

**MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEE
TUESDAY, 12 MARCH 2013**

Councillors Councillors Winskill (Vice-Chair), Adamou, McNamara, Newton and Rice (Chair)

Apologies Yvonne Denny, Mariatta Ezeji and Evan Reid

Also Present: **Councillors:** Strickland and Meehan
Co-optees: Helena Kania
Officers: Andrew Meek (Head of Emergency Planning and Business Continuity), Spencer Alden-Smith (Borough Commander (Haringey) London Fire Brigade), Chief Superintendent Victor Olisa (Police Borough Commander), Bernadette Marjoram (Assistant Director, Major Projects), David Beadle (Managing Director, NLWA), Tom Hemming (Waste Strategy Manager), Melanie Ponomarenko (Scrutiny), Stephen Lawrence-Orumwense (Legal) and Felicity Parker (Clerk)

MINUTE NO.	SUBJECT/DECISION
OSCO189.	<p>WEBCASTING</p> <p>The Chair welcomed everyone to the meeting and advised that the meeting would be webcast.</p>
OSCO190.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Yvonne Denny and Evan Reid.</p>
OSCO191.	<p>URGENT BUSINESS</p> <p>There was no urgent business to discuss.</p>
OSCO192.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>
OSCO193.	<p>DEPUTATIONS/PETITIONS/PRESENTATIONS/QUESTIONS</p> <p>None.</p>
OSCO194.	<p>EMERGENCY RESPONSE TO MAJOR INCIDENCES</p> <p>The Chair welcomed Andrew Meek (Head of Emergency Planning and Business Continuity), Spencer Alden-Smith (Borough Commander (Haringey) London Fire Brigade) and Chief Superintendent Victor Olisa (Police Borough Commander).</p> <p>Andrew Meek provided some context to the discussion. The incident in August 2011 was the most serious incident to affect the borough in 20 years. There was pressure to deal with the aftermath of the riots, whilst also being mindful that the 2012 Olympics were fast approaching and the borough needed to be prepared for them. The Council response and partnership working following the</p>

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incident was positive.

Spencer Alden-Smith explained that he was not the Borough Commander for Haringey at the time of the riots, however he commented that the emergency services were taken unawares by the scale and widespread of the disturbances. It was a challenging night, with 98 fire engines used, but the policies and training enabled the Fire Service to react well in these circumstances.

Chief Superintendent Olisa stated that the Met Police had acknowledged that the police service was stretched over the period of time of the disturbances. On 8 August 2011, there was no intelligence to suggest that there would be any disturbances on the night. However, it was fortunate that there were a number of extra Police Officers in Tottenham on 8 August due to a football game at White Hart Lane. The incident was policed professionally and used all available resources to contain the disturbance as best as it could be. On days 2 & 3 of the disturbances the Met was able to draft additional officers from other parts of the country to London.

Councillor Winskill praised the efforts of the Council and uniformed services in their responses to the incident. He referred to page 7 of the report, paragraph 2.2.4 and asked how the response may have differed had the disturbances spread to Wood Green.

Andrew Meek explained that there were contingency plans in place to deal with the loss of the Wood Green hub. There was a back up control centre, and plans in place to recover critical services, although it would be more challenging.

Councillor Winskill referred to the Panorama programme on 14 November which stated that 3000 Police Officers were mobilised on 8 August. Councillor Winskill asked why the decision was not taken to send all of those Officers to Tottenham. He asked Chief Superintendent Olisa for an assurance that he would find out whether this number of Police Officers were available and if so, why they were not deployed to Tottenham.

Chief Superintendent Olisa assured Councillor Winskill that he would find out the number of Police Officers who were available. He added that it would be unlikely that the Police force would have 3000 officers on standby when there was a major incident. There were extra officers in Tottenham on the 8 August due to the football and these were used when the disturbances began.

Councillor McNamara asked what could have been done differently on the night, and what key changes had been made since.

Chief Superintendent Olisa explained that Met Police did not have the numbers of Officers available to control the scale of the disturbances across London. If this was to occur again, there would still be a struggle as there were not the numbers available to deal with it. Police could be mobilised from other forces around the country, but this would then leave depleted forces in other areas.

