

NOTICE OF MEETING

Cabinet

THURSDAY, 16TH JANUARY, 2014 at 18:30 HRS – COUNCIL CHAMBER, CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillor Claire Kober (Chair), Councillor John Bevan, Councillor Joseph Ejiofor, Councillor Joe Goldberg, Councillor Alan Strickland, Councillor Bernice Vanier, Councillor Richard Watson, Councillor Ann Waters.

Please note:

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If you have any queries regarding this, please contact the Principal Committee Coordinator at the meeting (contact details at the bottom of the agenda).

AGENDA

1. APOLOGIES

To receive any apologies for absence.

2. URGENT BUSINESS

The Chair will consider the admission of any late items of Urgent Business. (Late items of Urgent Business will be considered under the agenda item where they appear. New items of Urgent Business will be dealt with under Item 10 below. New items of exempt business will be dealt with at Item 13 below).

3. DECLARATIONS OF INTEREST

A Member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A Member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct.

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

On occasions part of the Cabinet meeting will be held in private and will not be open to the public if an item is being considered that is likely to lead to the disclosure of exempt or confidential information. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (the "Regulations"), members of the public can make representations about why that part of the meeting should be open to the public.

This agenda contains exempt items as set out at **Item 11 Exclusion of the Press and Public**. No representations with regard to these have been received.

This is the formal 5 clear day notice under the Regulations to confirm that this Cabinet meeting will be partly held in private for the reasons set out in this Agenda.

5. DEPUTATIONS/PETITIONS/QUESTIONS

To consider any requests received in accordance with Standing Orders.

6. MINUTES (PAGES 1 - 16)

To confirm and sign the minutes of the meeting held on 17 December 2013 as a correct record.

7. TACKLING UNAUTHORISED LIVING IN INDUSTRIAL AREAS (PAGES 17 - 24)

(Report of the Director of Regeneration, Planning and Development. To be introduced by the Cabinet Member for Planning and Enforcement). The report seeks agreement to a multidisciplinary approach to tackling unauthorised living in employment areas and sets out the project management approach being adopted to ensure proper governance and the timely delivery and reporting of project objectives.

8. SECTION 75 AGREEMENT FOR A POOLED FUND UNDER SECTION 75 OF THE NATIONAL HEALTH SERVICE ACT 2006 FOR THE COMMISSIONING AND DELIVERY OF SERVICES FOR RESIDENTS IN THE LONDON BOROUGH OF HARINGEY (PAGES 25 - 30)

(Report of the Deputy Chief Executive. To be introduced by the Cabinet Member for Health and Adult Services). The report seeks approval of both agreements, under the auspices of the revised approach to this "Section 75 Agreement", which enables the partners to establish and maintain a pooled fund to formalise and develop integrated services provided under the Haringey Learning Disability Partnership (HLDP).

9. LEA VALLEY TECHNOPARK: ACQUISITION OF TECHNOPARK AND SALE INCLUDING PART OF ASHLEY ROAD DEPOT

(Report of the Director of Regeneration, Planning and Development. To be introduced by the Cabinet Member for Finance, Employment and Carbon Reduction). The report seeks approval of proposals with respect to Lea Valley Technopark.

Exempt information pertaining to the report is set out under Item 12 below.

REPORT TO FOLLOW

10. NEW ITEMS OF URGENT BUSINESS

To consider any items admitted at Item 2 above.

11. EXCLUSION OF THE PRESS AND PUBLIC

Note from the Head of Local Democracy and Member Services

Items 12 and 13 allow for the consideration of exempt information in relation to Items 9 and 2 respectively.

RESOLVED:

That the press and public be excluded from the remainder of the meeting as the items below contain exempt information, as defined under paragraphs 3 and 5, Part 1, schedule 12A of the Local Government Act 1972.

12. LEA VALLEY TECHNOPARK: ACQUISITION OF TECHNOPARK AND SALE INCLUDING PART OF ASHLEY ROAD DEPOT

To consider exempt information pertaining to Item 9 above.

REPORT TO FOLLOW

13. NEW ITEMS OF EXEMPT URGENT BUSINESS

To consider any items admitted at Item 2 above.

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Present: Councillor Claire Kober (Chair), Councillor John Bevan, Councillor Joseph Ejiolor, Councillor Joe Goldberg, Councillor Alan Strickland, Councillor Bernice Vanier.

Also Present: Councillor Richard Wilson.

MINUTE NO.	SUBJECT/DECISION	ACTION BY
CAB562.	<p>APOLOGIES</p> <p>Apologies for absence were received from Councillor Ann Waters and Councillor Richard Watson.</p>	
CAB563.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
CAB564.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest made.</p>	
CAB565.	<p>MINUTES</p> <p>RESOLVED:</p> <p>That the minutes of the meeting held on 12 November 2013 be confirmed as a correct record.</p>	
CAB566.	<p>NOTICE OF INTENTION TO CONDUCT BUSINESS IN PRIVATE, ANY REPRESENTATIONS RECEIVED AND THE RESPONSE TO ANY SUCH REPRESENTATIONS</p> <p>There were no representations received.</p>	
CAB567.	<p>DEPUTATIONS/PETITIONS/QUESTIONS</p> <p>A deputation was received and accepted in relation to Item 14 'Haringey Outdoor Events Policy', which was led by Mr Konrad Borowski of Stroud Green Residents Association and Mr Douglas Palin of the Friends of Finsbury Park group.</p>	
CAB568.	<p>FINANCIAL PLANNING 2014/15 -2016/17</p> <p>Cabinet considered a report, introduced by the Cabinet Member for Finance, Employment and Carbon Reduction, which set out the forecast financial position for the period 2014 – 2017. The report also sought approval of draft revenue and capital proposals for recommendation to Council in February 2014.</p> <p>RESOLVED:</p> <p>i. That the budget proposals and financial planning assumptions set out in the report be noted and that it also be noted that they would be refined</p>	

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	<p>and updated after the provisional Local Government Finance Settlement was published in mid to late December;</p> <ul style="list-style-type: none"> ii. That the draft revenue proposals, set out in the report, be approved for recommendation to the Full Council at its meeting in February 2014 for the Council's MTFP 2014/15 – 2016/17 (Appendices 1-3 of the report); iii. That the draft capital proposals be approved for recommendation to the Full Council at its meeting in February 2014 for the Council's Capital Programme (corporate resources) for the period 2014/15 – 2016/17 (paragraph 9 and Appendix 4 of the report); iv. That the Housing Revenue Account (HRA) Capital Programme 2014/15 – 2016/17, as set out in Appendix 5 of the report and the HRA MTFP 2014-17, as set out in Appendix 6 of the report, be noted; v. That the proposed housing rent increases set out in paragraph 11 of the report, which would be subject to consultation, be noted; vi. That changes to the 2014/15 North London Waste Authority levy apportionment arrangements, as set out at paragraph 15.1 and at Appendix 7 to the report, be approved; vii. That authority be delegated to the Chief Financial Officer, in consultation with the Cabinet Member for Environment, to agree minor changes to the proposed NLWA levy arrangements set out in Appendix 7 of the report, arising as a result of other boroughs' consideration of the arrangements; and viii. That changes made to the Dedicated Schools Budget, as set out in paragraph 14 of the report, be noted. <p>Alternative options considered This report proposes that the Cabinet should consider proposals to deliver a balanced and sustainable MTFP at its final budget meeting in February 2014. This approach has been pursued in order to respond to on-going central government funding cuts that are unprecedented in scale. Cabinet has no other option than to make savings in order to propose a balanced budget to Council.</p> <p>Reasons for decision The Council has a legal duty to set a balanced budget. This report sets out the strategic financial issues for the three year financial planning period to 2016/17, and updates on the process for setting the Council's 2014/15 Budget and Medium Term Financial Plan (MTFP) to 2016/17.</p>	
<p>CAB569.</p>	<p>FINANCIAL (BUDGET) MONITORING</p> <p>Cabinet considered a report, introduced by the Cabinet Member for Finance, Employment and Carbon Reduction, which forecast financial revenue and capital outturns for 2013/14 based on actual performance to 31 October 2013. The report also sought approval of the budget adjustments (virements) greater than £100,000 as required by Financial Regulations.</p> <p>RESOLVED:</p> <ul style="list-style-type: none"> i. That the report and the progress being made against the Council's 2013/14 budget, in respect of revenue and capital expenditure, be noted; ii. That the budget changes (virements), set out in Appendix 3 of the report, be approved. 	

