be reviewed at least annually as part of the review of whether the service provided continues to meet the needs of the service user;</p>
6.13d)	<p>The Directors of Social Services and Children's Services shall provide monthly reports to the relevant Executive Member and a quarterly report to the Executive detailing the nature, extent and value of spot contracts entered into in the previous quarter.</p>	<p>The Directors of Social Services and <a href="#">the Children and Young People's</a> Service shall provide monthly reports to the relevant Executive Member and a quarterly report to the Executive detailing the nature, extent and value of spot contracts entered into in the previous quarter.</p>
7.01	<p>Where Contract Standing Orders apply to a contract (see CSO 6</p>	<p>Where <a href="#">these</a> Contract Standing Orders apply to a contract (see</p>

	above) any individual provision in them other than paragraph 8.01 (which relates to EU procedures) may be waived by the appropriate person specified in paragraph 7.02 on the basis set out in paragraph 7.03.	CSO 6 above) any individual provision in <a href="#">Contract Standing Orders</a> other than paragraph 8.01 (which relates to EU procedures) may be waived by the appropriate person specified in paragraph 7.02 on the basis set out in paragraph 7.03.
7.02(b)	A waiver.....may be agreed by.....(b) a Director where the contract value is £50,000 or less (save that the Director shall not have authority to waive any of the provisions of CSO 12 which relate to conditions applying to contracts)	A waiver.....may be agreed by.....(b) a Director where the contract value is £50,000 or less (save that the Director shall not have authority to waive any of the provisions of CSO 12 which relate to conditions applying to contracts) <a href="#">unless expressly stated in CSO 12</a>
7.04	A record of the decision approving a waiver and the reasons for it must be kept and an entry made in the appropriate register.	A record of the decision approving a waiver and the reasons for it must be kept and an entry made in <a href="#">a central register maintained and monitored by the Head of Procurement.</a>
8.01	EU procedures Where the value of a works, goods or services contract is equal to or exceeds the threshold set out in the Public Works Contracts Regulations 1991, the Public Supply Contracts Regulations 1995 or the Public Services Contracts Regulations 1993 (whichever is relevant), and the regulations require open competition, then the relevant regulations shall govern the tender process and paragraph 8.02 shall not apply. When the subject matter of the contract is exempt from EU tendering requirements, paragraph 8.02 shall apply.	<del>EU procedures</del> Where the value of a works, goods or services contract is equal to or exceeds the <a href="#">applicable</a> threshold set out in <a href="#">the Public Contracts Regulations 2006, the provision of those Regulations shall govern the tendering process and shall take precedence over the provisions of these Contract Standing Orders in the event of any conflict.</a>
8.02		<a href="#">In respect of contracts to which CSO 8.01 apply, all bidders must be notified in writing of a tender selection decision by</a>

		<a href="#">the Council at least 10 (ten) calendar days prior to the proposed contract award date. Where the last day of this ten-day notice period falls on a non-working day, the period must be extended to the next working day.</a>
8.03	General procedures	<a href="#">General procedures</a>
8.03	Where tenders are to be invited (other than in accordance with the open competition requirements of the regulations referred to in paragraph 8.01) the procedure to be followed shall be determined prior to advertising and shall be one of the following:	<del>Where tenders are to be invited (other than in accordance with the open competition requirements of the regulations referred to in paragraph 8.01) the procedure to be followed shall be determined prior to advertising and shall be one of the following:</del>
8.03d)		<a href="#">competitive dialogue (expressions of interest from interested contractors in response to an advertisement, followed by dialogue with a selection of those contractors to identify a solution (or solutions) which meets the Council's requirements, and an invitation to the selected contractors to submit tenders based on the solution/s resulting from the dialogue); or</a>
9.03	Tenders must be kept safe until the time for their opening by the officers given this duty by the Director responsible for the tendering process.  Records of the time and date of receipt of all unopened tenders must be kept by that Officer.	<a href="#">In accordance with the responsibilities set out at CSO 3.01 (j),</a> tenders must be kept safe until the time for their opening by the officers given this duty by the Director responsible for the tendering process. Records <a href="#">of non-compliant bids and</a> of the time and date of receipt of all unopened tenders must be kept by those officers.
9.06	Tenders may be received electronically with the prior approval of, and in accordance	<a href="#">Invitations to tender may be dispatched, and tenders received, by electronic means</a>

