

NOTICE OF MEETING

CABINET

Tuesday, 10th November, 2015, 6.30 pm - Civic Centre, High Road, Wood Green, N22 8LE

MEMBERS: Councillors Claire Kober (Chair), Jason Arthur, Ali Demirci, Joe Goldberg, Stuart McNamara, Peter Morton, Alan Strickland, Bernice Vanier and Ann Waters

Quorum: 4

1. **FILMING AT MEETINGS**

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

By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

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

2. **APOLOGIES**

To receive any apologies for absence.

3. **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 23 below. New items of exempt business will be dealt with at Item 29 below).

4. **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.

5. **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 [25, 26, 27, 28, and 29] : 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.

6. **MINUTES (PAGES 1 - 14)**

To confirm and sign the minutes of the meeting held on the 20th October 2015 as a correct record.

7. **DEPUTATIONS/PETITIONS/QUESTIONS**

To consider any requests received in accordance with Standing Orders.

8. CORPORATE PLAN PRIORITY 2 - OUTCOME OF CONSULTATION AND DECISION ON PROPOSALS RELATING TO ADULT SERVICES (PAGES 15 - 56)

[Report of the Deputy Chief Executive. To be introduced by the Cabinet Member for Health and Wellbeing] Consultation has been taking place, from 3rd July – 1st October, on proposals which affect Adult Social Care services. This report presents to Cabinet the feedback from consultation and other engagement with stakeholders and asks for decisions on the proposals.

9. APPROVAL OF A NEW COMMISSIONING MODEL FOR CHILDREN'S CENTRES IN HARINGEY. (PAGES 57 - 104)

[Report of the Deputy Chief Executive. To be introduced by the Cabinet Member for Children and Families.] The report will ask Cabinet to consider options for the future commission of Haringey's Children's Centres. The paper will summarise the outcome of our statutory consultation exercise and make recommendations to Cabinet for the future delivery model for Children's Centres in the borough.

10. EDUCATION EXCELLENCE POLICY (PAGES 105 - 122)

[Report of the Deputy Chief Executive. To be introduced by the Cabinet Member for Children and Families.] Cabinet approval will be sought on this policy which aims to set down how we will fulfil a range of roles and responsibilities, compliant with legislation. This forms part of the core relationship between the Council and schools, and with Academies and Free Schools.

11. BUDGET MONITORING - UPDATE REPORT (PAGES 123 - 128)

[Report of the Chief Operating Officer. To be introduced by the Cabinet Member for Resources and Culture.] Monitoring report on forecast spend against the budget.

12. HARINGEY DEVELOPMENT VEHICLE (PAGES 129 - 156)

Report of the Director for Planning, Regeneration and Development. To be introduced by the Leader of the Council.] The report will seek approval of the business case for a Haringey Development Vehicle and procurement of a joint venture partner.

13. WARDS CORNER COMPULSORY PURCHASE ORDER 2015[SEVEN SISTERS REGENERATION, TOTTENHAM - COMPULSORY PURCHASE ORDER 2016 - "LONDON BOROUGH OF HARINGEY (WARDS CORNER REGENERATION PROJECT) COMPULSORY PURCHASE ORDER 2016". (PAGES 157 - 184)

[Report of the Director for Planning, Regeneration and Development. To be introduced by the Cabinet Member for Housing and Regeneration.] This report seeks approval for the Council to use its Compulsory Purchase Order (CPO) powers to acquire the land required for the Wards Corner development, following on from the 14th July 2014 Cabinet Report which approved in principle the CPO.

14. TOTTENHAM HALE REGENERATION, – BP SITE ACQUISITION (PAGES 185 - 196)

[Report of the Director for Planning, Regeneration and Development. To be introduced by the Cabinet Member for Housing and Regeneration.] This report will seek approval for the Council to purchase the land at the BP Petrol Station Site required for the Tottenham Hale Regeneration Housing Zone Scheme.

15. SALE OF THE OLYMPIA TRADING ESTATE (PAGES 197 - 204)

[Report of the Director for Planning, Regeneration and Development. To be introduced by the Cabinet Member for Housing and Regeneration. Cabinet to consider selling the freehold of the land known as the Olympia Trading Estate.

16. ARTICLE 4 DIRECTION FOR CHANGES OF USE FROM B8 (STORAGE AND DISTRIBUTION) TO C3 (DWELLING HOUSES) (PAGES 205 - 220)

[Report of the Director for Planning, Regeneration and Development. To be introduced by the Cabinet Member for Planning.] Cabinet to consider bringing into effect an Article 4 Direction removing the right to convert B8 (Storage and Distribution) to C3 (Dwelling houses) where required to retain key employment sites in employment use, and ensure the achievement of managed growth delivering of both housing and jobs.

17. NOEL PARK CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN (PAGES 221 - 228)

Report of the Director of Planning, Regeneration and Development. To be introduced by the Cabinet Member for Planning.] The report seeks Cabinet's approval on the draft Noel Park Conservation Area Appraisal and Management Plan, and for a six week public consultation.

18. ADOPTION OF REVISED GAMBLING POLICY - (PAGES 229 - 290)

[Report of the Chief Operating Officer. To be introduced by the Cabinet Member for Environment] The Council has a statutory duty to consult and publish its gambling policy under S. 349 of the Gambling Act 2005 every three years. The existing policy was last approved on 31st January 2013. Cabinet will be asked to consider and endorse the policy which will then go onto full Council on the 23rd November for adoption.

19. AWARD OF CONTRACT FOR THE ALCOHOL SUPPORT SERVICE (PAGES 291 - 316)

[Report of the Assistant Director for Commissioning. To be introduced by the Cabinet Member for Health and Wellbeing.] The report seeks agreement to award Contracts for the alcohol support service following a tender process.

20. COUNCIL TAX REDUCTION SCHEME (CTRS) FOR 2016/17 (PAGES 317 - 326)

Report of the Chief Operating Officer. To be introduced by the Cabinet member for Resources and Culture.] Cabinet to consider proposed Council Tax Reduction Scheme for 2015/16 before approval by Full Council on 23rd November 2015.

21. MINUTES OF OTHER BODIES (PAGES 327 - 330)

To note the minutes of the following:
Cabinet Member signing 26th October 2015
Cabinet member signing 29th October 2015

22. SIGNIFICANT AND DELEGATED ACTIONS (PAGES 331 - 340)

To note the significant and Delegated decisions taken by Directors during October.

23. NEW ITEMS OF URGENT BUSINESS

To consider any items admitted at Item 3 above.

24. EXCLUSION OF THE PRESS AND PUBLIC

Note from the Head of Democratic Services

Items 25,26, 27, 28, and 29 allow for the consideration of exempt information in relation to Items 12, 13, 14, 15 and 3 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 paragraph 3, Part 1, schedule 12A of the Local Government Act 1972

25. HARINGEY DEVELOPMENT VEHICLE (PAGES 341 - 346)

As per item 12.

26. WARDS CORNER COMPULSORY PURCHASE ORDER 2015[SEVEN SISTERS REGENERATION, TOTTENHAM - COMPULSORY PURCHASE ORDER 2016 - "LONDON BOROUGH OF HARINGEY (WARDS CORNER

**REGENERATION PROJECT) COMPULSORY PURCHASE ORDER 2016".
(PAGES 347 - 348)**

As per item 13

**27. TOTTENHAM HALE REGENERATION, - BP SITE ACQUISITION (PAGES
349 - 356)**

As per item 14.

28. SALE OF THE OLYMPIA TRADING ESTATE (PAGES 357 - 362)

As per item 15.

29. NEW ITEMS OF EXEMPT URGENT BUSINESS

To consider any items admitted at Item 3 above.

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**MINUTES OF THE CABINET
TUESDAY, 20 OCTOBER 2015**

Councillors Claire Kober (Chair), Jason Arthur, Ali Demirci and Ann Waters

Also Present: Councillor Engert, Councillor Newton, Councillor Carter

MINUTE NO.	SUBJECT/DECISION	ACTON BY
CAB82	FILMING AT MEETINGS The Leader referred to agenda item 1 as shown on the agenda in respect of filming at this meeting, and Members noted this information.	
CAB83	APOLOGIES Apologies for absence were received from Councillor Goldberg, Councillor Vanier, Councillor Strickland and Councillor Morton. Apologies for lateness were received from Cllr McNamara.	
CAB84	URGENT BUSINESS No items of urgent business were put forward.	
CAB85	DECLARATIONS OF INTEREST There were no declarations of interest put forward.	
CAB86	NOTICE OF INTENTION TO CONDUCT BUSINESS IN PRIVATE, ANY REPRESENTATIONS RECEIVED AND THE RESPONSE TO ANY SUCH REPRESENTATIONS No representations were received.	
CAB87	MINUTES The minutes of the Cabinet meeting held on the 15 th September were agreed as an accurate record.	Clerk
CAB88	DEPUTATIONS/PETITIONS/QUESTIONS The Leader of the Council invited Mr Will Spokes to put forward his representations relating to Item 12, Haringey Local Plan. Mr Spokes, was speaking on behalf of the Defend Crouch End group, and began by objecting to the inclusion of Site Allocation 51[site in between 72-96 Park Road and Lynton road in the Site Allocations development Plan] and asked for this site's removal from the plan. He referred to the lack of proper information provided to local residents and business, earlier this year in the consultation period, about the inclusion of this site in the DPD. Mr Spokes set out the circumstances in which the local residents and businesses had become aware of its inclusion in the DPD which he felt did not reflect the principles of good communication and he questioned if this was indicative of the	

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consultation, as a whole, on all the local planning documents.

Mr Spokes contested the proposed height of the development at this site which would have a detrimental impact on the existing neighbourhood, with an immediate changed physical environment for households living in close quarters to the site .He also highlighted the closure of the existing discreet and unique businesses, currently taking up the site, to make way for the housing which was not in keeping with the boroughs employment commitments. He felt that due consideration had not been given to the impact of having additional housing in the area. This was in terms of parking, environment and schools. There was an obvious bias to housing development but he questioned how any mixed use employment space could be continued at this site.

The Leader provided some assurance to the deputation explaining that the Local Plan, at this stage, set out in theory what uses can be made of the site. Any eventual changes to the site would be subject to planning permission where local concerns can also be put forward

In response to the Leader's question on the local group's level of opposition to housing on this site, the deputation advised that they had a pragmatic stance. However, any housing development would need to be completed in a manner which was sympathetic to the existing area and would need to keep the community and local stakeholders in the area satisfied.

The Cabinet Member for Planning further responded to the deputation by acknowledging the concerns received both in writing and in separate meetings with residents and businesses about this site.

In response to the concerns on height, and the loss of employment on the site, the Cabinet Member for Planning advised the deputation party that there was already an existing planning consent for the northern part of the site for a 5 storey building providing for 40 net residential units. Therefore the planning documents of the Council could not discount the existing planning permission, or the principles of development that it has established on this site. Given the significant need for housing and affordable employment space in the borough this site was considered to be one that is able (subject to careful design) to make a contribution towards the borough wide housing and employment need.

The Cabinet Member for Planning further provided assurance to the deputation party that while the allocation agrees the principal of development, that if and when a proposal for development is received it will be subject to policies governing parking, height of development, and impact on surrounding properties on Lynton Rd, Park Rd and the Grove.

The Cabinet Member for Planning welcomed the proposed replacement employment floor space in the new development and hoped that local residents would be reassured that the Local Plan will help to manage how this development at SA49 [Previously SA51] comes forward in the future, and ensure that it makes a positive, rather than negative contribution to the urban fabric of Crouch End.

The Cabinet Member for Planning re-iterated the pressure faced by local authorities to provide more housing and employment for residents but was happy to meet with the residents and businesses concerned about SA 51 as part of the Regulation 19 consultation process.

The Leader asked the Assistant Director for Planning to set out the next

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development phase of these local plans, following consideration at Cabinet and Full Council in November. The Assistant Director for Planning advised that in December there would follow a further consultation period and an examination in public in spring, testing the soundness of the planning documents. A representative of the Secretary of State will take this forward, inviting local stakeholders and groups to participate and share their views. The Crouch End community group can be provided with details about the examination exercises and how they can participate.

The Leader invited Jacob Secker to come forward and with the second deputation in relation to the Local Planning documents at agenda Item 12.

Mr Secker was speaking on behalf of a number of community groups and projects in and around the Broadwater Farm estate. Mr Secker began by objecting to the inclusion of Broadwater Farm estate along with the Northern housing areas off the estate such as Somerset Close, Moira Close and Lido square being included in the site allocations development plan [SA62]. He welcomed the removal of the Lordship recreation ground from the Plan and asked for same action to be applied to SA62.

The deputation party felt that there had been inadequate consultation with residents about the inclusion of the estate and surrounding northern housing area in the local plan as potential development areas. The deputation felt the Council had the underlying objective of demolishing the estate and rebuilding private accommodation in its place and Mr Secker referenced extracts of the September Cabinet report on the review of Housing Management [the deputation had tabled a information pack for the Cabinet supporting their deputation] which he claimed supported this underlying Council objective. This September Cabinet report had also highlighted the Council's consideration of a joint venture vehicle for housing regeneration in the borough which the deputation party felt would bring less equality and rights to Council tenants.

In response to the Leader's question on the regeneration of the estate, the deputation asked the Cabinet to consider alternative solutions for modernising the estate such as, ensuring the decent homes standards were applied, and physical estate improvements made to buildings. These details were contained in page 8 of the information pack tabled.

The Leader of the Council responded to the deputation by emphasising that the Council had no plans to demolish the Broadwater Farm Estate and replace it with private accommodation. Lack of housing was a London wide issue with no easy solutions and would mean looking at innovative ways to bring in Housing to the borough.

The required physical improvements to the Broadwater Farm estate were undeniable. Also there were structural issues with the buildings meaning there were no easy solutions for upgrading the buildings. The Leader had visited Broadwater Farm and had also heard from residents who wanted better upgraded accommodation.

The Cabinet Member for Planning began responding to the deputation by acknowledging the considerable responses received on the issues of Lordship Recreation Ground and the Broadwater Farm area. The Lordship Recreation ground had been removed from the Plan following consultation. However, the housing estate consultation responses were more mixed with request for better housing. The Council had a responsibility for ensuring high quality homes across the borough – including on the Broadwater Farm estate. Therefore the

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	<p>plan proposed the Council work together with the local community groups, residents and stakeholders on new supplementary planning document to set out how to secure improvements to this housing estate to improve stock, design of the site, and routes through the area.</p> <p>The Cabinet Member for Planning further clarified that there were no detailed plans for how this will be achieved, and certainly no agreed plan for demolitions. The Council would work with local residents and stakeholders in identifying options for improvements to the estate in the future.</p> <p>The Cabinet member for Planning felt that there were differing views from residents about Broadwater Farm and advised that he had met with residents of Tangmere block and the Broadwater Farm residents Association who wanted better quality homes.</p>	
CAB89	<p>BUDGET MONITORING 2015/16 - PERIOD 5</p> <p>The Cabinet Member for Resources and Culture introduced the report which set out the range of indicators relevant to the Council's overall financial health. These included the forecast financial revenue and capital outturns for 2015/16 based on actual performance to 31 August 2015.</p> <p>Cabinet were further asked to consider the proposed management actions set out in this report and approve the budget adjustments (virements) in Appendix 1 as required by Financial Regulations.</p> <p>The current budget overspend reflected the current increased demand for services, against a decrease in the budget base of the Council. The Cabinet Member for Resources and Culture continued to be concerned about the overspend in Children's and Adults. In terms of housing spend, it was evident that nationally, as well as locally, there was not enough housing available, increasing the cost of temporary accommodation.</p> <p>In terms of the recent announcements about the devolution of business rate income to local Councils, the Council were wanting to see more equalisation and will endeavour to maximise the opportunities provided by devolution of this budget.</p> <p>The Cabinet Member set out the measures being taken forward to deal with the overspending areas in the budget. This would include carefully exploring the overspending areas according to Council Priority to understand whether: the overall savings trajectory is likely to be met, whether savings will be met next year, or if the savings plans in place need more acceleration. The Cabinet Member would be leading a series of Star Chamber meetings with head of budgets to take this analysis forward.</p> <p>The Cabinet Member for Resources and Culture would also be bringing forward an Budget Monitoring report to the November Cabinet to keep Cabinet fully abreast of the impact of actions, changes being made to the budget, and progress to reduce the overspend. It was important to note that, due to the sensible reserves budgeting policy, the Council were in a better position to meet the anticipated increased demands for services. However there would continue to be more focus on bringing the overspend down.</p> <p>Cllr Engert questioned the ongoing required Adult and Children's services budget savings, and the risk of depleting reserves, if these savings cannot be met. The Cabinet Member explained that there had been a lot of work to explore the issues in these two services including: if there were legitimate issues with meeting timelines for savings targets, the impact of the financial</p>	

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models being used by the service areas, considering social care packages in place.

Overall, the Cabinet Member for Resources and Culture would be considering the Council's savings trajectory for the next year and how it will be achieved and also having conversations with Cabinet Members on their priority areas.

There was a separate risk reserves in place and the Council were required by its external auditors to have £15 to £20m in reserves.

The Leader provided a further context to the budget pressures being seen, by explaining that virtually all London boroughs were experiencing a demand pressures for Adults and housing service. The Council had been criticised for previously boosting reserves but service changes would take time to deliver and the increased reserves provided the support to make the transformational service changes needed whilst dealing with peaks in service demand.

The Cabinet and Liberal Democrat Group further placed on record their thanks and appreciation to Kevin Bartle, The Assistant Director for finance, who was leaving the Council in November. Mr Bartle was commented to be an exemplary local government servant, providing expertise and support to all Councillors.

RESOLVED

- i. To note the report and the progress being made against the Council's 2015/16 budget in respect of net revenue and capital expenditure;
- ii. To approve the budget changes (virements) as set out in Appendix 1;
- iii. To note the use of the Strategic Risk Reserve to mitigate the Council's overall revenue position as set out in Section 7 to the report;
- iv. To note the range of strategies to bring the current year's budget into balance, including challenge meetings (Star Chamber) as described at paragraph 16.2 to this report; and,
- v. To maintain under review the key risks and issues identified in this report alongside the adequacy of the Council's reserves.

**AD
Finance**

Alternative options considered

The report proposed that the Cabinet considers the financial position for 2015/16 in line with existing procedures. However, it also includes enhanced financial information to give the Cabinet a more rounded view of the Council's financial position.

A risk based approach to budget monitoring has been developed in order to manage the Council's finances at a time of economic and financial uncertainty including additional benchmarking information.

Cabinet could choose to adopt a less rigorous regime and examine the financial position at a later stage. Projections could be marginally more accurate if a delayed approach was adopted, but there would be less time for robust development and consideration of management action and virements

Reasons for Decisions

Members' involvement in financial monitoring is an essential part of delivering the Council's priorities.

The constitution requires Members to approve certain financial transactions

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	such as virements according to approved limits.	
CAB90	<p>LETTINGS AGENCY - UPDATE ON PROGRESS</p> <p>The Leader introduced the report which set out on progress being made to establish the private sector lettings agency, Move 51Degrees North. This was a subsidiary of Homes for Haringey and has been set up to offer an effective, good quality and affordable alternative landlords and tenants in the private rented market. This initiative was a direct commission for Homes for Haringey by the Council, to support key priorities in the drive to improve Housing within this Borough.</p> <p>This was a key manifesto commitment which would enable the Council to intervene in this unregulated sector and ensure a good private housing service with better fees and better standards of accommodation.</p> <p>RESOLVED</p> <p>To note the report</p> <p>Alternative Options considered. This was an information report with no decision attached.</p> <p>Reasons for Decision Not applicable</p>	
CAB91	<p>FORMER GREENFIELDS SCHOOL, COPPETTS ROAD AND LCCCP SITE 54/56 MUSWELL HILL, LONDON N10</p> <p>The Leader of the Council introduced the report which set out the sale of the former Greenfields School site to the Peter Rigby Trust, founder of The London Centre for Children with Cerebral Palsy, in return for the long lease site at 54/56 Muswell Hill .The Trust were currently leasing the use of the Greenfields school site on a short term lease but wanted to stay on site permanently as the site was, ideal from an educational point of view, for the children attending. The site was also designated for Educational use. The acquisition of the long term lease of 54/56 Muswell Hill in turn provided an opportunity for the Council to acquire a site in the heart of Muswell Hill which will provide 6 affordable housing units and ground floor accommodation which will be available for use by the Council and the community.</p> <p>In response to Cllr Engert's questions it was noted:</p> <ul style="list-style-type: none"> • That it was too early to set out decisions on how the Council will consult with the community on the use of the ground floor at 54-56 Muswell Hill as so far, understandably, the Council activity had been focused on acquiring the long term lease of 54-56 Muswell Hill and releasing the Greenfield site was at the edge of the borough boundary. • The decision on fitting out the ground floor of 54-56 Muswell Hill depended on the outcome of the evaluation of the associated budgets and assessing whether there are also external funding opportunities available to support the fit out. The budget decision on this will likely come forward to Cabinet in due course 	

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	<p>It was further agreed that Cllr Engert be provided with a fuller version of the ground floor map, included at appendix B, setting out the precise square footage available to the Council for the community space.</p> <p>RESOLVED</p> <ul style="list-style-type: none"> i. To declare the Greenfield Site shown edged red on the plan attached (Appendix A) surplus to requirements. ii. To authorise an option to dispose of the Greenfield Site to The Peter Rigby Trust for a sum as set out in Part B of this report and based on the Heads of Terms attached (Appendix C). iii. To agree to the acquisition of PRT Property shown edged red on the attached plan in Appendix B from the Peter Rigby Trust based on a 999 year lease for a sum as set out in Part B of this report and based on the Heads of Terms attached at Appendix C. iv. To agree to the conversion of the upper floors of the PRT Property immediately on completion of the acquisition subject to planning into 6 one bed flats available for shared ownership affordable housing and that the ground floor will be available for Council use. v. To note the expected cost of the fit out of the proposed 6 one bed flats set out in 6.25 to be funded from existing budgets. vi. To note that the fit out costs of the ground floor are as set out in 6.25, and agree that this funding be identified as part of the ongoing capital strategy work. <p>Alternative options considered</p> <p>Not to sell Coppetts Road and not to purchase the long lease</p> <p>The option of not selling the Council site in Coppetts Road to the Peter Rigby Trust will result in the opportunity for the long lease available with the PRT Property not being available to the Council. Therefore the affordable Housing and ground floor D1 use would not be available.</p> <p>Reasons for decision</p> <p>The decision will provide a continued Educational use at Coppetts Road and the Council will acquire a site in central Muswell Hill which will provide 6 affordable Housing units and a Council and community building on the ground floor supporting the Council's Housing and community strategy.</p>	<p>AD Property and Capital Projects</p> <p>Dir PRD</p> <p>Dir PRD</p> <p>Dir PRD</p> <p>Dir PRD</p>
<p>CAB92</p>	<p>ICT RESOURCE PLAN</p> <p>The Cabinet Member for Resources and Culture introduced the report which sought approval to procure a specialist organisation as the Council's partner for the provision of additional skilled IT staff. This partner would provide the additional resources required to deliver the technology elements of the Council's transformation programmes that are being delivered in the Council over the next 12-18 months.</p>	

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	<p>In response to Cllr Engert's question, it was clarified that the proposed arrangement would provide the Council with the flexibility to call on required expert and specialist IT staff when needed, at a lower cost, and at a lower staffing daily rate compared to the use of contracts to access this support.</p> <p>RESOLVED To approve the IT Staffing Resource Plan outlined, including procurement of a specialist IT resourcing partner with a total contract value not exceeding £1.70m.</p> <p>Alternative options considered</p> <p>Do nothing, i.e. use the existing IT teams to deliver the transformation and priority work.</p> <p>The current level of resources will not be able to meet the current timelines set by the priority outcome and transformation programmes.</p> <p>Buy in contractors piecemeal from the marketplace as and when each specific requirement occurs.</p> <p>Buying in contractors from agencies on a piecemeal basis will not be cost effective or efficient. Our requirements will need flexibility where contractors may come in for a few days at the beginning of a project and then 3 days per week for a period (for instance). Contractors are normally hired for minimum periods of 3 months, anything less than this and there would be a significant premium to pay as you would need to pay a retainer.</p> <p>Reason for decision</p> <p>A decision is required as the size of the requested contract is over delegated authority limits for officers</p>	<p>Chief Operating Officer</p>
<p>CAB93</p>	<p>HARINGEY'S LOCAL PLAN</p> <p>The Cabinet Member for Planning introduced the report which set out progression of these 4 important planning documents: Alterations to Strategic Policies, Development Management DPD, Site Allocations DPD, and Tottenham Area Action Plan to the next stage of Plan preparation.</p> <p>The Cabinet Member for Planning explained the role of each of these documents for the Council, and as the Local Planning Authority, to proactively manage development needs and change in the Borough, ensuring it is directed to where it is best accommodated and being able to resist inappropriate poorly located schemes. This included:</p> <p>The Alterations to the Strategic Policies reiterated the Council's commitment to delivering more housing to meet local needs but targeting this to areas that would benefit significantly from substantial inward investment including better transport services, improved environmental quality, and new jobs.</p> <p>This spatial strategy allowed the Council to recognise and protect its valued local open spaces, the residential amenity and heritage that add to the</p>	

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character of our neighbourhoods, and making the best of employment sites for continued employment uses.

The role of all the other draft planning documents was to give effect to this agreed spatial strategy.

The Cabinet Member for Planning reported that, since the consultation period closed in March 2015, the Planning Policy team had sifted through some 600 letters and emails and 6 petitions containing over 6,000 comments. The petitions included one for Lynton Rd with 126 signatures, one for Pinkham Way with 1154 signatures, and 4 separate petitions on Lordship Rec/ Broadwater Farm totalling 395 signatures). In addition officers had undertaken meetings and discussions with a range of interested parties on a range of subjects and sites.

The reports included in the agenda pack contained the updated Local Plan documents, along with the Consultation Reports with the comments received and responses to these.

The spatial strategy was updated to reflect Haringey's increased housing target is contained at Appendix A on pages 119 to 214.

The "Development Management DPD" at Appendix C, included a "design charter" for all new development (page 223) and important policies to cover the protection of family homes (page 257), open spaces (Pages 264-269), shops (pages 304-312) and community facilities (Pages 314 -318).

The "Site Allocations DPD" (pages 351 to 573) included designations for key sites such as Alexandra Palace and the Highgate Bowl, and the opportunities in Wood Green, Hornsey and Green Lanes, which translated into allocations for some 7,500 new homes and 75,000m² of new employment floor-space.

Elsewhere within the "Tottenham Area Action Plan" at Appendix G contained detailed site by site development requirements covering the new opportunities in one of London's Housing Zones – as well as reflecting the distinctive heritage, character and economy across Tottenham.

The Cabinet Member for Planning provided an overview of the tone and feeling regarding the consultation process on the last set of documents. There were a range of comments about the content and the way in which the Council had engaged with communities, members and developers as part of that process. In some cases communities felt that the Council had not engaged with them effectively. In a number of cases, feedback suggested that some of the bold allocations that were promoted should not be progressed. The changes to the plan, set out on pages 7-50 of the report pack illustrated how, having regard to local views, the Council had responded.

The Cabinet Member for Planning felt that, taking forward the learning from feedback received about the consultation and engagement processes, the Council were committed to also trying harder to reach out and secure views from more of the community on the "soundness" of these proposals and improving the readability of these documents. The Cabinet Member for Planning had recently hosted a community forum to discuss our Statement of Community Involvement on 14th September. There would be a continuing programme of engagement around these documents to help answer some of the earlier criticisms associated with the earlier round of consultation last spring.

The Cabinet Member for Planning linked the Corporate Plan ambitions for

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better homes for everyone, new jobs and improved opportunity for all, a safer and a healthier borough being reflected in an updated Local Plan. He indicated that the document had an important part to play in realising that ambition – by helping the council plan for infrastructure, seizing opportunities from development to secure positive economic and housing outcomes or by protecting and preserving important spaces, buildings and places. Despite the challenges of accommodating London's Growth, The Cabinet Member for Planning advocated that the Plan meets the objectives for growth, employment and Housing –and the 4 appendices attached should now proceed to Full Council for approval.

In response to the Cabinet Member for Resources and Culture's question on management of the tension in supporting economic as well as Housing growth in Haringey, it was noted that local authorities were facing big challenges to deliver employment and housing and were looking at ways in which sites can have both housing and employment use. Brownfield land in the borough was limited and choices were required to be made regarding how the borough best use the land available. The Council had further endeavoured to safeguard employment land and the Brownfield site at Pinkham way

The Leader referred to the recently approved Growth Strategy of the Council which would not limit the Council to dormitory businesses but put forward a new approach for how employment sites may exist in the borough, attracting local jobs and locations allowing access to higher skills.

The Council would not automatically favour residential sites to employment sites as this was short sighted as employment was a key component of growth.

RESOLVED

To note the comments of the Regulatory Committee at Paragraph at 6.7; and

To note the comments received to consultation on the preferred option draft Local Plan documents (the draft Schedule of Alterations to the Strategic Policies DPD; the draft Development Management Policies DPD; the draft Site Allocations DPD; and the draft Tottenham Area Action Plan DPD) and the Council's proposed response to these as set out in the Consultation Statements at Appendices B, D, F and H respectively of this report.

That Cabinet recommend to Full Council that it approve the following:

- I. The Schedule of Alterations to Haringey's Local Plan: Strategic Policies: Pre-submission version;
- II. The draft Development Management DPD: Pre-submission version;
- III. The draft Site Allocations DPD: Pre-submission version; and
- IV. The draft Tottenham Area Action Plan: Pre-submission version

(attached at Appendices A, C, E and G respectively), for publication and submission to the Secretary of State for independent Examination in Public.

**AD
Planning**

Alternative options considered

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The Council could choose not to review the Local Plan: Strategic Policies, which was only adopted in March 2013. However, since that date, further alterations have been made to the London Plan which significantly increases Haringey's strategic housing requirement. As a result, the Council's current spatial strategy for the borough makes insufficient provision to manage this new level of growth. As the new regional policy is adopted and forms part of the Borough Local Plan, the fact that Haringey's spatial strategic is not up-to-date will not prevent development coming forward to meet and exceed the new housing target. The National Planning Policy Framework (NPPF) clearly states, at paragraph 14, that where the development plan is absent, silent or relevant policies are out-of-date, the Council will grant proposals permission unless material considerations indicate otherwise, or the development does not accord with the NPPF.

The NPPF and evidence underpinning the further alternations to the London Plan, and to the Local plan also, demonstrate a need to revisit the housing assumptions within the Strategic Policies DPD (2013), especially if the other supporting local plan documents are to be progressed further. Not undertaking the alterations would render a number of the existing Strategic Policies out-of-date, and significantly compromise the ability of the Council, as the Local Planning Authority, to make planning decisions based on local strategic circumstances. Accordingly, not reviewing the document is not a viable alternative.

The Development Management DPD, the Sites Allocations DPD, and the Tottenham AAP, will significantly improve the Council's ability to manage and promote high quality sustainable development (and resist unsustainable development) across the borough, so not producing these documents is not considered to be an appropriate or viable alternative.

For the four development plan documents, the current stage of plan-preparation represents a formal statutory stage in line with previously agreed programme of work contained with the Local Development Scheme. The Council has therefore determined that it wishes to prepare these Development Plan Documents. The Development Plan Documents have been prepared in accordance with the relevant planning regulations.

Reasons for decision

These four planning policy documents are to form part of Haringey's Local Plan. Without them it will be challenging for the Council to deliver the borough wide aspirations and corporate objectives we have to manage change and growth for the benefit of existing and future residents and businesses. It would also become increasingly challenging to influence and determine development proposals which fail to deliver sustainable development outcomes in Haringey. These local plan document will be more up to date and consistent with the London Plan 2015 and the National Planning Policy Framework than the current version of the Local Plan: Strategic Policies (2013) and Haringey's saved UDP polices.

Publication and the submission of the Local Plan documents to the Secretary of State for Examination in Public is a statutory requirement in the process of preparing and adopting the Local Plan. It is equally important that the Council give consideration to the comments received and show how these have been taken into account and, where appropriate and justifiable, addressed through changes to the documents.

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	<p>This will enable the pre-submission versions of the four documents to be reported to Full Council for its consideration and approval, in accordance with the timetable set out in the Council's adopted Local Development Scheme.</p>	
	<p>MINUTES OF OTHER BODIES</p> <p>RESOLVED To note the minutes of the following:</p> <p>Cabinet Member Signing 7th September 2015 Cabinet Member Signing 18th September Cabinet Member Signing 22nd September Cabinet Member Signing 1st October Cabinet Member Signing 1st October Cabinet Members Signing on 5th October Corporate Parenting Advisory Committee 6 July 2015</p>	
	<p>SIGNIFICANT AND DELEGATED ACTIONS</p> <p>RESOLVED To note the directors actions taken in September.</p>	
	<p>NEW ITEMS OF URGENT BUSINESS</p> <p>None</p>	
	<p>EXCLUSION OF THE PRESS AND PUBLIC</p> <p>RESOLVED: That the press and public be excluded from the remainder of the meeting as the items below contain exempt information, as defined under paragraph 3, Part 1, schedule 12A of the Local Government Act 1972</p>	
	<p>FORMER GREENFIELDS SCHOOL, COPPETTS ROAD AND LCCCP SITE 54/56 MUSWELL HILL, LONDON N10 As per item 91.</p>	
	<p>EXEMPT MINUTES</p> <p>The exempt part of the minutes for the 15th September 2015 was agreed as an accurate record.</p>	
	<p>NEW ITEMS OF EXEMPT URGENT BUSINESS</p> <p>None</p>	

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Councillor Claire Kober
Chair

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Report for: Cabinet on 10th November 2015

Item number: 8

Title: Corporate Plan Priority 2 - Outcome of Consultation and decision on proposals relating to adult services

Report authorised by: Zina Etheridge, Deputy Chief Executive

Lead Officer: Beverley Tarka, Director of Adult Social Services

Ward(s) affected: All

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

1. Describe the issue under consideration

1.1. On 16th June 2015, Cabinet approved consultation proposals to:

- a) Increase the Council's capacity to provide re-ablement and intermediate care services by:
 - I. The closure of Osborne Grove Nursing Home and changing its use to an intermediate care service OR to continue with the current provision but to include a re-ablement care service and deliver the service through an external provider;
 - II. The closure of the Haven Day Centre and change of its use to a community re-ablement centre delivered by an alternative provider; and
 - III. Transfer of the Re-ablement Service to an external provider;
- b) Increase capacity to provide Supported Living Accommodation and Shared Lives schemes by:
 - I. The closure of Linden House residential home; and
 - II. Transferring the Share Lives Service to a social enterprise model.
- c) Increase the flexibility and availability of day services by:
 - I. The closure of Roundways, Birkbeck Road and Always Day Centres;
 - II. The delivery of a new model of day opportunities for adults with learning disabilities from Ermine Road Day Centre, through a social enterprise; and
 - III. The closure of the Grange Day Centre and delivery of dementia day services from the Haynes Day Centre through a social enterprise model.

Between 3rd July 2015 and 1st October 2015, there was public consultation on the proposals.

1.2. Cabinet is asked to consider: the feedback from the consultation in Appendices 1 and 2; the Equalities Impact Assessments of the proposals in Appendices 6-12; the analysis of the issues contained in this report and the additional

Appendices 13-17; the legal duties in section 8 and then to make a decision on the proposals and to approve the recommendations set out in section 3.