Spencer Alden-Smith explained that a number of reviews had been carried out by the Fire Service and changes had been made to procedures and public order policies. He added that the strategic response arrangements had worked well

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	<p>on the night. Resources for the London Fire Brigade were pan-London, not just for each Borough, so if an incident of this scale were to happen again, there would be the resources to cope with it although it would still be a struggle.</p> <p>Councillor Rice asked of the plans to reduce the number of Police Officers and operational hours of Police Stations in Haringey. Chief Superintendent Olisa explained that the number of Police Officers overall was not going to drop – there would be an increase in the number of Police Constables, but a decrease in the number of Officers at management level. The Police Stations which would be closed were those that were not used and those that could not be cost effectively maintained.</p> <p>Councillor Adamou asked how the recommendations from the reports presented to OSC were being monitored and was informed that at a Council level there was a Risk & Emergency Planning group chaired by the Director of Resources, and at a partnership level there was the Haringey Resilience Forum which has representatives from all statutory partners, chaired by the Director Public Health.</p> <p>Members stated that they did not feel that they had been communicated with regularly, especially Councillors Rice and McNamara whose wards were directly affected. Andrew Meek agreed to look at how this could be improved in the future. He explained that the Council was currently in the process of recommissioning the alerting service provider. Andrew added that it was important to remember that the priority for the first few hours was to deal with the incident on the ground and all non-essential communication would be delayed until this had been dealt with.</p> <p>The Chair thanked Andrew Meek, Spencer Alden-Smith and Chief Superintendent Olisa for attending.</p> <p>Actions</p> <p>Andrew Meek to consider how Ward Members are adequately informed of situations within their wards. ACTION: Andrew Meek</p> <p>Chief Superintendent Olisa to respond to queries about the status given to the riots and the implications on the timing and scale of the deployment of reserves to the Wood Green Area. ACTION: Chief Superintendent Olisa</p>
<p>OSCO195.</p>	<p>TOTTENHAM REGENERATION UPDATE / CABINET MEMBER QUESTIONS</p> <p>The Chair welcomed Councillor Strickland (Cabinet Member for Economic Development and Social Inclusion) and Bernadette Marjoram (Assistant Director, Major Projects).</p> <p>Councillor Strickland updated the Committee on various aspects of his portfolio.</p> <p>NOTED</p> <p><u>Planning Service</u></p>

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- A programme of improvement had begun with the Director of Place and Sustainability to secure the changes that members want to see.
- Following the implementation of the plan and staff changes, performance on major applications improved significantly. Performance so far was up 56% for applications going through in 13 weeks against the Government target of 60%.
- There was a new process for dealing with major applications – special team of officers.
- Design seminars for planning staff were taking place – Members expect the quality of design to go up in borough.
- Councillor Strickland was chairing a cross-party group who were going through current policies.
- There would be a Scrutiny project to look at planning services and how they engage with communities and members.

Culture

- Councillor Strickland was keen to develop a proper plan for borough and was about to start a cross-party group supported by specialist advisor to look at this.

Regeneration across the Borough

- The CrossRail 2 development was a significant opportunity for regeneration. A number of different routes had been discussed.
- Councillor Strickland was working with a consortium to lobby for the Route 'B'.
- It was important that there was a clear and coherent regeneration policy for the whole borough.

Tottenham Regeneration

- Bernadette Marjoram had been appointed to the Council in January 2013. Her work involved updating the Tottenham Plan to integrate the socio-economic aspects. It was important to remember that while the long term plans were being worked through, there would still be local residents living in the area who would be affected by the regeneration.
- Planning permission had been granted for Wards Corner.
- Tottenham Hale - £20m of TFL money had been provided for Tottenham Hale station.
- Good progress had been made in Tottenham so far – Tottenham gyratory work had started, Wards Corner planning permission had been granted, a full time Tottenham High Road manager had been employed and £50k had been allocated for West Green Road.
- The Delivery Plan was in the process of being radically reviewed in order to bring the socio-economic elements into the programme. The new version would be presented to OSC when it has been drafted to open the debate with OSC members.
- A new Comms officer had been appointed to the Regeneration team and a

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strategic communications plan was being worked on.

- A programme for each area was being worked on within the overall plan – this aimed to give greater accountability to what was happening with services within an area e.g. enforcement and waste management.
- Regular meetings take place with partners including the police and HAVCO.

Councillor Newton referred to the plans for 40-50 Council properties in Woodside Avenue, Muswell Hill – an area with an acute shortage of school places – and asked whether the number of school places (or lack thereof) was taken into consideration when looking at potential sites for development.

Councillor Strickland agreed to look into the issue in more detail and report back to Councillor Newton.

ACTION: Councillor Strickland

Councillor Winskill referred to the Full Council debate 18 months ago on the plans for Tottenham Regeneration, and asked what stage the Tottenham Plan was at, who had ownership and what were the landmarks. He also referred to the Lipton report and asked what Councillor Strickland's response was to the recommendations set out in it.