	with, a procedure specified by the Head of Procurement.	with the prior approval of, and in accordance with a procedure specified by the Head of Procurement.
9.07		<u>Tenders received electronically must be stored securely, and must not be accessible until after the closing date in respect of submission of the tenders.</u>
9.08		<u>At an appointed time for opening the electronically submitted tenders, two authorised officers who have had no involvement in the tendering process shall access the submitted tender data simultaneously, open the tenders and record the price, duration of any works and all other relevant details of each opened tender.</u>
9.09		<u>In appropriate cases, the submission of prices for a tender may be conducted by e-auction using an on-line facility, with the prior approval of, and in accordance with a procedure specified by the Head of Procurement</u>
10.01	Except where the negotiated procedure referred to in paragraph 8.02(c) applies, negotiations after receipt of formal bids or tenders and before the letting of contract(s) with those tenderers submitting the most economically advantageous tender, with a view to obtaining an improvement in content in circumstances which do not put other tenderers at a disadvantage, distort competition or affect adversely trust in the competitive tendering process, may only take place if the prior authority of the Director has been	Except where the negotiated procedure referred to in paragraph <u>8.03</u> (c) applies, negotiation after receipt of formal bids or tenders and before the <u>award</u> of contract <u>is only permitted:</u> <u>(a)</u> with those tenderers submitting the most economically advantageous tender, <u>and</u> <u>(b)</u> with a view to obtaining an improvement in content in circumstances which do not put other tenderers at a disadvantage, distort competition or <u>adversely affect</u>

	obtained.	trust in the competitive tendering process, <a href="#">and (c)</a> if the prior authority of the Director has been obtained
10.02	In addition there may be circumstances where an officer authorised by the Director may contact a contractor in order to clarify an ambiguous tender. This does not constitute post tender negotiations.	<del>In addition</del> There may be circumstances where an officer authorised by the Director may contact a contractor in order to clarify an ambiguous tender. This does not constitute post tender negotiations.
11	TENDER ACCEPTANCE AND CONTRACT FORMATION	TENDER ACCEPTANCE AND CONTRACT <a href="#">AWARD</a>
11.01b)	The most economically advantageous tender (i.e. the tender providing the most benefit to the Council) as determined by such criteria as are relevant to the type of works, goods or services.	The most economically advantageous tender (i.e. the tender providing the most benefit to the Council) as determined by such criteria, <a href="#">to include whole life costing methodologies</a> , as are relevant to the type of works, goods or services.
11.02	A Director may award contracts valued at £250,000 (two hundred and fifty thousand) or less.	A Director may award, <a href="#">assign or novate</a> contracts valued at £250,000 (two hundred and fifty thousand) or less.
11.03	Subject to the provisions of paragraph 11.04 and 11.05, the Executive must award all contracts valued over £250,000 (two hundred and fifty thousand).	Subject to the provisions of paragraph 11.04 and 11.05, all contracts valued over £250,000 (two hundred and fifty thousand) <a href="#">may only be awarded, assigned or novated by the Executive.</a>
11.05	Subject to paragraph 11.06 any contract for the supply of energy to the Council valued at over £250,000 may be awarded by the Director of Corporate Resources or, in his/her absence, by any other Director.	Contracts for the supply of energy to the Council valued over £250,000 may be awarded by a Director <a href="#">or in accordance with CSO 6.09.</a>
11.06	The award of contracts under paragraph 11.05 is subject to compliance with paragraph 8.01 and adherence to a robust and market tested process.	<del>The award of contracts under paragraph 11.05 is subject to compliance with paragraph 8.01 and adherence to a robust and market tested process.</del>
11.07	Requirements for signing of	<a href="#">Requirements for signing of</a>



	contracts are set out in paragraph 12.	<del>contracts are set out in paragraph 12.</del>
12.01	Except as provided in clause 12.02, all contracts above £50 (fifty) in value must be in writing and by way of a document prepared by or on a basis approved by the Head of Legal Services.	Except as provided in <u>CSO</u> 12.02, all contracts above £50 (fifty) in value must be in writing <del>and</del> by way of a document prepared, or on a basis approved by, the Head of Legal Services.
12.02		<u>Where the works, goods or services to be provided under a contract are required to commence prior to the issuance and execution of a formal contract, a Director, if satisfied that it is in the Council's best interest in the particular circumstances, may approve issuance of a Letter of Intent pending the issuance and execution of a formal contract. However, the maximum cover afforded by any Letter of Intent shall not exceed 10% of the contract price in respect of works or services contracts, or £50,000 in respect of supplies contracts.</u>
12.03	A contract made in extreme urgency need not be in writing so long as it is confirmed in writing within 2 weeks.	A contract made in extreme urgency need not be in writing so long as it is confirmed in writing within <u>4</u> weeks.
12.04d)		<u>compliance with the Council's insurance requirements. The requirement to comply with the Council's standard insurance requirements may only be waived with the Director of Corporate Resource's approval.</u>
12.04e)		<u>compliance with the Council's equality policy.</u>
12.05	A contract up to and including £150,000 (one hundred and fifty thousand) in value does not require sealing. If signed on behalf of the Council, such a contract	A contract up to and including £150,000 (one hundred and fifty thousand) in value does not require sealing <u>and should be</u> signed on behalf of the