- 1.3.** In addition to the consultation, the Council has been working with a range of stakeholders including service users, family carers, advocates, staff and providers to co-design the future service model for day opportunities for people with learning disabilities, older people and those with dementia. Over the summer, in a process facilitated independently, stakeholders have identified a set of principles and outcomes that would help to inform the future service models. The full reports from the co-design process are in Appendices 3-5. Cabinet is also asked to consider and approve the plans to implement the proposals and for the future service models which are informed by the feedback from the consultation and the findings from the co-design process with stakeholders.

2. Cabinet Member Introduction

- 2.1** Haringey Council is fully committed to:
- Working with service users and their families and carers in the design of services.
 - Meeting our statutory responsibilities to continue to provide services that meet the assessed needs of adults.
 - Safeguarding adults at risk.
- 2.2** There is significant need for change resulting from the Care Act 2014, as well as the financial pressures which the Council faces following the government's changes to local authority funding. In response to the increasing need for change the Council is proposing to change the way that some parts of the service are currently delivered, to ensure that the Council is able to reach and fairly support all adults in need of social care and ensure they are given the best opportunity to gain or retain independence.
- 2.3** The Council will work closely with the community, other service providers, and carers and most importantly, with the people who use adult social services, to ensure they are able to access the right help at the right time. The Council will focus on prevention and early intervention by providing access to high quality information, advice and support to empower all adults to live healthy, long, fulfilling lives; with access to high quality health and social care services when people are assessed as needing them. This new focus will ensure that the Council delivers the optimum level of support, being flexible and responsive when needs fluctuate.
- 2.4** The Council understands how valuable our services are to individuals and the differences the services provided have made for families and carers. However, the demand for Adult Social Services is increasing and we are facing significant reductions in budgets following the government's changes to local Council funding. To meet these financial challenges and the changes to legislation, the Council needs to transform the delivery of care and support.

3. Recommendations

- 3.1. To consider and take into account the detailed feedback from the consultation undertaken.
- 3.2. To consider and take into account the equalities impact assessment of the proposals on protected groups.
- 3.3. To consider and take into account the actions proposed to mitigate the impact of the proposals on the protected group i.e. service users.

Having considered the above recommendations, to agree the following:

- 3.4 To increase the Council's capacity to provide re-ablement and intermediate care services by:
 - a) The retention of Osborne Grove as a nursing and residential provision and developing re-ablement and intermediate care provision on site. This provision to be managed by an NHS provider through a statutory partnership arrangement.
 - b) The closure of the Haven Day Centre and changing the use of the premises to a community re-ablement centre delivered by an alternative provider. The commissioning of the new re-ablement service to be informed by the co-design principles and outcomes set out at 3.10 below and service users and carers to be involved in the production of the service specification. The new community re-ablement centre to be commissioned as part of the Intermediate Care Strategy, being developed jointly by the Council and the Haringey Clinical Commissioning Group, as part of an overall approach which builds re-ablement capacity for individuals, services and communities
 - c) The transfer of the Council in-house Re-ablement Service to an external provider following further engagement with staff and the Trade Unions in line with existing protocols, and a procurement process.
- 3.5 The closure of the Haven Day Centre to be subject to an implementation plan that includes a) engagement with all stakeholders including service users and carers, b) the re-assessment or review of the care and support needs of service users with a view to identifying suitable alternative provision to meet assessed needs, c) the assignment of a Personal Budget Support Co-ordinator to support service users to access other day opportunities and d) a transition plan that is sensitive to the needs of service users, mitigates the impact of the closure, ensures the process of change is safely handled and the care and support needs of the service users continue to be met.
- 3.6 To expand the Council's capacity to ensure Supported Living Accommodation and Shared Lives schemes by:
 - a) The closure of Linden Road Residential Care Home; and
 - b) The delivery of the Council's in-house Shared Lives Service through an alternative provider and following a procurement process. This is to ensure

that the expansion of the scheme is delivered and that the benefits are felt throughout the system.

- 3.7** The closure of Linden Road Residential Care Home to be subject to an implementation plan that includes a) engagement with all stakeholders including service users, families/carers and independent advocates (where necessary), b) the re-assessment or review of the care and support needs of service users with a view to identifying suitable supported living accommodation or other alternative provision to meet assessed needs and c) individual transition plans that are sensitive to the needs of service users, mitigate the impact of the closure, ensure the process of change is collaborative, safely handled, in the best interest of the service user and enable their care and support needs to continue to be met.
- 3.8** To increase the flexibility and availability of day services within the borough by:
- a) The closure of the Roundways, Birkbeck Road and Always Day Centres for adults with a learning disability;
 - b) The provision of a new and expanded day opportunities for adults with learning disabilities (including those with complex needs and autism) from Ermine Road Day Centre and through an alternative provider;
 - c) The closure of The Grange Day Centre; and
 - d) The provision of a new model of day opportunities for older people and those with dementia from The Haynes Day Centre through an alternative provider.
- 3.9** The closure of the Roundways, Birkbeck Road, Always and The Grange Day Centres to be subject to an implementation plan that includes a) engagement with all stakeholders including service users and carers, b) the re-assessment or review of the care and support needs of service users with a view to identifying suitable alternative provision to meet assessed needs, c) the assignment of a Personal Budget Support Co-ordinator to support service users to access other day opportunities and d) a transition plan that is sensitive to and mitigates the impact of the closure and ensures the process of change is safely handled and that the care and support needs of the service user continue to be met.
- 3.10** To adopt the following principles and outcomes developed through the co-design process for the delivery of the future service models for day opportunities for people with learning disabilities, older people and people with dementia:

Principles

- a) Quality monitoring of all activities and services in Haringey
- b) Accessible and up to date information about activities and services
- c) Mobilising community volunteering and supporting this with infrastructure
- d) Working with providers so staff are well paid
- e) Working with providers to encourage staff development

- f) User, partner and staff involvement in the development and delivery of opportunities
- g) Enabling service users to lead a fulfilling life
- h) Working with the market to develop a breadth of opportunities that meet the needs of a range of individuals and provide choice
- i) Developing availability of sustainable opportunities

Outcomes

- a) Expanding out the availability of services in the wider community
 - b) Information about services that are available
 - c) Development of a travel programme to enable access to opportunities
 - d) Help with personal assistants to provide help and support
 - e) Enabling remaining centres to work as hubs for needs of wider community
 - f) Alternative methods of service delivery to be explored
 - g) Support for people with Personal Budgets
- 3.11** Using the principles and outcomes above, to develop with stakeholders including users and carers, a service model upon which officers will base the specification for day opportunities for adults with a learning disability to be delivered from Ermine Road Day Centre and for day opportunities for older people and those with dementia to be delivered from The Haynes.
- 3.12** To tender the service for day opportunities for adults with learning disabilities based on the co-designed service model and specification, to achieve optimal outcomes for users and to achieve best value.
- 3.13** To tender the service for day opportunities for older people and those with dementia based on the co-designed service model and specification to achieve optimal outcomes for users and to achieve best value.
- 3.14** The implementation of the recommendations set out in 3.4 to 3.13 is delegated to the Director of Adult Social Services in consultation with the Cabinet Member for Health and Wellbeing.
- 3.15** The implementation of the proposals to be monitored and overseen by the Healthy Lives Priority Board and the Transformation Group. (See Governance Section 4.30).

4. Reasons for decision

The need for change

- 4.1. The traditional role of adult social care is changing. In the past, adult social services centred around assessing people's care needs and providing services to meet those needs. This remains a very important part of what social workers do, but there is increasing recognition that adult social care must do more to support people *before* they need care. In an era where our population is ageing, investing in prevention is key to helping more people to stay healthy and live independently for longer - and it means scarce resources can be used more effectively to support those people who need them most.
- 4.2. Making the change from a system that reacts when people need acute help to one that supports more people to remain healthy and independent is not an easy task. It takes time and relies on close co-operation between organisations and individuals in health, social care and the wider community. But the benefits of this change are considerable. In Haringey it would help to increase people's quality of life; improve people's health and wellbeing, and develop stronger and more resilient communities.
- 4.3. The current model for adult social care in Haringey does not do enough to prevent care and support needs escalating, and is unsustainable in the long-term. Last year, for every £3 the Council spent, £1 went on adult social care. Without significant change in how social care is delivered, that figure would rise, resulting in difficulties for the Council in delivering other services such as refuse collections, libraries and parks.
- 4.4. In Haringey there was a 5.3 percent increase in residents aged over 65 years between 2011-2013. This is great news but there is no doubt that it also places an ever-growing demand on care services. And while demand for services continues to rise, the money available to fund them has reduced. Across the country, there is currently £3.5 billion less in Council social care budgets than there was in 2010. This means that there is a pressing need for Councils to deliver social care differently. The Care Act has widened the scope of statutory duties with an increased emphasis on wellbeing as part of any assessment process. It is therefore important that our approach focuses on prevention and early intervention whilst continuing to meet eligible needs.
- 4.5. In Haringey, we want to keep people healthy and living in their own homes and communities for longer. We want to see a greater emphasis on promoting independence, dignity and choice - with care and support shifting away from institutional care towards community and home based support.
- 4.6. This will mean an increase in services like supported living housing, which helps people to maintain their independence in a safe and supportive environment. It will also mean development of schemes like Shared Lives - where carers choose to look after people in their own homes - and community-led programmes like Neighbourhoods Connects, which supports local people to participate in social activities and play a more active role in their community. It will also mean improving the work we do on prevention and early

intervention so that more people are equipped with the information and advice they need to look after themselves and others better. This will help to delay and reduce the need for care in many circumstances, help people to remain independent for longer, and build more resilient communities.

- 4.7. Moving to this more sustainable model of adult social care would help us to reduce demand for services provided at traditional care institutions such as day centres and residential homes.
- 4.8. It would also mean that the Council would deliver fewer services directly, and would instead commission more services from the independent, community and voluntary sectors.
- 4.9. We know that care cannot be approached from a one-size-fits-all perspective, so we will ensure that specialist care services remain available for people with complex care needs. The recommended proposals enable the Council to continue to develop care and support which can be delivered within budget resources.

Proposal to increase the Council's capacity to provide re-ablement and intermediate care services.

- 4.10. The Care Act requires the Council to provide or arrange for the provision of services, facilities or resources, or take other steps, which it considers will prevent, reduce or delay the need for care and support. The Care and Support Statutory Guidance provides that the care and support system must work to “actively promote wellbeing and independence, and does not just wait to respond when people reach a crisis point. To meet the challenges of the future, it will be vital that the care and support system intervenes early to support individuals, helps people retain or regain their skills and confidence, and prevents need or delays deterioration wherever possible”.
- 4.11. Re-ablement services are for people with poor physical or mental health to help them adjust to their illness by learning or re-learning the skills necessary for daily living. The Re-ablement Service works closely with an individual for up to six weeks to build up skills, confidence and increase the opportunity for them to care for themselves. The service is for adults who have difficulty managing personal care or daily living tasks, perhaps as a result of illness or a period in hospital, following for example an accident, and have the potential to regain or maintain those independent living skills. This tailored support allows the individual to regain independence and stay in their own home for longer.
- 4.12. Intermediate care is short-term care for people who no longer need to be in hospital and do, however, require extra support to help them recover. It increases the opportunity for individuals to care for themselves and access the support needed to gain independence. The type of support and the duration of support offered will vary according to the assessed needs of the individual.
- 4.13. We want to increase our capacity for re-ablement and intermediate care services to enable more people to live independently in their own homes. Supporting people to live as independently as possible, for as long as possible is a guiding principle of the care and support system.

- 4.14. Residential homes and hospitals provide valuable care for those in need of those services, but with the right support, it is clear that adults would like to be empowered to be healthy and independent in their own homes for as long as possible. Evidence has shown that increasing the facilities and the opportunity for re-ablement services can potentially reduce the need for high cost social care packages in the future through supporting individuals to become independent. An increase in our capacity to provide re-ablement and intermediate care would allow us to support a greater number of people to have the support they need to prevent, reduce or delay the need for care and support.

Proposal to increase our capacity to provide suitable accommodation that promotes individual well being through expanding Supported Living Accommodation and Shared Lives schemes.

- 4.15. Under the Care Act, (2014), the Council must promote individual wellbeing; relating to 'domestic, family and personal relationships' and the 'suitability of living accommodation'. The Care and Support Statutory Guidance provides that "Local authorities should encourage a genuine choice of service type, not only a selection of providers offering similar services, encouraging, for example, a variety of different living options such as shared lives, extra care housing, supported living, support provided at home, and live-in domiciliary care as alternatives to homes care, and low volume and specialist services for people with less common needs".
- 4.16. In Haringey we have developed a range of provision for vulnerable people that has a greater emphasis on helping people to continue to live independently at home - maximising their independence and reducing social isolation - and is less reliant on traditional institutions. Working closely with our partners we are increasing the availability of schemes such as Supported Living and Shared Lives – demonstrating how most needs, including complex needs, can be met in the community. Adult social care users in Haringey, including people with complex needs, have told us they would prefer to live as independently as possible in the community where they have the opportunity to exercise greater control over their lives.
- 4.17. Supported Living Accommodation enables adults, who are assessed as being able to live independently, to do so. Individuals can have their own tenancy or choose to share with other eligible adults. Support is tailored to the needs of the individual and supports them with daily living including personal care, taking medication and money management.
- 4.18. Shared Lives is a well established scheme within Haringey Council and nationally. The scheme relies on the participation of the local community, where a family or an individual shares their family home with someone who needs support. The scheme is open to adults with various disabilities that have been assessed as being able to live within the community. It enables such adults to enjoy the independence and support of living with a local individual/family.

- 4.19. In consideration of feedback to the proposals, a broader spectrum of alternative providers will be appraised to ensure the best value for money option is identified to meet the needs of residents and benefit the whole community.
- 4.20. It is more important than ever that we get the most value from our public spending. Commissioning for social value involves looking at the collective benefit to a community when a service is provided.

Proposal to increase the availability and flexibility of day opportunities within the borough meeting the individual needs of residents.

- 4.21 The Care Act provides that “the local authority must promote the efficient and effective operation of a market in services for meeting care and support needs with a view to ensuring that any person in its area wishing to access services in the market” has a “variety of providers” and “variety of high quality services” to choose from.
- 4.22 Day services provide both respite for carers and opportunities for vulnerable adults to be active and socialise during the day. Haringey is continuing to develop new forms of day opportunities and move away from traditional buildings based services, supporting and increasing opportunities in the wider community. Working with the community and other businesses to develop services will promote more flexibility, availability and opportunity.
- 4.23 We are committed to the priorities set out in *Valuing People Now*¹, to improve outcomes for people with learning disabilities in employment, housing and health, through person centred approaches and the promotion of personal budgets. All people with learning disabilities have the right to lead their lives like any others, with the same opportunities and responsibilities. The shift from buildings based care to community led support will enable all adults to make informed choices to enable the best outcome for them.
- 4.24 We have to move away from segregated buildings based day opportunities within the borough for people with learning disabilities and to continue to develop access to mainstream activities – these include local leisure educational and employment opportunities. We recognise, however, that people with specific needs will require a centre to support them at particular times and we are proposing to retain the use of Ermine Road Centre as part of the delivery of Learning Disability Day Opportunities in Haringey.

¹ [Valuing People - A New Strategy for Learning Disability for the 21st Century](#) and [Valuing People Now: Summary Report March 2009 to September 2010](#)

The Consultation Feedback

- 4.25** Feedback received to the consultation demonstrated that respondents overwhelmingly opposed the proposals. The value of the services currently received was reiterated throughout the consultation responses, with much accolade received for existing staff, facilities and the opportunities provided. The desire to keep services in their current format and directly managed by the Council was repeatedly presented along with feedback of positive outcomes achieved through the existing service provisions.
- 4.26** Concerns raised demonstrated anxiety around the proposed changes and how they might affect individuals and their families/carers, a) mentally (through isolation) b) financially (having to obtain services elsewhere and/or families having to change working patterns to accommodate their loved one), and c) physically (assuring the safety of service users, with appropriately trained staff within alternative provisions).
- 4.27** Appendix 1, *Analysis of the consultation process and results*, summarises the key themes identified through a) responses to the consultation questionnaires, b) correspondence received (letters and emails) and c) staff engagement, to each proposal². The document also provides the full responses received to the consultation.³
- 4.28** It is acknowledged that the recommendations will result in a reduction in services directed provided by the Council. The feedback received from the consultation demonstrates the concern for the continuation of high quality of services should services be delivered by an alternative provider. We will select alternative providers to deliver services based on their ability to meet the specification and the commissioned service will be subject to ongoing monitoring as detailed in paragraph 4.29 below.
- 4.29** Also, there will be changes to the established daily patterns of service users and their families/carers. Service users may need to adjust to new environments, new staff and new routines. We will work sensitively with each individual and plan with them, their families/carers, how best to manage any necessary changes.

Governance and monitoring

- 4.30** There will be monitoring and oversight of the implementation of the recommendations in Section 3 above, through: a) the Strategic Healthy Lives Priority Board (which has oversight of the strategic and operational delivery of the various service proposals); b) the Transformation Group (which provides scrutiny and challenge to the delivery of the Transformation proposals/plans and ongoing monitoring of quality and performance); and c) the Deputy Chief Executive, Director and Lead Member for Health and Wellbeing. This oversight will pay particular attention to the issues raised by consultees which includes potential loss of respite for carers, loss of experienced trained staff, perceived

² Pages 17-45

³ Page 112-234

increase in safeguarding risk, lack of transitional support for people who find change difficult and lack of clarity about alternative provision. In addition the transformation is subject to scrutiny by the Council's overview and Scrutiny Committee and the Adults and Health Scrutiny panel.

5. Alternative options considered

- 5.1** Before the Council set its budget a consultation exercise was carried out on a wider set of proposals and savings proposals of £5.7 million set against care packages in Adult Social Services. This was considered but not taken forward.
- 5.2** The Council had also considered increasing Council Tax. It was decided that this was not the right thing to do as government funding rules suggest that overall the Council would only receive an additional £600,000 if it raised tax by 2%. This would not be enough to make a substantial difference to the social care budget but would mean that people in Haringey would have to pay more tax which could be challenging for residents.
- 5.3** The Council also considered using its reserves and the Council's Medium Term Financial Strategy does include some use of these reserves. However, the funding reductions are expected to continue for several years and are too high to be fully met from our reserves.
- 5.4** As the Council has set its budget, not making the Adult Social Care savings would be likely to mean that the overall Council budget would fall into deficit (ie expenditure could exceed its available resources). This would result in serious financial difficulty for the Council as a whole and call into question the sustainability of services in the future.
- 5.5** Legislative changes, demographic pressures and budget challenge mean that to continue to provide care and support in the current manner is unsustainable. The way we currently deliver services cannot meet expected outcomes and will not provide equitable services to meet demand.
- 5.6** To increase the capacity to develop services run by the Council would require more resources. The budget to provide adult social care has been reduced and, as such, there are no further resources therefore alternative ways of delivering services must be considered.
- 5.7** Responses to the consultation indicating the level of agreement/disagreement with the proposals have been considered in conjunction for the reasons stated for that view to understand the potential positive/negative impact of the proposal. Where opposition to the proposals was raised, we have identified areas where we could mitigate the concerns/risks including further increasing communication, and collaborative working with service users/families and providers. These are considered in further detail in the paragraphs below.

6. Background information

- 6.1.** On 16th December 2014 Cabinet was presented with the Draft Medium Term Financial Strategy (MTFS) and Draft Corporate Plan for 2015-2018. The documents proposed the next steps in relation to the Council's budget, and the Council's priorities for the next three years. Consultation on the Draft MTFS and Draft Corporate Plan ensued from 17th December 2014 to 18th January 2015.
- 6.2.** The three year plan was designed to be clear on what the Council was trying to achieve, setting the vision and reducing the cost base to allow transformation of Council services for the benefit of residents. This included focusing on: working more effectively on preventing costs occurring, earlier intervention to help families experiencing problems, helping older people to stay at home in supported living arrangements with independence, focusing on making the economy more competitive, and providing young people with the tools to succeed in life. The plan set 5 priorities for the Council in 'Building a Stronger Haringey Together'. Whilst there is much overlap and many interdependencies throughout the Priorities, it is primarily Priority 2 of the plan that covers the provision of adult social care services. Priority 2 states the Council's commitment to: 'Enable all adults to live healthy, long and fulfilling lives'.
- 6.3.** On 16th June 2015 Cabinet agreed to a consultation on specific proposals to transform services within Adult Social Care in light of the changes to legislation and the agreed reduction in budget.
- 6.4.** The consultation was widely published and aimed to reach all services users of the day centres, care and nursing homes affected by the proposals, and also their families and carers and other stakeholders including residents. In response to the consultation questions, 385 questionnaires were completed and 46 letters/emails received. In addition the Council commissioned independent advocacy services from Learning Disability Experience (LDX) who facilitated workshops and focus groups for service users and families/carers of the potentially affected day services and residential homes to enable them to participate in the consultation process. They consulted with 303 people of whom 222 were service users and/or their families/carers⁴. There were additional workshops with service users and staff for their feedback to the consultation proposals. The responses to the consultation were from service users, families/carers, specialist groups, advocates and solicitors acting on behalf of service users and others. The details of the consultation process⁵ and the responses⁶ are set out in Appendix 1 Analysis of the process and results. The report from the independent advocates, LDX forms part of the response to the consultation and is at Appendix 2.
- 6.5.** During the consultation process, the views of staff employed within the potentially affected service areas were sought. Their feedback has been considered as part of the consultation process and form part of the feedback summary within Appendix 1: Analysis of the consultation process and results,

⁴ Service users and their families/carers were encouraged to meet the independent advocates more than once to ensure they fully understood the proposal and had a second opportunity to 'have their say' should they wish to make further points after having some time to consider the proposals therefore numbers provided may not reflect individual numbers of people seen.

⁵ Analysis of the process and results, Page 4-6

⁶ Analysis of the process and results, Pages 111-234

pages17-45. The equalities impact of the recommendations on the adult social care workforce has been considered and is detailed within Appendices 6-12. Should the recommendations be agreed by Cabinet, further engagement and consultation will ensue with the staff of the affected services.

Consultation Questions and Responses

Proposal 1: To increase the Council's capacity to provide re-ablement and intermediate care services.

The closure of The Haven Day Centre and change of use to a community re-ablement service delivered by an external provider.

6.6. P
Proposal 1 – Question A: Do you support our proposal to close the Haven Day Centre?

6.7. 83% of the questionnaire responses to this proposal opposed the closure and raised potential risks to the service users and their families/carers should the proposal proceed. In addition to the questionnaire responses, letters and emails were received regarding the proposal.

6.8. The most frequently recurring topics through the responses received indicate:

- a) The current quality of staff/services at the Haven Day Centre are highly regarded and valued.
- b) The Haven Day Centre provides respite provision for families/carers; concerns were raised as to whether this need would be met for families/carers without the Haven Day Centre.
- c) The Haven Day Centre reduces isolation and deteriorating mental health, concerns were raised for the existing service users and how their needs could be met without the provision of the Haven Day Centre.

6.9. See Appendix 1: Analysis of the process and results, pages 17-19 (feedback summary), 111-120 (literal responses), 235-315 (letters/emails/responses⁷). Appendix 2: Haringey Council Adults Social Services 90-day Consultation pages 32-39 for full details of the consultation responses to this question.

Equalities impact

6.10. The Haven Day Centre provides a service to Haringey residents over the age of 65 with a physical disability and/or sensory impairment and/or mild/early onset dementia for three days each week and has a two day service for Haringey residents over the age of 50 with mental health issues. The day centre is limited to a total capacity of 24 people per day; the centre currently provides day opportunities to 48 Haringey Residents. Residents are provided with anything from one day per week to five days per week according to their assessed need.

⁷ Letter and emails are not indexed according to the proposals/questions.

6.11. Detailed feedback to the proposal did not indicate differing impacts on service users on the grounds of a) their sex, b) their gender reassignment status, c) religion or belief, d) race and ethnicity e) sexual orientation f) pregnancy & maternity status, g) marriage and civil partnership status. See Appendix 7 for the Equality Impact Analysis.

6.12. The risks identified through the equalities assessments are:

- a) Over 50% of service users are aged 80 years and over and their age may pose a particular risk when identifying alternative options within the community. Feedback from the consultation indicated concerns to the identification of alternative provisions specific to the needs/interests of older adults.
- b) 71.7% of the Haven's service users have a physical or sensory impairment which may impact on the alternative activities and locations that they can access within the community. Feedback from the consultation identified concerns for the safety of the existing service users 1) accessing alternative activities 2) commuting to an alternative provision, due to their disabilities.

Proposed mitigating actions

6.13. The responses to the proposal to close the Haven Day Centre demonstrate that it is a highly valued service however through working with service users and their families/cares many of the areas of concern can be mitigated; there are wider and longer term benefits for local residents with the closure and change of use to a community re-ablement service.

6.14. The Care and Support Statutory Guidance provides that the care and support system must work to “actively promote wellbeing and independence, and does not just wait to respond when people reach a crisis point. To meet the challenges of the future, it will be vital that the care and support system intervenes early to support individuals, helps people retain or regain their skills and confidence, and prevents need or delays deterioration wherever possible”. An increase in the Council's capacity to provide re-ablement and intermediate care would allow for a greater number of people to have the support they need to prevent, reduce or delay the need for care and support.

6.15. The closure of the service would be subject to safeguards to mitigate the concerns expressed in the responses to the consultation. There will be: a) an implementation plan that includes engagement with all stakeholders including service users and carers; b) the re-assessment or review of the care and support needs of service users with a view to identifying suitable alternative provision to meet assessed needs; c) the assignment of a Personal Budget Support Co-ordinator to support service users to access other day opportunities and d) a transition plan that is sensitive to the needs of service users, aims to mitigate the impact of the closure, ensure the process of change is safely handled and the care and support needs of the service user continues to be met. The recommendations and outcomes arising from the work with stakeholders to co-design the future service model for day opportunities for older people (see Appendix 3: Co-design Output – Dementia

and Older People Day Opportunities) would also form part of the implementation plan. Further information on mitigations is also set out in the Equality Impact Assessment at Appendix 7.

- 6.16.** In consideration of the responses received to the consultation, the Council recommends the closure of the Haven Day Centre and that the building is utilised to develop community re-ablement services in the borough with the undertaking that current service users and their carers will be assessed/reviewed to identify their needs and supported to identify alternative provisions. We undertake to work with communities to ensure adequate provision is identified and accessible to service users. In addition, to build up provisions so that the outcomes achieved by people who currently attend the Haven can be achieved by current attendees as well as the growing number of people with similar assessed needs.
- 6.17.** In support of these outcomes we have commissioned Neighbourhood Connects - a Borough-wide project - which aims to improve health and well-being and community participation for Haringey residents through promoting increased participation of older people in their neighbourhood communities, facilitating more involvement of community members in the care of older people and supporting the personalisation of social care. In addition, market development opportunities are being pursued in response to the duty highlighted in the Care Act to develop a diverse market of options.

Proposal 1 – Question B: To what extent do you support our proposal to transfer the internal re-ablement service to an external provider?

- 6.18.** 67% of questionnaire respondents were strongly opposed to the proposal. The most frequently reoccurring subjects within the responses were:
- a) The high quality of the existing service; and
 - b) Concern for the quality of service that may be provided by an alternative provider.

See Appendix 1: Analysis of the process and results Pages 20-23 for a sample of responses for these themes. All questionnaire responses to this question can be view in Appendix 1: Analysis of the process and results page 121-128.

Equalities impact

- 6.19.** An equalities impact assessment has been undertaken for this service area, please see Appendix 11. The service proposal is to transfer the service to an external provider to increase capacity and reduce costs. We do not consider there will be any adverse impact on service users on the grounds of a) their sex, b) their gender reassignment status, c) religion or belief, d) race and ethnicity e) sexual orientation f) pregnancy & maternity status, g) marriage and civil partnership status, h) their age, i) disability. However, to address the concerns expressed during the consultation about quality of services from an alternative provider, the Council will always have a commissioning relationship with the new provider. This means that we will specify the service which we want to be

provided and the new provider will deliver the service in line with that specification. We will monitor the provider to ensure compliance with our requirements including the provision of high quality support.

- 6.20.** The current in-house re-ablement service provides services to approximately 30 people at any one time. We want the number of people supported through re-ablement to increase significantly, so they can achieve their maximum potential after, for example, a period in hospital after an illness or injury. The current service provision is financially unsustainable given the increased numbers proposed to use the service and the service could be provided by an alternative provider at a reduced cost to the Council. The proposal to transfer the service to an external provider would have minimal impact on existing service users as they receive a short term service. However, there will be a transition plan that will be sensitive to the needs of those that may be affected by this change, to ensure that any impact is mitigated and the process of change is safely handled.
- 6.21.** There is evidence that re-ablement has the potential to deliver economies for both health and social care. Transferring the service to an external provider will allow the service to continue providing good quality care services and increase value for money allowing us to expand the service and increase the number of people we are able to support to regain independence.
- 6.22.** Staff of the re-ablement service were engaged during the consultation process for their professional feedback to the proposals (See Appendix 1: Analysis of the process and results, page 23) (one member of the Trade Union UNISON was also in attendance). There will be further engagement with staff and Trade Unions to help design a delivery model for the re-ablement service which will achieve optimal outcomes for users and to achieve best value for money.

Proposal 1 – Question C: To what extent do you support the proposal to close Osborne Grove Nursing Home?

- 6.23.** 74% of respondents opposed the proposal to close Osborne Grove Nursing Home. There were three recurring themes from the responses to this proposal:
- a) The high quality of the existing service;
Example:
“This is a successful and well-regarded service that meets all of the Care Quality Commission (CQC) standards...”⁸
 - b) Concern for the possible impact on existing service users and carers;
Example:
“Increasingly the most vulnerable are forced to move many miles to new facilities without any consideration to family members and friends”⁹ and
 - c) The reduction in residential nursing provision in the borough
Example:
“There are already too few nursing home places available in Haringey.”¹⁰

⁸ Appendix 1: Analysis of the process and results, pages 133

⁹ Appendix 1: Analysis of the process and results, pages 131

See Appendix 1: Analysis of the process and results, pages 24-26 (feedback summary), 129-133 (literal responses). Appendix 2: Haringey Council Adults Social Services 90-Day Consultation pages 25-32 for full details of the consultation responses to this question.

Equalities Impact

- 6.24.** Osborne Grove Nursing Home (OGNH) currently provides accommodation for adults over 65 who require nursing or personal care. There are 32 places for people with long and short term needs with 4 units of 8 bedrooms. The building has good access for wheelchair users with level access, widened doorways and lift facilities. There is a large room on the ground floor which is currently used for meetings and training which has potential to be redesigned and restructured as a fully operational re-ablement resource.
- 6.25.** The proposal to close Osborne Grove as a residential nursing home would have had minimal impact on the existing residents as the undertaking had been provided that no resident would be moved to an alternative residential home unless they wished to do so. See Appendix 6 for the Equality Impact Analysis. Residents may have been required to move from one unit to another within the home as it gradually wound down, however appropriate staffing levels would have been maintained in accordance with the Care Quality Commission's recommendations to ensure safety to all residents.
- 6.26.** Having considered the feedback to the consultation and having in addition considered the increasing demand for nursing provision in the borough, and the relatively low levels of such care currently available locally, the recommendation is to retain the service but with an alternative NHS provider.

Proposal 1 – Question D: To what extent do you support the proposal to transfer the existing service provision at Osborne Grove Nursing Home to an external provider and to include a re-ablement care service?

Feedback

- 6.27.** 73% of questionnaire respondents opposed this proposal. There were no overarching themes identified through the responses received although concern for the ability of the Council to provide assurance on the quality of service provision for an alternative provider recurred throughout the consultation feedback.

See Appendix 1: Analysis of the process and results, pages 27-28 (feedback summary), 134-140 (literal responses). Appendix 2: Haringey Council Adults Social Services 90-Day Consultation pages 25-32 for full details of the consultation responses to this question.

Equalities impact

¹⁰ Appendix 1: Analysis of the process and results, pages 129

- 6.28.** Responses to the consultation raised concerns that there was insufficient provision within the borough to respond to the demand for residential nursing care. Accordingly the recommendation has been amended to retaining Osborne Grove as a nursing and residential provision and developing reablement and intermediate care provision on site. This provision to be managed by a NHS Provider. This will maintain residential accommodation within the facility. While the number of residential units may change over time to accommodate Intermediate Care facilities, no current users will be asked to move, and there will be some residential accommodation maintained within the facility.
- 6.29.** There is evidence that the nursing care market for older people nationally and locally is fragile and requires development. Provision locally is limited with just two nursing homes located in Haringey and a frequent requirement to use additional capacity outside the borough in order to support a range of nursing care options for local residents. The high unit costs at Osborne Grove Nursing Home (OGNH) contribute to Haringey's weekly gross spend on nursing care, being the highest in London. It is proposed that OGNH be kept open as a nursing home in order to maintain local provision but that it is managed by an NHS Provider through a statutory partnership arrangement in order to deliver better value for money and to provide better integration of health and social care to support users. This will be supported by improved performance targets with clear value for money outcomes. It will also enable the support of reablement and intermediate care development by a single health provider.
- 6.30.** Detailed feedback to the proposal did not indicate differing impacts on service users on the grounds of their a) sex, b) gender reassignment status, c) disability type, d) race and ethnicity, e) sexual orientation status, f) religion or belief, g) pregnancy & maternity, or h) marriage and civil partnership status. See Equality Impact Analysis in Appendix 6.
- 6.31.** 68% of service users are aged 80 years and over and may have specific anxieties around the proposed changes. During the consultation process Adult Social Services engaged with service users and their families/cares to reiterate that neither proposal for Osborne Grove would require the relocation of existing residents to an alternative provision.
- 6.32.** The expansion of the use of the premises to include intermediate care and reablement services will have minimal impact on the existing service users. The building is divided into four separate units, two on the ground floor and two on the first floor. Each unit has 8 bedrooms all with their own toilet/shower facilities as well as a communal lounge area. Details of how the facilities will be expanded to facilitate Intermediate Care has not been determined, in the event that service users are required to move from one unit to another within Osborne Grove, appropriate staffing levels will be maintained across all units in accordance with the Care Quality Commission regulations, to ensure safety and interaction with service users during the process.

Mitigation

- 6.33.** To mitigate the effects of the proposals we will:

- a) Engage with carers/families as early as possible and before the implementation of any changes to OGNH to reduce anxiety and to ensure their input to the proposed changes.
- b) Engage with service users and plan effectively for any move required within the residential home from one room to another.
- c) Work with the community and other providers to identify alternative options should any individual choose to move to alternative accommodation.
- d) Monitor the impact of the proposal and the implementation of the mitigations as detailed in paragraph 4.30.

Proposal 2- Increasing our capacity to provide suitable accommodation that promotes individual well being through expanding Supported Living Accommodation and Shared Lives schemes.

Proposal 2 – Question A: To what extent do you support our proposal to provide more accommodation options that promotes individual well being through expanding Supported Living Accommodation?

- 6.34. This consultation question did not generate a large number of responses; there were 37 completed questionnaires for Proposal 2. 49% of respondents indicated they opposed the proposal (see Appendix 1: Analysis of the process and results page 29); however the recurring themes from the detailed responses to the question were positive, highlighting the benefits of increasing opportunities for service users and supporting independence.

Example: “Every effort should be made to support people and enable them to live independently in their own home for as long as possible”¹¹

Equalities impact

- 6.35. An equalities impact assessment has not been undertaken for this proposal. The proposal relates to the expansion of existing service provision and initial screening does not indicate any adverse impact on the protected characteristics of service users and staff.

Proposal 2 – Question B: To what extent do you support our proposal to close Linden Road Residential Home?