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	<p>iii. That transfers to earmarked reserves , be approved as follows:</p> <ul style="list-style-type: none"> a) £687k relating to the Families First programme (Paragraph 6.2); b) £446k relating to the Haringey 54k programme (Paragraph 6.3); and c) £870k relating to future regeneration activity at the Alexandra Park and Palace Trust (Paragraph 6.4) <p>iv. That a transfer from HRA reserves of up to £3m in order to fund one-off Homes for Haringey redundancy costs arising from their savings programmes (Paragraph 7.2) be approved;</p> <p>v. That the draw down of £1m from HRA reserves to fund the estimated costs of additional works within a number of Decent Homes schemes (Paragraph 8.5) be approved;</p> <p>vi. That the transfer of £400k capital resources for adaptations work from the General Fund to the HRA capital programme (Paragraph 8.7) be approved.</p> <p>Alternative Options considered</p> <p>This report proposes that the Cabinet should consider the overall financial position for 2013/14 in line with existing procedures.</p> <p>A risk-based approach to budget monitoring has been developed in order to manage the Council's finances in a time of economic and financial uncertainty. Cabinet could choose to adopt a less rigorous reporting regime and examine the financial position later in the year. In this case, projections would be more accurate if a delayed approach were adopted, but there would be less time for approval and subsequent implementation of management actions.</p> <p>Reasons for decision</p> <p>This report is mainly for noting the Council's current forecast financial position. However, there are financial management decisions to be taken by Cabinet, in accordance with financial regulations, regarding the approval of transfers from/to reserves.</p>	
<p>CAB570.</p>	<p>QUARTER 2 PERFORMANCE ASSESSMENT 2013/14</p> <p>Cabinet considered a report, introduced by the Leader of the Council, which detailed progress against the Council's outcomes and strategic priorities for 2013/14.</p> <p>The Leader noted that good progress had been made with respect to improving school standards with the percentage of pupils in the Borough achieving five or more GCSEs at A*-C grade rising to above the national average for the first time.</p> <p>RESOLVED:</p> <ul style="list-style-type: none"> i. That progress against the Council's corporate priorities in the second quarter of 2013/14 be noted; and ii. That the areas of focus and emerging issues going forward be noted. <p>Alternative options considered</p> <p>Not applicable.</p>	

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	<p>Reasons for decisions Not applicable – the report was for noting only.</p>	
<p>CAB571.</p>	<p>LEASEHOLDERS GRANT FUNDING RECHARGE</p> <p>Cabinet considered a report, introduced by the Cabinet Member for Housing and Regeneration, which proposed policy changes with respect to the recharges imposed on leaseholders for works funded by external grants or other sources of non-Council funding for specific schemes.</p> <p>RESOLVED:</p> <ol style="list-style-type: none"> i. That it be approved that the Council, as landlord, should exercise discretion in respect of recharges to leaseholders in cases of improvement works that are not funded directly by the Council and that this discretion will be applied only to the grant element received from third parties for improvement works in respect of community energy saving programmes, other equivalent green initiatives and community improvement initiatives, as set out in paragraphs 5.13 – 5.18 of the report; ii. That leaseholders who have been recharged for CESP be granted an exemption and refunded, as set out in paragraph 5.16; and iii. That where the exemption of a recharge results in a refund of more than £5,000, the leaseholder will be required to repay it if they sell the property within five years from the date of completion of the work. <p>Alternative options considered The alternative option of continuing with the current policy has been considered. A change is proposed in the light of leaseholder representations and comparison with the practice of other Local Authorities.</p> <p>Reasons for decision A decision is required in order to vary the current policy and practice in relation to the recharging of leaseholders for improvement works.</p> <p>A change to the recharge policy will enable the Council to exercise discretion in specified cases where it is appropriate to ensure that improvement works are achieved equitably and without placing undue financial burdens on leaseholders.</p>	
<p>CAB572.</p>	<p>INTRODUCTION OF ADDITIONAL HMO LICENSING SCHEME IN TOTTENHAM</p> <p>Cabinet considered a report, introduced by the Cabinet Member for Planning and Enforcement, which sought approval of an Additional HMO Licensing Scheme for the designation of Houses in Multiple Occupation within all or parts of the wards of Northumberland Park, Tottenham Hale and Bruce Grove, for a five year period, to commence on 1 May 2014.</p> <p>The Cabinet Member for Planning and Enforcement noted that whilst this scheme would not provide a panacea to issues around HMOs in the area it would provide an additional tool in the options available to the Council in dealing with problematic HMOs.</p> <p>RESOLVED:</p>	

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- i. That the results of the evidence gathering exercise that had been undertaken to meet the designated declaration criteria for proposing such a scheme (summarised in Section 5 of the report and described in Appendices 1 and 2) be noted;
- ii. That the results of the consultation exercise undertaken in relation to the proposed Additional HMO Licensing Scheme (summarised in Section 5 of the report and described in Appendix 4) be noted;
- iii. That the role played by the Additional HMO Licensing Scheme and the Article 4 Direction in the delivery of a co-ordinated approach to HMO enforcement be noted;
- iv. That the declaration of an Additional HMO Licensing Scheme for the designation of houses in multiple occupation within all or parts of the wards of Northumberland Park, Tottenham Hale, Bruce Grove, Tottenham Green and Seven Sisters (as described in Section 5 of the report) for a five year period to commence on 1 May 2014 be approved;
- v. That the fee structure and property standards that will apply to the Additional HMO Licensing Scheme and which were agreed by the Cabinet on 7 June 2011 (summarised in Section 5 and described in Appendices 5 & 6 of the report) be approved;
- vi. That the designation of the proposed area for Additional Licensing of houses in multiple occupation (summarised in Section 5 of the report and described in Appendix 7) be approved;
- vii. That the ring-fencing of the HMO licensing fee income and the proceeds from any Rent Repayment Orders to support the robust enforcement of the licensing scheme and standards for the duration of the scheme be approved; and
- viii. That the use of £15,000 of the additional funding allocated for HMO and Article 4 work to assess the nature and extent of the anti-social behaviour associated with the private rented sector, as part of the Council's assessment of the merits and feasibility of introducing a Selective Licensing Scheme be approved.

Alternative options considered

Consideration has been given to other options that the Council could pursue if it decides that an Additional HMO Licensing Scheme should not be introduced. These include Landlord Accreditation, the expansion of the Landlords Forum and the introduction of Selective Licensing.

Landlord Accreditation and Landlords Forum

London's Landlord Accreditation Scheme provides official recognition for responsible private landlords who comply with professional standards and are prepared to undertake regular training. This is a voluntary scheme that relies on landlords wanting to become accredited and to enrol themselves on training courses.

The Landlords Forum is an open forum for all Haringey landlords. It is used as a platform for networking and providing advice and guidance, education and training. It is held several times a year, but attendance is voluntary and the Forum is usually attended by interested and professional landlords.

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Although the Landlord Accreditation Scheme and the Landlords Forum have an important role to play in encouraging private landlords to manage and maintain their accommodation to a good standard – and to encourage and disseminate good practice – both rely on the goodwill of landlords. They are unlikely to have an impact on non-compliant landlords whose HMOs are not subject to Mandatory licensing.