	must be signed by both the relevant Director and the Head of the relevant business unit.	Council, by both the relevant Director and the Head of the relevant business unit.
12.07a)	compliance with all legislation;	compliance with all <a href="#">applicable</a> legislation;
12.07b)	compliance with the Council's insurance requirements;	<del>compliance with the Council's insurance requirements;</del>
12.08	<b>Conditions applying to all contracts over £150,000 (one hundred and fifty thousand)</b>	<b>Conditions applying to all contracts over £250,000 (<del>two</del> hundred and fifty thousand)</b>
12.09		<a href="#">The decision as to whether or not a bond or parent company guarantee will be required in respect of a contract will ultimately be made by the Director of Corporate Resources, or an officer acting under his delegated authority.</a>
12.11		<a href="#">Conditions applying specifically to contracts involving Children and Vulnerable Adults</a>
12.11		<a href="#">All contracts for the provision of services which may potentially involve either direct contact with children and vulnerable adults or access to their personal records shall contain a provision requiring the service provider (including agents and assigns) to undertake a Criminal Records Bureau check on relevant employees prior to provision of the services under the contract and at appropriate intervals thereafter.</a>
13.01	Subject to any statutory restrictions and compliance with Financial Regulations a Director may authorise the following extensions and variations to an existing contract:	Subject to <a href="#">the provisions of CSO 5</a> , any statutory restrictions and compliance with Financial Regulations a Director may authorise the following extensions and variations to an existing contract:
	NOVATIONS (TRANSFERS)	
14.01	In appropriate circumstances the Council may agree to novate	In appropriate circumstances the Council may agree to <a href="#">the</a>

	(transfer) a contract. This decision must be taken by the Executive for contracts of a value in excess of £250,000 (two hundred and fifty thousand), and by the Director for contracts of a value up to £250,000 (two hundred and fifty thousand).	<a href="#">novation or assignment of a contract. This decision must be taken based on the value of the contract at the date of award and subject to CSO 11.02 – 11.04.</a>
15		<a href="#">DISPOSAL OF ASSETS</a>
15.01		<a href="#">Where Council assets (other than land) are to be disposed of because they are surplus to requirements, damaged or obsolete, reasonable endeavours must be undertaken to realise the residual value of the assets.</a>
15.02		<a href="#">Assets having little or no realisable value may be disposed of as waste with the approval of the relevant Head of Business Unit, provided the disposal shall be in favour of recycling wherever possible.</a>
15.03		<a href="#">In respect of assets to be disposed of having an estimated value of less than £5,000 (five thousand), the Director concerned should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.</a>
15.04		<a href="#">Assets recommended for disposal with an estimated value of more than £5,000 (five thousand), shall be disposed of in such a manner as to secure best value.</a>
15.05		<a href="#">Disposal of assets valued at more than £150,000 (one hundred and fifty thousand) must be approved by the Executive.</a>
15.06		<a href="#">Under no circumstances shall disposal of Council assets be made to employees of the</a>

		<u>Council without the prior approval of the Director</u>
16.		<b>URGENT DECISIONS</b>
16.01		<u>These provisions apply where action needs to be taken urgently on any matter between meetings of the Executive and that action would be outside the powers given to a Director or an individual Executive Member. They may only be used in cases of genuine urgency and not to avoid proper forward planning.</u>
16.02		<u>All urgent decisions, including waivers and awards of contract, that are not "key decisions", may be taken by the Chair of the Procurement Committee or in his/her absence by the Leader of the Council.</u>
16.03		<u>All urgent decisions, including waivers and awards of contract, that are "key decisions", may be taken by the Leader of the Council in accordance with his/her powers elsewhere in this Constitution and subject to the statutory "Special Urgency" rules when these apply. In the absence of the Leader, the decision may be taken by the Chair of the Procurement Committee subject to the same procedures being followed.</u>

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## APPENDIX 3

## PROPOSED AMENDMENTS TO STATEMENT OF LICENSING POLICY

[the words proposed for deletion are shown struck through and the words proposed for addition or insertion are shown in italics and underlined]

**8.0 Planning**

8.1 Planning permission is usually required for the establishment of new premises and change of use of premises. Uses that are relevant to licensed premises are set out in the Town and Country Planning (Use Class) Order 1987 (as amended) and include:

- (a) a retail shop, licensed for the sale of liquor for example (A1);
- (b) food and drink sold and consumed on the premises ~~or where hot food is sold for consumption off the premises, including restaurants and bars~~ (A3);
- (c) public house, wine bar or other drinking establishment (A4);
- (d) hot food sold for consumption off the premises (A5);
- (e) assembly and leisure uses, including cinemas, concert halls, dance halls and indoor/outdoor sports and recreation (D2); and
- (f) various "sui generis" uses which do not fall within a use class such as theatres.

8.2 All premises that apply for a licence ~~must have~~ will be encouraged to obtain planning permission for the intended use and hours of operation ~~or be~~ if not already deemed "lawful" for the purposes of planning control. The Licensing Authority will give appropriate weight to relevant Planning decisions and to the views of the Planning Authority on the compliance of the application with the licensing objectives. ~~not consider a new application or variation of conditions if permitted licensable activities on the premises would constitute an unlawful planning use or if the hours of operation sought exceed those authorised by the planning permission. The Licensing Authority will consider a degree of flexibility in this when dealing with applications for provisional statements, which applies to premises still to be constructed or altered for licensing purposes.~~

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