- 6.36. 78% of respondents (29 actual responses) opposed the proposal. There were no overarching themes identified within the responses on the consultation questionnaire. Some respondents did not provide details as to why they did/did not support the proposal see Appendix 1: Analysis of the process and results page 31-33 for a summary of the feedback received and Appendix 1: Analysis of the process and results pages 146-148 for the literal responses. However the responses received by the independent advocates LDX detailed the concerns of the four existing service users and their families/carers with the proposal to close Linden Road. It was noted a) that the staff at the facility had worked with the service users for a long period of time and were able to support the residents effectively; b) that there was a high quality of service

¹¹ Appendix 1: Analysis of the process and results Page 143

provided at Linden Road and c) that routine was very important to the residents see Appendix 2.

Examples:

“Personal carers couldn't handle him. Autism is one of those conditions which if you haven't been around it for a long time you don't understand it.”¹²

“Continuity keeps him and other people safe. Same people, same building, same activities.”¹³

Equalities Impact

- 6.37.** Linden House is a residential care provision for adults with learning disabilities, including those with complex needs. There are currently 4 disabled residents who are affected by these proposals. See the Equalities Impact Assessment at Appendix 8.
- 6.38.** Detailed feedback to the proposal did not indicate differing impacts on service users on the grounds of their a) gender reassignment status, b) age c) sexual orientation status or d) marriage and civil partnership status.
- 6.39.** Although the residents are currently all male, this is not by design. There is no restriction by gender across the service as a whole. We will work with all service users and provider services to ensure suitable opportunities for both genders.
- 6.40.** We note that all service users are of Christian belief. The consultation feedback did not indicate significance to this characteristic in the responses to the proposal, however this information will be considered in identifying alternative options for the affected service users.
- 6.41.** 80% of service users are under 40 years of age; this proposal promotes and provides opportunities to this group of adults to have greater independence and control over their lives. We will work with service users and provider services to ensure suitable availability of opportunity for all age groups.
- 6.42.** Closing Linden House as a residential home will reduce the availability of residential accommodation for adults with a Learning disability within the borough. Feedback from the consultation indicated that residents were concerned about the accessibility and quality of alternative provision within the borough for adults with learning disabilities and autism.
- 6.43.** The proposal to close the home is underpinned by the vision to enable adults in Haringey to live fulfilling lives. The offer of supported living options represents a move away from institutionalised provision, to give people the opportunity to have their own tenancy in the community irrespective of their support needs. This focus to help adults with learning disabilities to move out of institutionalised care and into appropriate community settings began in 2010.

¹² Appendix 2: Haringey Council Adults Social Services 90-Day Consultation page 47

¹³ Appendix 2: Haringey Council Adults Social Services 90-Day Consultation page 42

6.44. The responses to the consultation indicate concern for the 4 adults currently residing at the residential home and their families/carers. The risks to service users during the transition to a new location and the ability for the service users to be understood and adapt to the new environment and staff. The diversion from residential homes to Support Living Accommodation has already been successfully undertaken here in Haringey, with the relocation of 11 residents of Whitehall Street residential home in 2012.

Mitigation

6.45. There will be safeguards in place to address the concerns expressed by service users and their families during the consultation process. There will be an implementation plan that would require engagement and collaborative working with all stakeholders including service users, carers, families and advocates. The plan would also ensure that the closure and move are carried out at the right pace for service users, there is transparency in decision making and in communication and that the service user's best interest and wellbeing are paramount. There will be a re-assessment or review of the care and support needs of service users and their carers to identify their needs. The Council will work with service users, their families/carers and independent advocates, to identify suitable alternative supported living provisions or other provision. The closure of Linden would be subject to safeguards to mitigate the concerns expressed in the consultation as described in Section 6.15.

6.46. Having considered the consultation responses, the adverse impact of the proposals on the service users and their families, the need to move away from institutionalised care and into appropriate community settings and the proposed safeguards to mitigate the concerns and impact of the proposals, the recommendation to Cabinet is to proceed with the proposals to close Linden Road Residential home.

Proposal 2 – Question C: To what extent do you support our proposal to transfer the Shared Lives service to a social enterprise?

6.47. 62% of responses (22 actual responses) opposed the proposal. There were no overarching themes identified from the responses received. Concern for the proposal included the loss of Council resources to continue to the service:

Example:

“While Shared Lives is within the Council, it has access to all the support services that it requires - HR, IT, legal, and so on. Due to being part of a large organisation, it receives high quality provision in these areas that are essentially free¹⁴, “

See Appendix 1: Analysis of the process and results pages 34 to 35 for the consultation feedback summary and pages 149 to 152 for the Literal responses to the questionnaire.

Equalities

¹⁴ Page 150 Appendix 1

6.48. An equalities impact assessment has been undertaken for this service area, please see Appendix 12. The service proposal is to transfer the service to an external provider to increase capacity and reduce costs. We do not consider there will be any adverse impact on service users on the grounds of a) their sex, b) their gender reassignment status, c) religion or belief, d) race and ethnicity e) sexual orientation f) pregnancy & maternity status, g) marriage and civil partnership status, h) their age, i) disability.

Mitigations

6.49. Shared Lives offers an adults placement option for adults with a learning disability, mental health needs, a physical disability or who are frail and older. Such placements offer the opportunity for people with social care needs who cannot live independently to live in a family environment in the community, where they could otherwise require supported living or residential care.

6.50. Currently, the service has 35 adults in placement, 30 of whom have a learning disability and 5 of whom have a mental health need. In line with the overall direction of travel towards more independent living the service has challenging targets to increase the number of adult placements within the Shared Lives Scheme to 125 by 2018. The Shared Lives Service is run as an in-house service by Haringey Council which both recruits and assesses potential carers and then supports carers in the longer term with users continuing to be supported by their care manager. The service operates fairly discretely from other services in the Council and is primarily focused on recruiting and supporting carers in the community. The recommendation is that approval is given for the service to be delivered by an alternative provider. The benefits to this can be summarised as:

- a) Opportunity to attract social finance investment to fund additional capacity upfront with the benefits of growth in numbers of placements being felt within the service
- b) Payment to follow placements, rather than block funding of staff
- c) Flexibility of approach which would enable new capacity to be engaged as the number of placements increases
- d) Opportunity to attract other investment as the service develops
- e) Chance to gain economies of scale by being able to bid for additional work in other boroughs

6.51. Staff of the Shared Lives service were engaged during the consultation process for their professional feedback to the proposals (see Appendix 1: Analysis of the process and results page 35) (one member of the Trade Union union was also in attendance). Following further discussions with staff and the unions, the Council recommends an alternative delivery model be sought for the existing Shared Lives Service. The Council will have a commissioning relationship with the new provider. This means that we will specify the service which we want to be provided and the new provider will deliver the service in line with that specification. We will monitor the provider to ensure compliance with our requirements including the provision of high quality support.

Proposal 3- Increase the flexibility and availability of day services within the borough.

Proposal 3 – Question A: To what extent do you support our proposals to close Roundways, Birkbeck Road and Always day centres which provide day services for adults with a learning disability?

6.52. 89% of questionnaire responses strongly did not support this proposal. See Appendix 1: Analysis of the process and results pages 36 to 39. The most common themes from the responses indicated respondents opposed the proposal due to:

- a) The loss of the high quality of services currently provided by the centres
Example:

“Services to support adults with learning disabilities are vital to ensure they live a fulfilled life and are given opportunities to learn and develop vital independent living skills which will promote self esteem and confidence”¹⁵

- b) Fear for service user safety and social interaction
Example:

“It is essential for people with learning difficulties to have routines and consistent structures and people around them. If this is taken away, there is a huge risk that these clients will become isolated, anxious and that their mental health will suffer. This will put a greater strain on relatives & helpers & probably cost far more.”¹⁶

- c) The need for respite for families/carers
Example:

“These people’s carers will crack under the additional pressure put on them to look after their loved ones with no respite.”¹⁷

Some responses focused on all three centres within the proposal, whilst other correspondence focused on one specific day centre within the proposal. There was particular concern regarding adults with autism and the proposal to close Roundways Days Centre. See Appendix 1: Analysis of the process and results pages 36-39 for the feedback summary, pages 155 to 182 for the literal responses and pages 235 to 315 for a selection of letters and emails¹⁸ received. See pages 48-71 of Appendix 2.

Equalities impact

6.53. The total number of adults who currently use Roundways, Birbeck Road and Always day centres is 87. Of this number, 37 adults currently receive the day services from the Council in addition to 24 hours residential support. The service at Roundway provides day services for people with learning difficulties,

¹⁵ Appendix 1: Analysis of the process and results Page 162

¹⁶ Appendix 1: Analysis of the process and results Page 168

¹⁷ Appendix 1: Analysis of the process and results Page 160

¹⁸ Note letters and emails have not been indexed by response to each proposal or question.

autistic spectrum disorders. The Birkbeck and Always sites provides day services for people with mild to moderate learning disabilities. This ranges from people who are independent and require minimal support to people with mobility and communication needs who require support to access mainstream services. The service at Ermine currently provides service for people with complex needs. An expanded model of provision at Ermine Road will continue to meet the needs of people with autism and other complex needs. Support for access to and delivery of day opportunities will be carried out by high quality and experienced staff.

- 6.54.** There is experience within the borough of delivering to a community based model for people with learning disabilities and complex needs. There has been no placement in any of the Learning Disability Day Centres in the past 3 years. Service Users, including those with complex needs have received a personal budget and have accessed day opportunities of their choice with the support of skilled and knowledgeable staff. For example we know that a number of service users choose to access day opportunities services delivered by third sector and educational providers. The recommendation to retain and expand the provision at Ermine Road through an alternative provider will add to local capacity to respond to the assessed needs and outcomes of local residents with eligible needs. The aim is to promote opportunities for social inclusion and to offer improved choice and control for individuals.
- 6.55.** The proposed changes to day opportunities for Roundways, Birbeck Road, Always and Ermine Road have been considered in one Equality Impact Assessment as the proposals are linked to each other.
- 6.56.** Detailed feedback to the proposal did not indicate differing impacts on service users on the grounds of their a) sex, b) gender reassignment status, c) age, d) race and ethnicity, e) sexual orientation, f) religion or belief, g) pregnancy and maternity status or h) civil partnership status. There is an impact on adults with disabilities and this is considered in Section 6.57 and 6.58 and the Equality Impact Assessment in Appendix 10.
- 6.57.** As we move towards community based service for all users, there is a perceived risk that the loss of the centres will lead to the loss of day activities for adults with disabilities. However, with the implementation of the Ermine Road model all users will benefit from enhanced information and enhanced access and support to utilise personal budgets as are existing service users in these care groups with a personal budget. There is also a perceived risk of loss of respite for families and carers. As service users with assessed needs will continue to access day opportunities carers will continue to be supported to receive respite from their caring duties.
- 6.58.** Feedback from the consultation indicated that residents strongly did not support closure of these day centres and raised concerns regarding the ability of residential homes and supported living providers to meet the needs of service users. Particular concern was raised for the service users of the Roundways Day Centre – these are predominantly adults with severe autism and the suitability of any alternative provision within the borough to meet their specific needs.

- 6.59.** There is a risk that the loss of day opportunities may result in isolation and have negative health and social care implications on an individual. However we have a number of mitigating actions to ensure this does not occur, as set out below.
- 6.60.** The option to do nothing is not financially viable and does not meet the needs of the growing population of adults with a learning disability. The proposed closures would facilitate a new model of day provision that is within the Council's budgetary provision. It would allow for a move away from segregated building based day opportunities for people with learning disabilities and to develop further access to mainstream activities in the community including local leisure, educational and employment opportunities. A wider range of services for a greater volume of people will be available within the community and will build on the current community based provision available, see Appendix 14. There will be greater capacity and flexibility for all adults with a learning disability that have an assessed need for day opportunities. There is recognition that people with specific complex needs will require a building base to support them at particular times and therefore we are recommending the retention and expansion of the use of Ermine Road Centre through an alternative provider as part of the delivery of learning disability day opportunities in the borough.

Mitigation

- 6.61.** There will be safeguards in place to address the concerns expressed by service users and their families during the consultation process as described in Section 6.15 and 6.45 above.
- 6.62.** Work has been done with a range of stakeholders including service users, family carers, advocates, staff and providers to co-design the future service model for day opportunities for people with learning disabilities, This process was independently facilitated and a set of principles and outcomes have emerged that would be part of the future service models for day opportunities. They are

Principles

- a) Quality monitoring of all activities and services in Haringey;
- b) Accessible and up to date information about activities and services;
- c) Mobilising community volunteering and supporting this with infrastructure;
- d) Working with providers so staff are well paid;
- e) Working with providers to encourage staff development;
- f) Users, partners and staff involvement in the development and delivery of opportunities;
- g) Enabling service users to lead a fulfilling life;
- h) Working with the market to develop a breadth of opportunities that meet the needs of a range of individuals and provide choice; and
- i) Developing availability of sustainable opportunities.

Outcomes

- j) Expanding out the availability of services in the wider community
- k) Information about services that are available
- l) Development of a travel programme to enable access to opportunities
- m) Help with personal assistants to provide help and support
- n) Enabling remaining centres to work as hubs for needs of wider community
- o) Alternative methods of service delivery to be explored
- p) Support for people with Personal Budgets

These principles and outcomes will form an integral part of the new service model including the implementation and transition plan for this proposal. The full reports from the Learning Disabilities Day Opportunities co-design process are set out in Appendix 4.

- 6.63.** Having considered: a) the consultation responses, b) the impact of the proposals on the service users and their families, c) the need to move to a new model for day opportunities that is within the Council's budgetary provision and that allows for more access to community based services, and d) the availability of a new expanded day provision in the borough for those with specific complex needs; it is recommended that Cabinet proceed with the proposal to close Roundway, Birkbeck Road and Always Day Centres.
- 6.64.** If the recommendation is agreed, the plan is to work with service users and their families/carers to co-design the new model for day opportunities for adults with a learning disability. There will be an expanded provision at Ermine Road (including any necessary adjustments to the building facilities to address the assessed needs of individuals) to provide support for those with assessed needs day centres and that cannot be met from community based provision. We would:
- a. Work with residential and supported living providers so that adults, can be supported to directly access alternative services in the community;
 - b. Work with the community to identify and develop alternative options for day opportunities;
 - c. Encourage the use of Personal Budgets amongst service users to access support required to meet assessed needs - Council commissioned support and information and advice services will help service users make the most of their Personal Budget;
 - d. Work with the community to identify and develop ways to make information around the availability of opportunities in the community and the appropriateness of these easily accessible and available;
 - e. Enable greater access to activities for individuals with learning disabilities and also encourage more specific physical activities opportunities for individuals where necessary; and
 - f. Ensure there are enough opportunities available that are of a longer duration to provide carers with the opportunity for respite.

Proposal 3 – Question B: To what extent do you support our proposals provide a new model of day opportunities from Ermine Road Day Centre through an alternative provider?

6.65. 79% of respondents to the consultation questionnaire opposed the proposal. Responses to this question were largely linked to the responses to Proposal 3 Question A. Respondents noted the need for further knowledge of a) the potential alternative provider to determine whether or not they could support the proposal and b) the adjustments that could be made to Ermine Road Day centre to make the facility suitable to a wider range of needs. See Appendix 1: Analysis of the process and results, pages 40-41 for the feedback summary and 183-197 for the literal responses to the question. Appendix 2: Haringey Council Adults Social Services 90-Day Consultation pages 48-71.

Equalities Impact

6.66. See paragraphs 6.53-64 above for the equalities impact assessment of service users regarding this change.

6.67. 61 adults currently use Ermine Road Day Centre, of this number, 41 adults currently receive day services from this day centre in addition to 24 hours residential support. We will work with residential and supported living providers currently commissioned to provide 24 hour support to service users currently accessing the day centres. These providers will be supported by the Council, to enable them to directly support service users to access day opportunities. There will be safeguards in place to address the concerns expressed by service users and their families during the consultation process and as set out in paragraphs 6.61 to 6.64 above.

6.68. In developing Learning Disability Day Opportunities there is a commitment to continue to co-produce the future model and specification with service users, their families/carers and wider stakeholders.

6.69. The EQIA final impact analysis at Appendix 10 summarises the main risks identified following the consultation process as :

- a) The loss of a very high quality service with skilled, experienced staff and the risk of it being replaced with less high quality services with less skilled and experienced staff;
- b) The lack of any alternatives;
- c) Increased safeguarding risks as a result of moving away from the highly safe, trusted and proven environment at Roundways;
- d) The loss of respite care during the day, which Roundways afforded; and
- e) The autistic service users' need for stability and continuity and the difficulty of their dealing with change.

6.70 Mitigation

- a) The Council will ensure that the new expanded provision at Ermine Road will include specialist provision for people with learning disabilities and with complex needs and which is compliant with the "Statutory Guidance for Local Authorities and NHS organisations to support the implementation of

the Adult Autism Strategy” March 2015 a copy of which is attached as Appendix 16¹⁹ and in particular, with regard to the following;

- i) Ensuring suitably trained staff providing direct support to people with autism including support with managing change and complex behaviours;
 - ii) Local planning and leadership in relation to the provision of services for adults with autism;
 - iii) Preventative support and safeguarding measures in line with the requirements of the Care Act 2014; and
 - iv) Making reasonable adjustments which can include changes to: premises; processes; face-to-face communications; written communications; planning and preparation – offering opportunities for adults with autism to visit settings in advance to familiarise themselves with what to expect; and to access mainstream services.
- b) The development of the proposed autism service at Ermine Road is to be monitored through the Autism Working Group/Autism Partnership Board.
- c) An implementation plan that includes personalised transition plan as described in paragraphs 6.15 and 6.45 above.

6.71 Using the principles and outcomes in section 6.62, to commission a day opportunities service for people with learning disabilities to operate from Ermine Road Day Centre. The Day Centre itself will act as a physical hub for both the organisation and direct provision of day opportunities for all people with eligible needs. All individuals, following assessment of needs, will be allocated a personal budget and support would be on offer to manage personal budgets.

6.72 In commissioning the day opportunities service, important components of the model would be information, advice and guidance; direct provision to support people with complex needs; information detailing sessions and activities on offer at the day service itself and in the local community; support for people with their personal budgets and direct payments to ensure personal assistants to provide help and support; opportunities to build and maintain friendships and wider social relations; chances to identify and learn new skills through informal and formal learning and education routes; connections to take part in meaningful activities which are outcome focused including voluntary and paid work; travel assistance to ensure people can access the opportunities available; access to health improvement and wider health services; services which support and enable respite for carers.

6.73 Activities on offer which may be in the community or delivered directly at the Ermine Road Day Centre – would include a range of options such as music, arts and crafts, education and training, preparation for work and voluntary work, leisure and sports and social activities. Many of these services already operate in the community and some are commissioned by the Council. Detailed mapping of community provision has been underway for some time through the Neighbourhood Connects scheme and this information would be shared with the successful day opportunities provider and would be available to the Personal Budgets Support Co-ordinator. The provider would also be expected to contribute to any expansion in community based day opportunities

¹⁹ In addition, Think Autism: Fulfilling and Rewarding Lives the strategy for adults with autism in England. An update – at Appendix 17

by identifying gaps in provision or limitations of capacity. (Appendix 13 has a list of current community opportunities people with learning disabilities can access; the aim being for people to have access to inclusive opportunities wherever possible).

- 6.74** Feedback from the consultation shows that the skills and experience of trained staff are very important to stakeholders and this requirement for skilled and experienced staff would form part of any specification and tender process, noting that the Ermine Road Day Centre would be commissioned to act as a base to support directly people with often extremely complex needs. As the day opportunities service will be offered both from the Ermine Road Day Centre and from other community based settings, access to appropriate travel support will be an important part of enabling people to access day opportunities in addition to the other agreed outcomes from the co-design process.
- 6.75** Using the principles and outcomes from the co-design process, officers will base the specification for day opportunities for adults with a learning disability to be delivered from Ermine Road Day Centre on the service model set out above. The tender process will be to seek an alternative provider for the delivery of a day opportunities service for people with learning disabilities based on the co-designed service model and specification to achieve optimal outcomes for users and to achieve best value. There are a number of alternative delivery models which could be successful through the tender and procurement process including social enterprises, community interest companies, and charities and not for profit organisations and their selection will be based on their ability to meet the specification and to contribute to a day opportunities based model. Feedback from the consultation shows that there is support for alternative models through initiatives such as pooling personal budgets and building local social enterprises and this will be tested through the procurement process.

Proposal 3-Question C: To what extent do you support our proposal to close the Grange Day Centre?

- 6.76** 78% of responses to the questionnaire opposed the proposal. Responses received highlighted the lack of knowledge of the alternative options available within the borough to provide day opportunities to residents and concerns for the ongoing support available for service users of the Grange Day Centre and their families/carers if the centre were to close.
- 6.77** Example:
“There is almost NOTHING in this borough for older people to do. Services are few/far between and without day centres, people will become extremely socially isolated and carers will burn out. You cannot close a day centre without providing something else for people do to/for carers to access respite.”²⁰
- 6.78** See Appendix 1: Analysis of the process and results, pages 42-43 for the feedback summary and pages 198 – 210 for the literal responses to the

²⁰ Page 198 Appendix 1

questionnaire. See Appendix 2: Haringey Council Adults Social Services 90-Day Consultation pages 72-84 for the independent report consultation responses regarding The Grange and The Haynes Day Centre proposals

Equalities impact

- 6.79** The Grange Day Centre provides day services for older people with dementia. Currently 28 people attend the Grange Day Centre. It is accepted that the Grange Day Centre provides a highly valued service, however its limited capacity means that a more equitable option to meet the needs of residents should be supported.
- 6.80** The equalities impact assessment, for the proposal to close the Grange was considered in conjunction with the proposal to commission an alternative provider for dementia services at The Haynes. The Haynes and Grange Day Centres provide a service specifically for older people with a diagnosis of dementia living in Haringey. Currently 28 people access the Grange Day Centre and 40 people currently access the Haynes Day Centre.
- 6.81** Detailed feedback to the proposals did not indicate differing impacts on service users on the grounds of their a) sex, b) gender reassignment status c) sexual orientation and d) marriage and civil partnership status. The impact on disability is discussed below.
- 6.82** The users of the Grange and Haynes are 85.3% Black and 77.5% White respectively. Responses to the consultation did not indicate a disparate impact on service users based on ethnicity. All service users will be assessed/reviewed fairly and appropriate day opportunities will be identified for all groups.
- 6.83** We recognise that a large majority (70.6%) of service users at the Grange Day Centre identify as Christians. The assessment of their needs will pay due regard to this in identifying alternative provision.
- 6.84** Closing the Grange Day Centre will reduce day centre provision in the borough for adults who have dementia, Physical Frailty or Sensory Impairment. There may be a particular risk regarding commuting/transportation if these service users wish to access day opportunities without transport directly provided by the Council. There will be continued engagement with voluntary and community groups in the east of the borough in order to give impetus to community-driven solutions – to increase the choice of local day opportunities. Additionally we will develop a travel arrangement approach that encompasses a greater number of options and solutions for individuals.
- 6.85** We recognise that 66% of service users across the Haynes and Grange Day Centres are aged 80 years and over and may have specific anxieties around the proposed changes. The proposed mitigation is set out below.

Mitigation

- 6.86** The closure of The Grange would be subject to safeguards to mitigate the concerns expressed in the responses to the consultation as described in paragraphs 6.15 and 6.45. It should be noted that people who currently access the Grange will be supported by the model of service delivery described in section 6.97 and 6.98. They will have access to community opportunities and support to attend based on assessed need as well as the option to access specialist provision. (Appendix 13 details community provision for older people).
- 6.87** The recommendations and outcomes arising from the work with stakeholders to co-design the future service model for day opportunities for older people would form part of the implementation plan and the new arrangement for day provision. This provides for:
- a) Increased opportunities for purposeful or interest led activities (including physical activities) outside of the day centre (see Appendix 14 For community resources for older people);
 - b) Work with communities to identify and develop ways to make information around the availability of opportunities in the community easily accessible and available – including information for carers;
 - c) A travel arrangement approach that encompasses a greater number of options and solutions is developed;
 - d) Experienced and trained staff are a priority for future commissioned services;
 - e) Develop services and opportunities that focus on prevention and enabling individuals to stay well; and
 - f) Ensure opportunities identified are of longer duration (to provide carers with the opportunity for respite).

See Appendix 3: Co-design Output – Dementia and Older people day opportunities.

- 6.88** Having considered a) the consultation responses, b) the impact of the proposals, c) the plans to mitigate the impact of the proposals on service users, and e) the need for the Council to deliver services within its budgetary provision; the recommendation to Cabinet is to proceed with the proposals to close the Grange Day Centre.

Proposal 3- Question D: To what extent do you support our proposal to transfer the dementia day opportunities service at the Haynes Day Centre to an external provider?

- 6.89** Whilst 78% of questionnaire responses to this question opposed the proposal, detailed responses suggest that should the correct alternative delivery model be identified the proposal could be supported:

Example

“this will depend on the right provider being chosen and the service being closely monitored”²¹

²¹ Page 211 Appendix 1

- 6.90** The requirement for the Council to provide assurance on the quality of any commissioned service was repeated throughout the consultation process. The co-design workshops considered various options for an alternative delivery model and recommended further collative working with service users, their families/carers, advocates and staff to design services. See Appendix 1: Analysis of the process and results, pages 42-43 for feedback summary, pages 210-219 for the literal responses. See Appendix 3: Co-design Output – Dementia and Older people day opportunities for the co-design report for dementia and older people services.

Equalities impact

- 6.91** See paragraphs 6.79 - 6.85 above.

Mitigations

- 6.92** The Haynes Day Centre provides day services for older people with dementia. Currently 40 people access the Haynes Day Centre.
- 6.93** The building in which the Haynes Day Centre is situated is owned by Community Health Partnership who took it over from the now dissolved Haringey Primary Care Trust. There is an agreement between The Mary Haynes Trust and the Primary Care Trust for the Centre to be used for the provision of day services for older people living with dementia.
- 6.94** The option to maintain the service as a Council run provision does not provide best value for money for residents. By transferring the service to an alternative provider, the assessed needs of service users can continue to be met and the service monitored by the Council, with the ability to redesign services and lower the cost to the Council.
- 6.95** The co-design report sets out the design principles and key outcomes for stakeholders to be taken forward in any future service delivery model for day opportunities for older people with dementia. It is not considered that these principles and outcomes can be delivered by the current in-house delivery model for The Haynes, both on account of costs and of flexibility of approach. It is therefore recommended that the new model be worked up from the co-design insights to inform the specification for a day opportunities model which would be delivered from an alternative provider, either as a spin out of the existing service or from an external provider.
- 6.96** It is our recommendation to deliver day services from the Haynes Day Centre through an alternative delivery model with the undertaking to apply the same safeguards to mitigate the concerns expressed in the responses to the consultation as described in Section 6.15.
- 6.97** Using the principles and outcomes above, to commission a day opportunities service for older people and people with dementia to operate from The Haynes Day Centre. The Day Centre itself will act as a physical hub for both the organisation and direct provision of day opportunities for all people with eligible needs. All individuals, following assessment of needs, will be allocated a personal budget and support would be on offer to manage personal budgets.

- 6.98** In commissioning the day opportunities service, important components of the model would be information, advice and guidance; direct provision to support people with complex needs; information detailing sessions and activities on offer at the day service itself and in the local community; support for people with their personal budgets and direct payments to ensure personal assistants to provide help and support; opportunities to build and maintain friendships and wider social relations; chances to retain skills, experiences and memories; connections to take part in meaningful activities which are outcome focused; travel assistance to ensure people can access the opportunities available; access to health improvement and wider health services; services which support and enable respite for carers.

Community Activities

- 6.99** Activities on offer which may be in the community or delivered directly at The Haynes Day Centre would include a range of options such as music, arts and crafts, physical activity, leisure and social activities, memory and reminiscences work. Many of these services already operate in the community and some are commissioned by the Council. Detailed mapping of community provision has been underway for some time through the Neighbourhood Connects scheme and this information would be shared with the successful day opportunities provider and would be available to the Personal Budgets Support Co-ordinator. The provider would also be expected to contribute to any expansion in community based day opportunities by identifying gaps in provision or limitations of capacity. (Appendix 13 has a list of current community opportunities older people can access; the aim being for people to have access to inclusive opportunities wherever possible).
- 6.100** Feedback from the consultation shows that the skills and experience of trained staff are very important to stakeholders and this requirement for skilled and experienced staff would form part of any specification and tender process, noting that the Haynes Day Centre would be commissioned to act as a base to support directly people with often extremely complex and increasing needs. As the day opportunities service will be offered both from the Haynes Day Centre and from other community based settings, access to appropriate travel support will be an important part of enabling people to access day opportunities as will ensuring regularity of routines and familiarity of process for people who may be becoming increasingly unwell. These as well as agreed outcomes from the co-design report will be significant features of the development of the model of service delivery for people with learning disabilities.
- 6.101** Using the principles and outcomes from the co-design process, officers will base the specification for the provision of a new model of day opportunities for older people and those with dementia from The Haynes Day Centre through an alternative provider on the service model set out above. Before any tender process is started, discussions with the Mary Haynes Trust will be undertaken to ensure that Trustees are directly involved in any procurement. The tender process will be to seek an alternative provider for the delivery of a day opportunities service for older people and those with dementia based on the co-designed service model and specification to achieve optimal outcomes for users and to achieve best value. There are a number of alternative delivery

models which could be successful through the tender and procurement process including social enterprises, community interest companies, charities and not for profit organisations and their selection will be based on their ability to meet the specification and to contribute to a day opportunities based model. Feedback from the consultation shows that there is support for alternative models through initiatives such as pooling personal budgets and building local social enterprises and this will be tested through the procurement process. We will monitor the impact of the proposal and the implementation of the mitigations as detailed above.

Next Steps

6.102 If recommendations are approved by Cabinet the following steps are proposed, the detail of which are set out in Appendix 15.

- a) Communication and Engagement. We will inform service users and their families/carers of Cabinet's decision and the steps to be taken to implement the decision. We will work with service users, their families/carers and advocates to develop an implementation plan which would include the safeguards referred to in the above paragraphs and a personalised transition plan.
- b) As part of the implementation plan, there will be a review or re-assessment of the care and support needs of service users and with a view to identifying an alternative provision.
- c) Provision of support to service users and carers to access alternative provision. This to include allocating a Personal Budget Support Co-ordinator.
- d) Engage with providers and other stakeholders to ensure a joined up approach to meeting the needs service users affected by these proposals.
- e) Work with service users and other stakeholders to co-design the new model of care and support.
- f) There will be monitoring and on-going review by the Healthy Lives Strategic Board and Transformation Group as described in section 4.30.

It should be noted that the Council will continue to meet the care and support needs of the service users and transition will be handled sensitively. The Council will ensure that alternative provision is provided before current provision is withdrawn or ceases. The Council will ensure there is no gap in provision.

7. Contribution to strategic outcomes

Priority 2: Enable all adults to live healthy, long and fulfilling lives (Priority 2 Corporate Plan 2015-18).

Objective 1: A borough where the healthier choice is the easier choice

Objective 2: Strong communities, where all residents are healthier and live independent, fulfilling lives

Objective 3: Support will be provided at an earlier stage to residents who have difficulty in maintaining their health and wellbeing

Objective 4: Residents assessed as needing formal care and / or health support will receive responsive and high quality services

Objective 5: All vulnerable adults will be safeguarded from abuse

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1 Finance

8.1.1 The proposals in this report form part of a transformation programme for Adults Social Services that is expected to deliver £18.6m annual savings during the medium term financial plan period (phased £4.1m/£6.5m/£9.1m.) Each of the recommended decisions will have separate financial implications which are set out below.

a) Osborne Grove

Haringey is unusual among local authorities in having its own nursing home and the unit costs for the service are high. The original assumption in the MTF5 was that it would close in its current form and Haringey would purchase nursing home beds from the private or voluntary sector with an estimated annual saving of £385k. Further work will be required to assess the financial implications of the current proposal to retain it as an NHS provision but there is a high risk that any efficiency gains will be less than £385k. Alternative savings will need to be identified to make up any shortfall. It will also be necessary to draw up a clear agreement with the CCG around the provision of intermediate care as this is a health rather than a social care provision.

b) The closure of the Haven is expected to achieve a saving of around £300k to £350k per year (depending on the level of personal budget the current clients will receive as an alternative.) The use of the building for development of community re-ablement should also contribute to wider benefits for both the Council and service users as access to re-ablement should promote independence and reduce the need for health and social care services.

c) The closure of Linden Road is expected to achieve savings of up to £470k (subject to the cost of the alternative arrangements for the current residents.) There may also be further benefits to the Council from the use of the site – either in the form of another kind of service provision or a capital receipt if it is no longer required.

d) There are no direct financial savings from changing the delivery model for Shared Lives; however an alternative model should enable the creation of more capacity so that the service can be offered to a wider group of clients and carers. If this is successful the estimated savings are in the region of £1.2m a year.

- e) The closure of the three Learning Disabilities day centres, the remodelling of the remaining centre and the tendering of this remodelled service is estimated to provide savings of around £1.596m. This saving will need validation once the whole exercise is completed.
- f) The closure of the Grange and remodelling of the Haynes is expected to achieve savings of around £200k and contribute to a wider £1.2m of savings on services for clients with dementia (together with re-ablement, assistive technology and better support for carers)
- g) The current in house re-ablement service has high unit costs and limited capacity. In the MTFS it was estimated that the service could be provided differently at a lower cost with a consequent saving of around £510k. The MTFS also includes savings to be achieved through an expansion of the re-ablement offer in the borough which a remodelling of the service would support.

8.1.2 Altogether the proposals to Cabinet are estimated to provide £2.6m of direct full year savings on the cost of provision and contribute to the achievement of a further £2.7m of savings through improved access to re-ablement and an enlarged Shared Lives Service. The direct provision saving will increase to £3.5m if the savings achieved by the options for Osborne Grove and Community Re-ablement are in line with the original estimates. This estimate will need to be validated once the final service redesign work and procurement exercises are completed.

8.1.3 If the final validated savings are lower than those assumed in the Medium Term Financial Strategy it will be necessary to identify further savings to make up any shortfall.

8.1.4 There are a number of procurement exercises that may come out of the decisions in this report. These must be carried out in line with the Council's procurement rules.

8.2 Procurement

8.2.1 The Head of Procurement notes the recommendations within the Report and the need to engage with the Service at an early stage of these projects.

8.2.2 Procurement Contracts Regulations 15 (PCR15) will need to be adhered to in regard to any future procurement for the recommendations. These regulations cover the procurement of Social care over £625,000 over a four year period and the letting of reserved contract to Social enterprises and Mutuals.

8.2.3 It is recommended procurement are engaged as early as possible to determine the most appropriate sourcing approach and to ensure adherence to PCR 15

8.3 Legal

8.3.1 Cabinet is being asked to make a decision on the arrangement in the borough for the provision of services for adults with care and support needs.