Mandatory HMO Licensing

Mandatory licensing only applies to larger HMOs that have 3 or more storeys and are occupied by five or more people forming two or more households.

Although the existing Mandatory HMO Licensing Scheme affects all licensable HMOs in the borough, Mandatory HMO licensing applies to only a small percentage of the HMO stock in Haringey and does not apply to smaller HMOs.

Mandatory HMO licensing will not tackle the problems associated with non-licensable HMOs (including smaller HMOs) that are badly managed, are not being properly maintained or are causing a nuisance, especially in the Wards of Northumberland Park, Tottenham Hale, Bruce Grove, Tottenham Green and Seven Sisters

Reacting to housing related complaints

The Council's Housing Improvement Team (Private Sector) includes a group of Officers whose responsibility it is to react to housing related complaints.

Unfortunately, a reactive inspection-based service is resource intensive and works on the assumption that compliance and improvement will normally require enforcement action following a period of extensive investigation to identify responsible owners.

Some complaints may require investigation and enforcement by a number of services and organisations, using various pieces of legislation. Due to the large volume of complaints received, complaints are prioritised on the basis of a risk assessment.

Although there is scope to target HMOs in a designated area, this would still be resource intensive if an Additional HMO Licensing Scheme is not introduced, since the Council would still be responsible for finding the HMOs.

As it is an offence for owners to be renting HMOs without a licence, Additional HMO Licensing places the onus on landlords to identify themselves as the responsible owner and to provide details of all HMO properties that require licensing. It is possible, therefore, to target portfolio owners about all of their properties rather than on an individual basis through a reactive approach.

Selective Licensing

Section 80 of the Housing Act 2004 allows local authorities to apply for selective licensing of privately rented properties in areas that are experiencing low housing demand and/or suffering from anti-social behaviour.

In order for a scheme to be approved, a selective licensing scheme must be shown to be co-ordinated with an authority's wider strategies to deal with anti-social behaviour and regeneration. At this stage, no decisions have yet been made on whether or not selective licensing is something that should be introduced in Haringey.

It is envisaged, however, that any scheme will need to be part of a wider joined

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	<p>up enforcement approach that aims to work together with service partners and other regulatory service providers such as the Police, Fire Authority and Border Agency.</p> <p>Reasons for Decision</p> <p>Section 56 of the Housing Act 2004 allows local housing authorities to designate the area of their district or an area within their district as subject to additional licensing as long as they have considered all of the criteria set out in this report.</p> <p>Under section 58 of the Housing Act, it stipulates that designation of such an area falls within a description of designations for which the Secretary of State has issued general approval dated 30th March 2010. This means that, following a minimum of 10 weeks consultation with persons who are likely to be affected, every local housing authority in England has the Secretary of State's general approval to designate an area as subject to additional licensing.</p> <p>The proposed Additional HMO Licensing Scheme for the Wards of Northumberland Park Tottenham Hale, Bruce Grove, Tottenham Green and Seven Sisters will enable the Council to improve the overall standard of HMO accommodation in those Wards, support the regeneration of Tottenham and target its resources at those HMOs and landlords that are causing the most concern.</p>	
<p>CAB573.</p>	<p>HARINGEY SCHOOLS FUNDING FORMULA 2014-15</p> <p>Cabinet considered a report, introduced by the Leader of the Council, which sought approval of the revised Schools Formula Funding Model for 2014/15.</p> <p>The Leader noted that in reviewing the Schools Funding Formula (SFF) for 2014/15 the Council had liaised with a working party of the Schools' Forum and that as a result of this work four options had been modelled and following this the Schools' Forum had agreed to recommend Model 2, as detailed in the report.</p> <p>RESOLVED:</p> <ol style="list-style-type: none"> i. That the revised Schools Formula Funding Model 2 set out in the Appendix be agreed; and ii. That a lump sum of £60,000 each for the two schools on split sites be agreed. <p>Alternative options considered</p> <p>The Council in reviewing its schools funding formula in preparation for 2014-15 liaised with a working party of the Schools Forum. The view of the Working Party was that:</p> <ul style="list-style-type: none"> ➤ The 2013-14 funding formula, introduced following significant national changes, distributed too little through the basic per pupil entitlement. ➤ The range of factors used for deprivation and Additional Educational Needs (AEN) and their relative values were suitable. <p>As a result of this work four options were modelled; retaining the relative</p>	

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deprivation and AEN values but progressively reducing the total distributed through these factors and increasing the basic per pupil entitlement. The modelling also continued the narrowing of the differential between primary and secondary funding towards the national average that had begun in 2013-14.

Options Modelled for Varying the Relative Proportions of Basic Entitlement and Deprivation Funding.

Model	Basic Entitlement	Deprivation
Current	63.09	18.78
1	71.50	14.27
2	73.75	12.65
3	75.23	11.57
4	77.72	9.75

This approach was tested through consultation with school governing bodies and the Schools Forum. The response supported retaining the current formula factors and their relative values but was divided on the issue of changing the balance between the basic entitlement and deprivation and AEN funding and the narrowing of the primary/secondary differential.

Schools Forum on 24 October 2013 agreed to recommend Model 2 (set out in the Appendix) as this brought Haringey's funding formula into line with the comparator group of other local authorities (see Table 2). It was also thought to be in line with the proportions expected in the national funding formula in April 2015.

The Forum also recommended abolishing the lower rate lump sum of £30,000 for split site schools less than 200 metres apart, recommending that the higher rate lump sum of £60,000 be applied to both schools on split sites.

Reasons for decision

The proposed change brings Haringey's funding formula in line with those of comparative authorities and will address issues raised by some schools on the level of the Basic Entitlement in the 2013-14 allocation. It will also more closely align Haringey's formula with the expected profile of the national funding formula planned for 2015-16.

CAB574. PROPOSED ADMISSION ARRANGEMENTS 2015/16

Cabinet considered a report, introduced by the Leader of the Council, which sought approval of the proposed admission arrangements for 2015/16 and consultation on the proposed admission arrangements between 2 January 2014 and 27 February 2014.

RESOLVED:

- i. That the proposed admission arrangements for 2015/16 be approved;
- ii. That it be agreed that consultation on the proposed admission arrangements would take place between 2 January 2014 and 27 February 2014;
- iii. That it be noted that following the consultation, the final arrangements would be agreed at a Cabinet Member Signing in March 2014; and

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	<p>iv. That it be agreed that the coordinated scheme could be published on the Council's website on 1 January 2014.</p> <p>Alternative options considered None as this is a statutory requirement.</p> <p>Reasons for decision To ensure that the admission arrangements are consulted upon and co-ordinated scheme is set in accordance with the mandatory provisions of the School Admissions code.</p>	
<p>CAB575.</p>	<p>HARINGEY OUTDOOR EVENTS POLICY</p> <p>Prior to consideration of the report a deputation was received from Mr Konrad Borowski of Stroud Green Residents Association and Mr Douglas Palin of Friends of Finsbury Park in objection to proposals with respect to the Haringey Outdoor Events Policy (OEP).</p> <p>Mr Borowski noted that Stroud Green Residents Association (SGRA) and the Friends of Finsbury Park (FoFP) objected to the proposals primarily on the basis of the impact that additional large scale events would have on the park and upon the amenities of local residents and the proposed increase in fees and charges for the use of the park for events.</p> <p>Mr Borowski noted that the existing policy allowed for five one day major events and that in practice event promoters had combined days in order to concentrate events over weekends thereby limiting the disruption experienced by local residents to approximately four weekends per year. He contended that residents would face further significant disruption if the new policy were to be agreed as this would allow for five major three day events per year increasing the total number of days permitted from five to fifteen days per year.</p> <p>With regard to the increased fees and charges proposed Mr Borowski argued that the Council should have consulted with residents on this as part of the consultation undertaken in relation to the OEP. He contended that if residents had been aware of the proposed increases they would have questioned why the Council needed to increase the number of event days from five to fifteen as the income generated by one two day event would meet the Council's income target of £165k.</p> <p>Mr Borowski advised that the impact upon local residents caused by noise and nuisance generated by having up to fifteen days of events each year would be unacceptable. The proximity of the area of the park where concerts would be held to homes on the edge of the park would mean that residents living in these areas would have to keep their windows shut during the summer months. In addition to nuisance caused by noise Mr Borowski noted that there had been a significant level of Anti Social Behaviour (ASB) generated by major events held in the park in the past and that this included dumping litter in streets adjacent to the park and people urinating in public areas including gardens and the nearby Stroud Green Primary School playground.</p> <p>In relation to the timing of events Mr Borowski contended that, in reality, events were unlikely to be spread between April and September, as event organisers would be keen to hold major events during the summer months; therefore events were likely to take place between mid May and mid July, as events would not be permitted during the school holidays. This would, therefore, lead to a concentration of events during this period that would have a significant</p>	

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impact on local residents.