Councillor Strickland explained that after the riots, Ann Lippitt had been appointed as project director for the regeneration along with a small team. The Tottenham Task Force also looked at issues and this led to the development of the Plan. Bernadette Marjoram had since picked up the work started by Ann Lippitt and the team had increased. Bernadette was looking at the plan in a broader sense to build a wider regeneration strategy and delivery plan. Bernadette explained that she was speaking to partners to involve them in the plan, but this involvement required implementing proper arrangements. The Chief Executive was committed to ensuring that the organisation was focussed and wants all services to work together to see what can be done to develop Tottenham.

There was currently no mechanism for complete transparency with regards to what work was being carried out and by whom. This was part of the programme of work carried out by Bernadette to ensure that this information would be available. This would take time to put together due to the organisational challenge.

With regards to the Lipton report, Councillor Strickland explained that the response from the Council was that they would be working with the GLA to look at the challenges. A joint strategic forum had been set up and was chaired by the Leader of the Council and the deputy Mayor. The forum would be tasked with looking at the bigger recommendations in the Lipton report in terms of other governance models.

The OSC raised concerns about a new structure being put in place and requested a short briefing be sent to Members on the new and forthcoming structures relating to Tottenham Regeneration. It was requested that this include the membership and who they were accountable to.

ACTION: Councillor Strickland

Councillor Adamou asked how the Council worked with Housing Associations,

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	<p>especially with regard to those who lost their homes in the riots. Members of the public had reported issues with regarding to being moved about from home to home, not being communicated with and left with a feeling that they had been let down. Councillor Adamou wanted to know how the Council made sure that housing partners were dealing with tenants and housing them in the appropriate way. Councillor Strickland asked for specific details to be sent to him or Bernadette for further investigation.</p> <p>The Chair thanked Councillor Strickland and Bernadette Marjoram for attending.</p>
OSCO196.	<p>NORTH LONDON WASTE AUTHORITY</p> <p>The Chair welcomed Councillor Meehan, David Beadle – Managing Director, NLWA – and Tom Hemming – Waste Strategy Manager.</p> <p>The Chair asked Councillor Meehan to explain some of the background of the NLWA – what is was, who it was responsible to and how it was scrutinised.</p> <p>Councillor Meehan explained that the NLWA was a public authority which had been set up in its' own right following the implementation of The Waste Regulation and Disposal (Authorities) Order 1985. Under this Act, each Local Authority appointed two elected Members to sit on the Board. When sitting on the NLWA Board, members were a representative of the NLWA and not the Local Authority. The Board as a whole makes the decisions. These decisions were made in public (apart from sensitive decisions, i.e. procurement), but there was no scrutiny function.</p> <p>David Beadle added that at the time of setting up the NLWA, 5 other statutory joint waste authorities were also set up. There were links with officers at each borough and a partnership board with technical officers to work through the procurement side of things. Although the decisions were made by the NLWA, a lot of these decisions were presented to Local Authorities, and Members would have the opportunity to discuss and scrutinise these.</p> <p>Councillor McNamara commented that thought needed to go into how OSC could constructively contribute. He made reference to a piece of work undertaken by the Environment & Housing Scrutiny Panel on waste and recycling where panel members had spoken with Bexley – a unitary waste disposal authority where Councillors had a role in scrutinising the waste function. He stated that it was important to speak to other waste authorities to get a sense of how they carried out a scrutiny role.</p> <p>Councillor McNamara also referred to the The Waste Regulation and Disposal (Authorities) Order 1985 and questioned whether this had been superseded by the Local Government Act 2000 which set out the scrutiny arrangements for public organisations. He added that this did not mean that the NLWA did not work, or that they way it worked was wrong but that there needed to be some</p>

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exploration into the scrutiny function of the organisation.

In response to Councillor McNamara, Councillor Meehan stated that it would be simplistic to say that Haringey were not aware of issues or decisions of NLWA. There was a close working relationship between the boroughs and the officers within the NLWA, and decisions were not taken without discussions with the boroughs. With regards to amendments to legislation, there was no decision taken to scrutinise waste authorities.

Stephen Lawrence-Orumwense – Assistant Head of Legal Services – advised that the creation of the NLWA predated the Local Government Act 2000, and the scrutiny function arose from the LGA 2000. If members wished to change the process then representations would have to be made to Parliament or the Secretary of State.

Councillor Rice invited Councillor Solomon to ask questions:

Did Haringey Council go out to tender before it appointed NLWA to dispose of recycling materials? Did it consult with other authorities about this? Is there a record of these consultations?

At the time that the recycling strategy was agreed in 2006, the Council decided to collect their waste in commingled form. After talking with other authorities who collected waste in the same way it was decided that the best route was to use the NLWA to take commingled recycling.