- 8.3.2** Section 1 of the Care Act 2014 (*Promoting individual well-being*) requires the Council when exercising its care and support functions in respect of an individual, to promote the individual's wellbeing. "Well-being", in relation to an individual, means that individual's (a) personal dignity (including treatment of the individual with respect); (b) physical and mental health and emotional well-being; (c) protection from abuse and neglect; (d) control by the individual over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided); (e) participation in work, education, training or recreation; (f) social and economic well-being; (g) domestic, family and personal relationships; (h) suitability of living accommodation; and (i) the individual's contribution to society.
- 8.3.3** In exercising its care and support function in the case of an individual, the Council must have regard to, amongst others, a) the individual's views, wishes, feelings and beliefs; b) the importance of preventing or delaying the development of needs for care and support or needs for support and the importance of reducing needs of either kind that already exist; c) the importance of the individual participating as fully as possible in decisions relating to the care and support and being provided with the information and support necessary to enable the individual to participate; d) the need to protect people from abuse and neglect; and (h) the need to ensure that any restriction on the individual's rights or freedom of action is kept to the minimum necessary. The Department of Health has issued statutory guidance under the Care Act 2014 named Care and Support Statutory Guidance 2014 which the Council must have regard to in exercising its function under the Act. The Care and Support Statutory Guidance, provides that "*independent living*" is a core part of the wellbeing principle". "*Supporting people to live as independently as possible, for as long as possible, is a guiding principle of the Care Act*" (paragraph 1.18-1.19).
- 8.3.4** Section 2 of the Act (*preventing needs for care and support*) requires the Council to "*provide or arrange for the provision of services, facilities or resources, or take other steps, which it considers will*" contribute towards preventing, delaying or reducing individuals' needs for care and support, or the needs for support for carers. In performing this duty, the Council must have regard to, amongst others, the importance of identifying services, facilities and resources already available in the Council's area and the extent to which the Council could involve or make use of them in performing that duty. The Statutory Guidance at paragraph 2.1 provides that "*It is critical to the vision in the Care Act that the care and support system works to actively promote wellbeing and independence, and does not just wait to respond when people reach a crisis point. To meet the challenges of the future, it will be vital that the care and support system intervenes early to support individuals, helps people retain or regain their skills and confidence, and prevents need or delays deterioration wherever possible.*" The Guidance emphasise the importance of preventative services such as re-ablement and intermediate care (paragraphs 2.12-2.15).
- 8.3.5** Section 5 of the Act (*Promoting diversity and quality in provision of services*) requires the Council to promote an efficient and effective market in services for meeting care and support needs with a view to ensuring service users (a) has

a variety of providers and services to choose from; (b) has a variety of high quality services to choose from; and (c) has sufficient information to make an informed decision about how to meet the needs in question. This is often referred to as the duty to facilitate and shape the market for care and support. The Statutory Guidance provides that *“4.2. The Care Act places new duties on local authorities to facilitate and shape their market for adult care and support as a whole, so that it meets the needs of all people in their area who need care and support, whether arranged or funded by the state, by the individual themselves, or in other ways. The ambition is for local authorities to influence and drive the pace of change for their whole market, leading to a sustainable and diverse range of care and support providers, continuously improving quality and choice, and delivering better, innovative and cost-effective outcomes that promote the wellbeing of people who need care and support.”*

- 8.3.6** The Statutory Guidance acknowledges the budgetary challenges faced by local authorities and changes in service commissioning and provision may be needed. *“4.5. At a time of increasing pressure on public funds, changing patterns of needs, and increasing aspirations of citizens, together with momentum for integrated services, joint commissioning, and choice for individuals, it is suggested that fundamental changes to the way care and support services are arranged may be needed, driven through a transformation of the way services are led, considered and arranged. Commissioning and market shaping are key levers for local authorities in designing and facilitating a healthy market of quality services. Further at “4.27. Local authorities should commission services having regard to the cost-effectiveness and value for money that the services offer for public funds”.*
- 8.3.7** The Council must ensure that there is sufficiency of provision “in terms of both capacity and capability – to meet anticipated needs for all people in their area needing care and support – regardless of how they are funded (paragraph 4.42 of the Guidance).
- 8.3.8** The Council is required to ensure choice in local provision and providers. *“4.37. Local authorities must encourage a variety of different providers and different types of services. This is important in order to facilitate an effective open market, driving quality and cost-effectiveness so as to provide genuine choice to meet the range of needs and reasonable preferences of local people who need care and support services.” Further at “4.38. Local authorities must encourage a range of different types of service provider organisations to ensure people have a genuine choice of different types of service. This will include independent private providers, third sector, voluntary and community based organisations, including user-led organisations, mutual and small businesses.” Further at “4.40. Local authorities should encourage a genuine choice of service type, not only a selection of providers offering similar services, encouraging, for example, a variety of different living options such as shared lives, extra care housing, supported living, support provided at home, and live-in domiciliary care as alternatives to homes care, and low volume and specialist services for people with less common needs.”*
- 8.3.9** When an adult is found to have care and support needs following a needs assessment under section 9 of the Act (or in the case of a carer, support needs following a carer’s assessment under section 10), the Council must

determine whether those needs are at a level sufficient to meet the “eligibility criteria” under section 13 of the Act. Sections 18 and 20 of the Act set out the duty of Council to meet those adult’s needs for care and support and those carer’s needs for support which meet the eligibility criteria. For service users and carers, the Council must continue to meet their eligible needs.

8.3.10 Section 26 (*Personal budget*) requires the Council to provide each service user with a personal budget. The Statutory Guidance provides that “11.3. *The personal budget is the mechanism that, in conjunction with the care and support plan, or support plan, enables the person and their advocate if they have one, to exercise greater choice and take control over how their care and support needs are met. It means:*

- *knowing, before care and support planning begins, an estimate of how much money will be available to meet a person’s assessed needs and, with the final personal budget, having clear information about the total amount of the budget, including proportion the local authority will pay, and what amount (if any) the person will pay;*
- *being able to choose from a range of options for how the money is managed, including direct payments, the local authority managing the budget and a provider or third party managing the budget on the individual’s behalf (an individual service fund), or a combination of these approaches;*
- *having a choice over who is involved in developing the care and support plan for how the personal budget will be spent, including from family or friends;*
- *having greater choice and control over the way the personal budget is used to purchase care and support, and from whom.*

8.3.11 Section 42 of the Act (*Enquiry by local authority*) places a duty on the Council to make enquiries, or to ask others to make enquiries, where they reasonably suspect that an adult in its area is at risk of neglect or abuse, including financial abuse. The purpose of the enquiry is to establish with the individual and/or their representatives, what, if any, action is required in relation to the situation; and to establish who should take such action. This safeguarding duty apply to an adult who: a) has needs for care and support; b) is experiencing, or at risk of, abuse or neglect; and c) as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

8.3.12 Under the Autism Act 2009, the Department of Health has issued guidance named “Statutory Guidance for Local Authorities and NHS organisation to support the implementation of the Adult Autism Strategy” March 2015. The autism strategy is the strategy for meeting the needs of adults in England with autistic spectrum conditions, by improving the provision by local authorities and National Health Service bodies of health and social services to such adults. Under Section 3 of the Autism Act, the Council must act in accordance with the Statutory Guidance guidance in the exercise of its care and support functions. The Guidance includes provision for; a) the training of staff who provide services to adults with autism; b) identification and diagnosis of autism in adults, leading to assessment of needs for relevant services; c) planning in relation to the provision of services for people with autism as they move from

being children to adults; d) local planning and leadership in relation to the provision of services for adults with autism; e) preventative support and safeguarding in line with the Care Act 2014; f) reasonable adjustments and compliance with equality duties; and g) supporting people with complex needs, whose behaviour may challenge or who may lack capacity.

- 8.3.13** There is a common law duty on the Council to consult with service users, carers, providers, employees and other stakeholders that are likely to be affected by these proposals for the provision of adult social care services in the borough. The consultation must take place at a time when the proposals are still at their formative stages. The Council must provide the consultees with sufficient information to enable them properly to understand the proposals being consulted upon and to express a view in relation to it. The information must be clear, concise, accurate and must not be misleading. The consultees must be given adequate time to consider the proposals and to respond. The consultation reports in Appendix 1 and 2 sets out how the Council has discharged this common law duty.
- 8.3.14** The Council must give genuine and conscientious consideration to the responses received from the consultees during the consultation before making its final decision on the proposals. The report at section 6 and Appendix 1 and 2 sets out the responses from service users, carers, family members and other stakeholders.
- 8.3.15** As part of its decision making process, the Council must have “due regard” to its equalities duties. Under Section 149 Equality Act 2010, the Council in exercise of its adult care and support functions, must have “due regard” to the need to eliminate unlawful discrimination, advance equality of opportunity between persons who share a protected characteristic and those who do not, foster good relations between persons who share a relevant protected characteristic and persons who do not share it in order to tackle prejudice and promote understanding. The protected characteristics are age, gender reassignment, disability, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council is required to give serious, substantive and advance consideration of the what (if any) the proposals would have on the protected group and what mitigating factors can be put in place. This exercise must be carried out with rigour and an open mind and should not be a mere form of box ticking. These are mandatory consideration. In line with its equalities duties, the Council have undertaken an Equality Impact Assessments (EQIA) of the proposals on the protected groups and are set out in Appendices 6-12 and at section 6 of the report together with the steps to mitigate the impact of the proposals.
- 8.3.16** The responses to the consultation on the proposals, the co-design report, the EQIA of the proposals and the steps being taken to mitigate the impact, the general duties of the Council under the Care Act and the Statutory Guidance referred to above, all must be considered before Cabinet makes its decision on the proposals. Cabinet members must ask themselves a) whether it is justifiable to seek to make financial savings in the way proposed, having regard to the need to protect and promote the welfare of the service users and the risks inherent in the changes proposed; b) whether the mitigating steps proposed are sufficient or whether more needs to be done; c) whether the

proposals ought to be adopted or discarded; and d) whether there is adequate provision for monitoring the proposed changes, so that changes can be made, if necessary.

8.4 Equality

8.4.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- a) tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- b) advance equality of opportunity between people who share those protected characteristics and people who do not;
- c) foster good relations between people who share those characteristics and people who do not.

8.4.2 Equalities assessments have been carried out for the proposals – the findings and mitigating actions have been summarised in section 6 of this report, and described in more detail in the EqlAs that form Appendices 6-12.

8.4.3 Impacts have been identified around the protected characteristics of age, disability and, in the case of the Grange/Haynes' proposals, race. There may be challenges in finding alternative provision for service users who are older than 80 and that have particular disabilities. Mitigating actions have been identified and concern the processes for finding alternative provision for service users, supporting them with Personal Budgets, and growing the choice of community-based provision. The closure of the Grange risks disproportionately affecting Black service users who make up more than 80% of the current service users. Mitigating actions concern the fact that all Haynes and Grange service users will have their needs assessed in a fair and equal way that means that Grange service users have an equal chance of being offered provision at the Haynes. There are also mitigating actions around growing the community-based provision in the East of the borough. For all proposals, Cabinet should consider the mitigating actions and determine whether they sufficiently cover the impact.

9. Use of Appendices

Appendix 1: Analysis of the process and results

Appendix 2: Haringey Council Adults Social Services 90-Day Consultation

Appendix 3: Co-design Output – Dementia and Older people day opportunities

Appendix 4: Co-design Output – Learning Disabilities Day Opportunities

Appendix 5: Co-design Output – Transition

Appendix 6: Equalities Impact Assessment – Osborne Grove

Appendix 7: Equalities Impact Assessment – The Haven Day Centre

Appendix 8: Equalities Impact Assessment – Linden Road Residential Home

Appendix 9: Equalities Impact Assessment – The Haynes and Grange Day Centres

Appendix 10: Equalities Impact Assessment – Learning Disability Day Opportunities

Appendix 11: Equalities Impact Assessment – Re-ablement

Appendix 12: Equalities Impact Assessment – Shared Lives

Appendix 13: Day Opportunities in the Community for Adults with a Learning Disability

Appendix 14: Locations of activities for Older People in Haringey

Appendix 15: High Level Implementation Plan

Appendix 16: Statutory Guidance for Local Authorities and NHS organisation to support the implementation of the Adult Autism Strategy (2015)

Appendix 17: Think Autism: Fulfilling and Rewarding Lives the strategy for adults with autism in England. An update (2014)

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

[Valuing People - A New Strategy for Learning Disability for the 21st Century](#)

[Valuing People Now: Summary Report March 2009 to September 2010](#)

[Care and Support Statutory Guidance](#)

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Report for: Cabinet 10th November 2015

Item number: 9

Title: Approval of a New Commissioning Model for Children's Centres in Haringey

Report

authorised by : Zina Etheridge, Deputy Chief Executive

Lead Officer: Ngozi Anuforo, Early Years Commissioning Manager,
020 8489 4681, ngozi.anuforo@haringey.gov.uk

Ward(s) affected: All

Report for Key/

Non Key Decision: Key

1. Describe the issue under consideration

1.1 In June 2015, Cabinet approved for statutory consultation, proposals for the future delivery of children's centre services in Haringey. The proposals were as follows:

- a) To reduce the number of designated children's centres from 16 to 9
- b) To close seven designated children's centres but to support these sites to become Community Access Points (CAPs) offering some support to children and families to access services
- c) To establish five children's centre planning areas
- d) To widen the focus of children's centre services from families with children 0-5 years of age to 0-19 years of age, and up to 25 years for children and young people with special educational needs
- e) To increase current service availability to include evenings, weekends and across 48 weeks of the year
- f) To establish new Children's Centre Advisory Boards(CCAB)
- g) To develop Parent Engagement Forums for each children's centre planning area.

The statutory consultation was undertaken between 22nd June 2015 and 21st September 2015.

1.2 Cabinet is asked to consider: the detailed feedback from the consultation which is set out in **Appendix I**; the findings of the Equalities Impact Assessment of the proposals which are set out in **Appendix II** and the actions to mitigate the impact on service users; the analysis of the issues contained in the sections of

the report; the legal duties in section 8 and then to make a decision on the future commissioning model for children's centres in Haringey.

2. Cabinet Member Introduction

- 2.1 We are committed to enabling every child and young person in Haringey to have the best start in life and Haringey children centres are a key part of our approach to delivering that commitment. The financial challenges the Council face over the next three years mean that we have to make some difficult decisions about services the Council offers and ensure that we are utilising increasingly scarce resources to best effect. The statutory consultation showed the strength of feeling, amongst those who responded, about the importance of children's centres and many would rather that all of our designated centres remained. However, in order to make the £1.44 million early years budget reductions required over the next three years, we need to change the way we deliver children's centres services to enable us to continue to meet the needs of children and families in Haringey.

3. Recommendations

Cabinet is asked to:

- 3.1 Consider the detailed feedback from the statutory consultation which is summarised at **Appendix I**
- 3.2 Consider and take into account the findings of the Equalities Impact Assessment at **Appendix II**
- 3.3 Consider and take into account the concerns raised as part of the consultation exercise, actions proposed to mitigate these concerns and the adverse impact of the proposals on service users
- 3.4. Consider and taken into account the statutory guidance (Sure Start Children's Centres Statutory Guidance) attached as **Appendix III** and to be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/273768/childrens_centre_stat_guidance_april_2013.pdf
- 3.5 Consider and take into account the options outlined in the report at Section 5.
- 3.6 Having considered the above recommendations, to approve the following:
- 3.6.1 To reduce the number of designated children's centres in the Borough from 16 to 9

3.6.2 To close the following seven designated children's centres by 31st March 2016:

- Bounds Green Children's Centre
- Campsbourne Children Centre
- Earlsmead Children's Centre
- Noel Park Children's Centre
- South Grove Children's Centre
- Stonecroft Children's Centre
- The Ladder Children's Centre

Closing these centres will require the Council to de-designate the centres by formally notifying the Department for Education (DfE) and Ofsted. Following this, they will no longer be recorded as children's centres on the DfE or Ofsted databases.

3.6.3 To close Rokesly Children's Centre, a school-based children's centre, at the request of the school's governing body, by 31st March 2016.

3.6.4 To identify a new provider to deliver children's centre services covering Alexandra, Crouch End, Fortis Green, Hornsey, Highgate, Muswell Hill and Stroud Green wards.

3.6.5 To withdraw the proposal for the development of Community Access Points (CAPs).

3.6.6 To establish five children's centre planning areas, aligned with Haringey schools' Network Learning Communities (NLCs).

3.6.7 To confirm that whilst children's centres should retain a focus on delivering services for children aged 0-5 years and their families future developments should include services for children and young people aged 0 – 19, and 25 where children have additional needs and disabilities, and their families. These early help services, which intervene early to offer support at the right time before needs escalate, will form part of the locality based approach to early help.

3.6.8 To confirm that the commissioning of children 's centres going forward will be outcomes focused, that the service offer will be informed by differing needs across the borough and that a core universal and targeted service offer will be available from all children's centres.

3.6.9 To prioritise access to children's centre services for Haringey residents.

- 3.6.10 To increase current service availability across more weeks of the year and note that work will continue with partner services, including health services, to enable greater access to services in the evenings and at weekends.
- 3.6.11 To bring the current arrangements for Children's Centre Advisory Boards to an end by 31st March 2016 and establish new Children's Centre Advisory Boards (CCAB) from April 2016.
- 3.6.12 To develop Parent Engagement Forums for each children's centre planning area.
- 3.6.13 To introduce the new model for children's centres in Haringey from April 2016 based on the key points above, including the reduction in the number of children's centres, embedding of children's centres within the wider delivery of early help in localities across the borough, an increased universal and targeted offer, a focus on the family, supporting access to children 0-19 (and 25 for children with additional needs and disabilities), strong links with health and other early help provision and greater parental and resident involvement in delivery and governance. The localities are areas that align with the locality groupings that schools in Haringey are organised by.
- 3.7 The implementation of the recommendations set out above to be delegated to the Assistant Director for Commissioning in consultation with the Cabinet Member for Children and Families.
- 3.8 The implementation of the proposals to be monitored and overseen by the Best Start in Life Priority Board.
- 3.9 These recommendations take into account the feedback from the consultation exercise, an appraisal of suggestions made, in terms of costs and impact, our strategic priorities for early help and the anticipated levels of funding available from 2016.
- 4. Reasons for decision**
- 4.1 The transformation of early years is a fundamental part of the Council's early help strategy and approach. We recognise that early years represents the best early intervention opportunity to improve outcomes for local residents. Children's centres are an important part of the network of services, including early years education settings, schools, health services and the voluntary and community sector, that children and families use in the borough and that provide access to information, support and where required, more specialist services.

The five strategic objectives of our Early Help Strategy 2015-2018 are:

- Delivering prevention and early intervention to reduce escalation of need
- Enhancing access to, and co-ordination of, integrated services
- Sustaining resilience for children, young people and families
- Developing the workforce to be more confident and empowered practitioners of early help
- Increasing equity of access to quality provision for all children, young people and families

4.2 These objectives provide the framework for the approach we are taking to the development, commissioning and delivery of early help services, including early years services, as we progress towards 2018/19.

4.3 The proposals set out in this section of the report aim to address the three key outcomes enabled by the Early Help Strategy:

- Improved family and community resilience
- Thriving children, young people and families and
- Strong partnerships, making effective use of resources

4.4 ***The future commissioning model for children's centres***

4.4.1 A commissioning approach will be applied transparently and equitably to the delivery of early years provision in the borough. This approach will seek to focus funding on the achievement of identified outcomes, rather than on settings, and allow for local variations to meet specific outcomes based on identified need. The new model for delivering children's centres in Haringey will build on the current mixed commissioning model, establishing a more consistent approach across the borough and one that is based on needs, assets and resources.

4.4.2 Implementing this approach will mean that we will:

- Commission for outcomes
- Commission for children's centre integration within a wider early help locality model
- Commission in a way that builds the engagement of families and strengthens community and individual resilience
- Commission for sustainability

- Commission to engage with, and benefit from, the wider opportunities of closer joint working with health, education, employment and other providers

4.4.3 We are seeking to introduce a more consistent approach to the commissioning of children's centre service delivery and build in greater degrees of flexibility, enabling the model to adapt to changing needs over time. The emphasis will be less on buildings and more on the network of services that will operate across an area in a range of locations and delivered by both community and professional partners.

4.5 **Financial Impact**

4.5.1 The overall early years budget for 2014/2015 was £4.145m. The need to find savings of £1.440m between the financial years 2015/16 and 2018/19 means an overall reduction of 35%.

In 2014/15, the £4.145m was allocated across early years services as follows:

Budget Area	2014/15 Early Years Budget Allocation (£)	Percentage of the overall early years budget
Children's Centres	2,400,766	58%
Haringey's Early Years Central Teams costs	733,000	18%
Early Years Commissioned Services	1,012,100	24%

4.5.2 If the savings had been apportioned to each service area in line with the budget then it would have been necessary to take £835K from children's centres. However, during our engagement process, the importance of maintaining a strong network of outcome focused childrens centres services to complement other commissioned services became clear and an alternative approach was therefore taken. Work was undertaken by officers to build up a new model for children's centres service delivery informed by our strategic objectives and feedback from stakeholders, as well as the need to find savings. This produced a very different profile of savings across the early years budget.

Area of early years expenditure	2014/15 budget (£)	Total reduction by 2018/19 (£)	Overall reduction to 2014/15 budget

Children's Centres	2,400,766	545,000	23%
Haringey's Early Years Central Teams costs	733,000	399,000	54%
Commissioned services	1,012,100	496,000	49%
TOTAL	4,145,866	1,440,000	

- 4.5.4 The full year cost of the recommended proposals is **£1.86m**, contributing a financial saving of **£545,000** in the early year's expenditure by 2018-19. Specifically, the budget for commissioning the future children's centre delivery model will be targeted at maintaining a core children's centre offer that we believe can be sustained in the longer term.
- 4.5.5 The recommendations will enable a continuation of children's centre services with reduced funding and ensure that the active participation and engagement of parents/carers and the community will play a significant part in shaping the children's centre offer over the next three years.
- 4.5.6 The recommendations will also enable the Council to ensure that limited resources are targeted to best effect and that we believe can be sustained over the next two years.
- 4.6 Despite the fact that the Council is proposing to close children's centres, we do not believe the outcomes for children, particularly the most disadvantaged, would be adversely affected for these reasons:
- 4.6.1 The integration of health visiting into the children's centre delivery model which will ensure universal contact with all 0-5 year olds in the borough and the early identification of the most vulnerable
- 4.6.2 The embedding of the Early Help Locality Model and implementation of the Early Help Assessment Framework which will strengthen the early identification and response to more vulnerable children and their families
- 4.6.3 Integrated outreach will be delivered in partnership across health, children's centre and voluntary and community sector staff which will enable greater capacity to meet identified need

- 4.7 Despite the fact that the Council is proposing to close children's centres, we believe that this will not compromise our duty to have sufficient children's centres to meet local need, for the following reasons:
- 4.7.1 Children's centres remain universally accessible, strengthened by a core universal offer, outreach and targeted services, which ensures that the proposed network of children's centres is accessible to all families with young children in the borough
 - 4.7.2 Having taken into account accessibility and transport links as part of developing the proposals, we believe that children's centres and their services will be within reasonable reach of all families with young children in the borough taking into account distance and availability of transport
 - 4.7.3 The proposed offer as set out in s. 6.15.6.6 reflects our joint approach with local commissioners of health, employment and other services to ensure that we can support those families who need services to access them
 - 4.7.4 Alongside the universal offer, we will ensure targeted children's centres services are accessible to young children and families in the area who are at risk of poor outcomes
 - 4.7.5 The proposals build stronger links between children's centre staff and health visiting, early help and voluntary and community sector providers in order to reach all local children and families, supported by effective tracking and information sharing. Our performance management processes will have a particular focus on reach and outcomes for disadvantaged groups
 - 4.7.6 As far as is reasonably practicable, the proposals seek to develop opening times which meet the needs of service users
- 4.8 The main criticisms of the proposals raised in the consultation process can be summarised as:
- a) The closure of children's centres would lead to lack of service coverage, overcrowding at the centres that remained and further travel for families to access services.
 - b) Closure of particular children's centres would lead to a loss of qualified, experienced and high quality staff for the delivery of children's centre services
 - c) There would be a reduction in choice for residents and children's centre users

- d) The increased levels of activity at the children's centres remaining open, could mean a lack of capacity to identify and respond to safeguarding issues at the earliest opportunity
- e) The Community Access Points would lead to a stretching of resources and would lead to a lack of clarity over accountability and governance for service delivery

For further details of respondent's views on the proposals, see pages 68 -288 of Changes to Haringey's Children's Centres: summary report of responses at **Appendix I**.

4.9 Officers believe, as set out in more detail in ss. 6.15 – 6.17 of this report, that the design of the future model responds to these criticisms and that the Equalities Impact Assessment further details how mitigating actions will be taken. In summary, the proposals set out:

- increased levels of outreach
- stronger partnership arrangements to ensure commissioned services can contribute to support for children and families
- the confirmation of an equitable and transparent restructure process across all children's centre sites and of a children's centre manager for each children's centre site
- the core universal and targeted offer to be in place at each centre
- designated Social Worker, Health Visitor and Family Support Worker arrangements for each children's centre
- increased family support early intervention capacity at each children's centre
- withdrawal of the proposal to establish Community Access Points in order to focus resources on designated children's centres

5. Alternative options considered

5.1 **Option 1** - The responses to the statutory consultation showed that the majority of respondents did not agree with any reduction in the current number of children's centres in the borough.

5.1.1 This option would retain the current model and number of designated children's centres in Haringey but strengthen the outreach and partnership approach across the borough. The key elements included in this option are:

- Maintaining 16 designated children's centres
- 4 hour weekend service provision for 38 weeks per year
- Dedicated centre manager for each site
- Allocation towards building running costs and service delivery

5.1.2 An analysis of this option suggested that this would cost £2.834m in funding. This is nearly £1m more than the recommended option and over £400k more than the current service delivery cost.

5.1.3 This option has not been proposed for implementation due to the high costs.

5.2 **Option 2** – This option would propose to implement a commissioning model for children’s centre delivery as set out in the statutory consultation. This proposed the retention of 9 designated children’s centres and 7 Community Access Points. If taking forward this option, we would incorporate the feedback from consultees on the numbers of staff and level of running costs required to maintain this particular delivery model. The key elements included in this option are:

- Maintaining 9 designated children’s centres
- Maintaining 7 community access point open for 15 hours service delivery per week
- 4 hour weekend service provision for 38 weeks per year
- Dedicated centre manager for each site
- Allocation towards building running costs and service delivery

5.2.1 An analysis of costs suggested that the funding required to meet the delivery model as informed by the consultation would be £2.194m. This would represent a saving on the current budget but is still £334K more than the recommended option.

5.2.3 This option has not been proposed for implementation due to the costs.

6. Background information

6.1 The agreed Council budget for 2015-2018 included total savings of £1.44m to be delivered across the Early Years Service by 2018. Achieving this level of savings requires a significant reduction in the commissioning budget for early years and a change to the way in which services are currently being delivered.

6.2 The planned reduction in the early years budget requires a transformation of the current children’s centre delivery model to enable the Council, with reduced levels of resources, to provide parents and carers with access to good information about the services available in their community and ensure they are able to access high quality services through a greater degree of service integration and partnership working.

6.3 There is a need to achieve the right balance between the investment of limited financial resources into fixed arrangements such as buildings and staff and

retaining the flexibility of commissioning time-bound services targeted at specific needs.

- 6.4 The levels of projected budget reductions are informed by proposed changes to staffing arrangements and our early years commissioning intentions over the next three years.
- 6.5 It has been set out to Cabinet previously that the redesign of early years is a fundamental element of our early help strategy and approach. A strong early years system which is built around strong partnerships between all universal and targeted services offers the best early intervention opportunity to improve outcomes for children, families and local residents and to reduce the cost of fixing problems later on.
- 6.6 Children's Centres in Haringey form an important part of the system of early help services available across in the borough, with the aim of ensuring that children and families are able to access the information and support they need at the right time. In developing options for delivering savings across the early years budget, we have sought to protect children's centres, increasing the proportion of spend within the overall budget from 58% to 69%.
- 6.6.1 Early help in Haringey is being implemented through a locality partnership model, aligned to the Network Learning Community areas by which schools are clustered together. There are three localities across the borough within which Council services delivering early help are being managed and through which local partnerships to respond to need will be further developed. Children's centres will be a core element of the network of community based early intervention services available in a locality, and their services will be delivered both directly through the centres and through other community based settings such as health centres over time.
- 6.7 The statutory definition of a children's centre is defined in the Statutory Guidance attached as **Appendix III** as a place or a group of places:
- which is managed by or on behalf of, or under arrangements with, the local authority with a view to securing that early childhood services in the local authority's area are made available in an integrated way;
 - through which early childhood services are made available (either by providing the services on site, or by providing advice and assistance on gaining access to services elsewhere); and
 - at which activities for young children are provided.

6.7.1 It follows from the statutory definition of a children's centre that children's centres are as much about making appropriate and integrated services available, as it is about providing premises in particular geographical areas. Early childhood services are defined as:

- early years provision (early education and childcare);
- social services functions of the local authority relating to young children, parents and prospective parents;
- health services relating to young children, parents and prospective parents;
- training and employment services to assist parents or prospective parents; and
- information and advice services for parents and prospective parents.

6.7.2 A children's centre should make available universal and targeted early childhood services either by providing the services at the centre itself or by providing advice and assistance to parents (mothers and fathers) and prospective parents in accessing services provided elsewhere. Local authorities must ensure that children's centres provide some activities for young children on site.

6.8 A key priority is to ensure that, in the context of a significantly reduced budget, we are able to maintain a sustainable network of children's centres services across the borough which meet the statutory definition of a children's centre, with children's centres themselves continuing to act as hubs in the community for families with young children but, in addition to this, operating as part of a network of services working together to provide a coordinated, integrated and 'whole family' response to the differing levels of needs amongst child and families.

6.9 Initial proposals were developed between February and May 2015 following the budget consultation carried out between December 2014 and February 2015, the agreement to the Medium Term Financial Strategy and the setting of the Council's budget in February 2015, engaging stakeholders and service users in redesigning Haringey's model for children's centre service delivery within a reduced budget envelope. This approach was intended to:

- Involve service users and stakeholders in a problem-solving, solution-focused approach
- Harness the insight from service users and stakeholders and build it into the design of the future model
- Enable stakeholders voices to be heard and reflected, as well as possible, in the proposals
- Test how proposed delivery models can best meet needs

6.10 A set of design principles was agreed with stakeholders to be applied to the development of future models alongside giving consideration to:

- The need to operate within a reduced budget, whilst ensuring access to a range of high quality services that are effective and support improved outcomes for children and young people
- Commissioning for better outcomes
- The differences in need that exist across the borough, with particular focus on the number of children under 5 years old in each area, and the levels of deprivation
- Opportunities to improve coordination and access to a range of services for families with children aged 0-19 (0-25 for children and young people with special educational needs and disabilities)
- The accessibility of buildings and transport links
- How far people are willing to travel to access services
- Building size and facilities
- The need to ensure that remaining centres have sufficient capacity to work effectively across each area

6.11 The outcome of this work formed the basis of proposals put out for further consultation. In June 2015, Cabinet approved a 90 day statutory consultation, from June 2015 to September 2015, on proposals to reduce the current number of children's centres, resulting in the closure of seven designated children's centres.

6.12 Statutory Consultation

6.12.1 The Council is required to undertake a statutory consultation before making any significant change in the services provided through children's centres and before anything is done that would result in a children's centre ceasing to be a children's centre. The Childcare Act 2006 (as amended)¹, places a requirement on the Council to consult '*everyone who could be affected*' by the proposed changes to the current children's centre model.

6.12.2 The Council, in fulfilling its duty to make arrangements for the provision of children's centres, retains responsibility and accountability for the children's centre offer available in the borough.

6.12.3 The consultation took place between June and September 2015 and sought the views of residents and directly affected groups including;

- Parents, carers and other service users of children's centres

¹ Section 5D

- School staff and Governors
- Children's Centre staff
- Ward Councillors
- Professional partners and commissioned organisations
- Community and voluntary sector service providers
- Staff in other Haringey Council services

6.12.4 Consultees were asked their views on the following:-

- a) The service offer
- b) The proposals around which of the existing children's centres will become children's centre hubs, and which will become a key community access point
- c) Creating parent engagement panels
- d) The opening hours of services
- e) Involving parents in the delivery of service delivery

6.12.5 A variety of methods was employed during the consultation to enable as many stakeholders as possible to actively participate, including:

- a) Questionnaires, which were available online, with hard copies made available on request and from children's centres
- b) Public consultation events
- c) Focused discussions with parents with children under five attending existing children's centres and outreach activity to capture view of families who have children under five that do not currently use children's centres
- d) Meetings with:
 - Children's centre staff
 - Governing Bodies
 - Staff in other local authority and partner services

6.12.6 The statutory consultation sought the views of Haringey residents and affected groups on the following proposals:

- a) To reduce the number of designated children's centres from 16 to 9
- b) To close seven designated children's centres but to support these sites to become Community Access Points (CAPs) offering some support to children and families to access services
- c) To establish five children's centre planning areas
- d) To widen the focus of children's centre services from families with children 0-5 years of age to 0-19 years of age, and up to 25 years for children and young people with special educational needs

- e) To increase current service availability to include evenings, weekends and across 48 weeks of the year
- f) To establish new Children's Centre Advisory Boards (CCAB)
- g) To develop Parent Engagement Forums for each children's centre planning area.

6.12.7 A consequence of the statutory consultation process was the emergence of a number of options for the redesign of Haringey's children's centres based on the views of respondents and how best to achieve our strategic aims of an effective and integrated partnership approach to delivering early help considering the financial resources available.

6.12.8 The outcome of the statutory consultation has informed the recommendations on the future commissioning model for children's centres in Haringey set out later in this report.

6.13 Outcome of the consultation

6.13.1 A total of 398 questionnaire responses were received, 166 were posted and 232 were completed on line. A series of evening and weekend public meetings were organised in a variety of sites, covering the whole of the borough. In addition to this, targeted outreach activities were organised at some children's centres with officers meeting with parents attending Stay & Play sessions and parents meetings in July. Residents also submitted responses by email or letter responses using the following mailbox: childrenscentreconsultation@haringey.gov.uk or using a postage free envelope.

6.13.2 Two meetings with all affected staff took place during the consultation period. A number of meetings with school governors were also set up as part of the process on 1st July 2015 and between 3rd September and 11th September 2015. Haringey officers were invited to two Governing Body meetings – at Rokesly Children's centre on 15th September 2015 and at Broadwaters Children's centre on 21st September 2015 to respond to the consultation directly to officers. The majority of Governing Bodies of school-run Children's Centres submitted formal responses to the statutory consultation.

6.14 Key messages from the feedback

In the main, respondents were:

- a) Overwhelmingly against the closure of children's centres
- b) In support of a broader offer of outreach
- c) In favour of the continuation of the universal role of children's centres

- d) Interested in an enhanced role for parents and carers in governance and shaping service delivery
- e) In support of a greater focus on some of the more complex needs of parents and families and on the needs of fathers

More detailed feedback gathered during the statutory consultation exercise is summarised within **Appendix I**.

6.15 Consultation Questions and Responses

6.15.1 Reduction in the current number of children's centres

Question: To what extent do you support our proposals to reduce the number of children's centres from 16 to 9?

6.15.1.1 Responses:

6.15.1.1.1 The majority of respondents to the consultation disagreed with the proposals to reduce the current number of centres.

6.15.1.1.2 74% of respondents stated they "strongly do not agree" with the proposal to reduce the number of children's centres; 12% replied "do not agree"

6.15.1.1.3 General concerns expressed throughout the consultation process were around overcrowding at the centres that remained and the distance that families would have to travel to access services.

6.15.1.2 Recommendation:

6.15.1.2.1 We know from our engagement with staff and other children's centre representatives that there are significant challenges for those delivering children's centres in having to work with diminishing resources. The proposal to close a number of existing centres is based on the view that it is not possible to retain all of the 16 centres in the borough and to be able to deliver high quality services that continue to make a real difference to the outcomes for children and families with the levels of funding that will be available from April 2016.

6.15.1.2.2 This proposal will reduce the number of designated children's centres in the borough from 16 to 9.

6.15.1.3 Impact:

6.15.1.3.1 We recognise that there may be reduced universal access to services for children and families as a consequence of this proposal.

6.15.1.3.2 For families currently accessing services at the children's centres that will be closed, this may mean going to other centres for services and result in a longer journey for some families.