Mr Borowski also argued that the ability of local residents, who regularly used the park, to enjoy the park would be reduced as at least 40% of the park would be taken over by events during the summer months. Furthermore, there would be health and safety issues attached to the setting up and taken down work in preparation for and following major events.

The Leader thanked Mr Borowski for presenting the deputation and opened questions from Cabinet Members by asking Mr Borowski for his views on how the Council might generate income to continue to maintain the high standards of parks in Haringey without allowing more events to be held in the Borough's parks. In response Mr Borowski noted that the deputation did not object to a limited number of events being held in Finsbury Park; however, they considered that the proposed fees and charges set out in the report meant that parks were being used as an inappropriate means of generating income that would have a negative impact on parks and to local residents.

In addition Mr Palin noted that there was a feeling amongst local residents that under the proposals contained in the OEP, Finsbury Park would be used inappropriately to generate a large amount of income for the Council, which may be to the park's detriment. When asked whether he considered events such as 'Hackney 1', permitted by Hackney Council, were a useful means of generating income, Mr Palin noted that consultation with the local community was the key to getting the balance right between income generation and the use of parks and other community assets. He noted that following consultation with residents in the area, proposals to hold events at Hackney marshes had not been taken forward by Hackney Council.

When it was noted that when individual events were licensed there would be an opportunity for residents to comment on proposals Mr Borowski commented that the OEP and licensing policies should form a coherent approach to major events held in the Borough's parks.

Following questions for Cabinet Members, the Cabinet Member for the Environment, Councillor Bevan, responded to the deputation. Councillor Bevan began by thanking members of the deputation for attending the meeting and responding to points made with respect to income targets; he noted that there was a distinction to be made between the OEP and the annual review of fees and charges and he clarified that the consultation exercise undertaken had been in relation to the OEP only; however the Cabinet was considering both the OEP and fees and charges within the same report. He also noted that there was no obligation on the Council to consult with residents on proposed fees and charges.

With regard to the figure of £165k, referred to by Mr Borowski, Councillor Bevan noted that the purpose of the OEP was not to simply meet that income target and that the revised policy was intended to ensure that a range of events could be hosted, generating income to maintain the park and to fund community events. Therefore, the policy covered a range of objectives and was not confined to meeting the £165k income target for Finsbury Park.

Councillor Bevan acknowledged that problems with ASB had been experienced by local residents in the past, particularly around the Stone Roses concert held earlier in the year. However, following the concert officers had reviewed the planning arrangements undertaken and arrangements around the event itself and lessons had been learnt from this that would be applied to the handling of

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future events. He also noted that Finsbury Park was an amenity not just for local residents but for the whole of London and that the staging of major events should be seen in this context.

With regard to concerns raised in relation to health and safety issues Councillor Bevan noted that when individual events were licensed both the Police and Fire Brigade were consulted and therefore issues of health safety would be considered and dealt with as necessary as part of the licensing process.

In conclusion Councillor Bevan noted that the Council was keen to involve local residents in the running and maintenance of Finsbury Park and that a group was being established, which would include local residents, to monitor events and how these were handled in order to ensure that the concerns of local residents were addressed throughout the process.

Cabinet considered the report, which sought approval of a new operational policy for the management of Outdoor Events in the Borough. The Cabinet Member for Finance, Employment and Carbon Reduction, noted that the proposals would assist the Council to maintain the Borough's parks to their existing high standard at a time when funding from central Government was being dramatically reduced and he endorsed the proposals contained within the report.

In response to a series of points made by Councillor Wilson with regard to the setting up and take down time attached to major events; damage caused to the park by major events as a result of poor weather conditions; problems experienced by residents in the past with ASB and; the pressure placed on Finsbury Park to generate income, the Leader noted that the setting up and take down time had not been specified in the existing policy and therefore suggesting that the time attached to this would increase by a week either side of a major event was misleading as the new policy made provision to limit this. It was also noted that the OEP looked at a wider range of issues than just the income target for Finsbury Park and that the income generated by events in the Borough under the new policy would be used to assist in maintaining all of the Borough's parks.

The Cabinet Member for Environment also noted that following consultation with local residents the number of major events permitted in the OEP had been reduced from six to five and that the set up and take down time was also clearly limited within the policy. With regard to damage caused by large numbers of people using the park as part of major events, during periods of bad weather, this type of issue would need to be dealt as and when it occurred as poor weather conditions could not be entirely planned for.

RESOLVED:

- i. That the revised Outdoor Events Policy, as set out at Appendix A of the report, be adopted, with effect from 1 January 2014;
- ii. That the revised Outdoor Event fees and charges, as set out in Appendix B of the report, with effect from 1 January 2014, be approved;
- iii. That the consultation, as set out in Appendix C of the report, be noted;
- iv. That it be noted that under the Outdoor Events Policy, additional large events in Finsbury Park would be approved by the Cabinet Member for Environment, where there was demonstrable community support for

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	<p>such an event, and as such, Appendix E, Section 4 of the Council's Constitution be amended accordingly to include this.</p> <p>v. That it be noted that current restrictions on Officer decisions would remain and that the Cabinet Member for Environment was still responsible for agreeing any event that:-</p> <ul style="list-style-type: none"> ➤ The expected attendance was over 10,000, ➤ The event last more than 7 days, ➤ The event last more than 2 days with 5,000 or more in attendance ➤ The organiser occupies a site for more than 14 days including their setup and take down period. <p>vi. That it be agreed that should the Outdoor Events Policy be adopted, additional income generated by events will be used to undertake maintenance works in parks.</p> <p>Alternative Options considered <u>Do nothing</u> – an option to do nothing has been considered as an inappropriate course of action as this would not enable the Council to improve the way it operates and deal with event organisers. This option would mean that the current controls on events in Finsbury Park would remain in force.</p> <p>This would prevent the Council from increasing the revenue generated by commercial events in the park. It would also prevent the Council from attracting sufficient interest in the park to secure a sustained source of income on an ongoing basis. If no changes were introduced there would not be any support for community groups to develop more local events or to undertake training to increase the skills of local volunteers. In addition any additional revenue generated would be limited to its use in Finsbury Park only.</p> <p><u>Revise controls at Finsbury Park only</u> – this option was not considered the best option to pursue as it provided only limited improvements to one of the Borough's parks. Eighty percent of all events take place outside of Finsbury Park and therefore, many more event organisers could benefit from improvements in the available advice and guidance and improved management processes.</p> <p>Reasons for decision Having consulted widely and reviewed the feedback received from residents, organisations and other local authorities, the original proposals have been amended. The revised proposals that are now carried through to Outdoor Event Policy document to ensure the future management of events is efficient and effective.</p> <p>Through the introduction of the new policy the Council wishes to support and promote wider participation by the community both in events and to host their own events. Furthermore, income from events can be used to support the aims of the policy and to generate funds to reinvest against the identified priorities for Finsbury Park and other parks.</p>	
<p>CAB576.</p>	<p>PLAY STREETS</p> <p>Cabinet considered a report, introduced by the Leader of the Council, which sought approval to formally implement play streets across the Borough in accordance with the policy and process as set out in the report.</p> <p>RESOLVED:</p>	