When is the deadline for Local Authorities to sign the Inter Authority Agreement?

The IAA was at a stage where it was more or less in its' final form, subject to agreement of borough tonnages and would be signed off fairly soon.

Who in NLWA is responsible for signing the procurement contract?

A report would be provided to NLWA members and a decision would be made by them.

What is the future liability for Haringey Council arising from a 25 to 35 year procurement contract? discounted to current values? What would be the Base year for the Guaranteed Minimum Tonnage?

The 2010 NLWA Outline Business Case provided a breakdown of the modelled costs used to inform affordability sign-off, including a modelled cost for disposal alone of £562 million over 30 years. This was a nominal figure.

There was no base year as such for GMT, as the forecast tonnage would differ year to year to take allowance of increased recycling rates.

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Please can we have a copy of the contract between NLWA and Barnet Council regarding the sale of the Pinkham Way site. In the case of any confidentiality please state the reasons for this. Was it wise to spend £12m on a site with no planning permission?

Given that the Risk Register acknowledged some planning risk, why did the Authority opt for outright purchase?

A copy of the sale and purchase agreement is publicly available and obtainable from the Land Registry.

With regards to purchasing the site, it was common for contracts to reach a financial close without planning permission and the contractor then pursued planning permission. Another factor was that the NLWA was trying to obtain PFI credits towards the capital costs of the project and one of the requirements was security over sites needed to deliver the proposal. The only option given to NLWA was to purchase the site from Barnet.

What was the relationship to London Waste?

LondonWaste Ltd was set up in the mid 1990s, and is owned by NLWA. The Board of LondonWaste consists of three Executive and four Non-Executive Directors. Arrangements are governed by a shareholder agreement and a governance report provided of each formal meeting.

How is the PWLB loan of £95m to be repaid?

The authority borrowed money to purchase shares in LondonWaste Ltd. The Authority has set aside sums to repay the loans since 2010/11. The Authority has also budgeted for and paid the interest due on these loans.

Councillor Jenks asked for confirmation that Haringey Council's long term liability arising out of a 30 year contract placed by the NLWA would be £563million. Councillor Meehan requested that a written response be provided.

ACTION: Tom Hemming

Response to action

The quoted figure of £563 million is the modelled total cost to Haringey for waste treatment and disposal over a period of 31 years, taken from NLWA's 2010 Outline Business Case (OBC) to Government for PFI credits (available on the NLWA website). This is a nominal figure - not discounted to current values (i.e. it allows for general price level changes over time). Furthermore, the estimated costs is an upper boundary, reflective of the application of 'downside' sensitivities (essentially a 'worse case' scenario). In order to satisfy Defra

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requirements as part of the PFI credit application, Constituent Boroughs were required to acknowledge (but are not bound to) the OBC cost estimates as the potential upper boundary of their share of the NLWA's future waste management costs.

The estimated cost reflects that a PFI route was evaluated as the minimum cost option for council taxpayers at the time of the OBC. Furthermore, the OBC demonstrated that implementing the selected 'Reference Project' option would be over £200 million less over the lifetime of the project than the 'do minimum' option (i.e. essentially relying on landfill). Since the OBC was prepared the Government has announced a further real terms increase in landfill tax, i.e. the per tonne tax on waste which is sent to landfill, so that the comparable savings figure now is nearer £250 million. This is a saving which will effectively be passed on to tax payers.

The competitive procurement process being undertaken by NLWA is designed to achieve costs below the OBC estimates, hence actual future costs to the Boroughs through the NLWA levy are subject to final bids. As revised estimates of future levy changes are received from NLWA, these are included in the Council's medium term financial plan.

It should also be noted that the OBC estimated costs were *not* based on the levying arrangements for apportioning NLWA's costs to Boroughs that it is envisaged will be in place from 2016 under the Inter Authority Agreement (IAA). Under the IAA it is intended that there will be a 'menu pricing' levying mechanism in place, which will replace the existing levying system. The new system will charge Boroughs a cost per tonne - as defined by the NLWA contract - for individual waste streams (residual, recycling, organics etc). This will directly incentivise lower cost recycling over residual treatment/disposal. Hence, the actual future costs to Haringey will depend on the volumes of different types of waste delivered in each year and our ability to maximise the recycling rate.