6.15.1.3.3 Women and children are the largest users of children's centres services and therefore their access to services could be negatively impacted on by a reduction in the number of designated centres. Fathers are the group that least use children's centres currently, therefore a reduction in number could further reduce the number of fathers accessing services.

6.15.1.3.4 A risk from this proposal is that access to services for the most vulnerable children could be substantially reduced.

6.15.1.4 Mitigation:

6.15.1.4.1 To address the potentially negative impact of this proposal we will:

- a) Strengthen our outreach offer to ensure contacts with families are maximised in spite of operating from a reduced number of sites.
- b) Integrate the SEND (special educational needs and disabilities) local offer to ensure that information for parents and carers is available as part of the children's centre offer and that support for young children with a special educational need and or a disability and their family can be accessed via the designated children's centre.
- c) Have named Health Visitors for each designated children's centre and, for two sites, develop co-located teams which will strengthen universal contacts with all children under 5 and increase opportunities to signpost and refer vulnerable families to appropriate services.
- d) Make sure each designated centre has a named Social Worker in order to ensure meaningful long term support for vulnerable children.
- e) Have a named Family Support Worker for each designated centre in order to ensure meaningful early help support for families at risk of becoming vulnerable.
- f) Have in place a new, high quality, information, advice and guidance service that will be accessible via the remaining designated centres and other places in the community used by local families.
- g) Introduce clear and robust information sharing protocols and systems to ensure families' needs are identified and met.

- h) Through the commissioning arrangements, consider alternative locations for service delivery in the local area working in partnership with other settings/organisations to maximise access.
- i) Produce high quality information in order to raise awareness of the children's centres' network of services and promote equity of access.
- j) Consider, where possible, extended opening hours as part of working with families with children 0 to 19 and where resources can be pulled together from across different agencies and services to support delivery
- k) Ensure centres work within a network of universal services, including maternity and breastfeeding support services, to support women in their journey to becoming mothers.
- l) Commission specific services working with fathers and young parents, linking with existing networks

6.15.2 Centres to close as designated children's centres

Question: To what extent do you support our proposals to close the following centres?

6.15.2.1 Responses:

- 6.15.2.1.1 52% of the respondents strongly opposed the closure of any of the proposed centres listed.
- 6.15.2.1.2 The 3 centres that had the highest percentage of support to stay open were respectively: The Ladder, Bounds Green & Stonecroft. Where respondents raised concerns about the closure of individual centre, The Ladder Children's Centre appeared to be the most popular, receiving 53% of the mentions by respondents.
- 6.15.2.1.3 The proposal to close Campsbourne Children's Centre was supported by the governing body of Campsbourne School in their written response to the consultation. The recommendation to close this centre follows a submission by the school governing body to the Council in 2014, requesting to be de-designated as a children's centre. This decision was delayed pending the subsequent review of children's centre delivery.
- 6.15.2.1.4 One centre, Rokesly Children's Centre had been proposed in the consultation as a centre that would remain open. In their response to the

consultation, the governing body of Rokesly Infants School informed the Council that they no longer wished to remain a designated centre.

6.15.2.1.5 In both cases, the decisions of the governing bodies were influenced by what they felt was the impact of diminishing resources on the ability to deliver effective children's centres services.

6.15.2.2 Recommendation:

6.15.2.2.1 It is proposed that the following seven designated centres close:

a) *Bounds Green Children's Centre*

This centre is proposed for closure as the alternative centre within this planning area offers a greater degree of accessibility from across the planning area due to the transport links. We recognise that an important part of the service offer currently provided at the centre is access to midwifery and antenatal support. We will be seeking to continue to provide access to these services for families in this area and will continue to work with the service provider to identify how this may continue.

b) *Campsbourne Children's Centre*

This centre is proposed for closure for the reasons cited in 6.15.2.1 above. We do, however, recognise that the current centre serves an area of need within Hornsey ward and we will be ensuring that outreach services are targeting this area, as well as seeking to continue to work with Campsbourne School as an important provision for early years within the local community.

c) *Earlsmead Children's Centre*

This centre is proposed for closure as it is a relatively short distance from another centre, Welbourne, within the same planning area. Welbourne children's centre is proposed to remain open as a centre due to the greater physical capacity it offers for the delivery of children's centre services.

d) *Noel Park Children's Centre*

This centre is proposed for closure as it already operates under a single management structure with Woodside children's centre. The current children's centre occupies a building that has been leased over the past 10 years and this is due to come to an end by 31st March 2016. We will be ensuring that access to services is facilitated under the new arrangements through outreach and the utilisation of the many community spaces within the Wood Green planning area.

e) *South Grove Children's Centre*

This centre is proposed for closure as it is located in an area that falls between two relatively large centres: Woodlands Park and the Triangle. The Triangle and Woodlands Park each have greater capacity than South Grove. The Triangle is the more accessible from the reach area of South Grove, although we anticipate current users of that centre will access both Woodlands Park and the Triangle. The levels of need within the area are acknowledged and it is felt that we will be able to meet these needs through the strengthened outreach and partnership approach within the wider proposals.

f) *Stonecroft Children's Centre*

This centre has been proposed for closure due to its strengths as a childcare provision and the fact that there remains high demand for childcare in the area which suggests this should be the focus of future developments. There is also little scope to enhance the children's centre provision due to the limitations of the physical site.

g) *The Ladder Children's Centre*

In the lead up to, and in response to, the consultation process, consideration was given to the suitability of either The Ladder or Woodlands Park remaining as a designated children's centre. The proposal to close The Ladder arose following careful consideration with representatives from both children's centres. During this time, and in response to the statutory consultation, the governing bodies of Woodlands Park Nursery School and South Harringay Infants School (which currently delivers The Ladder Children's Centre) expressed a desire to maintain a close working relationship between the two sites to enable access to services. We would support this approach going forward but stress that this would need to be done within the resources available to the designated children's centre.

h) In addition to the seven listed above, it is proposed that Rokesly Children's Centre is closed for the reasons cited in 6.15.2.1 above.

6.15.2.3 Impact:

6.15.2.3.1 The proposed changes will have more impact on residents, notably children aged from 0-5 and their families, of the Noel Park, Bounds Green, Harringay, Hornsey and Muswell Hill wards who are most likely to feel the impact of not having a designated centre in their ward and therefore potentially having reduced access to services which could meet their needs.

6.15.2.3.2 A large number of respondents (83%) walked to the children's centres they used, followed by 24% using the bus and 11% driving to the centres. This indicates an impact for some families who may have to

walk further distances to reach the nearest centres based on the proposal to close a number of centres.

- 6.15.2.3.3 The likely impact of closure at each site is set out in the table below. All of the centres listed currently offer children's centre services as part of a wider offer of services to children and families, notably *childcare and access to health services. We will continue to work with these sites so those services can continue but the impact of closing the children's centre on site may be that some settings may need to change the way in which they operate those services and this may lead to some services being discontinued at those sites.

Children's Centre	Type of Centre	*Services we will be seeking to continue at these sites	Nearest Children's centre proposed to remain open
Bounds Green	School based	Access to Health visiting and antenatal support /midwifery delivered by health partners	Woodside
Campsbourne	School based	Access to Health visiting and antenatal support /midwifery delivered by health partners	<i>New centre to be commissioned</i>
Earlsmead	School based	2 year old programme places	Welbourne
Noel Park	Local Authority	Access to Health visiting and antenatal support /midwifery delivered by health partners	Woodside
Rokesly	School based	Access to Health visiting and antenatal support /midwifery delivered by health partners	<i>New centre to be commissioned</i>
South Grove	School based	2 year old programme	Triangle

		places	
Stonecroft	Local Authority	Nursery offering full day care	<i>New centre to be commissioned</i>
The Ladder	School based	Access to Health visiting and antenatal support /midwifery delivered by health partners	Woodlands Park

6.15.2.3.4 The families currently accessing services at these children's centres may need to go to other centres for services and this may mean a longer journey for some children and their parents, particularly women. An exploration of the walking distance between centres proposed for closure, and those proposed to remain open that are closest to each one, suggests that the longest walking distance between centres is just under 20 minutes.

6.15.2.3.5 An assumption we are making is that travel to an alternative children's centre will take longer than the current journey respondents may be making to a children's centre now. This may not be the case but data about where respondents would be travelling from is not available and therefore this cannot be fully assessed at this time.

6.15.2.4 Mitigation:

6.15.2.4.1 To address the potentially negative impact of this proposal we will:

- a) Implement the actions set out in 6.15.1.4 of this report.
- b) Work with the children's centres that remain designated to offer some services off-site in other places within their children's centre planning in order to maximise access and to minimise the impact of potentially increased journeys for some residents.
- c) Have in place a strengthened outreach offer, with centre-employed staff working closely with other professionals and services engaged in outreach as part of their usual work, to ensure that contact with children and families can be maximised despite the reduction in designated centres and the increased travel required for some residents.
- d) Develop information for all residents about the children's centre offer they can expect to receive. This will need to take into account the different languages spoken amongst current and potential future service users. A

robust communications plan will ensure we are working with key universal services such as GPs, Midwifery and Health Visiting, Schools and Libraries to raise awareness of childrens' centres and other early help services and how families can access this wherever they live within the borough.

- e) Seek to identify a new children's centre provider in response to Rokesly Children's Centre's request to be de-designated. This will provide the opportunity to develop a model of delivery that will take into account access to services for residents living in Hornsey and Muswell Hill wards.

6.15.3 **Community Access Points**

Question: If the proposals mean that the following centres are closed, to what extent do you support the following buildings being used as key community access points?

Question: Please indicate which of the following key community access points you are most likely to use?

Question: How important is it to you that the following services are available at a key community access point?

Question: Are there any additional services that you feel it is important to deliver from key community access points?

6.15.3.1 Responses:

6.15.3.1.1 The concept of Community Access Points (CAPs) was set out in the statutory consultation and described as the closed children's centres providing some services typically found at children's centres. It was proposed that each of the closed centre sites would provide access to approximately 15 hours per week of service provision, coordinated by the nearest designated children's centre.

6.15.3.1.2 A significant number of respondents to the consultation had no opinion on the proposal to introduce CAPs, with an additional 20% of respondents strongly against the proposal.

6.15.3.1.3 Whilst 37% of respondents stated that they would use none of the Key Community Access Points, a significant number of respondents (71%) to the question asked about which services they would like to see offered at a CAP rated Stay & Play sessions, Health Appointments and Advice

sessions as extremely important with a further 13% rating them important. 7% of respondents had no opinion.

6.15.3.1.4 It is clear from the consultation that the concept and practical operation of CAPs was not fully understood by respondents and appeared to create confusion and anxiety about the feasibility of implementing CAPs. In addition to this, concerns were raised by Governors and some staff about the management of, and accountability for, services and staff within CAPs.

6.15.3.1.5 Taking into account the feedback from children's centre representatives, when the operational requirements for maintaining CAPs were analysed it became clear that it would be a challenge to address all aspects of the staffing and running costs associated with keeping every site open for the delivery of children's centre services for a reduced number of hours per week with the levels of funding available.

6.15.3.2 Recommendation:

6.15.3.2.1 For this reason, we are not proposing to take forward the development of Community Access Points.

6.15.3.3 Impact:

6.15.3.3.1 The residents, notably children aged 0-5 and their families, of the following wards Noel Park, Bounds Green, Harringay, Hornsey and Muswell Hill wards are most likely to feel the impact in terms of not having a designated centre in their ward and therefore potentially having reduced access to services which could meet their needs.

6.15.3.4 Mitigation:

6.15.3.4.1 To address the potentially negative impact of this proposal we will carry out the mitigating actions set out at 6.15.1.4 and 6.15.2.4 in this report.

6.15.4 **Centres to remain as designated children's centres**

Question: To what extent do you support our proposal to keep the following children's centres open?

6.15.4.1 Responses:

6.15.4.1.1 39% of the respondents who completed this question stated that all centres should be kept open.

6.15.4.1.2 50% of the respondents stated they strongly agreed to keep with the proposals to keep the nine named designated centres open – each centre had a very similar percentage share of consensus.

6.15.4.2 Recommendation:

6.15.4.2.1 It is proposed that the following eight centres are commissioned as designated children’s centres. The decision to retain these as centres was influenced by the locations of the centres, as well as levels of needs within each planning area.

Children’s Centre	Children’s Centre Planning Area	Wards covered
Broadwaters	Harringay & West Green Planning Area	West Green ward
Park Lane	North East Tottenham Planning Area	Northumberland Park ward
Pembury	South East Tottenham Planning Area	Bruce Grove & Tottenham Hale wards
Rowland Hill	North East Tottenham Planning Area	White Hart Lane ward
Triangle	South East Tottenham Planning Area	Seven Sisters ward
Welbourne	South East Tottenham Planning Area	Tottenham Green ward
Woodlands Park	Harringay & West Green Planning Area	Harringay & St. Ann’s ward
Woodside	Wood Green Planning Area	Bounds Green, Noel Park & Woodside wards
<i>New centre to be commissioned</i>	West Planning Area (incorporating Muswell & Highgate and Hornsey & Stroud Green Planning Areas)	Alexandra, Crouch End, Fortis Green, Hornsey, Highgate, Muswell Hill & Stroud Green

6.15.4.2.2 As Rokesly Infants School has put forward a request no longer to continue as a designated centre, we will carry out an open tender process to identify and commission a new provider to deliver a children’s centre service offer in the West Planning area.

6.15.4.3 Impact:

6.15.4.3.1 Children’s centre service coverage is maintained across the borough, with particular focus on children and families in areas of greater

deprivation and sufficient coverage for all children and families across the borough.

- 6.15.4.3.2 These designated centres will be working closely with the Council's early help locality teams which will mean a more integrated approach to delivering services for children, young people and families in each planning area and ensure that a more effective, 'whole family' approach to the coordination of support and service delivery is in place.

6.15.5 **Children's Centre Planning Areas**

Question: To what extent do you support our proposal to establish five children's centre planning areas?

6.15.5.1 Responses:

- 6.15.5.1.1 35% of respondents stated that they had no opinion about establishing 5 planning areas. 17% of respondents stated that they supported the proposal whilst 22% said they did not.

6.15.5.2 Recommendation:

- 6.15.5.1.2.1 The centres that remain designated will be organised into five children's centre planning areas. In each of these planning areas, the centres will work with partners and schools to ensure that services on offer meet the needs of children and families living in the area.

6.15.5.3 Impact:

- 6.15.5.3.1 All wards in Haringey will be served by children's centre services

6.15.6 **The Service Offer**

Question: To what extent do you support our proposal to widen the focus of children's centre services from 0-5 years of age to 0-19?

6.15.6.1 Responses:

- 6.15.6.1.1 There was some support for widening the service offer to encompass services for children and young people, aged 0-19 (25, if they have special educational needs or disabilities) and their families. Just under 50% of respondents supported the proposal to widen the age range; however, there was not an overall consensus.

6.15.6.1.2 The feedback from the consultation showed mixed views about the proposals to extend the age range of children’s centres which reflected the suggestion that the children’s centre could become places for families to get involved as a whole. 28% of respondents supported the proposal to widen the scope of centres to 0-19 year olds, 19% strongly support this proposal and 20% did not support this proposal. In addition to this, some of the written comments expressed concerns about the physical space in centres, the ability and appropriateness of the environment within centres to accommodate older children and young people and the pressure this may place on children’s centres staff

6.15.6.2 Recommendation:

6.15.6.2.1 We are proposing to ensure that the children’s centre service focus on 0-5 year olds is retained. We will continue to build the service offer to ensure that children’s centres are able to take a ‘whole family’ approach and work with local schools and other services, as part of an early help locality model, to ensure that access to the right services for older children or the family is facilitated.

6.15.6.3 Impact:

6.15.6.3.1 This maintains a focus on early years services for families and their key role in providing the earliest opportunity to engage with children and their families and also to provide access to early help that should improve outcomes for children. This may not deliver the ‘whole family approach’ as originally intended.

6.15.6.4 Mitigation:

6.15.6.4.1 We will ensure that the plans for children’s centres going forward include the development of greater links between other early help services, which, in the main, cover children and young people aged 0-19 (25 if they have special educational needs or disabilities). This approach will be supported by achieving the co-location of key services for families, particularly affecting women and children, as and where appropriate.

Question: How important is it to you that the following services are available at children’s centres?

Question: In future, if we did have to charge for some children’s centre services in order to be able to maintain a good level of service, which services would you be willing to pay for?

6.15.6.5 Responses:

6.15.6.5.1 Respondents to the consultation shared many wide-ranging views about the children’s centre service offer and the importance of some key services for parents and carers to meet each other, talk to someone if they needed help or support or find out the information they need to get support from other professionals or services.

6.15.6.5.2 Services such as stay and play sessions were highly valued amongst respondents.

6.15.6.5.3 The feedback from the consultation suggested that children centre services need to be more accessible for men, namely fathers, in the future. Part of the proposed service offer going forward is the commission of support specifically aimed at fathers, including young fathers.

6.15.6.6 Recommendation:

6.15.6.6.1 The commissioning of children’s centres going forward will be outcomes focused and the service offer will be informed by differing needs across the borough and in each centre planning area, built around evidence-based practice, delivering measurable outcomes for children and families, and shaped by parents and the community. The parental engagement forums in each planning area will have a key role to play in gathering the views of parents ensuring that the voice of parents and carers is present in determining the local offer and what the needs are in communities.

6.15.6.6.2 It is proposed that the nine designated centres will be commissioned to deliver the following minimum service offer:

Minimum Service Offer	
Stay and Play sessions to promote positive attachment, healthy brain development and good communication and language	Support to find volunteering opportunities
Healthy eating advice and support programme	Support to find work, training and apprenticeship opportunities
Outreach programme to engage with the most vulnerable children and	Information, advice and guidance to support families for example relating to welfare benefits, debt management,

families	housing and child care
Effective links with other professionals to offer a team around the family approach	Opportunities for peer support
Established links with other professionals including family support, health visiting and social work	Outreach programme to engage with the most vulnerable children and families
	Opportunities to become involved in the governance and decision making with regard to Children's Centres

6.15.7 **Additional Commissioned Services**

- 6.15.7.1 The work of each designated centre will be strengthened by other services to form the general children's centre service offer. Some services will be commissioned through the early years commissioning budget, whilst others will be commissioned by other parts of the Council or other agencies.
- 6.15.7.2 The reach of each of the nine centres is significant and it is acknowledged that the effectiveness of centres and their impact on improving the outcomes for children and families can be maximised through purposeful on and maintaining strong links between different services and agencies.
- 6.15.7.3 The transfer, in October 2015, of commissioning responsibility for health visiting to the Council, provides the opportunity to build a new commissioning model for children's centres which recognises GPs, antenatal and midwifery services and health visiting as fundamental blocks on which to build the universal children's centre service offer.
- 6.15.7.4 The responses in to the statutory consultation indicated that health services for 0-5 year olds were important to many of the respondents and should be an important part of the children's centre service offer.
- 6.15.7.5 With the implementation of the Healthy Child Programme across the borough in mind, we are proposing a strong, integrated model for the delivery of services for children aged 0-5 years of age. This will take time to establish but as starting point we are proposing, through the new

commissioning arrangements for health visiting and children’s centres, to introduce:

- Joint working between the nursery nurse practitioners within the health visiting teams and the early learning practitioners within the children’s centres, with regular practice network meeting to support skill sharing, communication and planning
- The co-location of two health visiting teams at identified children’s centres
- The consistent participation of health visiting and midwifery team members in vulnerable children’s meetings
- Agreed processes and protocols for data collection and information sharing

6.15.7.6 Centres will need to work in partnership with other key providers of universal services and will play a key role in facilitating access to other services through the provision of information, signposting, effective outreach and referrals.

6.15.7.7 These additional services may be commissioned by a strategic partner of the Council, by the Council or by the centres themselves.

6.15.7.8 Additional commissioned services will be a mixture of universal services i.e. those available to all and where we believe that alignment with children’s centres will enhance access for residents, and those commissioned specifically to address the particular needs of some families or communities.

6.15.7.9 The centre may also introduce services designed to meet the very local needs of their service users.

6.15.7.10 The following additional commissioned services will form part of an integrated service offer:

Service	Delivery Partner	Commissioner
Access to information, advice and guidance	Third party provider	Haringey Council
Midwife appointments and antenatal checks	Whittington NHS Trust/North Middlesex	Haringey CCG
Targeted breast feeding peer support	Third party provider (NCT)	Haringey Council
Breast feeding groups	Whittington NHS Trust	
Support to help expectant	Whittington NHS	Haringey

parents prepare for the birth of a child	Trust/North Middlesex	CCG/Haringey Council
New Birth Visits in the first 10-14 days	Whittington NHS Trust	Haringey Council
Visits at 6-8 weeks	Whittington NHS Trust	Haringey Council
Health Checks at one years old	Whittington NHS Trust	Haringey Council
Integrated Health and Development checks for 2-2.5 year olds	Whittington NHS Trust	Haringey Council
Healthy Start Vitamins distribution	NHS Supply Chain	Haringey Council
Parenting support programmes	Haringey Early Help Service/Third party provider	Haringey Council
*Outreach and support for fathers and fathers to be	Third party provider	Haringey Council
*Outreach and support for young parents	Third party provider	Haringey Council
*Access to a Family Nurse Partnership Programme	Whittington NHS Trust	Haringey Council
Family learning	Haringey Adult Learning Service/third party provider	Haringey Council
*English Language and literacy classes	Haringey Adult Learning Service/third party provider	Haringey Council

*This service offer may vary from centre to centre, depending on levels of need.

6.15.8 **Working with children and families most in need of help and support**

6.15.8.1 The nine centres will form an important part of an integrated approach to early help across the borough and contribute to a network of services delivered by the Council and other partners across the borough that will work closely to ensure that all children, young people and families

experience a swift, well coordinated response to needs as they are identified.

6.15.8.2 The work of the nine centres will be enhanced by the Council's early help locality team model and each centre being linked to the relevant early help locality team for their planning area. The early help locality team will add some capacity to each centre that is both visible and responsive ensuring that the needs of the most vulnerable children can be identified, assessed and met with an appropriate response.

6.15.9 **Links to key services**

6.15.9.1 In order to ensure consistency of support and advice from other professionals working with children, young people and families in contact with any children's centre, we will maintain the existing model of a named family support worker for each designated centre but will, in addition to this, be ensuring that each of the nine centres is linked to a named Social Worker and a named Health Visitor.

6.15.9.2 All commissioned children's centres will be required to hold regular vulnerable children's meetings, involving key agencies, to identify and plan for the most vulnerable children attending services and consider how they will work effectively with families to ensure needs are being met. Centres will also be required to participate in other safeguarding and care planning forums.

6.15.10 **Targeted support and intervention**

6.15.10.1 A family support worker from the relevant early help locality team will spend up to two half days per week in each of the nine designated children's centre to provide additional early intervention capacity. When at the centres, these family support workers will work directly with parents and also offer support for centre staff in the identification and engagement of parents in need of additional support. The impact of this approach will be an immediate ability to signpost or facilitate the speedy resolution of emerging issues, preventing escalation, enabling greater family resilience and supporting sustained independence in respect of parental responsibilities to be achieved.

6.15.11 **Children's Centre Opening Hours**

Question: To what extent do you support our proposal that children's centre opening times should be extended to some evenings?

Question: To what extent do you support our proposal that children’s centre opening times should be extended to some weekends?

Question: What are your preferred times to attend children’s centres?

Question: What services would you like to see delivered at weekends, and in evenings?

6.15.11.1 Responses:

6.15.11.1.1 The responses to the consultation suggested that there was significant support for extending the opening hours of children’s centres. 61% of respondents supported evening opening and a similar number supported weekend opening.

6.15.11.2 Recommendation:

6.15.11.2.1 It was proposed in the consultation that service availability would be increased to include evenings, weekends and across 48 weeks of the year.

6.15.11.3 Impact:

6.15.11.3.1 Services will be available for longer to local families with limited holiday closure.

6.15.12 **Staffing and Resources**

6.15.12.1 The proposed delivery model will introduce significant changes to the job profiles and number of staffing currently in place in the existing children’s centre delivery model. There will be a reduction in the number of management posts and increase in the number of roles undertaking outreach and delivering early help intervention.

Current job roles	Number of employees	Proposed job roles	Number of employees
Early Intervention Coordinator	13	Centre Manager	9
Community Development Outreach Worker	22	Learning and Volunteering Coordinator	3,5
Information and Admin Officer	12	Early Intervention and Outreach	16

		Officer	
Information and Admin Assistant	4	Early Learning Practitioner	8
Senior Monitoring and Evaluation Officer	4	Admin/reception officer	4
Data Entry Administrator	1	Performance and Data Analyst	1
Site Manager	1	Data Entry Administrator	2
TOTAL	57	TOTAL	43.5

6.15.12.2 Feedback from children's centre staff during the consultation period highlighted some concerns about the following:

- Not having enough members of staff to continue the work started with families locally.
- The lack of specific data input functions in all front line jobs and the lack of a specific information role

Offer:

- Concerns were raised that the offer could be compromised by lack of partnerships. They wanted clarity around the work with the vulnerable families and responsibilities for attending meeting when engaging with families on plans.

Costs

- Staff made suggestions around increasing income via hiring premises, fundraising, donations and selling venues. It was also suggested that children's centres operate fully as part of Early Help so that budgets can be streamlined.

Management & Accountability:

- Staff expressed their concern with the lack of clarity in the lines of management and accountability.
- They also raised the issue that Service Level Agreements need to be extremely well defined for such a model to work.
- Governance for delivery sites (also defined as Key Community Access Points) particularly in terms of safeguarding and support was an issue of concern.
- Training and staff development was also an issue raised by staff who were keen to have proper training and development opportunities as part of the process.

6.15.12.3 It was clear that, as part of implementing the new commissioning model, an induction and training plan for staff will need to be put in place. We will ensure that regular practice networks are established to ensure that there is effective communication between staff and associated professionals, opportunities are created for skill sharing and professional development and there is a consistent approach to supporting staff in new roles and ways of working.

6.15.13 **Management and Accountability**

6.15.13.1 The proposals for a new commissioning model for delivering children's centres in Haringey takes into account the Council's role as the Accountable Body. The commissioning arrangements will mean that the Council will have in place service level agreements with each children's centre provider that set out the expectations for minimum service delivery, will make clear how the Council intends to monitor and review the performance of children's centres and other commissioned services associated with meeting identified needs and specify the outcomes being sought through the commission.

6.15.13.2 At the time of writing this report, the Government has proposed a review of children's centres and, as a consequence, suspended Ofsted inspections of children's centres until the review has been completed and the implications for the inspection of children's centres is known. As the accountable body, we will continue to make reference to the role of children's centres as one of our delivery mechanisms for early help and ensure that the coordination and integration of services in the new arrangements contribute to improved outcomes and reduced inequalities as set out and evaluated under the 2013 Framework for the Ofsted Inspection of Children's Centres.

6.15.14 **Governance**

Question: To what extent do you support the proposal to establish new Children's Centre Advisory Boards (CCAB) for each children's centre planning area?

6.15.14.1 Responses:

6.15.14.1.1 When asked to state whether they supported establishing new Children's Centres Advisory Boards for each planning areas, 43% of respondents supported or strongly supported the proposal. 37% of respondents had no opinion.

6.15.14.2 Recommendation:

6.15.14.2.1 There is a statutory requirement for the Council to ensure that all children's centres have in place a Children's Centre Advisory Board (CCAB). The purpose of the CCAB is to provide support and challenge to each children's centre; ensuring representation reflects local stakeholders and engages parents in shaping local service delivery.

6.15.14.2.2 It is proposed that existing CCABs (currently based on four children's centre area clusters) cease by 31st March 2016 in order to move to the new planning areas and are re-established from April 2016, putting in place a new CCAB for each children's centre planning area. The membership for each CCAB will be re-established and the terms of reference for each refreshed to ensure that the function and purpose of each CCAB is clear and the boards fulfil their role as set out in the Sure Start Children's Centre Statutory Guidance 2013.

6.15.14.3 Impact:

- Maintenance of partnerships and integrated working with a variety of agencies
- Clear governance and lines of accountability
- Alignment of CCABs and service delivery to strengthen influence
- Increased rigour and challenge over the performance of children's centres
- Links with Network Learning Communities and Early Help Localities

6.15.15 **Parental and Community Involvement**

Question: To what extent do you support the proposal to establish parent engagement forums?

6.15.15.1 Responses:

6.15.15.1.1 When asked about establishing Parents Engagement Forums 67% of respondents supported or strongly supported the proposal, whereas 22% had no opinion. This suggests substantial support for parental engagement

6.15.15.1.2 Whilst the feedback from the consultation showed two-thirds of respondents expressed support for this approach, 19% welcomed the initial proposal but would welcome more details. They also felt the parents should receive proper briefing on the objectives of the forum. 19% made suggestions such as trying to avoid lip service listen to parental voices and having forums that are representative of the community.

6.15.15.2 Recommendation:

6.15.15.2.1 The proposal is to establish Parent Engagement Forums in each children's centre planning area.

6.15.15.2.2 The Parent Engagement Forums, supported by a new Learning and Volunteering Coordinator role, will ensure that local parents have a voice in how children's centre services in their area are delivered, can contribute to their community through volunteering and parent to parent support and participate in the delivery of local services. A key concern of respondents seemed to be that the forums were not tokenistic, were genuinely able to influence and were representative of the community.

6.15.15.3 Impact:

- Strong parental voice building on existing structures
- Parental and community engagement and involvement in services, building the service offer in each planning area
- Build parents' capacity to get involved in governance and decision making

6.16 Subject to Cabinet decision, implementation of the proposals set out above is intended to take effect from 1st April 2016, in order to achieve the required savings in the MTFS and to ensure children's centres users, their staff and other stakeholders have certainty about the change to a new model. In order to achieve this, a draft Implementation Plan has been drawn up, the key points of which are summarised below:

Action	
Cabinet decision	November 2015
Communication to all stakeholders of the Cabinet decision: maintaining engagement with current and prospective service users, children's centre representatives and partner agencies throughout the implementation phase.	November 2015
Specific information for users of particular services about how their access to services may be affected and to services providers about how their delivery of services may be affected.	November 2015
Restructure process for all staff employed to deliver children's centre services, whether in school or local authority settings, to get underway. 45 day consultation period for all affected staff to elapse.	November 2015
Parent engagement and co-production work will	On-going

continue around implementation planning, the development of service specifications and tender documentation	
Development of implementation plans to secure use of premises vacated by children's centre services for the delivery of early years education, health provision or family focused services. This will involve on-going discussions with school governing bodies and partner agencies	December 2015
Development of staff induction and training plan – intended as a preparation plan for support to staff (following a recruit to stay process) in transition to new children's centre model and potentially new roles	December 2016
Development of arrangements for the continued provision of children's centre services in Planning Area 1 to ensure that loss of access to children's centre service does not occur from April 2016, if the proposed closure of Rokesly Children's Centre is approved	December 2015/January 2016
Development of specification for commission of new children's centre provider and agreement sought to go out to tender.	December 2015 to February 2016
Beginning of process to commission children's centre provider for Planning Area 1	December 2015/January 2016
Following formal staff consultation, the recruit to stay exercise will get underway	January/February 2016
Notification to the Department of Education (DfE) & Ofsted. This will include updating borough, centre profile and organisation and service offer information on the Sure Start On database system	January 2016
Establishment of Parents Engagement Forums and Advisory Boards	March 2016
Drafting of new Service Level Agreements for designated children's centres from April 2016	February 2016
Refresh Children's Centre Performance Framework	February 2016
Implement staff induction and training plan	March 2016
Further information for all residents about specific changes including details of staff to be employed in each setting	March 2016
Closure of children's centres	By April 2016
New model becomes operational. To include transitional arrangements as required	From April/May 2016
New staffing arrangements fully implemented	May 2016
Procurement: Tender and Evaluation process (3	April 2016

months)	
Cabinet decision: Award of Contract	October 2016

6.17 The proposals form part of the Council's transformation agenda for children's services. There is a quarterly Strategic (Best Start in Life) Priority Board which will have oversight of the strategic delivery of the transformation proposals, which is supported by monthly Operational (Best Start in Life) Priority Boards and by the Early Help Partnership Board. In addition, the Children's Centre Performance Framework will enable quarterly monitoring of the take-up of services across children's centres in the borough. This will help us to identify any changing patterns of usage and wider activity, in particular by protected groups which may disengage, and which can be reported to the Strategic Priority Board as appropriate. The Cabinet Member sits on the Strategic Priority Board and will receive regular reports from this process.

7. Contribution to strategic outcomes

7.1 The proposals set out in this report support the achievement of the Council's Corporate Plan priorities for 2015-2018; in particular Priority 1 which seeks to

Enable every child and young person to have the best start in life.

7.2 Through reshaping the current delivery of children's centres within a reduced financial envelope, we are meeting the following objectives:

- All children will have the best start in life
- Children and young people across Haringey excel at school, making the most of their potential
- All young people will have access to excellent employment or higher education opportunities
- Children and young people will be healthier, happier and more resilient and those who need extra help will get support at the right time
- Children and families who need more support will be helped earlier before issues escalate
- All children and young people will be safeguarded from abuse

7.3 The proposals embed the commissioning models for health visiting and midwifery services as universal services in recognition of the central role they play in ensuring that we continue to strive for all children to have the best start in life.

7.4 The strengthening of parental and community involvement, alongside a real focus on supporting the aspirations of parents and carers seeking opportunities that help them back into training and employment will make a direct contribution

to the objectives set out in the Corporate Plan under Priority 4, in particular objective 3 which states that we will;

Take advantage of growth, by ensuring that residents have the training, skills and support necessary to find and keep good quality employment

8. Statutory Officers comments

8.1 Chief Finance Officer (including procurement) comments

- 8.1.1 The finance department have been consulted in the preparation of this report. The cost of the recommended model for Children's Centres is £1.856 million of which £1.622 million is the cost of staffing. The rest consists of the costs of one crèche session a week and a share of premises costs. This is the cost of providing the minimum Children's Centre service offer and does not include weekend opening. Any extended opening and the additional services referred to above in paragraph 6.15.7 will need additional funding from other budgets such as the Early Years Public Health and Health Visiting Budget.
- 8.1.2 The Children's Centres currently share premises with other services such as childcare or nursery schools and the service delivery costs assume that this will continue. Where Children's Centre services are no longer provided at a site and funding is withdrawn then in some cases there may be financial implications as costs falling to other services at that site may increase.
- 8.1.3 Where Central Government capital funding has been used for Children's Centres, the Department of Education may seek to claw back some or all of the funding if the site ceases to be used as a Children's Centre. However, since there will continue to be some Early Years provision at most of these sites then they may agree to waive or defer this.
- 8.1.4 There may be some transitional costs arising from the implementation of the new model especially staffing costs such as redundancy payments. Provision has been made by the Council for such costs as part of the MTFS process based on the estimates of the likely impact at the time. The estimate for Early Years was approximately 22 FTE staff.
- 8.1.5 There may also be some capital costs; these should be factored into the Council's capital strategy which is currently being prepared.
- 8.1.6 The new model will provide a saving of £0.545 million to the current budget of £2.4 million. The Early Years budget as a whole is expected to make savings of £1.44 million during the MTFS period of which £0.22 million have already been made in 2015/16. A further £0.675 million saving must therefore be found in other areas of the budget. This distribution of saving effectively offers relative

protection to the Children's Centres and means that larger reductions will be required in the Commissioning and Central budgets.

8.2 Procurement comments

- 8.2.1 The Head of Procurement notes the recommendations within the Report.
- 8.2.2 Procurement Contracts Regulations 15 (PCR15) will need to be adhered to in regard to any future procurement for the recommendations. These regulations cover the procurement of social care over £625,000 over a four year period and the letting of reserved contracts to Social enterprises and Mutuals.
- 8.2.3 It is recommended Procurement is engaged as early as possible to determine the most appropriate sourcing approach and to ensure adherence to PCR 15.