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	<p>i. That the implementation of Play Streets in the borough, be agreed ; and</p> <p>ii. That the conditions of application proposed in Appendix 1 be endorsed, including that organisers are advised to obtain public liability insurance, but that it is not a mandatory requirement of the application.</p> <p>Alternative options considered Other cities and London boroughs, for example Bristol and Hackney do not charge for road closures. They close roads using the Town & Police Clauses Act 1847, which does not involve a direct cost.</p> <p>In line with legal advice we will exercise powers under the Road Traffic Regulation Act (RTRA) 1984 Section 29, to prohibit traffic for the road to be used as a playground for children. The times and conditions of the prohibitions will be specified in the Order (i.e. one day per week for 3 hours). This requires the publication of a statutory notice and it is felt that the council can absorb the costs involved in handling applications.</p> <p>The Council's insurance team feel that as play streets are a regular and ongoing event, that the application process should require organisers to obtain public liability insurance. Other cities and London boroughs for example, Bristol and Hackney recommend that residents obtain public liability insurance, but it is not a mandatory requirement of the application.</p> <p>The experience of organisers of play streets is that the insistence of public liability insurance will act as barrier for the community in organising and operating play street schemes. The view of legal services is that the Council is simply carrying out its statutory duty in considering applications for road closures, and that it is not necessary to insist that organisers obtain public liability insurance.</p> <p>They also consider the council's obligations under section 2(1) Local Government Act 2000 which makes it a duty of the Council to promote the economic, social or environmental well-being of the residents of its area. It is felt that the contribution that this scheme makes in terms of promoting the well being of children, empowering communities and supporting community cohesion, outweighs the risks associated with not making the need for public liability insurance mandatory.</p> <p>Therefore it is proposed that the Council adopt the same approach as others, where organisers are only strongly advised to obtain the appropriate public liability insurance.</p> <p>Reasons for decision To seek formal approval for the introduction of plays streets and the conditions of application set out in the report.</p>	
<p>CAB577.</p>	<p>PROPERTY AND LIABILITY INSURANCE ARRANGEMENTS</p> <p>Cabinet considered a report, introduced by the Cabinet Member for Finance, Employment and Carbon Reduction, which sought approval of the procurement of the Property and Liability insurance policies.</p> <p>RESOLVED:</p> <p>That the procurement of the Property Insurance Policy (Housing Stock,</p>	

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	<p>Education and General Properties); and Liability Insurance Policy via the ILC and awards the contract for the insurance policies to the Zurich Municipal be approved.</p> <p>Alternative options considered Purchasing stand-alone cover for the Council, using agreed procurement processes. This was not considered appropriate because:</p> <ul style="list-style-type: none"> a) The insurance market for local authority risks has historically had a limited number of competitors, which has resulted in reduced competition and higher rates; and b) The Council has benefited from its membership of the ILC both in terms of achieving good value for money on the policies purchased and in the facility to share best practice on insurance and risk management practices. <p>Reasons for decision The current contract for this policy has been in place since the 1st April 2012 and is due to expire on 31st March 2014. It is necessary to ensure that a new contract is in place from 1 April 2014, to avoid any gap in insurance cover for the Council.</p>	
<p>CAB578.</p>	<p>APPROVAL OF EXPENDITURE FOR PUBLIC HEALTH SERVICES WITH WHITTINGTON HEALTH NHS TRUST UNDER THE NEW HEALTH AND SOCIAL CARE ACT 2012 COMMISSIONING ARRANGEMENTS Cabinet considered a report, introduced by the Cabinet Member for Health and Adult Services, which sought approval for expenditure for the provision of services reallocated to the Council as part of the new commissioning responsibilities inherited under the Health and Social Care Act 2012.</p> <p>RESOLVED:</p> <p>That the variation of the Whittington Health NHS contract, to clarify the Council's commissioning responsibilities, including its share of expenditure for the provision of public health services and associated changes to the contract arrangements as set out in a Deed of Variation between Islington Clinical Commissioning Group (CCG) as the co-ordinating CCG and Whittington Health NHS Trust, to which Haringey Council is to be a party as an Associate Commissioner, be approved.</p> <p>Alternative options considered No alternative options were considered as the previous commissioner NHS North Central London had agreed a two year block contract with NHS Whittington Health for 2012/13 and 2013/14.</p> <p>The block contract ends 31st March 2014. The intention is for Haringey council to hold its own contract for these services from 2014/15.</p> <p>Reasons for decision The 'Deed of Variation' outlines the public health services within the existing two year NHS block contract that were transferred to Haringey council in April 2013.</p>	
<p>CAB579.</p>	<p>CHILDREN, YOUNG PEOPLE AND FAMILIES SUBSTANCE MISUSE SERVICE TENDER Cabinet considered a report, introduced by the Cabinet Member for Health and Adult Services, which sought approval of the 'Deed of Variation', which outlined</p>	

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	<p>the public health services within the existing two year NHS block contract that were transferred to Haringey council in April 2013.</p> <p>RESOLVED:</p> <p>That the award of contract to the successful tender in accordance with Contract Standing Order (CSO) 9.07.0 (d) to Blenheim Community Drug Project (BCDP), for an initial term of three years, with an option to extend for a period of up to a further two years, be approved.</p> <p>Alternative options considered The option of tendering for two separate services was considered; however, in order to achieve better value for money to the Council and to improve outcomes for children and families, the two existing specifications have been rolled into once creating an integrated prevention focussed on children. This service aims to tackle intergenerational patterns of substance misuse and to offer help to those families and young people experiencing problems with substance misuse.</p> <p>Reasons for decision The recommendations as outlined in paragraph 3.1 of the report were based on the provider that scored the highest MEAT scores and therefore would offer the best value for money to the Council in terms of quality and price. The quality component of this tender was 60% and the price 40%.</p> <p>As a result of the procurement exercise, which was carried out in accordance with the Procurement Code of Practice, it is now recommended that the successful tenderers being awarded contracts as outlined in paragraph 3.1 of the report, in accordance with CSO 9.07.1 (d).</p>	
<p>CAB580.</p>	<p>FIRST AND SECOND CLASS POSTAL SERVICES: AWARD OF CONTRACT Cabinet considered a report, introduced by the Cabinet Member for Finance, Employment and Carbon Reduction, which sought approval of an award of contract for the provision of First and Second Class post.</p> <p>RESOLVED:</p> <p>That approval be given to award a contract for First and Second Class post to Royal Mail Group Ltd for a period of two years.</p> <p>Alternative options considered Currently Royal Mail is the only postage carrier that is licensed to provide a First Class postal service; therefore the alternative option for First Class mail would be to remain at standard business rates provided by Royal Mail.</p> <p>Reasons for decision The change in contracts for postal services will produce significant savings and therefore provides better value for money than the current arrangements.</p>	
<p>CAB581.</p>	<p>MINUTES OF OTHER BODIES</p> <p>RESOLVED:</p> <p>That the minutes of the following meetings be noted:</p> <p>a) Corporate Parenting Advisory Committee – 3 October 2013</p>	

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	b) Decision by the Leader – 5 December 2013	
CAB582.	SIGNIFICANT AND DELEGATED ACTIONS RESOLVED: That the report be noted.	
CAB583.	NEW ITEMS OF URGENT BUSINESS There were no new items of urgent business.	
CAB584.	EXCLUSION OF THE PRESS AND PUBLIC RESOLVED: That the press and public be excluded from the remainder of the meeting, as agenda items 23-26 contain exempt information, as defined under paragraph 3, Part 1, Schedule 12A of the Local Government Act 1972.	
CAB585.	PROPERTY AND LIABILITY INSURANCE ARRANGEMENTS Exempt information pertaining to Item 16 was considered.	
CAB586.	CHILDREN, YOUNG PEOPLE AND FAMILIES SUBSTANCE MISUSE SERVICE TENDER Exempt information pertaining to Item 18 was considered.	
CAB587.	FIRST AND SECOND CLASS POSTAL SERVICES: AWARD OF CONTRACT Exempt information pertaining to Item 19 was considered.	
CAB588.	NEW ITEMS OF EXEMPT URGENT BUSINESS There were no new items of exempt urgent business.	