In terms of 'liabilities' from the perspective of risks of further costs aside from possible variations to the tonnage of waste and recycling delivered by Haringey (which could increase or decrease costs) there are expected to be Guaranteed Minimum Tonnages (GMT) that NLWA will have to meet under its contract from 2016 onwards. The GMT for each waste stream (residual waste, commingled recycling and mixed organic waste) is expected to be 70% of the tonnage forecasts that the Boroughs combined propose to commit to under the IAA, in a given year; meaning that tonnages would have to drop below this level to present any risk to NLWA, and in turn the boroughs, in the form of having to pay for the shortfall as though it had been delivered.

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	<p>Because the GMT is based on the boroughs' combined forecasts, this allows the tonnage from any boroughs which are above their minimum tonnage to compensate for potential under-delivery by another borough. At the same time, as long as the Council does not fall below the 70% threshold for its own individual forecasts it cannot be liable for any GMT costs. Given the allowances Haringey's forecasts make for increased recycling/reduced residual waste, our residual waste levels would have to fall to around half of current levels to present any risks from the GMT that will be in place for residual waste.</p> <hr/> <p>Councillor Rice allowed a member of the public to ask a question:</p> <p>Mr Steven Bryce – Chair of the Pinkham Way Alliance – spoke of the difficulty in forecasting waste, yet the authority had managed to forecast this for the next 30 years and prepared future spend on this forecast. There was also no evidence that value for money comparisons had been carried out.</p> <p>David Beadle explained that forecasting waste was a difficult issue however in order to meet targets set by Europe, treatment capacity needed to be built which required investment. Investment would be a long term arrangement (25 year plus contracts), so forecasting was required.</p> <p>OSC requested that information be sought on how other strategic waste authorities were commissioned, including other joint waste authorities as well as unitary authorities.</p> <p style="text-align: right;">ACTION: Scrutiny Officers</p> <p>Councillor Rice thanked all for attending.</p>
<p>OSCO197.</p>	<p>NORTH CENTRAL LONDON JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE</p> <p>The Committee received the report as set out.</p> <p>RESOLVED that the Committee recommend to Council that the proposed arrangements, amended terms of reference and procedures for the JHOSC be agreed and implemented from the start of the new municipal year, subject to further review in a years' time.</p>
<p>OSCO198.</p>	<p>SCRUTINY PANEL REPORT BACK</p> <p><u>Communities Scrutiny Panel</u></p> <p>Councillor Winskill informed the Committee that the issue of tasers was to be discussed at the CSP meeting next week.</p>

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	<p><u>Adults and Health Scrutiny Panel</u></p> <p>A special AHSP meeting had been held – a full briefing would be provided at the next meeting of OSC.</p> <p><u>Environment and Housing Scrutiny Panel</u></p> <p>Councillor McNamara requested an extra meeting of OSC before 29 April in order for the work carried out by the EHSP to be endorsed and the recommendations put to Cabinet. Councillor McNamara was advised that any extra meetings would be at the discretion of the Chair, and in consultation with the Chief Executive. However, these recommendations could be emailed to OSC members and then could be endorsed at the next meeting on 29 April 2013.</p>
OSCO199.	<p>AREA COMMITTEE REPORT BACK</p> <p>There was nothing to report.</p>
OSCO200.	<p>FORWARD PLAN</p> <p>Following the meeting held between Cabinet and Overview & Scrutiny, Councillor McNamara suggested that work could be done now to prepare for the next meeting in May, regardless of any potential changes in membership to OSC.</p>
OSCO201.	<p>OSC WORK PROGRAMME</p> <p>Melanie Ponomarenko and Councillor McNamara had met with Dinesh Kotecha (Head of Corporate Property Services) to scope a piece of work on the Council's property portfolio.</p> <p>Members agreed to adopt the scoping document so that work could commence, but would send any suggestions for the inclusion of other areas if they had any.</p> <p>This item and the Corporate Plan would be added to the agenda for April. ACTION: Scrutiny Officers</p>
OSCO202.	<p>NEW ITEMS OF URGENT BUSINESS</p> <p>There was no such business.</p>
OSCO203.	<p>MINUTES</p>
OSCO204.	<p>FUTURE MEETINGS</p> <p>NOTED the date of the next meeting – 29 April 2013.</p>
OSCO205.	<p>SCRUTINY COMMITTEE ACTIONS REQUESTED</p> <p>NOTED the responses to actions from the last meeting.</p>

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	<p>Councillor Winksill asked whether a response had been received to the letter sent to the Leader regarding Universal Credit. Melanie Ponomarenko agreed to follow this up.</p> <p style="text-align: right;">ACTION: Melanie Ponomarenko</p> <p>Melanie Ponomarenko reminded Members of the Treasury Management Strategy training session to be held on 20 March 2013.</p>
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COUNCILLOR REG RICE

Chair