8.3 Assistant Director of Corporate Governance comments

- 8.3.1 Cabinet is being asked to make a decision on the arrangement in the borough for the provision of children centres. The Childcare Act 2006 (as amended) covers, amongst others, the arrangement for provision of children centres. The Department for Education has issued statutory guidance named "Sure Start children's centre statutory guidance" April 2013 ("Statutory Guidance") which Cabinet must have regard to in exercising the functions under the Act.
- 8.3.2 Under Section 1 (*General duties of local authority in relation to well-being of young children*) the Council has a general duty to improve the well-being of children in its area, and reduce inequalities. Wellbeing means a) physical and mental health and emotional well-being; b) protection from harm and neglect; c) education, training and recreation; d) the contribution made by them to society; and e) social and economic well-being.
- 8.3.3 Under Section 3 (*Specific duties of local authority in relation to early childhood services*) the Council must make arrangements to secure that early childhood services in its area are provided in an integrated manner in order to facilitate access and maximise the benefits of those services to young children and their parents. The definition of early childhood services include a) early years provision; b) the functions of the Council, so far as relating to young children, parents or prospective parents; c) health services relating to young children, parents or prospective parents; d) information and advice services for parents and prospective parents.
- 8.3.4 Section 5A (*Arrangements for provision of children's centres*) provides that arrangements made by the Council, must, so far as is reasonably practicable, include arrangements for sufficient provision of children's centres to meet local need (Section 5A). "Local need" is the need of parents, prospective parents and

young children in the authority's area. To secure this outcome, the Sure Start Children's Centre Statutory Guidance provides that local authorities should, amongst others, "a) ensure that a network of children's centres is accessible to all families with young children in their area; b) ensure that children's centres and their services are within reasonable reach of all families with young children in urban and rural areas, taking into account distance and availability of transport; c) together with local commissioners of health services and employment services, consider how best to ensure that the families who need services can be supported to access them; d) target children's centres services at young children and families in the area who are at risk of poor outcomes through, for example, effective outreach services, based on the analysis of local need; e) demonstrate that all children and families can be reached effectively; f) ensure that opening times and availability of services meet the needs of families in their area; and g) not close an existing children's centre site in any reorganisation of provision unless they can demonstrate that, where they decide to close a children's centre site, the outcomes for children, particularly the most disadvantaged, would not be adversely affected and will not compromise the duty to have sufficient children's centres to meet local need. The starting point should therefore be a presumption against the closure of children's centres; take into account the views of local families and communities in deciding what is sufficient children's centre provision;...(pg 9).

8.3.5 Section 5C (*Children's centres: advisory boards*) of the Act requires the Council to ensure each children's centre is within the remit of an advisory board.

8.3.6 Section 5D (*Children's centres: consultation*) of the Act provides that the Council must ensure that appropriate consultation is carried out before a) any significant change is made in the services provided through children's centre; or b) anything is done that would result in a children's centre ceasing to be a children's centre, A change in the manner in which, or the location at which, services are provided is to be treated as a change in the services. The Statutory Guidance provides that "*Local authorities must ensure there is consultation before: a) opening a new children's centre; b) making a significant change to the range and nature of services provided through a children's centre and / or how they are delivered, including significant changes to services provided through linked sites; and c) closing a children's centre; or reducing the services provided to such an extent that it no longer meets the statutory definition of a Sure Start children's centre.*"

8.3.7 Further, "*Local authorities should consult everyone who could be affected by the proposed changes, for example, local families, those who use the centres, children's centres staff, advisory board members and service providers. Particular attention should be given to ensuring disadvantaged families and minority groups participate in consultations. The consultation should explain how the local authority will continue to meet the needs of families with children*

under five as part of any reorganisation of services. It should also be clear how respondents' views can be made known and adequate time should be allowed for those wishing to respond. Decisions following consultation should be announced publically. This should explain why decisions were taken.” (pg 10).

The report at paragraphs/section 6 and Appendix 1 sets out how the Council has discharged this statutory duty.

8.3.8 The Council must now give genuine and conscientious consideration to the responses received from the consultees during the consultation before making its final decision on the proposals. The report at paragraphs/section 6 and Appendix 1 sets out the the responses from services users, carers, family members and other stakeholders.

8.3.9 As part of its decision making process, the Council must have “due regard” to its equalities duties. Under Section 149 Equality Act 2010, the Council in exercise of its early childhood service function, must have “due regard” to the need to eliminate unlawful discrimination, advance equality of opportunity between persons who share a protected characteristic and those who do not, foster good relations between persons who share a relevant protected characteristic and persons who do not share it in order to tackle prejudice and promote understanding. The protected characteristics are age, gender reassignment, disability, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council is required to give serious, substantive and advance consideration of the what (if any) the proposals would have on the protected group and what mitigating factors can be put in place. This exercise must be carried out with rigour and an open mind and should not be a mere form of box ticking. These are mandatory consideration. In line with its equalities duties, the Council have undertaken an Equality Impact Assessments (EqIA) of the proposals on the protected groups. The impact of the proposals on protected groups is set out in the report and in the EqIA document attached as **Appendix II**. Also, the steps to be taken to mitigate the impact of the proposals.

8.3.10 Before making its decisions on the proposals, Cabinet must take into account, the responses to the consultation on the proposals, the EqIA of the proposals and the steps being taken to mitigate the impact on the protected groups, the legal duties under the the Childcare Act and the Statutory Guidance. Cabinet members must ask themselves a) whether it is justifiable to seek to make financial savings in the way proposed, having regard to the need to protect and promote the welfare of young children and their families in Haringey, in particular the most disadvantaged children and families, and the risks inherent in the changes proposed; b) whether the mitigating steps proposed are sufficient or whether more needs to be done; c) whether the proposals ought to be adopted or discarded; and d) whether there is adequate provision for monitoring the proposed changes, so that changes can be made, if necessary.

8.4 Equalities comments

8.4.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- a) tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- b) advance equality of opportunity between people who share those protected characteristics and people who do not;
- c) foster good relations between people who share those characteristics and people who do not.

8.4.2 An Equality Impact Assessment (EqIA) was produced in June 2015 prior to consultation on the proposed changes, and has been updated following the consultation. This EqIA can be found in **Appendix II**.

8.4.3 The EqIA identified some potential negative impacts on service users and residents who use those children's centres that are to be de-designated as part of the proposal. The main risk is that groups of residents disengage from accessing children's centre services altogether, rather than travelling to an alternative centre in a neighbouring ward. Noel Park, Bounds Green, Harringay and Muswell Hill wards are likely to be most affected by the change because these are the wards where designated Children's Centre buildings will be reduced most. A risk from this proposal is that access to children centre services for the most vulnerable families (e.g. families on low incomes, those in temporary accommodation, carers with mental health issues etc) could be substantially reduced from the de-designation of centres.

8.4.4 The attention of Members is particularly drawn to the key risks identified in the Equalities Impact Assessment and also set out in this report. These are:

- a) Potentially reduced access to both universal and targeted services
- b) The potential for disengagement with services for groups such as lone parents and parents and children with disabilities
- c) The families currently accessing services at the children's centres that will be closed may need to go to other centres for services and this may mean a longer journey for some families.
- d) Closure of high quality provision may lead to loss of expertise and local knowledge across the system.
- e) Reduced choice for local residents

- f) Safeguarding issues may not be identified or responded to immediately with a reduction in services
- g) The disproportionate impact on women and young children as the largest users of children's centre services
- h) The impact on fathers as a group who use children's centres; given the numbers using the service are already small and the disproportionate effect a diminution in services could have.

8.4.5 To help mitigate these potential impacts, a number of actions have been identified which are outlined in sections 6.15.1.4 and 6.15.2.4 of this report, and also in Section 8 of the EqIA. Many of the mitigating actions are based around strengthening outreach activities to all families, so that they are aware of opportunities to access children's centre services. There is a particular focus on outreach for those wards where children's centres will be de-designated, and ensuring that the most vulnerable are identified early and are connected to children's centre services.

8.4.6 The potential risks and negative impact of de-designating centres needs to be balanced against the proposal's intention to enhance overall access to children's centre services. The new delivery model will improve access to services through increased outreach, alignment of other commissioned services to children's centres and the use of other community buildings, including libraries, leisure centres and health centres, as appropriate. The locality model will encourage diversity of provision, support the development of local solutions and will draw on a range of data sources, effective practice and expert knowledge and experience to identify and meet the needs of the locality. This will take into account the different profiles and characteristics of residents in these localities. All groups of residents with young children, regardless of their characteristics (e.g. ethnicity, sex, religion, age), will still have the opportunity to access universal Children's Centre services in Haringey.

8.4.7 Haringey's Children's Centre Performance Framework will include the quarterly monitoring of the take-up of services across children's centres in the borough. This will help us to identify any changing patterns of usage and wider activity, in particular by protected groups which may disengage, and which can be reported to the Strategic (Best Start in Life) Priority Board as appropriate. The Cabinet Member sits on the Strategic Priority Board and will receive regular reports from this process.

8.4.8 Performance management of children's centres in Haringey will continue to set out a range of targets which must be met by designated children's centres and include a specific focus upon the inclusion of priority and excluded groups.

8.4.9 Children's centres will report qualitative and quantitative data about engaging with the following groups of people:

- Lone parents, teenage mothers and pregnant teenagers
- Children from low income backgrounds
- Children living with domestic abuse, adult mental health issues and substance abuse
- Children 'in need' or with a child protection plan
- Children who are offenders and/or those in custody
- Fathers, particularly those with any other identified need, for example, teenage fathers and those in custody
- Those with protected characteristics as defined by the Equalities Act 2010 – these may include those for whom English is an additional language, those from minority ethnic groups, those from Gypsy, Roma and Traveller families, and those from lesbian, gay and transgender families
- Adopted children and adopter families
- Looked after children
- Children who are being cared for by members of their extended family such as a grandparent, aunt or older sibling
- Families identified by the Local Authority as a 'troubled family' who have children under the age of 5
- Families who move in and out of the area relatively quickly (transient families) such as asylum seekers, armed forces personnel and those who move in to the areas seeking employment or taking up seasonal work
- Any other vulnerable group or individual families

8.4.10 Reporting arrangements will mean that a good overview of the effect of these proposed changes on our most disadvantaged children will be maintained.

8.4.11 The findings and mitigating actions have been summarised in section 6 of this report, and described in more detail in the EqlAs in **Appendix II**.

9. Use of Appendices

9.1 Changes to Haringey's Children's Centres: Summary report of responses (Appendix I)

9.2 Equality Impact Assessment _Updated (Appendix II)

9.3 Children's Centre Statutory Guidance _April 2013 (Appendix III)

10. Local Government (Access to Information) Act 1985

10.1 Equalities Impact Assessment – May 2015

http://www.minutes.haringey.gov.uk/documents/s79043/20150422_EqIA%20Childrens%20Centres%20%20Appendix%20VII.pdf

10.2 Cabinet report: Delivering Children's Centre in Haringey 2015-2018 – June 2015

http://minutes.harinet.haringey.gov.uk/documents/s79041/Childrens%20Centre%20Release%20Consultation%20Paper_Final.pdf

<http://minutes.harinet.haringey.gov.uk/documents/s79042/Annexes%20for%20June%20Cabinet%20paper%20v0%203.pdf>

10.3 Children's Centre Statutory Guidance April 2013

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/273768/childrens_centre_stat_guidance_april_2013.pdf

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Report for: Cabinet 10 November 2015

Item number: 10

Title: Education Excellence Policy

Report

authorised by : Zina Etheridge, Deputy Chief Executive

Lead Officer: Anton Francic, Joint Interim Assistant Director, School Improvement
020 8489 5037 anton.francic@haringey.gov.uk

Ward(s) affected: All

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

1. Describe the issue under consideration

We have a statutory responsibility, as set out in the Education Act 1996, to promote high standards and, under the School Standards and Framework Act 1998 and the Education and Inspection Act 2006, statutory powers to intervene in **maintained** schools where there are concerns.

The Council's Education Excellence Policy sets out how the Local Authority will fulfil its role and responsibilities towards all education settings.

It is essential that this forms part of the core relationship between the Council and schools, and with Academies and Free Schools.

The policy sets out how the Local Authority will act as a champion in a diverse educational landscape and clarifies how it will exercise its statutory powers. In this role we aim to promote a more self-improving school to school support system and use existing good and outstanding capacity as a local source of help.

It is intended that the policy will go to Cabinet on 10 November 2015.

2. Cabinet Member Introduction

In recent years the national educational landscape had become increasingly diverse, with schools, academies, multi-academy trusts and university technical colleges all taking on additional powers and responsibilities. At the same time, the role of the local authority must also change to ensure it champions pupils and families and exercises its statutory powers appropriately to support these aims. The role of the council is now much more about influencing, commissioning, brokering and acting as a constructive partner.

This policy outlines how the council will not only support schools to ensure their pupils reach their potential, but also how it will support Haringey's family of schools to support each other. Championing excellence and supporting school improvement is key to delivering our ambitious aim to ensure all children and young people are able to access an outstanding education in Haringey. This policy also recognises that those two approaches alone are not sufficient to ensure the best outcomes: the council must also

focus on service quality in early help and increase participation in post-16 education, employment or training.

3. Recommendations

3.1 The Cabinet is recommended to adopt the Education Excellence Policy which sets out the statutory role of the authority and lies at the core of the relationship between the Council and schools, academies, academy sponsors, multi-academy trusts, free schools, our Diocesan partners, the Department for Education (DfE) and the Greater London Authority (GLA) on our improvement agenda.

3.2 The Cabinet is asked to note:

- the diverse and changing education landscape;
- the legislation setting out the statutory role of local authorities;
- the non-statutory and statutory interventions to support school improvement.

4. Reasons for decision

In a diverse education landscape with changing roles and responsibilities for the Council it is important to recognise the role of 'champion' and define the relationship with schools, academies, multi-academy trusts, free schools. Our role is now of influence, commissioning, brokering and acting as a constructive partner.

To achieve our vision and create a world class system the way forward is to develop partnership, collaborative models and effective networks where schools work together to spread best practice and help all schools become good or better schools.

5. Alternative options considered

A school improvement strategy was considered. Following guidance last year this was superseded by an Education Excellence Policy which was written to set down the shape of our relationship with schools, academies, multi-academy trusts, free schools, the DfE and the GLA.

Recognition is given to new legislation being developed this year – the Education and Adoption Bill- which will bring about enforced academisation for schools judged by Ofsted as requiring improvement, those in special measures and also for schools considered by the Secretary of State as "coasting".

6. Background information

In a diverse educational landscape the local authority (LA) must exercise a range of roles and responsibilities with a growing mix of education providers.

The LA works positively with maintained faith and community schools, alternative provision, early years settings, special schools, academies, free schools, sponsors, independent schools and further and adult education providers who comprise a part of the mixed economy of local education provision.

The majority of Haringey schools have actively chosen to retain their close working relationship with the LA. Most schools and education providers work in Network Learning Communities that maintain close links with each other and the LA.

"Councils have an indispensable role to play as champions of vulnerable children and young people, parents and families, and educational excellence." (The Education White Paper, The Importance of Teaching).

We view the LA 'champion' role as crucial to ensure a direct and positive impact on learners and their families. Championing is fundamentally about local leadership through influencing, determination, vision and creating effective partnership.

The Education Excellence Policy sets out the statutory role as Champion held by the local authority. It recognises key legislation.

The Education Excellence Policy has been developed with the involvement of Headteachers and school governors. Consultation took place in the summer term.

7. **Contribution to strategic outcomes**

Priority 1: Enable every child and young person to have the best start in life, with high quality education.

8. **Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

8.1 **Comments of the Chief Finance Officer.**

(1) Operational funding for School Improvement, totalling £1,433,700, comes from four distinct sources:

- £254,100 Council Base Budget including the unringfenced Education Service Grant. This funds the Council's statutory School Improvement Duties,
- £484,000 funding is retained from the Dedicated Schools Grant (DSG) with the agreement of the Schools Forum
- A further £694,100 dedelegated from mainstream schools budget for specific support services
- In addition services can be provided to schools and academies for a charge.

(2) The council's ability to deliver the Educational Excellence Policy can be maximised if there is a clear understanding of what is to be delivered from the budgets set out above. Services provided over and above the specified level should be charged for. Failure to recover income due will reduce the Council's capacity to deliver the Policy.

8.2 **Equalities**

(1) The Council has a public sector equality duty under the Equality Act (2010) to have due regard to:

- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who share those characteristics and people who do not

(3) The Education Excellence Policy aims to enhance equality of opportunity for all groups of children in the borough to have a quality of education through pursuing the following strategic approach:

- Ensuring **fair access** to education and training opportunities for all groups of children and young people – the council's approach here entails ensuring a sufficient supply of school places, using the school admissions and appeal code to champion the rights of parents and promoting the equitable admission of vulnerable pupils through agreed protocols.
- A focus on **ensuring that all groups of children and young people are reaching their learning potential** – the council's approach here entails providing a compelling shared vision for promoting high standards in education through effective school-to-school collaborative partnerships, and delivering a programme of support and professional challenge for schools and most especially those requiring improvement
- **Targeting intervention at those groups of children and young people who we know are most vulnerable and may need additional support in learning.**

This includes targeting intervention at those with special education needs and learning disabilities (SENDs). The Educational Excellence Policy sets out the council's approach for SENDs where we will ensure that there is a well-developed range of provision to meet pupil needs and provide for parental choice, publish a 'local offer' of services available for children and young people with SEN and Disabilities, and ensuring that every young person with SEN to the age of 25 has an Education, Health and Care Plan that engages them in education, employment and training

(4) The Educational Excellence Policy focuses across the range of age groups receiving education services in the borough, from early years (0-5 years) to young people (aged 16+).

8.3 Comments of the Assistant Director for Corporate Governance

(1) Under sections 13 and 14 of the Education Act 1996 local authorities in England have a general responsibility for education in their area. Section 13 requires them, so far as their powers enable them to do so, to contribute towards the spiritual, moral, mental and physical development of their community by securing that efficient primary and secondary education are available to meet the needs of the population of their area. Section 14 requires them to secure that sufficient schools for providing primary and secondary education are available for their area.

(2) Under Section 13A of the Education Act 1996 local authorities in England must ensure their functions relating to the provision of education for children of compulsory school age and their training functions are exercised with a view to:-

- (a) promoting high standards,
- (b) ensuring fair access to opportunity for education and training, and
- (c) promoting the fulfilment of learning potential by every such child ,

(3) Sections 59 to 66 of the Education and Inspections Act 2006 give local authorities in England powers to intervene in schools they maintain which are “causing concern. Section 72 of that Act requires the local authority when exercising these powers to have regard to any guidance issued from time to time by the Department for Education. The most recent such guidance called “Schools causing concern” was issued by the DfE in January 2015.

(4) The Education Excellence policy attached to this report will help ensure the Council complies with the statutory duties referred to above.

9. Use of Appendices

The Education Excellence Policy is attached to this report.

10. Local Government (Access to Information) Act 1985

- School Standards and Framework Act 1998
- Academies Act 2010
- Education Act 2011
- Children and Families Act 2014
- Education and Inspection Act 2006
- Framework for Inspecting Local Authority Children’s Services 2014
- Framework for the inspection of Local Authority Arrangements for Supporting School Improvement 2014
- Ofsted Inspection Framework 2015
- Teachers’ Standards 2012
- Raising the Participation Age 2013
- Health and Social Care Act 2012

Haringey's Educational Excellence Policy

Introduction

In a diverse educational landscape the local authority (LA) must exercise a range of roles and responsibilities with a growing mix of maintained faith and community schools, alternative provision, early years settings, special schools, academies, free schools, sponsors, independent schools and further education providers who comprise our local provision.

Councils have a strong strategic role as champions for parents and families, for vulnerable pupils and of educational excellence.

The Importance of Teaching, The Schools White Paper, 2010.

Aim

The aim of this policy is to set down how we will fulfil a range of roles and responsibilities. It is essential this forms part of the core relationship between the Council and schools, and with Academies and Free Schools.

We will use the term school to mean all educational settings including childminders and those that are private, voluntary and independent.

Haringey's Vision

We will work with schools, headteachers, school governors, families, academy sponsors and principals to ensure that every child and young person in Haringey has the very best start in life. This is taking place in the context of changing accountability, alongside an expectation that improvement should be led by schools themselves. Headteachers will become system leaders and play an ongoing role in driving improvement across the Borough.

To achieve our vision and create a world class system the way forward is to develop partnership, collaborative models and effective networks. We will also work as constructive partners with the Department for Education (DfE) and the Greater London Authority (GLA) on our improvement agenda.

Statutory responsibilities

We have a statutory responsibility, as set out in the Education Act 1996, to promote high standards and, under the School Standards and Framework Act 1998 and the Education and Inspection Act 2006, statutory powers to intervene in **maintained** schools where there are concerns.

For academies and free schools our powers are **non-statutory and limited to 'special educational needs and safeguarding'**

As a champion for children, parents and families we will work with schools, health and social care to ensure access to high quality provision that meets needs, inclusion and employability.

As a champion of vulnerable children and young people we will promote prevention and early intervention and offer early help to tackle emerging problems. This means acting as effective and caring corporate parents for looked after children, with key roles in improving their educational attainment.

We will maintain a strategic overview of admissions, special educational needs, inclusion and the educational progress of all children and young people. We will challenge schools who do not play their part.

As a champion of educational excellence we will:

- Promote a more self-improving school to school support system and use existing good and outstanding capacity as a local source of help;
- Set ambitious standards and hold schools and providers to account for how well they serve all learners, particularly the most vulnerable;
- Utilise and grow system leaders, our network learning communities, Teaching Schools, Academy chains and other partners to play a key role in spreading best practice and sharing models for improvement;
- Engage in an influencing role that respects autonomy, intervening directly in maintained schools where there are serious concerns, and working with the DfE, the regional schools commissioner, Ofsted, GLA and our Diocesan and other partners; and
- Support schools to become self-sustaining by growing the skills of leaders and governors, and exploring options such as federation as means for creating capacity.

Legislation

Key roles for local authorities regarding school improvement are contained within the Education Act 1996 (as amended) , Education Act 2002 (as amended) and the School Governance (Constitution) (England) Regulations 2012 (as amended) . These include:

- ⇒ Giving LAs a strong strategic role as champions for parents, families and vulnerable pupils by promoting a good supply of strong schools; ensuring fair access for each child; supporting maintained schools performing below floor standards to improve quickly and developing their own school improvement strategies;
- ⇒ Ensuring there is support for schools increasingly to collaborate, acknowledging that schools – governors, headteachers and teachers - are responsible for their own improvement;
- ⇒ Provide information and training to Governors and make the instrument of Government for all maintained schools.

The LA retains full responsibility for overseeing the performance and financial arrangements of its maintained schools. The LA is also responsible for promoting high standards in Academies and Free Schools within its area so that children and young people in those schools achieve well and fulfil their potential (**section 13A Education Act 1996 as amended**)

The School Standards and Framework Act 1998 (as amended) gives all LAs in England the power to take such steps in relation to a maintained school as they consider are required to prevent the breakdown, or continuing breakdown, of discipline at the school

The Children and Families Act 2014 gives greater protection to vulnerable children, better support for children whose parents are separating, children with special educational needs and disabilities, and help for parents to balance work and family life.

The **Education and Inspections Act 2006** gives statutory powers to intervene to all LAs in England, in respect of maintained schools causing concern and places a statutory duty on them when exercising these powers to have regard to any guidance given from time to time by the Secretary of State.

The framework for inspecting local authority children's services – December 2014. These inspections are conducted under section 136 of the Education and Inspections Act 2006 and include safeguarding.

The framework for the inspection of local authority arrangements for supporting school improvement, November 2014 (updated to September 2015) , sets out the way inspections will focus on how LAs perform in supporting and challenging their providers to improve, thereby whether they are 'fulfilling their general duty to promote high standards and fulfilment by every child of their educational potential,' as set out in section 13A of the Education Act 1996 (amended)

The Ofsted Inspection Framework, September 2015, states the statutory basis for inspection and summarises the main features of school inspection carried out under section 5 of the Education Act 2005.

The Teachers' Standards, September 2012 - used to assess the performance of all teachers subject to the Education (School Teachers' Appraisal) (England) Regulations 2012. This is not compulsory for Academies.

Raising the Participation Age, September 2013 - LAs are subject to new duties to support all young people to participate or continue in education or training. These complement the existing duties to secure sufficient suitable education and training provision for all 16-19 year olds, and to 'encourage, enable and assist young people to participate. Where a statement of special educational needs had been issued in respect of the young person, the existing duty was to secure suitable education and training provision for the young person up to the age of 25.

The Health and Social Care Act 2012 gives LAs the responsibility of providing services or facilities to promote healthy living and providing incentives to live more healthily. With effect from April 2013, Public Health is integrated within the LA and will strengthen the focus on the health, wellbeing and safety of children and young people in the Borough.

Our approach

Haringey schools and learning personnel know what works to bring about improved outcomes for children and young people. We will maintain a highly trained team to provide support, advice and professional challenge using evidence based methods so system-wide improvement continues across the borough.

Developing a world class education means working collaboratively across all types of school and with business, further and higher education, health, social care, the arts and cultural sector, the voluntary and community sectors, and especially with parents, carers, local communities and the children and young people themselves. The relationship with the DfE, GLA, Ofsted and our Diocesan and other partners, such as Academy chains and commercial school improvement partners, will be important.

Our focus will stretch from early years to post 16 provision, where a key priority is to increase participation in education, employment or training, and include developing strong leadership and governance for all our schools.

We will create a self-sustaining system that helps every child and young person in Haringey have the very best start in life by:

- Providing a compelling shared vision for promoting high standards in education through effective school-to-school collaborative partnerships, including developing local models of leadership that build on the success of the best practitioners;
- delivering a programme of support and professional challenge for schools, most especially those requiring improvement and those in a category of concern;
- being a strong and influential partner;
- developing our strategic commissioning role;
- prioritising special educational needs, vulnerable groups and safeguarding;
- ensuring a sufficient supply of school places;
- using the school admissions and appeal code to champion the rights of parents; and
- promoting the equitable admission of vulnerable pupils through agreed protocols.

Consultation

This policy has been shared, discussed, refined and agreed with Headteachers and governors of schools and academies in Haringey, who have had the opportunity to make an input. It has been circulated to all schools and governing bodies at LA Headteacher meetings, Network Learning Community Meetings, Haringey Headteachers Conference, Network Learning Community meetings and at Haringey Governor Conference, 2015.

How we will promote educational excellence and support our vision

Championing Excellence

- Develop local models of leadership that build on the success of the best schools
- Share expertise across the borough
- Promote a culture of high ambition and no excuses
- Secure and support the best leadership and governance
- Promote excellence in teaching, learning and assessment
- Disseminate local, national and international research
- Commission specific pieces of work to support system improvement - for instance, STEM

School Improvement

- Set ambitious targets - at or above London's top quartile
- Act quickly to tackle decline
- Identify, invest in and grow system leaders – use network leaning communities, outstanding and good schools, specialist, local and national leaders of education, and The Teaching Alliance
- Promote partnership
- Deliver high quality CPD - leaders, governors schools

Haringey Council

- Focus on quality, partner relationships and the customer
- Improve what we do now and make measurable positive change
- Promote regeneration so that residents have the best life opportunities
- Develop strategic commissioning and oversight
- Ensure partnership between education, health, adult and social services

Early Years - Early Help

- Implement the Early Years Quality Improvement Strategy
- Focus on service quality
- Support, challenge and quality assure to secure a good level of development
- Set aspirational targets

Post-16

- Increase participation in education, employment or training
- Target support to vulnerable young people
- Develop high quality provision and learning pathways
- Implement our Youth Strategy

Admissions/place planning

- Ensure projections on school places are as accurate as possible and that there is sufficiency for in-year admissions and fluctuations in demand
- Use the School Admissions and Appeals Code robustly
- Promote a collective sense of responsibility for the equitable admission of vulnerable young pupils
- Support school expansion on agreed principles

Special Educational Needs and Disabilities (SEND)

- Ensure that there is a well-developed range of provision to meet pupil needs and provide for parental choice
- Publish a 'local offer' of services available for children and young people with SEN and Disabilities
- Ensure that every young person to 25 with an Education, Health and Care Plan is engaged in education, employment and training

School improvement

School effectiveness will be monitored and risk assessed by the [School Improvement Monitoring Group](#) (SIMG) which meets termly. This forum is chaired by the Assistant Director, Schools and Learning and brings together quantitative and qualitative information from a wide range of LA services such as admissions, finances, governor support and development, human resources, health and safety, property and capital and SEN. We will intervene quickly to tackle poor or declining schools, using detailed data and intelligence.

Categorisation

Concerns will be categorised as requiring **Universal, Targeted or Intensive** levels of additional support. This will be determined on range of evidence, including school self-evaluation and the capacity to drive continued improvement.

Any school requiring targeted or intensive additional support will be expected to make **sufficient progress within one year** enabling a grade of good or better to be given by Ofsted or the LA.

Project boards will be created to hold such schools to account, to monitor and challenge, and promote rapid improvement.

Universal - this relates to good and outstanding maintained schools where there are no major weaknesses or risks;

Targeted relates to schools that have been judged by Ofsted to require improvement, schools identified by the LA as being at risk of being judged by Ofsted to require improvement and coasting schools; and

Intensive relates to schools that have been judged by Ofsted to be inadequate and schools identified by the LA as being at risk of being judged by Ofsted as inadequate

DfE statutory guidance for local authorities on schools causing concern: a brief overview

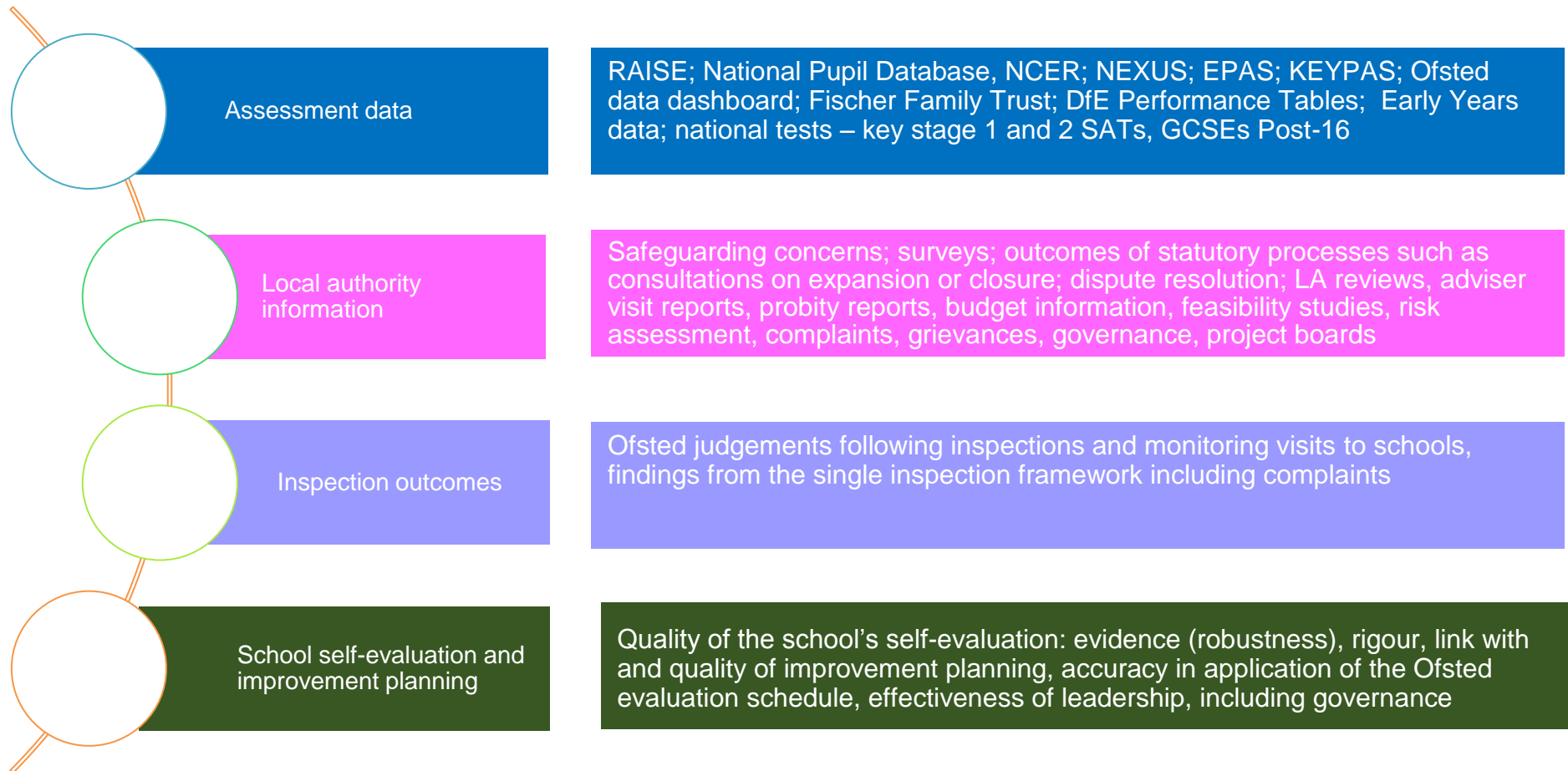
Section 60 of the Education and Inspections Act 2006 (as amended) gives LAs in England the power to issue a warning notice to the governing body of a maintained school where the LA is satisfied that the standards of performance of pupils at the school are “unacceptably low”, and are likely to remain so unless the LA exercises its statutory powers under the Act. In its statutory guidance for local authorities on schools causing concern (January 2015) the DfE says “unacceptably low standards of performance” includes but is not limited to:

- ‘standards below the floor, on either attainment or progress by pupils;
- low standards achieved by disadvantaged pupils;
- a sudden drop in performance;
- sustained historical underperformance;
- performance of pupils (including disadvantaged pupils) unacceptably low in relation to expected achievement or prior attainment; or
- performance of a school not meeting the expected standards of comparable schools.’

In the case of [academies and free schools](#), who are responsible for monitoring and quality assuring their own improvement, we will provide a categorisation as if the school were maintained. In all cases of concern, we will seek early action to tackle underperformance and look to work together with schools to provide an in-borough solution.

The evidence used to risk assess and categorise the levels of local authority concern.

We will use the following as a basis for assessing risk and determining whether or not a school or academy should be categorised as requiring **Universal, Targeted or Intensive** additional support. Judgements will be shared with the headteacher and the governing body.



Overview of non-statutory and statutory interventions to support school improvement

It is expected that schools will address the causes of weaknesses promptly through their own self-evaluation and the regular contact with the LA, through their attached school improvement adviser.

Non-statutory (informal) interventions

- we will offer every school and academy a programme of visits from a school improvement professional who will provide advice and challenge, and feedback to the LA
- dialogue with school leaders whenever there is concern, risk or fragility, discussing the support available and consequences of non-improvement
- focused reviews, carried out jointly with schools
- training, support and challenge for leaders, including governors
- establishment of Project Boards
- use of pre-warning notice cautions
- promoting the use of the Teaching Alliance, Teaching Schools and Interim Leaders or Executive Headteachers.

If serious weaknesses emerge the LA will consider how best to support the school, where necessary, using the full range of formal intervention powers with schools remaining as active partners.

Warning Notice.

Issuing a Warning Notice to the governing body is not a statutory intervention. In practical terms, it is the first formal step in a process which may lead to a statutory intervention. The school must be maintained by the LA.