COUNCILLOR CLAIRE KOBER
CHAIR



Haringey Council

Report for:	Cabinet – 16 January 2016	Item Number:	
Title:	Tackling Unauthorised Living in Industrial Areas		
Report Authorised by:	Lyn Garner, Director of Regeneration, Planning & Development 0208 489 4523		
Lead Officer:	Emma Williamson, Head of Development Management		
Ward(s) affected: Tottenham Green and Seven Sisters Ward	Report for Decision:		

1. Describe the issue under consideration

- 1.1 The growing problem of unauthorised residential and live work uses in and around the Industrial Sites in South Tottenham and attendant problems arising in breach of the Planning, Housing and Building Acts

2. Cabinet Member introduction

- 2.1 Recently, Planning Enforcement and the Housing Improvement team have both witnessed a rapid increase in instances of unlawful changes of use to residential and live/work use in Employment Areas and their surrounds in South Tottenham. Funding was secured to employ an officer to research these matters and liaise with other enforcement services. Although the research is ongoing some enforcement notices have already been issued.
- 2.2 Unchecked, it is most likely that this problem will grow resulting in unregulated loss of employment land and, potentially employment opportunities. However, more significantly, increasing numbers of people will be consigned to poor, insanitary and, potentially, dangerous living conditions.
- 2.3 It is therefore proposed to establish a special multi-disciplinary team to fully investigate and address the problem through a combination of regulation, improvement, enforcement and, where necessary, prosecution using powers



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available to the council under planning, housing and environmental protection legislation.

3. Recommendations

3.1 Cabinet are asked to:

- I. Note the multidisciplinary approach to tackling unauthorised living in employment areas set out in the report and;
- II. Note the project management approach that has been adopted to ensure proper governance and the timely delivery and reporting of project objectives

4. Alternative options considered

4.1 The possibility of an approach minimising enforcement action focussing on regularisation and management of existing uses on site was considered but was felt to be inappropriate, due to the complex planning and housing issues that present themselves, in particular with regard to the safety of occupants and departures from planning policy. The estimated rental income from these unauthorised uses is considerable, acting as a further disincentive to co-operate unless encouraged to do so through formal enforcement action. A more appropriate approach will include fraud investigation and close co-operation with external agencies notably the Fire Service and Police.

5. Background information

5.1 The industrial estates in the south-west and south-east of Tottenham, roughly at either end of Seven Sisters Road, have been identified as containing a large number of units illegally converted into residential and or live/work use (see plans attached). The occupants of the sites are predominantly young adults within the creative industries, who are less likely to be benefit claimants or to be the Council's responsibility for re-housing as a result of enforcement action. The time to comply with Notices will typically be 6 months providing plenty of time to vacate premises. Indeed where the right of appeal is exercised the appeal process itself will often take 9-12 months providing a long lead in time for action and negotiation on an ongoing basis.

5.2 So far:

- 26 such sites have been identified;
- Containing 322 units, with up to 20 people living in each unit;
- 727 bedrooms have been identified;



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- with a further 44 units of unknown use, suggesting the number of occupants is even higher;
- Some units affected are Council-owned

Unauthorised conversions of industrial units to housing and live/work units

5.3 The situation is not fixed and is continually changing. Land registry search returns have shown that whilst there are many different landowners, some own a significant number of sites. However within the mix are two Council owned premises.

These conversions pose many concerns but also some opportunities. The main ones are listed below:

Problems/Issues:

- Large scale unauthorised change of use to housing/live/work and consequent problems concerning refuse, clutter, noise and disturbance;
- Inappropriate and poor quality conversions- need to cease unauthorised uses;
- Departures from planning policy- how does planning policy respond as no clear guidance in place for such uses;
- Loss of employment land, some Council-owned;
- Time limits in taking enforcement action and certificates of lawfulness already granted and being applied for on ongoing basis;
- Long time horizon for both formal enforcement action and negotiation/ pre-application;
- Action under Housing Act likely to be required consecutively especially with regard to minimising fire risk;
- Possibility of fraud etc with regard to ownership, lawful development certificates granted and taxation and benefits arrangements;
- Other external agencies will need to be embedded in project- Police, Fire Service, Inland Revenue;
- Risk of mass homelessness- problems arising regardless of Council's responsibility to them.

Opportunities

- Regeneration of sites especially outside of planning policy designated employment areas with no policy restrictions;
- Need for informal communal type housing;
- Some properties robust enough to be converted;
- Close to employment and skills opportunity area with regard to Tottenham Project;
- Dialogue with landowners likely to be productive- pre-application meetings and application fees generated and enforcement appeals where planning merits argued.

5.5 Given the complexity of the breaches and the many Planning and Housing issues identified above. It is proposed to invest in an integrated team of planning, housing and legal enforcement officers to tackle this issue. The funding is proposed for a



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two year period when resources will be most needed although it is anticipated that resolution on some sites will extend somewhat beyond this time horizon depending on circumstances.

- 5.6 To deliver this two year programme, investment is required for nine new FTE posts. The proposed team contains a Team Leader, two planning officers (including the one existing), four housing officers, one legal officer and one fraud investigation officer.
- 5.7 The planning officers will undertake enforcement action, defend appeals against enforcement action and commence negotiation with landowners with regard to potential ways forward. As most appeals are likely to be Public Inquiries significant legal resource will also be required.
- 5.8 The number of housing officers reflects the volume of work required by Housing in visiting and assessing each individual unit, and developing a specification for each unit to make it safe and deciding appropriate works. The fraud officer will add strength to this team by identifying irregularities in taxation that will give more leverage to the enforcement team in dealing with property owners and lead to more positive enforcement outcomes. A Team Leader will be required for the day to day management of the Project. The project will be required to be very flexible to accommodate changing circumstances and priorities and liaison with external and internal agencies as required.
- 5.9 Governance for the project will be provided through a Project Board chaired by the Assistant Director for Planning supported by senior officers in the planning, housing and legal services areas. This is all set out in a Project Initiation Document (PID) which is in the course of finalisation for adoption as the main project management document for the project. When adopted by the Board, amongst other things, it will set out the project objectives, the key deliverables, the resources, roles and responsibilities of key officers and the milestones for the project. The progress and success of the project will be assessed having regard to the PID.

6. Comments of the Chief Finance Officer and financial implications

- 6.1 Cabinet in December 2013 agreed funding of £400,000 in 14/15 and £200,000 in subsequent years as funding for this project as part of the 2014/15 budget process. This will need to be approved by Full Council as part of the formal agreement of the 2014/15 budget in February 2014. It is assumed that by the 2nd year of the scheme income will be generated to reduce the call on the base budget.
- 6.2 This funding is complementary to existing funding of £300,000 across 3 years agreed in 2012-13 to tackle Houses in Multiple Occupation Issues in Tottenham and £50,000 per annum from the Tottenham Team budget for an additional HMO officer. These projects will operate in a complementary fashion to maximise outcomes.
- 6.3 The level of funding required to deliver the project will be reviewed on an ongoing basis as part of the Project Board process.



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7. Head of Legal Services and legal implications

7.1 The Head of Legal Services has been consulted with the content of this report and notes that it is an information only report. The use of enforcement action to tackle the issue will most likely result in legal proceedings most notably where notices are appealed and where persons are prosecuted for not complying with such notices.

8. Equalities and Community Cohesion Comments

The Council has a public sector equality duty which requires that if agreed, the recommendations in the report are implemented in a way that will ensure that no group protected by sections 4-12 the Equality Act 2010 suffers disproportionate adverse impact as a result. If the proposals are implemented as suggested in this report, the impact will predominantly affect young people, who are protected by virtue of age within the meaning of the Act. However given the problems to be addressed (listed above) the proposals would be a proportionate means to achieving a legitimate policy goal and this would be justified within the Public Sector Equality Duty.

9. Head of Procurement Comments

9.1 Not applicable

10. Policy Implications

10.1 This programme supports the following Corporate Plan objectives:

Safety for all – a place where everyone feels safe in their homes and communities

- The projects aim to reduce ASB in our communities, and to create an environment that feels safe and is clean and green.

Opportunities for all – a successful place for everyone

- The projects support the regeneration of Tottenham and other key areas by delivering residential, housing and planning improvements.

A better council – delivering responsive, high quality services; encouraging residents who are able, to help themselves.

- The projects are customer focused and responsive to local issues and concerns. By joining services and providing co-ordinated action this project will deliver value for money.

10.2 The programme also supports the cross cutting principles of the Corporate Plan, including a one-borough focus, reducing inequalities, empowering communities and working in partnership.

10.3 This investment will complement and add value to existing additional investment in services such as the Planning Improvement Programme and the Tottenham



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Licensing Scheme (£300K). The investment in these projects will help to free up resources in the Neighbourhood Action, Planning and Housing Teams to tackle prevalent enforcement issues in the rest of the borough. This additional resource will therefore help to secure positive outcomes across the borough, not just in the areas targeted by this project.

11. Reasons for Decision

- 11.1 The existing unauthorised residential and live work uses are contrary to Planning Policy and continue to manifest themselves in buildings not intended for this use nor at the intensity it is currently present in the project area. The alternative option of managing this matter through regularisation through the Building and Housing acts is therefore considered to be undesirable.
- 11.2 Wide ranging enforcement action under the Planning Acts is considered to be necessary to not only require the cessation of these uses where they are inappropriate but to encourage dialogue and co-operation with the landowners with regard to future uses of these sites.
- 11.3 Given the complexity of this report and the associated issues that arises, the project will be required to be flexible and to be able to respond to change as and when it presents itself. It is for this reason that the proposed project is multi-disciplinary despite its core planning and housing improvement focus.
- 11.4 The project ties in with key aspects of the Corporate plan and adds value to the existing Tottenham Regeneration Projects and the proposed additional licensing scheme.

12. Use of Appendices

- 12.1 Appendix 1- Map Overview of the relevant Industrial areas and surrounds

13. Local Government (Access to Information) Act 1985

- 13.1 Files for Planning Enforcement are held by the Team Leader of Planning Enforcement and Appeals. Files for Private Sector Housing are held by the Head of Private Sector Housing

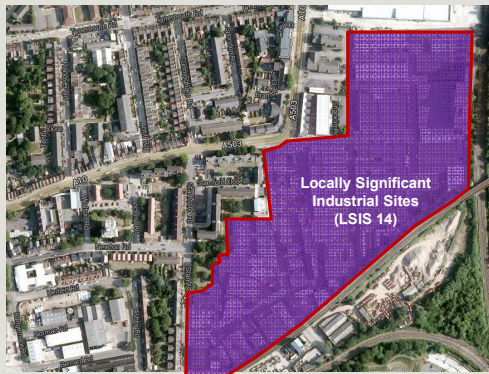


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Appendix 1: Areas Covered by the Project

An Overview:

Sites Under Investigation : Markfield Rd, Fountayne Rd and Constable Crescent



SSP: Site Specifics Proposal – Proposal (Haringey’s Local Plan Strategic Policies 2013-2026)

LSIS: Locally Significant Industrial Sites - (Haringey’s Local Plan Strategic Policies 2013)

An Overview:

Sites Under Investigation-Hermitage Rd, Ashfield Rd, Eade Rd, Tewkesbury Rd and Overbury Rd



SSP: Site Specifics Proposal – Proposal (Haringey’s Local Plan Strategic Policies 2013-2026)

LSIS: Locally Significant Industrial Sites - (Haringey’s Local Plan Strategic Policies 2013)

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Report for:	Cabinet - 16 January 2014	Item Number:	
Title:	Section 75 Agreement for a Pooled Fund under Section 75 of the National Health Service Act 2006 for the commissioning and delivery of services for residents in the London Borough of Haringey		
Report Authorised by:	Mun Thong Phung Director of Adult Social Services		
Lead Officer:	Beverley Tarka Acting Deputy Director, Adult and Community Services		
Ward(s) affected:	All	Report for Key Decisions	

1. Describe the issue under consideration

- 1.1. This is a new Section 75 Pooled Budget Agreement pursuant to section 75 of the National Health Service Act 2006 for the commissioning and provision of integrated learning disabilities services for residents in the London Borough of Haringey.
- 1.2. Following changes within the NHS, with the establishment of clinical commissioning in April 2013, the agreement is now presented and operated in two parts [1. Commissioning Agreement between the Council and NHS Haringey Clinical Commissioning Group (CCG); and, 2. Service Level Agreement between the Council and Barnet, Enfield & Haringey Mental Health NHS Trust and Whittington Health NHS Trust.]
- 1.3. This is a revised approach from previous Section 75 agreements with the Commissioning Agreement, covering the commissioning responsibilities of the two commissioning bodies, Haringey Council and Haringey CCG, and the Service Level Agreement covering the service delivery or provision responsibilities between the Council (as 'host partner', within the Haringey Learning Disability Partnership) and the two service delivery NHS Trusts (Barnet, Enfield and Haringey Mental Health NHS Trust and Whittington Health NHS Trust).



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1.4. Due to the revised arrangements, discussions and negotiations have continued since the launch of Haringey CCG in April (2013). Both of the three-year (2013-16) agreements are presented here for Cabinet approval and will run concurrently, from April 2013 to end of March 2016.

2. Cabinet Member introduction

2.1. Cabinet is asked to agree that the Council enters into agreement with NHS Haringey CCG pursuant to Section 75 of the National Health Service Act 2006, in relation to the commissioning element of this Section 75 Agreement. This commissioning element was formally presented and approved by NHS Haringey CCG on 28 November 2013.

2.2. Cabinet is asked to agree that the Council enters into agreement with Barnet, Enfield and Haringey Mental Health NHS Trust; and, with Whittington Health NHS Trust, in relation to the service delivery/ provision element of this Section 75 Agreement.

2.3. As Cabinet Member for Health and Adult Services I support these recommendations for renewal of existing arrangements for integrated working and operation of a pooled fund as this supports effective and efficient service delivery to vulnerable people.

3. Recommendations

3.1. Cabinet is asked to give approval for both agreements, under the auspices of the revised approach to this “Section 75 Agreement”, which enables the partners to establish and maintain a pooled fund to formalise and develop integrated services provided under the Haringey Learning Disability Partnership (HLDP).

4. Alternative options considered

4.1. Not applicable.

5. Background information

5.1. The integration of health and social care services for people with learning disabilities has been a policy of successive governments and local partners and remains a key driver for future improvements in the delivery of health and social care, leading to a better experience and outcomes for people who use services and for carers. Haringey Council and Haringey CCG are committed to maintaining a joint commissioning and delivery approach for Haringey Learning Disability Partnership (HLDP) integrated services, and building on these to ensure even greater integration of health and social care, best use of resources and improved outcomes for the residents of Haringey.