Statutory triggers for issuing a Warning Notice, set out in section 60 of the 2006 Act (as amended) , are where the LA is satisfied :

- there are ‘unacceptably low standards of performance’ of pupils at the school, and are likely to remain so unless the LA exercises its statutory powers under the Act there has been a serious breakdown in management or governance, which is prejudicing, or is likely to prejudice, standards of performance of pupils at the school ; or
- the safety of staff or pupils of the school is threatened (by a breakdown of discipline or otherwise).
- The LA will consider issuing a Warning Notice to schools that have not responded robustly or rapidly enough to a recommendation by Ofsted to commission an external review of the use and impact of the Pupil Premium . This is because such recommendations are normally made as part of Ofsted full inspections in schools judged as “requiring improvement” (Grade 3) where the standard of performance of disadvantaged pupils is judged to be unacceptably low .

The LA will also consider issuing a Warning Notice to schools, depending on the severity of the case, where the governing body is failing to deliver one or more of its three core strategic roles resulting in a serious breakdown in the way the school is managed or governed. These three core strategic roles are :-

1. Ensure clarity of vision, ethos and strategic direction
2. Hold the headteacher to account for the educational performance of the school and its pupils, and the performance management of staff; and
3. Oversee the financial performance of the school and making sure its money is well spent

A further situation in which the LA will consider issuing a Warning Notice to schools will be where the school has not responded robustly or rapidly enough to a recommendation by Ofsted to commission a robust and objective external review of their governance arrangements. This is because such recommendations are normally made as part of Ofsted full inspections in schools judged as “requiring improvement” (Grade 3) where governance is judged to be weak.

The Warning Notice must set out :-

- (a) The matters on which the LA’s concerns are based;
- (b) The action which the governing body is required to take in order to address the concerns raised (e.g. specific actions if discipline has broken down);
- (c) The initial compliance period beginning with the day when the warning notice is given and ending 15 working days following that day, during which time the governing body is to address the concerns set out in the warning notice, or make representations to Ofsted against the Warning Notice; and
- (d) The action the LA is minded to take using its statutory powers if the governing body does not take the required action.

If and when the Education and Adoption Bill becomes law the governing body will lose the right to make representations to Ofsted against the Warning Notice.

Statutory interventions for maintained schools

The **first** trigger, or situation, for **statutory** intervention' relates to the school having not complied with a 'Warning Notice'.

The **second** trigger occurs where there is a judgment by Ofsted that the school is inadequate for overall effectiveness (grade 4). It will then give a judgment that the school requires either **significant improvement**' (described as a school with 'serious weaknesses') or **'special measures'**.

The Education and Adoption Bill creates a **third** trigger , occurring when the Secretary of State notifies the school's governing body that s/he considers the school to be "coasting". If and when the Bill becomes law then the Government will make regulations define what "coasting" means.

If :-

- (a) a valid Warning Notice has been given;
- (b) the school has failed to comply or has not complied with the notice to the satisfaction of the LA ; and
- © the LA has given the school reasonable written notice that it proposes to exercise one or more of its statutory powers

the LA can apply one or more of the following **formal interventions**:

- suspend the delegated budget;
- appoint additional governors to the Governing Body
- with the consent of the Secretary of State, appoint an Interim Executive Board (IEB) to replace the Governing Body
- require the school to enter into arrangements for specified services of an advisory nature with another person (who may be the Governing Body of another school); and/or make arrangements to collaborate with the Governing Body of another school or with a Further Education body, and/or to take specified steps for the purpose of creating or joining a federation.

The Secretary of State has the power under the Academies Act 2010 to make an Academy order, subject in certain cases to consultation, where either of the triggers for statutory intervention has arisen ; and, under the 2006 Act, to direct a local authority to consider giving, and to give, a Warning Notice.

A local authority needs, therefore, to have a clear justification where a decision is made **not** to intervene formally when it has the powers to do so.

Escalation procedures

Serious concerns about a maintained school

1. Informal discussion with the Headteacher, seeking a rapid response and appropriate action
2. Informal discussion with the governing body, seeking a rapid response and appropriate action
3. Formal written communication with the Headteacher, seeking a rapid response and appropriate action
4. Formal written communication with the governing body, seeking a rapid response and appropriate action including information on the next steps of escalation
5. If the Headteacher's performance is under question, meetings between the senior responsible local authority officer and the chair of the governing body and then the Headteacher to spell out the concerns and to decide any necessary action.
6. Formal warning notice under provisions of Section 60 of the Education and Inspections Act 2006 instructing the school to take the necessary action.
7. Appointment of additional governors, replacement of the governing body by an Interim Executive Board, requirement of the governing body to take specified actions, or removal of a delegated budget under Sections 63 to 66 of the Education and Inspections Act 2006.

Whichever of these powers is used, the intention must be to ensure that the governing body or Interim Executive Board is able and willing to take the necessary actions with the support of the local authority, up to and including taking capability proceedings against the Headteacher.

Serious concerns about an academy

1. Informal discussion with the principal, seeking a rapid response and appropriate action
2. Informal discussion with the governing body, and, where appropriate, the sponsor or multi-academy trust, seeking a rapid response and appropriate action
3. Formal written communication with the Headteacher, seeking a rapid response and appropriate action
4. Formal written communication with the governing body, and, where appropriate, the sponsor or multi-academy trust seeking a rapid response and appropriate action, including information on the next steps of escalation
5. Formal written communication with the Regional Schools Commissioner on behalf of the Secretary of State for Education, as the academy funder, informing him or her of the issues and seeking a response.
6. Formal written communication with Ofsted, as the regulator, informing them of the issues and seeking a response.

In the hopefully-rare event of an academy not engaging with the school quality assurance process, steps 1 and 2 may not be practicable, in which case the local authority should move directly to the formal steps.

We will consider on a case by case basis whether the issuing of non-statutory Warning Notices to academies causing serious concern as part of steps 3 or 4 is a productive way forward.

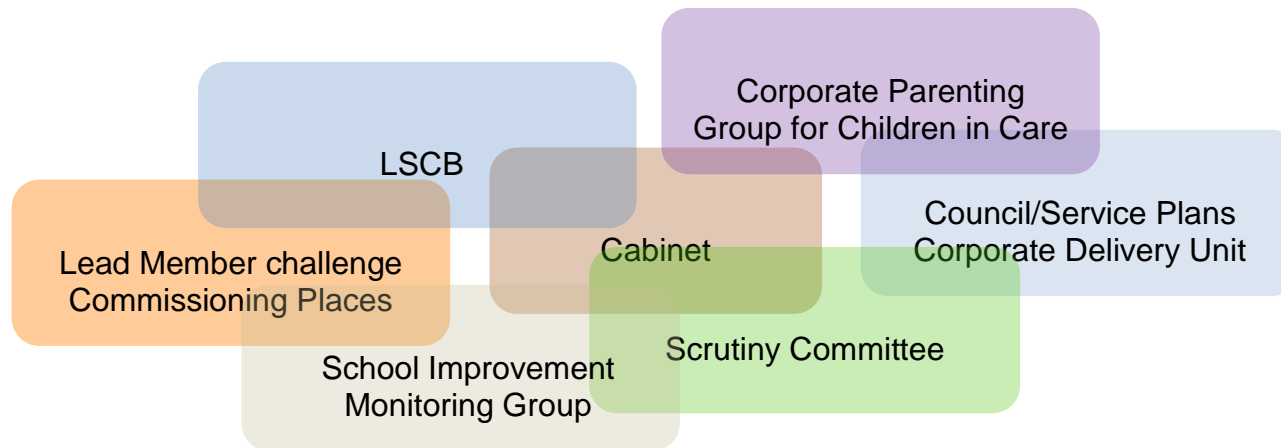
How we will get there?

The Council is ambitious and wants the best for the children and families in Haringey. Research from the most successful educational systems demonstrates that the best schools consistently deliver high standards, have strong leadership and governance, provide good teaching and learning and take responsibility for their own improvement.

The fundamental idea underpinning this policy is to constructively use our collective skills and resources, in particular our good and outstanding provision, and our good and outstanding leaders, to delivering educational excellence. Partnership, structure for joint working and strategic influence will be key to achieving our vision.

All providers and stakeholders must accept responsibility to work energetically and purposefully to become the best that they can be, world class.

Council scrutiny of quality assurance: accountability and validation



We will act as one Council and provide scrutiny, keeping this policy under review and updating it with any changes in the national agenda or legislative landscape and in line with best practice.

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Report for: Cabinet 10th November 2015

Item number: 11

Title: The Council's financial position - Month 6 Update.

Report authorised by: Tracie Evans – Chief Operating Officer

Lead Officer: Neville Murton – Head of Finance (Budgets and Accounting).

Ward(s) affected: ALL

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

1. Describe the issue under consideration

- 1.1. Cabinet considered the Quarter 2 (August) budget monitoring position at their meeting on 20th October 2015. Taking into account the proposed use of the Council's Risk Reserve, the General Fund revenue position set out in that report indicated an **overspend of £14.3m**.
- 1.2. In the light of that significant overspend the Cabinet Member for Resources and Culture advised that a further paper would be brought back following the receipt of Period 6 financial returns from budget managers, reviewing the most up to date position and setting out a proposed strategy for bringing the 2015/16 budget back into balance.
- 1.3. Taking into account a range of proposed actions the 2015/16 position can, at this stage, be mitigated to an overspend of **£6.9m**. Further work will continue to address this remaining position.

2. Cabinet Member Introduction

- 2.1. When the Cabinet considered the second quarterly budget monitoring position I said that, in the light of the overspend indicated, I would keep the position under review and continue to ensure that Cabinet were kept informed. I am committed to understand the challenges and ensure that appropriate responses are developed and this report sets out the first stage of that process.
- 2.2. When we set our Medium Term Financial Strategy for the three year period covering 2015 to 2018 that required delivery of a further £70m of savings we recognised that this would be a challenge. The Council had already delivered successfully almost £120m of savings over the previous four years and it was acknowledged that there needed to be transformational change across many services.

- 2.3. However, because of the way that we have prudently managed our finances; setting aside resources in our reserves to provide capacity to smooth the implementation of our savings and continuing to maximise the return from our Treasury Management activities, we are well placed to deal with the current situation.
- 2.4. There still remain significant uncertainties in the funding position for Local Government; only last month we heard that Local Authorities are to be allowed to retain 100% of the Business Rates by the end of this decade which, whilst it will incentivise further the need to promote business growth, it also brings with it further risk. For Haringey with high needs and a low business rate taxbase we will continue to require government support in some form and we do not know how that resource equalisation will be achieved in any new system. We have also seen, in the last financial monitoring report, the impact that business rate appeals can have on our collection rates even when we are only exposed to 30% of that risk.
- 2.5. All of which means that it is imperative that we continue to pursue our financial strategy across the three year period; more than ever it is necessary for us to understand the challenges and develop strategies that deliver what we said we would do. The Star Chamber process is a key part of keeping under close review our progress towards delivering our three year financial strategy and I will be reporting to the Cabinet the outcomes from that process when the next scheduled report is provided in January.
- 2.6. I am confident that the savings we approved in February 2015 are the right ones; Officers are being held to account for the savings that they proposed and we accepted, and in this paper is an approach that is needed to support the implementation of the three year strategy from where we are now.

3. Recommendations

- 3.1. The Cabinet notes the updated budget management position and the proposed actions to address the 2015/16 position.

4. Reasons for decision

- 4.1. Members set the approved budget in February 2015 alongside the three year Medium Term Financial Strategy (MTFS). The overspend position apparent at this stage of the 2015/16 financial year requires members to consider the options for bringing the budget back into balance over the remainder of the financial year.

5. Alternative options considered

- 5.1. In addition to the approach set out in this paper there are a number of alternatives that could be taken. A passive approach could be adopted with the position being dealt with at the end of the financial year; in that event, and to the extent that there remained an overspend position; there would be a call on the Council's reserves.

- 5.2. The option of requiring alternative or additional budget savings has also been considered however at this stage it has been discounted as the evidence suggests that the approved savings should continue to be delivered albeit that slippage is occurring. In addition there are no indications that any alternative savings have a greater chance of success; this is particularly true given the time that would be needed to develop, approve and implement them.
- 5.3. Further, more aggressive management action could be taken to limit spending above those already being pursued in the Deficit Recovery Plan: for example all vacancies could be ‘frozen’, or there could be embargoes on spending. In practice these require significant management attention which at this stage it is considered would detract from the key task of implementing the approved savings proposals. Instead a recruitment panel of senior offices considers the business case for all vacancy and temporary staffing requests and relevant spending trends are closely monitored.
- 5.4. None of these options have been discounted lightly and they are all available should they become necessary later; it is therefore important that members understand the alternative actions and keep the Council’s financial position under close review.

6. Background information

- 6.1. Following consideration of the quarter 2 budget management report by the Cabinet, budget managers have been asked to update their estimated outturn position as at the end of Period 6 (September 2015). Following that exercise the overall position on the General Fund is an estimated **overspend of £17m**, however, the Risk Reserve of **£2.2m** remains available to provide mitigation and the net overspend position is therefore now **£14.8m**. The summary position is set out in the Table below.

Table 1 – Summary General Fund financial position.

£'000 General Fund	2015/16 Budget Variance		
	Budget	Estimated Outturn	Variance
Leader and Chief Executive	4,049	4,049	0
Chief Operating Officer	70,953	78,634	7,681
Deputy Chief Executive	144,947	159,598	14,651
Dir. of Regeneration/ Planning	16,545	16,728	183
Non Service Revenue (NSR)	8,451	2,951	(5,500)
Total	244,945	261,960	17,015

- 6.2. This position is largely unchanged from the previous (P5) position although it does reflect a further increase in the overspend for Temporary Accommodation.
- 6.3. In the light of the significant overspend a number of options have been explored either to bring the budget back into line by the end of the financial year or set out a clear strategy for managing the budget pressures being seen. The broad approaches that are being undertaken are:

- Review of capital financing assumptions including the policy for providing the repayment of debt through the Minimum Revenue Provision (MRP).
- Instigation of Star Chamber meetings to consider progress towards the current and future years' saving proposals.
- Review of the Council's reserves position.
- Continuation of other management activities in the Deficit Recovery Strategy such as the recruitment panel and a review of centrally held budgets for demographic and inflationary purposes with a view to releasing it to service budgets where demographic pressures can be demonstrated.

- 6.4. The Council's 2014/15 capital outturn position was under spent by £11.4m. Under its current MRP policy the Council is only required to provide for the repayment of prudential borrowing in the year following the expenditure. As a result the proposed MRP for 2015/16, which is based on 2014/15 expenditure, is lower than budgeted for. Additionally the Council did not utilise its Acquisition Fund in 2014/15 and as a consequence the budget it established for the repayment of the debt associated with such acquisitions will also not be required in 2015/16.
- 6.5. In total this review of the council's financing assumptions means that a further **£2.9m** can be released to support the current years overspend.
- 6.6. Star Chamber meetings are being held to determine the progress of the Council's approved savings proposals. A key element of that discussion is determining the extent to which savings for 2015/16 are achievable but have been delayed (slippage). To the extent that a delay has occurred, leading to an overspend in the current year, it is appropriate to provide short term support from reserves.
- 6.7. To facilitate this the Chief Finance Officer has reviewed the level and purpose of the Council's reserves and this has identified that a sum of **£5m** can be earmarked to support 2015/16 expenditure in the short term. This will be drawn partly from the Services Reserve (£4.5m) in support of the overall level of pressure in services and from the Financing Reserve (£0.5m) where we have previously retained resources to provide cover against costs exceeding the level of the Housing Benefit Grant.
- 6.8. The additional actions set out in the Deficit Recovery Strategy will continue to be pursued with the expectation that this will deliver reductions in expenditure in 2015/16 above the levels currently predicted and this will contribute to a further reduction in the estimated overspend position.
- 6.9. Taking all of the above proposals into account there remains a pressure of **£6.9m** that will require on-going attention; this is summarised in Table 2 below. The initial work that has been carried out will continue and the Cabinet Member for Resources and Culture will be kept fully informed of all proposed actions and the outcomes of the various reviews. The next quarterly report to the

Cabinet is scheduled for January 2016 and members will be updated on further progress and actions at that time.

Table 2 – Revised General Fund Position.

	2015/16 estimated Outturn
Estimated gross outturn as set out in Table 1 above	(17,015)
Application of Risk Reserve	2,200
Additional savings from Treasury management activities (MRP)	2,900
Application of Services Reserve	4,500
Application of Financing Reserve	500
Restated estimated outturn position	(6,915)

7. Contribution to strategic outcomes

7.1. Adherence to strong and effective financial management will enable the Council to deliver all of its stated objectives and priorities.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1. This report covers all of the relevant financial implications for members to consider.

8.2. The Assistant Director of Corporate Governance has been consulted on this report. There are no specific legal implications arising from this report.

9. Use of Appendices

9.1. NONE

10. Local Government (Access to Information) Act 1985

10.1. The following background papers were used in the preparation of this report:

- Budget management papers

10.2. For access to the background papers or any further information please contact Neville Murton – Head of Finance (Budgets and Accounting Team).

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Report for: Cabinet

Item number: 12

Title: Haringey Development Vehicle

Report authorised by : Lyn Garner – Director of Regeneration, Planning and Development

Lead Officer: Dan Hawthorn – Assistant Director for Regeneration

Ward(s) affected: All

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

1. Describe the issue under consideration

1.1. The purpose of the report is to present to Cabinet the proposal to establish a Development vehicle for Haringey to deliver regeneration and achieve new housing, jobs and social and economic benefits; to present the business case supporting this; and to seek approval to commence a procurement process under the Public Contracts Regulations 2015 using the Competitive Dialogue procedure to procure an investment partner.

2. Cabinet Member introduction

2.1. Haringey is the future of London. Our potential for growth, matched by the energy and resilience of our residents and businesses, exemplifies the very best that London has to offer as it faces the challenges and opportunities of the next century. And the Council is embracing growth: we are clear that new homes and new jobs are central to meeting the serious challenges which many of our residents still face, and to attracting future generations of people and businesses to Haringey. They are also key to the long term financial resilience of the council itself.

2.2. We have no shortage of confidence and ambition, but we also know we cannot achieve our ambitions alone. The Council's own landholdings can and must play a central part in the next chapter of growth, but we have neither the investment nor the skills needed to fulfil the potential of that land. At the same time, the Government is making it harder still for councils to hang on to their existing affordable homes, and to build new ones. It is these challenges that bring us to this key moment in our growth story.

2.3. There are several options for the Council in deciding how to achieve growth on its own land, but I am clear that the option recommended here – for a joint venture development vehicle – is the right one for Haringey. Most importantly, it gives us the best chance of meeting our ambitions for new jobs and homes (including affordable homes) at the scale, pace and quality that we and our residents

expect. It also offers us the right mixture of risk and reward, while maintaining a central role for the Council in all the key decisions.

2.4. The path towards an up-and-running development vehicle is a long one. This decision – to agree the approach, and to start the search for a joint venture partner – is a vital milestone. There is much hard work ahead, for the Council and its prospective partners, and more important decisions to come after this one. I'm pleased to recommend that we take this vital next step, as I believe it is the best way to turn our ambition for growth on our own land from a plan into reality.

3. Recommendations

It is recommended that Cabinet:

- i. Approves the Business Case attached as Appendix A1, and as referred to in the exempt report, for the establishment of the 'Haringey Development Vehicle'.
- ii. Agrees that Option 6 as set out in paragraphs 7.40-7.42 of this report (the Overarching Vehicle) is the most appropriate structure for Haringey.
- iii. Agrees to the commencement of a Competitive Dialogue Procedure under the Public Contracts Regulations 2015, to procure an investment partner, with whom to set up a vehicle as set out in Option 6, subject to this matter being brought back to Cabinet for the selection of the preferred bidder and approval of the final documentation as set out in recommendation v below.
- iv. Gives Delegated Authority to the Director of Regeneration, Planning and Development, after consultation with the Leader of the Council, to agree all documentation required to support the procurement process.
- v. Gives Delegated Authority to the Director of Regeneration, Planning and Development, after consultation with the Leader of the Council, to deselect bidders, in line with the evaluation criteria, throughout the procurement process and to return to Cabinet for approval of the preferred bidder following the conclusion of the procurement process.
- vi. Agrees that the list of properties or sites set out in paragraph 7.54 be included in the procurement as Category 1 Land owned by the Council that it is intended will be transferred into the vehicle', subject to satisfaction of the appropriate conditions precedent and obtaining necessary consents where applicable.
- vii. Agree that the Category 2 properties listed in paragraph 7.54 be included in the procurement process as they may potentially be transferred into the vehicle in future. Cabinet will receive a further report at the appropriate time should it be intended to transfer these into the vehicle.

- viii. Notes that the Council may wish to transfer into the vehicle at a future time additional currently unidentified strategic, vacant or surplus sites or assets, located in the Borough and owned by the Council, that are suitable to deliver the regeneration and socio-economic aspirations of the Council, These are referred to as Category 3 Properties in paragraph 7.54 of this report and Cabinet is requested to agree that these be included in the procurement. These may be Housing Revenue Account or General Fund sites and should these be brought forward Cabinet will receive a further report on the potential disposal of these assets to the vehicle.
- ix. Agree the initial procurement brief as set out at Appendix 7, indicating in outline the priority areas of regeneration, social and economic benefits that the Council is seeking and give Delegated Authority to the Director of Regeneration, Planning and Place, after consultation with the Leader of the Council to make any necessary amendments during the procurement process
- x. Agree additional funding of £547,000 from the Urban Renewal Reserve to carry out the procurement process, as set out in paragraph 8.8.

4. Reasons for decision

- 4.1.** The Council has set out in its Corporate Plan and associated strategies, a set of challenging social, economic and regeneration objectives. It also has challenging economic and housing growth targets from the London plan, as well as a need to maintain its existing housing stock and carry out major estate renewal. It has neither the resources nor the capacity to achieve these alone.
- 4.2.** In the autumn of 2014, Turnberry examined the market on the Council's behalf to see if there was an appetite for partnership with the Council to deliver these social and economic objectives; deliver new housing and economic growth. On confirming that there was interest, the Council commissioned detailed work into the options for delivering the objectives, which is included in the Business Case at Appendix A1 and considered in detail below.
- 4.3.** In summary, the site by site disposal of land will not deliver the required social and economic benefits or the renewal of estates as the level of up front funding required by the private sector, particularly for estate renewal, will prevent them being developed, and where it is possible to move development forward will reduce returns and inhibit the delivery of social and economic benefits.
- 4.4.** For the Council to establish a wholly owned company and carry out the work itself, would mean a commitment to a level of borrowing that is impossible for the Council to sustain, and a level of risk that would not be prudent.
- 4.5.** Accordingly the option recommended is that the Council should seek through open procurement a private sector partner with whom to deliver the objectives in partnership.
- 4.6.** The Council accepts a degree of risk in that it will commit its commercial portfolio to the vehicle, and will, subject to the satisfaction of relevant pre-existing

conditions, also commit land. It has also to bear the costs of the procurement and establishment of the vehicle, and some limited development risk. However, in return, the contribution to its Corporate Plan objectives, including high quality new jobs, new homes including affordable homes and economic and social benefits, will be at a scale and pace that would otherwise be unachievable. The Council also receives a financial return that it can reinvest in the fulfilment of its statutory functions, and particularly in measures to achieve such socio-economic objectives (as more particularly described in paragraph 7 below and Appendix 7) or, as appropriate, such other strategic outcomes under the Corporate Plan.

4.7. The development partner, which continues to bear funding risk and the consequent development risk, enters a long term partnership with a non – commercial partner in a political environment, making it essential for them to maintain relationships. However, they obtain a long term pipeline of development work, in an area of London with rising land values, and with a stable partner.

4.8. It is not feasible for the Council to continue to operate as it has done previously and the approach outlined will help deliver wider social and economic benefits, as well as the housing and jobs outlined in the Council's plans. It should be noted, however, that this report does not recommend a decision to establish a vehicle, but simply to open a procurement process with a view to establishing one; the decision to establish will come back to Cabinet in due course.

5. Alternative options considered

5.1. The potential alternative options are considered in detail in the business case attached as Appendix A1, and referred to in the exempt report, and covered below.

6. Contribution to strategic outcomes

6.1. The proposal contributes to achieving the strategic outcomes set out in the Corporate Plan 'Building a Stronger Haringey together' (in particular Priorities 4 and 5), to the Economic Development and Growth Strategy 'A Plan for jobs, growth and prosperity', and to the draft outcomes of Haringey's Housing Strategy.

7. Background and Summary information

7.1. The Council has a major commitment to growth in housing and employment both through the Council's own Corporate Plan 'Building a Stronger Haringey together', and through its contribution to the London Plan, which says that the borough needs to provide 20,000 new jobs and 19,000 new homes over the next 15 years or so. The nature and scale of these ambitions are further set out in the council's Economic Development and Growth Strategy, and in the draft Housing Strategy. More specifically for Tottenham, the Strategic Regeneration Framework (SRF) - a landmark 20-year vision for the future - sets out the need to deliver at least 10,000 new homes and 5,000 new jobs in Tottenham over the next twenty years.

7.2. As set out in the Corporate Plan, draft Housing Strategy and Economic Development and Growth Strategy, housing and employment growth are key to

the Council's long term strategy for the future of the borough; new homes and jobs are essential in order to meet the needs and expectations of current and future residents, and to help them prosper. Over time, better housing and employment for our residents will not only improve the quality of life for residents, but will also help to reduce demand for council and other public services. The increased council tax and business rate income will also help to put the Council's finances on a more sustainable long-term footing as grant and other revenue decreases, and allow further cross-subsidy and investment into the stated socio-economic objectives and Corporate Plan outcomes.

7.3. The Council's own landholdings must play a key role in driving this economic growth and providing new housing. Without use of surplus Council land such as unneeded offices in Wood Green, disused depots and under-used commercial property, the Council cannot achieve its targets. Similarly, estate renewal on the Council's large and medium sized estates provides a major opportunity not only to increase the number of homes, but also to improve the mix of tenures and sizes, and address the condition of the housing stock. The Council aims to significantly improve the condition, type of housing and economic opportunities at High Road West, Northumberland Park Regeneration Area, Broadwater Farm and on medium sized estates across the Borough. Compared to privately owned sites, development on Council land gives the Council a particularly good opportunity to define the type of housing and jobs the Council want to see, and to start regeneration in priority areas like Wood Green town centre.

7.4. The Council has already attracted infrastructure investment from the GLA into Tottenham through the Tottenham Housing Zone, and is adopting a range of solutions to deliver the necessary projects. It is envisaged that a development partner will be sought for the High Road West project, and a development partnership is being established at Tottenham Hale. Reports on both these schemes will be brought to Cabinet in due course. But as is discussed below, these solutions will not work to deliver regeneration across all those areas of the Council's land holdings in need.

7.5. The Council does not have the financial resources to achieve its stated socio-economic aspirations and its Corporate Plan outcomes. Recent studies have confirmed that the Council's finances are considerably short of being able to meet all the aspirations. This has been made worse by the recent changes announced by Government including the expected forced sale of council homes and particularly the reduction in rents by 1% per year for the next four years. In this environment, there is not enough money to fully maintain the existing stock, still less build new homes.

7.6. In common with many local authorities and public sector bodies, the Council also has a demonstrable shortage of capacity and expertise to deliver the schemes required. On its own it cannot achieve its aims and it needs to bring in people and skills to make the developments happen. These skills would be difficult and expensive to acquire in competition with other boroughs and the private sector.

7.7. The value of seeking a private investment partner is that they will bring both capital resources, and skills and expertise to help achieve the Council's objectives.

Financial returns will accrue on a phased basis giving the Council the option to spend these on further development – including affordable housing – on social and economic benefits or on other corporate plan objectives. During the Future of Housing Review, the member review group felt that in principle, some kind of development vehicle was needed as the Council had little choice of option to achieve its objectives.

- 7.8.** While there are a range of options for unlocking the development potential of the council's land – as set out in this report and the appendices - the joint venture development vehicle model appears to be the best solution to deliver the Council's ambitions.

The 'development vehicle' concept

- 7.9.** In autumn 2014, the Council commissioned Turnberry Real Estate to carry out soft market testing to see if there was interest from potential private sector partners in taking forward development in Haringey. Exploratory discussions with a range of developers, investors and development managers – the potential private sector partners – confirmed that this was indeed the case.

- 7.10.** The model explored by Turnberry, in collaboration with the Council, and endorsed by private sector providers, was a 'development vehicle': a new, separate private entity set up as a joint venture owned 50% by the Council and 50% by one or more private sector partners. This model is already used by a number of local authorities and public agencies in the UK to bring forward major development on their land, where those authorities do not have the investment capacity and skills to achieve the best possible regeneration outcomes without a partnership approach of this kind. A joint venture development vehicle can combine Council land with private investment and expertise while maintaining an appropriate degree of Council control over the pace and quality of development. It can also potentially give the Council a long term income stream as well as capital returns, which may be reinvested in accordance with the Council's statutory functions, on new housing, on social and economic benefits or on other Corporate Plan objectives.

- 7.11.** With the approval of Cabinet in February 2015, the Council then carried out a procurement process to seek commercial and legal advisers to examine in detail the feasibility of a joint venture development vehicle for Haringey. Turnberry, in partnership with Bilfinger GVA, were appointed to the former, and Pinsent Masons the latter. Their brief was to: clarify the Council's objectives; develop a detailed business case for the preferred option; and define and deliver a procurement strategy. The attached business case is the result of their work, as tested and challenged by council officers in consultation with cabinet members.

Why is Haringey considering a development vehicle now?

- 7.12.** Strategically there are a number of factors that demonstrate Haringey's readiness for development on a scale that such a vehicle could deliver: in planning policy terms, with the development of the local plan, site allocations and Area Action Plans for Tottenham and Wood Green; from the Council's work on regeneration with the Strategic Regeneration Framework for Tottenham, and the

emerging Wood Green Investment Framework; and with the Draft Housing Strategy out for consultation and the Housing Investment and Estate Renewal Strategy being updated.

7.13. The recent review of the Future of Housing has demonstrated forcibly that there is insufficient capital funding available to deliver all the Council's aspirations, and because of that the potential options for maintaining homes, delivering new housing and economic growth are extremely limited. A joint venture development vehicle may however be a potential solution.

7.14. Consultation with the market confirms that the market sees Tottenham and Wood Green as areas of high potential, believes in the Council's 'affordable London' message and shares the interest and belief in mixed tenures including private rented housing. The market has a growing confidence with the Council's leadership.

7.15. Following the Cabinet report in March 2015 the following objectives have been developed by officers in consultation with Cabinet members, to underpin the assessment of any potential approach to development of the council's assets:

- i. To deliver growth through new and improved housing; town centre development; and enhanced use of the Council's property portfolio.
- ii. To achieve and retain a long term stake and control in development of the Council's land, maintaining a long term financial return which can be reinvested in accordance with the Council's statutory functions, on new housing, on social and economic benefits or on other Corporate Plan objectives.
- iii. In partnership with the private sector, to catalyse delivery of financially unviable schemes.
- iv. Achieve estate renewal by intensification of land use and establishment of a range of mixed tenures, together with tenure change across the Borough where appropriate.
- v. To secure wider social and economic benefits in areas affected, including community facilities, skills and training, health improvement or crime reduction for the benefit of existing residents.
- vi. Incorporate land belonging to other stakeholders, both public and private sector, into development.

Wider social and economic benefits

7.16. The business case presented here describes how the proposed development vehicle could be a catalyst to help achieve the outcomes set out right across the council's Corporate Plan. Not only will it directly contribute to achieving the Council's housing and estate renewal ambitions, and support the creation of new space for business and jobs – it will also create and support new training opportunities and apprenticeships, and give the council an opportunity to invest in a still wider range of outcomes.

7.17. Through the procurement process the council will make clear to prospective partners that the vehicle will deliver as part of its operation:

- New homes, in a range of tenures:
 - Private rental
 - Private sale
 - Low cost home ownership and other intermediate housing
 - Social rented
 - Innovative tenures and types of housing
- Commercial retail/ office/manufacturing space
- Employment – both through the activities of the vehicle itself (e.g. construction) and as a result of new commercial and retail developments

7.18. Attached at Appendix 7 for Cabinet’s approval is an outline of the key additional social and economic benefits that the Council will be specifying as part of the procurement. It is important that the Council maximises the social and economic value from this project, by making these considerations central to the evaluation of potential partners, while at the same time retaining the opportunity for private sector partners to demonstrate flexibility and innovation once the vehicle is established.

7.19. In addition, when the vehicle brings forward successful developments, the Council will receive financial returns as modelled and set out in the Business Case, Appendix A1, and the Financial Appraisal attached in the private portion of this report at Appendix 5. The Council will of course have competing priorities for the reinvestment of these resources in accordance with its statutory functions and Corporate Plan objectives, but the intention is to invest such resources in employment and training programmes; to subsidise more affordable housing and/or lower rents; or to support other Corporate Plan objectives such as crime reduction measures, health improvement or community facilities.

The Options

7.20. The business case attached considers in detail the following potential delivery structures which the Council could implement in order to fulfil its objectives. These options take into account the Council’s financial and investment capability, the type and size of the assets within the Council’s asset portfolio, and the need to meet the objectives of the Council. Consideration has also been given as to the most effective ways in which to deliver the estate renewal sites and achieve economic growth.

Option1: Base Case

7.21. The Council continues with its current approach i.e. taking forward and developing out sites, including undertaking the restructuring of the commercial portfolio. The Council continues to provide funding and uses available grant funding to work up sites in conjunction with the relevant stakeholders as appropriate.

7.22. Under this option, the Council would continue to take forward assets itself. This could be done through site sales/disposals, the Council developing out sites itself, through development agreements with clawback provisions etc. This option would therefore involve the use of conventional structures to take forward sites, and would to an extent be dependent on the Council's appetite for risk and the availability of funding (including grant funding) to take sites forward.

7.23. This option carries limited risk to the Council, but stands no chance of delivering the Council's aspirations, particularly given that there appears little likelihood of sufficient funding being available to facilitate this option in any realistic timetable.

Option 2: Disposal of Individual Sites

7.24. The Council takes forward sites (subject to available resources, financial resources and grant funding) and then sells the sites into the market. Sites could be sold individually or packaged up and sold as portfolios e.g. the commercial portfolio. Sites could be sold on a phased basis over time through development agreements (with or without overage provisions) to the private sector or other public sector stakeholders, or through straight disposals.

7.25. This would involve the Council marketing sites so that they could be disposed of on a straight sale basis e.g. disposal on the open market as freehold or leasehold assets. It is likely that those sites which do not fit the objectives of the Council would be sold on a straight sales basis. However, the large regeneration schemes and town centre sites would be marketed with appointment of a strategic development partner i.e. entering into a development agreement with a development partner in the short/medium term.

7.26. Under this structure the Council would enter into a traditional development agreement with a development partner and the site would be drawn down as development pre-conditions are satisfied i.e. the site is drawn down in phases as specific "development criteria" are satisfied. The development partner would need sufficient financial and resource capability to provide the necessary funding for the site development, achieving planning etc.

7.27. The Council is able to exercise control through planning powers and is able to insert conditions as to when development should commence, albeit this will impact on sale value. The Council would also receive sale proceeds and overage as the site is developed out.

7.28. There are serious questions as to whether the Council's aspirations are deliverable through this route:

- a) This option would produce considerably less financial benefit for the Council, reducing the amount to be reinvested or used to cross-subsidise the stated socio-economic objectives and Corporate Plan outcomes.
- b) While there is little development risk to the Council through this approach the private sector will consider these developments more risky without the appeal of a guaranteed pipeline of development, with consequent increased costs and lower returns.