5.2. The HLDP was established in 2003. This has been a partnership, under Section 75 of the National Health Service Act 2006 between the local authority (Haringey Council) and the local NHS trusts. The previous Section 75 partnership agreement was signed in 2010, by the then three partners, namely Haringey Council; NHS Haringey Primary Care Trust; and, Barnet, Enfield and Haringey Mental Health NHS



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Trust. That Section 75 Agreement was approved by Cabinet Member signing on 04 June 2010. Subsequently, following the establishment of Whittington Health NHS Trust, the Section 75 Agreement was revised to reflect that change and the agreement was approved by Cabinet Member signing on 18 April 2011.

- 5.3. The new Section 75 Agreement has been comprehensively revised, reviewed and updated following extensive discussions with all partner agencies. Consultation with people who use HLDP services and with families/ carers was carried out during the latter half of 2012 and early 2013. The Partners agreed to establish the Pooled Fund under Section 75 of the National Health Service Act 2006 and the Partnership Regulations 2000 and in accordance with the terms and conditions contained within both elements (Commissioning and Delivery) of the agreement.
- 5.4. These two agreements set out the arrangements by which HLDP establishes and maintains a pooled fund for the delivery of services for people, and the carers of people, with learning disabilities, with the Council, acting as 'host' or lead partner.
- 5.5. The revised approach (of separating commissioning from service delivery/provision) creates an opportunity to further develop commissioning of local services, in line with the wider commissioning agenda. In practice, the commissioning element may also act as a framework whereby the CCG and the Council, as commissioners, can agree new pooled funds in addition to learning disabilities. In particular, this model and the success of the HLDP to-date will serve as an example for further health and social care integration arrangements, which are referred to in section 10 (Policy Implication) below.
- 5.6. During the lifetime of these agreements, the HLDP will further develop integrated delivery, working in a much more 'shared service manner', both within the Community Team and within other provision services, such as residential, respite and day opportunities services. Furthermore, all partners are committed to achieving efficiency savings over the lifetime of the new Section 75 Agreement(s).
- 5.7. The following principles apply to both agreements:
 - Both are joint agreements for three years (commenced April 2013) and will deliver against the Well-being strategic Framework;
 - The agreements set out the shared vision of the Council's Adult Services; NHS Haringey CCG; Barnet, Enfield & Haringey Mental Health NHS Trust; and, Whittington Health NHS Trust;
 - The objectives are to promote wellbeing, reduce health inequalities and improve health and social care outcomes for individuals with a learning disability. And furthermore, to improve the quality of life for people by commissioning integrated health and social care delivered closer to home;
 - This is a revised arrangement for the presentation and operation of the Section 75 Pooled Fund, which funds the delivery of services via the Haringey Learning Disability Partnership (HLDP), with the clear separation in this arrangement of service commissioning and service delivery/ provision;



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- The Council is the 'host' or lead partner within the HLDP and is the primary link between the commissioning and service delivery functions of the Section 75 Agreement;
- The agreements are owned by the respective partners and will be 'live' working agreements (for e.g. with on-going development of the service specification) and both agreements are outcome-focused; and
- Both agreements are subject to annual review.

6. Comments of the Chief Finance Officer and financial implications

- 6.1. The total LD Partnership budget for 2013-14 is £8.461m, of which the Council contributes £6.168m. This is a fully funded budget. Negotiations are still ongoing around the budget for the second and third year. These budgets will be agreed through the LD Partnership Board, and the Council contribution will be approved as part of the Medium Term Financial Planning process. There is a clear expectation across all the parties to the Agreement that year on year savings and efficiencies will be delivered.
- 6.2. In theory, as lead partner within the HLDP, the Council is incurring a somewhat increased level of financial risk as a result of the increased size and complexity of the budget. However, this arrangement has been successfully operating for a number of years with no significant issues and there are proven effective processes in place to mitigate this risk. The overall budget is effectively managed through the Partnership Board and the Council's own financial and budgetary management processes also apply. In practice, therefore, the risk is minimal and there are no substantial financial reasons that the Council should not enter into this agreement.
- 6.3. In addition, the revised approach separating out the Commissioning and Service Delivery aspects clarifies the respective responsibilities of the partners.

7. Head of Legal Services and legal implications

- 7.1. The Head of Legal Services notes the contents of the report.
- 7.2. Section 75 Agreements for pooled funding may be entered into pursuant to S75 of the National Health Service Act 2006(the Act) as amended. The Act allows for local authorities and NHS bodies to pool funds to be spent on agreed programmes for designated services.
- 7.3. As a result of changes introduced by the Health and Social Care Act 2012 and the abolition of PCTs and their replacement with Clinical Commissioning Groups (CCGs), the Council now proposes separate commissioning and delivery Agreements in respect of the services which are subject to pooled funding.
- 7.4. Because of the value of the pooled fund and the services to be delivered, this is a Key Decision and therefore requires inclusion in the Forward Plan and approval by Members in accordance with Part 4, Section F, Para 1.3 of the Cabinet Procedure Rules.



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- 7.5. The Council now wishes to enter into a Section 75 Agreement with NHS Haringey CCG in respect of the commissioning of integrated learning disability services in Haringey.
- 7.6. In respect of the delivery of the services the Council wishes to enter into a Delivery Agreement with (1) Barnet Enfield and Haringey Mental Health NHS Trust; and (2) Whittington Health NHS Trust.
- 7.7. The Delivery Agreement requires a waiver of Contract Standing Orders in respect of tendering and also approval for the award of the contract.
- 7.8. The Head of Legal Services confirms that there are no legal reasons preventing Members from approving the recommendations in this report.

8. Equalities and Community Cohesion Comments

- 8.1. The people who are supported by Haringey Learning Disability Partnership are some of the most vulnerable and excluded residents of the borough. Improving access to services, through partnership working and continued development of integrated services, will help ensure that people are enabled to have more choice and control over their loss of independence and place in the community.

9. Head of Procurement Comments

- 9.1. Whilst the decision to pool budgets is not procurement related, there is a subsequent impact on procurement in that existing contracts may need to be renegotiated / realigned.
- 9.2. Additionally, there are pending changes to European Public Contract Regulations in that the distinction between Part A and Part B services will be removed.
- 9.3. Currently Health and Care contracts fall under “Part B” services and are thus saved from the full regime of open competition, but once the new Regulations are enacted in the UK (probably late in 2014), all Health and Care contracts will need to be openly advertised and competed.
- 9.4. Services and Central Procurement will therefore need to be taking account of these impending changes in our strategies and plans.

10. Policy Implication

- 10.1. In the Spending Review 2013, the Government announced a new pooled fund (of £3.8 billion) for health and social care services, shared between the NHS and local authorities, to deliver better outcomes and greater efficiencies through more integrated services for older and disabled people. Haringey Council (Adult Social Services) and Haringey CCG are preparing a joint integration plan, referred to as the ‘Better Care Fund (BCF): Health and Social Care Integration Plan’, which is due to be submitted to NHS England in February 2014.



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10.2. This Section 75 Agreement, and joint arrangements in Haringey which support people with learning disabilities, represent a model of good practice for the current integration initiatives which are underway.

11. Reasons for Decision

11.1. This is a 'Key Decision'. The Learning Disabilities Partnership is a well established, comprehensively integrated service with multi-disciplinary teams and management structures. Joint approaches to assessments and information sharing are well established as is case coordination. The success of the partnership reflects the commitment of the Council and the CCG to integration as the best and proven method of supporting its important and complex user group. On this basis renewal of the partnership agreement is recommended.

12. Use of Appendices

12.1. None.

13. Local Government (Access to Information) Act 1985

- The National Health Service Act 2006;
- NHS Bodies and Local Authorities Partnership Arrangements 2000 (SI 2000/617);
- Valuing People (2001);
- Valuing People Now (2009);
- "Our Health, Our Care, Our Say" (DH 2006);
- "Putting People First" (DH 2007); and
- Haringey Wellbeing Strategic Framework.