- c) In the bigger schemes such as Northumberland Park Regeneration Area it is doubtful given the level of initial funding required that the market would be interested in the short term, if at all.
- d) Without the opportunity for a development vehicle to mitigate borrowing for Compulsory Purchase Order (CPO) costs, it is likely that the impact on the Council's borrowing requirement will be higher, and given the risk issues discussed above, it will be harder to persuade a developer to fully indemnify the Council for these costs.
- e) Given the support of the Mayor for vehicle-type approaches further Housing Zone funding may be less likely.
- f) The ultimate result of this will be significantly less delivery, for example in the number of housing units delivered.

(See also additional comments in the exempt portion of the report)

Option 3: Outsource Asset Management and Services

7.29. The Council outsources the management of its entire development portfolio, including the commercial portfolio (which is currently managed in-house) and the responsibility for development of the large estate renewal sites, to a third party provider who provides services on behalf of the Council. This could include sale and leaseback and services provision, increased asset management and facilities management, refurbishment programmes, undertaking surplus property disposals and development of key sites as part of a full outsourcing service. A key focus would be on maximising returns from the portfolio, usually through 'sweating' the assets i.e. increased asset management of investment generating assets.

7.30. This option is relatively low risk but suffers from the same issues with regard to deliverability as the previous two options. While this would bring financial benefits it is impossible to see them being sufficiently significant to deliver the Council's stated socio-economic objectives and Corporate Plan aspirations.

Option 4: Council Wholly-Owned Vehicle

7.31. A vehicle is established which is wholly owned by the Council. This vehicle is an independent company (i.e. wholly owned by the Council, albeit as an arms length organisation) which is not controlled by the borrowing limitations, and therefore funding implications, of the HRA restrictions. It has the potential to offer greater flexibility on tenure and the ability to develop mixed tenure schemes including homes for sale, shared ownership, and most importantly, rented accommodation at social/affordable/market rents. This flexibility can enable cross subsidy between tenures, with market sale or rent homes enabling the provision of more affordable homes which would be the priority for the company. The assets and debts of the company will remain on the public sector balance sheet, with private sector involvement limited to works and services paid for by the company. A local example of this approach is Broadway Living, the local authority company wholly owned by the London Borough of Ealing.

7.32. To achieve the Council's aspirations through a wholly-owned company, the Council would need to support all the costs (of compulsory purchase, development, sales and marketing etc) through borrowing. All this money, and all

the development risk would be the Council's responsibility throughout the process, so this is clearly a high risk option. This option is not feasible from the Council's point of view on a financial basis, because of the high levels of borrowing required and consequent costs of servicing the borrowing.

(See also additional comments in the exempt portion of the report)

7.33. In addition, it is highly unlikely that a wholly-owned company could deliver the scale of outputs required. The wholly owned companies set up by other London authorities are generally delivering significantly fewer homes than we anticipate building through this vehicle, without considering the town centre, economic and growth ambitions that the Council has. The range of delivery varies, but is typically less than 500 homes over a five year period, though the sponsoring Councils will aspire to higher in due course.

7.34. It remains unlikely that a wholly-owned vehicle would be able to address the skills and capacity issues, more effectively than the Council itself. Further, housing kept in a wholly-owned company would also create potential exposure to the right to buy, as it is understood that the Government is closely monitoring the situation with these types of vehicles and may bring forward legislation in due course to enforce the right to buy and compulsory disposal.

Option 5: Site Specific or Asset Focused Vehicles

7.35. Under this option the Council would establish site or asset specific vehicles, predominantly for the estate renewal sites, and the town centre assets, with different private sector delivery partners. Each individual vehicle would take the form of a special purpose vehicle, which would be owned equally by the Council and different private sector partners. Each vehicle would be for a specific asset, for example carrying out estate renewal at Northumberland Park Regeneration Area; or town centre redevelopment in Wood Green; or development of individual medium sites.

7.36. Each vehicle would need to be procured separately and would require its own governance structure with associated management resource and costs.

7.37. The Council could invest particular sites into specific individual vehicles for example a housing vehicle, which would develop the Council's large housing estates such as Northumberland Park Regeneration Area, and smaller estates across the Borough that have proved uneconomical to invest in. The private sector partner would invest the equity. The vehicle would then work the site up according to a pre-agreed business plan. The site could revert back to the Council if the vehicle does not progress the site as specified.

7.38. A separate vehicle could be bought forward using the council's assets to support Town Centre regeneration, which would seek to reinvigorate Wood Green. A partner would invest equity and the Vehicle would then develop the site according to a pre-agreed business plan. Again, the site(s) could revert back to the Council if the Vehicle does not progress the asset as specified.

7.39. Having a number of separate vehicles would make it more difficult for the Council to include receipts from profitable schemes to support more financially challenging opportunities in a State aid compliant manner, than would be possible with a single vehicle. Managing a stake in several difficult vehicles may also place a greater governance burden on the council than would a single vehicle.

Option 6: Overarching Vehicle

7.40. This option builds on the initial concept set out at Option 4. However, under this option the Council and a strategic partner e.g. a development partner or strategic funding investment partner, create an overarching strategic partnership through an Overarching Vehicle (“OV”). The OV can then take assets forward by way of different delivery mechanisms beneath the overarching level, through for example, development agreements, joint ventures etc. Assets could be taken forward individually, as portfolios or through sub portfolios of assets. The structure would also allow for the cross funding of income from the commercial portfolio and quick win projects (i.e. value release properties) to be used to fund projects such as the key estate renewal sites.

7.41. The OV could also provide an asset management role to enhance returns from the assets in this portfolio or be established with an investment partner with delivery of sub portfolios beneath this using development partners and local services providers.

7.42. The OV could also act as a development manager, asset manager and fund manager and provide a strategic funding role in taking schemes forward. The model would also allow the Council involvement in those schemes where it has limited land ownership. This is the approach taken by the LB Hammersmith and Fulham (in partnership with Stanhope), and by Sunderland Council.

The preferred option

7.43. The business case considers the pros and cons of each of these options in detail, and carries out a qualitative analysis, attaching weightings based on the Council’s objectives and scores to each option.

7.44. As a result of the analysis, Option 6 (the overarching vehicle) is the recommended option, because it is the model that best provides a means by which the Council can achieve its objectives. Specifically:

- (a) This option gives the greatest chance of achieving regeneration and development on a scale consistent with the council’s ambitions, in turn encouraging further growth and enabling the wider social and economic benefits to which the Council aspires.
- (b) The option allows the Council to retain influence and control over the pace and quality of development through its 50% stake in the vehicle, including nominations to the board of the joint venture vehicle .

(c) As can be seen from the financial appraisal, this approach is projected to achieve a considerable financial return which can be invested in accordance with the Council's statutory functions, in the further development of the stated socio-economic objectives or spent on the delivery of wider Corporate Plan objectives. This is significantly as a result of the bringing in of private sector resources to enable and make viable development. The other options project a significantly lower return in the event that they can be made to work at all.

(See also additional comments in the exempt portion of the report)

(d) This approach also provides the flexibility to combine the benefits of the other options, by allowing for the use of different mechanisms such as asset management, development management, fund management, joint venture and services provision under the overarching structure.

(e) Value can be extracted from the commercial portfolio and the town centre market led opportunities (at Wood Green) to be used to cross fund other projects, such as more financially challenging estate renewal sites. Money can also be retained within the vehicle and used to cross subsidise or fund other projects.

(f) While the Council will undertake a measure of development risk, it has in return the opportunity for reduced costs, and a share in very likely increased profits which may be reinvested in accordance with the Council's statutory functions, in the promotion of the stated socio-economic objectives. This level of risk, which is limited to the extent of land committed to the vehicle, and the commercial portfolio which is proposed to go in at day one, is significantly less than if the Council bears the whole burden of borrowing and cost to finance development. It is however, not a risk free situation and is the price paid for ongoing influence and control, together with financial returns.

(g) The vehicle would also have the ability to adapt and respond, particularly to changes in market conditions, but also to any changes in requirements that the Council itself seeks.

Structure and governance of the Vehicle

7.45. The Haringey development vehicle would be a 50:50 joint venture between the Council and its private partner or partners. It would be established as a company, or as a Limited Liability Partnership. The Council will likely have two or three nominees to the Board (the same number as the private partner). The vehicle will have an executive team which could be procured in a number of ways, dependent on the nature of the partnership and the successful bidder.

7.46. The Council will have a 50% share of the vehicle in order to secure significant at-risk investment from a potential private partner, while retaining its own power to create deadlock and reserving certain key decisions for the Council. The Council would not wish to exceed this share, as this would not only make the vehicle unattractive to the market, but also most likely make it a council-controlled body.

This would put all its debts and liabilities on the council's balance sheet, and, as noted, potentially expose housing kept in a council-controlled body of this nature to the Right-to-Buy, and/or forced sale under forthcoming legislation.

7.47. The vehicle would be set up on a long term basis for a period likely to be 15-20 years. There may well be a further option to extend if the partners wish.

7.48. As well as land and development sites, the Council will put its commercial portfolio into the vehicle . Paragraph 4.4 of the Business Case deals with this in more detail. These assets will provide income to support the running of the partnership as well as offering the opportunity for enhanced management and improved asset management.

7.49. The options for governance will be the subject of refinement and discussion with potential partners during the procurement process.

7.50. The Council will retain a role in decision making. Certain key decisions will be reserved for the Council and its partner to take as shareholders. These will require unanimous approval of the shareholders, and may include:

- Approval, adoption and variation of business plans
- Third party funding
- Alteration of the nature or scope of the vehicles's business
- Action outside the parameters of the business plans
- Admitting new members to the HDV
- Making a petition to wind up the HDV
- Material acquisitions or disposals

7.51. The Board of Directors of the Haringey Development Vehicle will take decisions relating to matters such as :

- Approval of statutory accounts/appointment of auditors
- Committing expenditure to an agreed threshold
- Approving material contracts
- Appointment of employees
- Monitoring and directing the work of the executive team

7.52. The executive team will manage the day to day running of the development activities as set out in the business plans.

The Council's land in the vehicle

7.53. For the purposes of proving the effectiveness of the concept and the viability of the vehicle, the financial model has been based on the following assets:

- Northumberland Park Regeneration Area
- Wood Green Civic Centre
- Wood Green Library

- Wood Green: River Park House and Station Road Buildings
- Park Grove estate
- Leabank View estate
- Cranwood House
- Commercial Portfolio

7.54. At this point the Council needs to decide which sites it will indicate to the market it is intending to put into the vehicle. At this stage the recommendation is that there should be three categories of sites:

Category 1: Land owned by the Council that it is intended will be transferred into the vehicle, subject to satisfaction of the appropriate conditions precedent and obtaining necessary consents, where applicable.

- | | |
|--|--------------------------|
| • NT3/4 Northumberland Park Regeneration Area | Plan attached Appendix 8 |
| • SA5 Wood Green Civic Centre | Plan attached Appendix 8 |
| • SA11 Wood Green Library | Plan attached Appendix 8 |
| • SA8 Wood Green: River Park House and Station Road Buildings in Council Ownership | Plan attached Appendix 8 |
| • SA51 Cranwood | Plan attached Appendix 8 |
| • Commercial portfolio | Assets listed Appendix 9 |

At this stage the approval of Cabinet is sought to indicate to the market that it is proposed to transfer these assets to the Development vehicle subject to the fulfilment of pre-conditions that will be established during the Dialogue process, and to the views of potential development partners themselves.

These sites are to be included in category 1 because the Council considers them priority areas for regeneration, because they are potentially attractive to the market, and because they should significantly enable the delivery of the Council's aspirations for homes and jobs, and for socio-economic benefits.

The commercial portfolio is included to obtain the enhanced use of the assets and better returns which will support the operations of the development vehicle and assist in delivering the socio-economic benefits. Some of the sites may be suitable for redevelopment in due course, and the portfolio will offer the vehicle potential assistance in borrowing.

Category 2: Sites and assets that may be transferred to the vehicle, and should be considered to be within the scope of the procurement process.

Housing Revenue Account sites

- | | |
|---|--------------------------|
| • SA63 Broadwater Farm Area N17 ** | Plan attached Appendix 8 |
| • SA66 Leabank and Lemsford Close N15 | Plan attached Appendix 8 |
| • SA56 Park Grove (inc Durnsford Road) N11** | Plan attached Appendix 8 |
| • SA54 Tunnel Gardens (inc Blake Road) N11** | Plan attached Appendix 8 |
| • SS3 Turner Avenue/ Brunel Walk N15** | Plan attached Appendix 8 |

- TG3 Reynardson Court N17 Plan attached Appendix 8
- Demountables – Watts Close N15 /Barbara Hucklesbury N22 Plan attached Appendix 8

** Denotes that this will be subject to capacity studies in conjunction with residents

In all instances the inclusion of a site on this list as a potential site does not indicate any present change in the situation for residents and tenants. Many of the residents of these areas have already been in discussions with the Council, but irrespective of this being the case, full consultation with residents and detailed planning will be entered into before any site (in any category) is transferred to the development vehicle for improvement or renewal.

General Fund Sites

- Fred Morfill Hse, Bounds Green Rd, N11 Plan attached Appendix 8
- Land to the rear of Muswell Hill Library N10 Plan attached Appendix 8
- Land opposite the Crematorium Great Cambridge Road EN1 (In LB Enfield) Plan attached Appendix 8
- SA 24/25/26 Commercial property adjacent to Clarendon Square N15 Plan attached Appendix 8
- TH7 Ashley Rd Depot N19 Plan attached Appendix 8

Category two sites are within the scope of the procurement process and may be transferred into the vehicle if the Council wishes to do so in due course, or if the potential partner identifies these as suitable sites. Again these may be included because the Council considers them priority areas for regeneration, because they are potentially attractive to the market, and/or because they should significantly enable the delivery of the Council's aspirations for socio-economic benefits.

In the case of 'medium-sized housing' sites, there is a view that these may be suitable for mixed use housing development, either because there is the potential for intensification of development, or where the Council may conclude that the cost of Decent Homes work is prohibitive. The Council aspires to replace social housing in any agreed estates renewal scheme.

However, they are category two sites rather than category one either because at present the Council's view of the future of the site is not sufficiently clear, or discussions with residents are not sufficiently advanced, or because there is uncertainty as to the market view of them.

Category 3

There will be sites and assets within the Borough that as yet have not been identified that may be suitable for development and inclusion within the vehicle's work. These may be identified at a later date, or possibly, during the Dialogue part of the procurement process and may include property yet to be acquired by the Council. These may be Housing Revenue Account or General Fund sites suitable to deliver the regeneration and socio-economic aspirations of the Council. Should these be identified, then it will be necessary to bring a further report to Cabinet, considering the suitability of, and risks associated with, the sites and assets and seeking approval for the principle of transfer.

The suitability of these sites will be assessed taking into account their priority for regeneration or development; their attractiveness to the market, and their potential contribution to the delivery of the Council's socio-economic aspirations.

- 7.55.** It remains the case that the final list of sites proposed for transfer would be subject to negotiation through the procurement process, and to the final approval of cabinet at the end of that process. This decision does not in itself authorise any transfer of land. It is also important to note that, with the exception of the non-HRA commercial portfolio, these sites would not transfer into the vehicle on the day it is created; rather, a suitable date would be agreed for each one once a suitable scheme had been developed, planning permission achieved and – in the case of estate renewal scheme – residents rehoused, with a commitment to transfer being conditional on those milestones being met.
- 7.56.** For residents and businesses currently occupying these sites, this is a further development of work that has been in progress, and does not actually change what is proposed for the residents home or business, but only provides the way to achieve what is proposed.
- 7.57.** Where reference numbers are used above these are the site allocation numbers, that indicate that the site is already in the Site Allocations Document of Haringey's Local Plan, as agreed by Cabinet at its meeting of the 20th October 2015. As members are aware, this document has been the subject of extensive consultation in order to reach this stage.

Northumberland Park Regeneration Area

- 7.58.** The regeneration of Northumberland Park has long been a priority for the Council and over the years considerable money and effort has been put into the area. Following the riots of August 2011, regeneration plans were developed through engagement with local communities. These have been enshrined in a number of policy documents.
- 7.59.** In summer 2014 the Council began working closely with local communities to develop more detailed regeneration plans and proposals for the local area, focused in particular on the housing estates within Northumberland Park.
- 7.60.** The Northumberland Park Strategic Framework was developed in partnership with the local community and informed by a two stage consultation process:
- **Stage 1. Summer 2014** – this stage focused on understanding the community's ambitions, appetite for change, concerns and setting out the potential benefits a regeneration programme could deliver for existing residents. **Stage 2. Autumn 2014** – this stage provided feedback on the Stage 1 consultation and sought feedback on the draft Key Principles for Change.
- 7.61.** The consultation process included newsletters, door-knocking, stakeholder meetings and drop-in sessions and there were over 400 attendees at these sessions. There was strong support for wide-ranging regeneration, the creation of safe and high-quality places, making better use of space and creating new streets

and better connections. The community also wanted regeneration to deliver high quality new housing for local people, more affordable homes and for there to be a focus on family housing at the heart of the regeneration area. The Council committed to exploring options for regeneration in partnership with local communities and has facilitated and worked closely with two Residents Associations (RAs) in the regeneration area. The Council has also agreed a specification for an Independent Tenant and Leaseholder Advisor (ITLA) with both RAs – the ITLA will be in place this autumn and will be working with local residents to develop a Residents Regeneration Charter which will clearly set out residents ambitions and expectations for regeneration in their neighbourhood.

7.62. In discussions with residents, officers have always indicated that it was unlikely any detailed master planning work would commence in the short term as the Council was looking at options for procuring a delivery partner for delivering regeneration and positive change in Northumberland Park and it would be the Council and the delivery partner working in partnership with local residents who would be responsible for taking forward more detailed regeneration planning.

7.63. Accordingly, the inclusion of Northumberland Park Regeneration Area in possible sites for a development vehicle will come as no surprise to residents. This potential inclusion, does not change the approach to the area which will still be through detailed consultation and engagement with residents and local ward members; will be the subject of careful masterplanning and the detailed consideration of the Council.

7.64. In terms of individual residents, the position does not change with regard to the situation of their homes. They will be fully consulted on the future developments, and of course the development of this scheme will take time, and firm decisions and change are therefore still some three years away approximately.

Wood Green

7.65. The **Civic Centre** has been identified for closure for a number of years and staff based at the site will reduce to circa 18 in January 2016. The Civic Centre site is included in the draft Site Allocations DPD as a site for residential development, and forms part of the emerging Wood Green Investment Framework and Area Action Plan, which will also identify this site for residential development and propose alternative provision for a Council Chamber and other Civic functions.

7.66. **Wood Green Library** is currently being refurbished in order to accommodate a new range of Customer Services functions. For the longer term, the library site is also identified within the draft Site Allocations DPD as a site for potential redevelopment, particularly given the site's potential importance in opening up routes from the High Street to the currently hard-to-access area to the west, and under the railway to Alexandra Park. If redevelopment is pursued the council will need to relocate the library and customer service centre to an alternative site in Wood Green Town Centre. Again, precise proposals for this reprovision will be incorporated into the emerging Wood Green Investment Framework and Area Action Plan.

7.67. The cluster of council-owned buildings at and around River Park House on **Station Road** are also identified for redevelopment – including housing – in the draft site allocations DPD. The proposed future of these sites – and the corresponding re-provision of council offices – will also be set out in the emerging Wood Green Investment Framework and Area Action Plan

7.68. Public consultation on the draft Wood Green Area Action Plan and the council's regeneration plans for the area is scheduled for early 2016. These plans – and any subsequent development proposals for specific sites – will be subject to the same degree of engagement (for example with users of the Library and Civic Centre and council staff) whether they are taken forward by the Vehicle or through another method.

Cranwood House

7.69. This site includes the former care home and the eight adjacent properties, of which six are Council tenancies and two are owner-occupied. The residents are aware of the Council's proposals for developing the site, particularly for affordable housing.

7.70. Although discussions have been held with the tenants, rehousing is not at present being actively pursued.

Next Steps

7.71. The process to arrive at an implementable partnership is set out at section 10 of the business case. A procurement process under the Public Contracts Regulations 2015 is required.

7.72. Prior to procurement there will need to be:

- Further detailed work on the structure of the proposed Haringey Development Vehicle
- Collation and checking of asset and property information
- Establishment of a data room for the procurement process
- Preparation of procurement documentation and timetable
- Identification of evaluation criteria
- Preparation of marketing documentation.

7.73. This will be followed, subject to members' approval of this report, by the procurement process, of which the principal stages are indicatively timetabled as follows:

- Issue of a Prior Information Notice – 25th November 2015
- The issue of an OJEU notice – 11th January 2016
- Memorandum of Information and Pre Qualification Questionnaire Stage – Complete 22nd February 2016
- Dialogue Phase – Complete 19th September 2016
- Submission of final tender – 19th September 2016
- Evaluation
- Preferred bidder and documentation phase – 14th November

- Contract award – 30th January 2017

A more detailed explanation of these phases is in section 10 of the business case.

7.74. Members should note that at this stage Cabinet’s authority is not being sought to set up the Haringey Development vehicle, but rather to move on to the next stage and embark on a formal procurement process. If Cabinet is minded to do that, it will be asked in due course to make two further decisions; firstly, following evaluation, to agree the preferred bidder, and finally agree the financial close and company set up. In the meantime, Cabinet is asked to delegate to the Director of Regeneration, Planning and Development, after consultation with the Leader of the Council, the tasks of:

- agreeing all documentation required to support the procurement process.
- deselecting bidders, in line with the evaluation criteria, throughout the procurement process.

8 Comments of the Chief Finance Officer and financial implications

8.1. The modelling of the Development Vehicle shows that the recommended option has the ability to achieve the Council's desired outcomes and deliver a significant surplus to the Council. It can also achieve an ongoing revenue return to offset the loss of rental income from the Council's existing property portfolio. The surplus funds may be re-invested in accordance with the Council's statutory functions into the promotion of the stated socio-economic objectives and corporate plan outcomes. Although there can be no guarantee of outcomes prior to procurement, soft market testing has demonstrated that there is a market appetite for such a Vehicle. As the partnership evolves the Council would have the option of reinvesting a proportion of any surplus received into other desired outcomes in accordance with the Council's powers and purposes, for example more affordable housing.

8.2. It is important to note that this just represents a modelled position and the actual outcome will be dependent on the appetite of the market and the outcome of the procurement exercise. Although there is a risk that the actual outcome will not be as beneficial to the Council, equally the final position may improve during the procurement process.

8.3. The modelling assumes that the following sites are included in the Development Vehicle;

- Northumberland Park Regeneration Area
- Wood Green Civic Centre
- Wood Green Library
- Wood Green: River Park House and Station Road Buildings
- Park Grove estate
- Leabank View estate
- Cranwood House
- Commercial Portfolio

8.4. Although these were only included for modelling purposes, the initial inputs are proposed above and the final inputs will need to be agreed by Cabinet at a later date, subject to the Dialogue process, it is important to note that the outcome of the Development Vehicle is dependent on certain key sites being included and without these sites the outcome will not be as beneficial. The timing of when assets are available to the proposed Development Vehicle is also likely to be important.

8.5. Although the Council does have other options including undertaking development itself, disposing of individual sites to generate capital receipts and/or pursuing individual development agreements, in these cases the Council would not benefit from the professional skills the Development Vehicle partner would bring and thus there would be a significant revenue budget requirement to buy-in these skills as there is limited in-house expertise. Additionally the Council is likely to benefit from the availability of external funding to support development, the Council's ability to borrow to progress development is limited by the Housing Revenue Account Borrowing Cap and the need to finance General Fund borrowing from reducing revenue budgets.

8.6. The options review has demonstrated that a Development Vehicle represents the best option for the Council to realise the value from its existing assets

(principally land), and the cross-subsidy inherent within the model mean that sites that are not viable in isolation have the potential to be developed, whilst the Council benefits from both sharing risk and spreading this risk across multiple sites. In bringing about increased levels of development than might otherwise be possible, the Council would expect to benefit from Housing and Business Growth, which is key to the Council longer-term financial well-being as Government Grant continues to reduce and the Council becomes more reliant on Council Tax and Business Rates income to fund its statutory obligations.

- 8.7.** The Council will have the option of contributing equity into the Vehicle itself, if it so wishes, and in doing so this is likely to increase the returns made due to the Council being able to borrow at cheaper rates than likely partners. However, in doing so the Council will need to be mindful of ensuring that it does not breach State Aid regulations and that it retains sufficient funding to enable the capital expenditure required outside of the Development Vehicle, as identified in the Capital Strategy, to still be funded.
- 8.8.** The total cost of the options appraisal already undertaken and the procurement process recommended within this report is estimated to be £1.047m. Funding of £500,000 has already been agreed by Cabinet in February 2015, which was comprised £400,000 from the Urban Renewal Reserve and £100,000 from the Tottenham Regeneration budget. Therefore additional funding of £547,000 is required, which in addition to funding the cost of external commercial and legal advisors will also pay for internal project management and procurement support, together with any tax advice or specialist advice, surveys or masterplanning required during the process. Although the set-up costs are significant they need to be seen in the context of the likely cost of professional advice and support if each of the developments was progressed individually The sum can be met from the Urban Renewal Reserve.
- 8.9.** In addition to the revenue cost of establishing the recommended vehicle, the Council is likely to need to undertake some capital investment upfront to enable the Vehicle to form, this would take the form of acquiring unencumbered land assets on key sites, for example buying out of leaseholders on existing housing estates or obtaining commercial property interests. These costs would ultimately be paid back by the Vehicle (with interest) but the Council will need to allow for this expenditure within the Capital Strategy that is currently being developed. The modelling assumes that these CPO costs are paid back early to reduce the risk to the Council.
- 8.10.** The Council is in ongoing negotiations with the GLA and Treasury around support for the Tottenham Regeneration programmes and that may lead to up-front funding to acquire such assets being made available, but in this eventuality the Council will need to be aware of the inter-relationship with other ongoing projects, for example the expectation is that High Road West procurement will commence in 2016.
- 8.11.** Finally before Cabinet ultimately approves the creation of the Development Vehicle, which is not likely to be necessary before late 2016, it will need to consider the impact on the Councils ongoing revenue budgets. As an example if the Council commercial property portfolio forms part of the Vehicle then there will be a reduction in income, conversely the Council may benefit from reductions in office running costs. In the context of the significant revenue savings required in future years, the

Council will have the option of asking for any loss in income to be offset by the vehicle, although this will reduce the overall surplus achieved.

(See also additional comments in the exempt portion of the report)

9 Comments of the Assistant Director of Corporate Governance and legal implications

9.1. To undertake the transactions and participate in the proposed Development vehicle and proposed associated structure referred to in this report, the Council will be relying upon the General Power of Competence (“general power”) contained in Section 1 of the Localism Act 2011 in conjunction with the powers set out below.

9.2. Section 1 Localism Act 2011 is a very broad based power which allows local authorities to do anything that an individual may do. There are some limits on the power set out in section 2 of the Act. If exercise of a pre-commencement power (i.e. power in existence before the general power became law) is subject to restrictions then these restrictions also apply to the exercise of the general power so far as it is overlapped by the pre-commencement power. This general power also does not enable the local authority to do anything which the authority is unable to do by virtue of a pre-commencement limitation. It further does not allow the local authority to do anything which the authority is unable to do by virtue of a post-commencement power which is expressed to either apply to this general power, to all the authority’s powers or to all the authority’s powers but with exceptions that do not include the general power.

9.3. Section 4 Localism Act 2011 provides that if an authority is exercising the general power for a commercial purpose then the local authority must do it via a company. In this instance the local authority are proposing this project for the purposes set out in paragraphs 7.16 to 7.19 of the report and in Appendix 7 and the primary purposes of the project are non-commercial, although the Council would be acting on a commercial basis as a partner in a joint venture. In addition the objectives of the project are to comply with the objectives of Corporate Plan referred to in paragraph 6 of the report. These objectives are non-commercial socio-economic objectives. It is currently proposed to structure this project through a Limited Liability Partnership albeit this will be decided as part of the procurement process when further advice will be taken. Pinsent Masons LLP have advised on a number of similar projects and are satisfied in these circumstances that the Council may rely on the general power as legal authority for this project and for the proposed LLP structure. Leading Counsel has also been instructed to advise on this point and has confirmed that in his opinion the Council has the power to become a member of an LLP for the purposes of this project. This issue has never been challenged or litigated on in respect of previous LLP schemes involving local authorities and therefore there is no established case law on the point.

9.4. Sections 8 and 9 of the Housing Act 1985 provides a duty for local authorities to review the housing needs in their district and gives them powers to provide housing accommodation, by building houses, converting buildings into houses or by acquiring houses (including provision through third parties).

9.5. Section 32 of the Housing Act 1985 allows Local Housing Authorities to dispose of housing land but only with the consent of the Secretary of State. The Secretary

of State (CLG) has published a series of general consents since 1985, the latest being The General Housing Consent 2013 published in March 2013. The 2013 General Consent contains in fact four separate consents with the most relevant being "A: The General Consent for the Disposal of Land held for the purposes of Part II of the Housing Act 1985-2013. Consent "A" draws a distinction between vacant land and dwellings. A Local Housing Authority may dispose of a dwelling provided it is at market value subject to certain exceptions including where the dwelling is occupied by a tenant(s) where consent of the Secretary of State is required. The General Consent allows a local authority to dispose of vacant land. This can be at any price (market value or less (subject to compliance with State aid rules)). Vacant land is defined as land on which no dwelling houses have been built or where dwelling houses have been built such dwelling houses have been demolished or are no longer capable of human habitation and are due to be demolished. Any land transferred by the Council will need to fall within the latter definition or will otherwise require a specific consent. There is no qualification or limitation on the disposal of vacant land to entities in which the local authority has an interest. A disposal can be by way of conveyance of the freehold or grant of a lease of any duration.

- 9.6.** Section 24 Local Government Act 1988 enables a local authority to provide financial assistance in relation to private let accommodation. Local authorities will need to obtain the Secretary of State's consent under Section 25 Local Government Act 1988 to exercise the power under section 24 (Financial Assistance). A local authority will also need section 25 consent if it wishes to use any other powers (including the general power of competence) for the purposes set out in section 24. If it does not, the transaction will be void. General consents were issued in December 2010 in relation to section 25.
- 9.7.** Section 233 Town and Country Planning Act 1990 gives local authorities power to dispose of land held for planning purposes in such manner and on such terms as seem expedient in order to secure the best use of the land or the proper planning purposes. Secretary of State consent is needed if the disposal is for a consideration less than the best that can reasonably be obtained. Section 123 Local Government Act 1972 gives local authorities the power to dispose of Non-Housing Land for best consideration.

Best Consideration Generally

- 9.8.** When transferring land into the Development vehicle other than housing land (i.e land accounted for within the HRA), the Council must demonstrate compliance with its best consideration requirements under Section 123 of the Local Government Act 2011 or under s233 Town and Country Planning Act 1990 in relation to land held for planning purposes.
- 9.9.** In relation to housing land, Section 32 of the Housing Act 1985 allows local housing authorities to dispose of housing land with the prior consent of the Secretary of State. However, the Council may rely on General Consent A which allows a local authority to dispose of vacant land. This can be at any price (market value or less (subject to compliance with State aid rules)). Vacant land is defined as land on which no dwelling houses have been built or where dwelling houses have been built, such dwelling houses have been demolished or are no longer capable of human habitation and are due to be demolished.

State Aid Compliance

- 9.10.** Any transfer of land by the Council to a Development vehicle must be transacted in accordance with the Commission Communication on State aid elements in the sale of land and building by public authorities (OJ C209 10.7.1999, p3-5) (the "Sale of Land Guidelines") in order to avoid the transaction being deemed to include the grant of State aid to the acquiring entity. This will be satisfied where the land is transferred at an open market value as determined by an independent valuation (in compliance with the requirements of section 2 of the Sale of Land Guidelines).
- 9.11.** Any investment by the Council (of land or finance) will be in compliance with State aid. It is intended to rely upon the Market Economy Investor Principle as the Council will be investing on same terms as the private sector partner (i.e. on terms that would be acceptable to a prudent private sector investor in the same circumstances). The structure will be kept under review as it develops to ensure that it continues to be State aid compliant.

Procurement process

- 9.12.** Pinsent Masons LLP have advised that the Council has both a strong justification and rationale for choosing competitive dialogue as the procurement procedure to deliver the project given that there are no readily available solutions; the Council is unable to specify an exact specification; and negotiation between the Council and the proposed private sector partner will be necessary in relation to the proposed joint vehicle.

General

- 9.13.** This is a complex project and Pinsent Masons LLP has been engaged to advice on issues and detailed legal advice will need to be given throughout this project up to any final decisions. It is also noted that where Council land is not specifically referred to in the report officers will come back to Cabinet in future for specific consent to transfer any such property into the vehicle.

10 Equalities and Community Cohesion Comments

- 10.1.** An Equalities Impact Assessment for the procurement and creation of the vehicle is attached as Appendix 10. The company documentation will require the vehicle to comply in all respects with legislation and good practice in this area.
- 10.2.** Asset business plans and proposals on a project by project basis will contain appropriate EqIA documentation, and it is open to the Council if it wishes to include this as a condition that must be fulfilled before land can transfer.

11 Head of Procurement Comments

11.1. Procurement supports the proposal to utilise the competitive dialogue procurement process in accordance with the Public Contract Regulations 2015, due to the complexity of the procurement and the Councils uncertainty as to the structure and terms of the development vehicle.

11.2. It is expected that the project team will engage Central Procurement Team and the Head of Procurement as appropriate throughout this process.

12 Local Government (Access to Information) Act 1985

13 Appendices

Appendix – Business Case

APPENDIX A1 - Business Case

APPENDIX 1 - Economic Context

APPENDIX 2 - Property Portfolio

APPENDIX 3 - Qualitative Analysis

APPENDIX 4 - Case Studies

APPENDIX 5 - Financial Appraisal (attached to the exempt report)

APPENDIX 6 - Structure and Operation (attached to the exempt report)

APPENDIX 7 - Initial Procurement Brief - Key Social and Economic Benefits

APPENDIX 8 – PLANS

Ashley Road Depot

Broadwater Farm

Clarendon Road

Cranwood

Demountables – Watts Close /Barbara Hucklesbury

Fred Morfill House, Bounds Green Road

Land Opposite the Crematorium – Great Cambridge Road

Land to the rear of Muswell Hill Library

Leabank and Lemsford Close

Northumberland Park

Park Grove (inc Durnsford Road)

Reynardson Court

Tunnel Gardens (inc Blake Road)

Turner Avenue/ Brunel Walk

Wood Green Civic Centre

Wood Green Library

Wood Green River Park House and Station Road Buildings

APPENDIX 9 - Commercial Assets – List of Assets

APPENDIX 10 - Equalities Impact Assessment

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Report for: Cabinet – November 10th 2015

Item Number: 13

Title: Seven Sisters Regeneration, Tottenham – Compulsory Purchase Order 2016 – “London Borough of Haringey (Wards Corner Regeneration Project) Compulsory Purchase Order 2016”.

Report Authorised by: Lyn Garner - Director of Regeneration, Planning & Development

Lead Officer: Helen Fisher –Director, Tottenham Regeneration Programme

Ward(s) affected: Tottenham Green, Seven Sisters

Report for Key Decision

1. Describe the issue under consideration

- 1.1. This report seeks approval for the Council to use its Compulsory Purchase Order (CPO) powers to acquire the land required for the Wards Corner development. The Council has entered into a Development Agreement with Grainger Seven Sisters Ltd ('Grainger') on 3rd August 2007; planning permission for a redevelopment scheme at Wards Corner was granted to Grainger on 12th July 2012; and on 15th July 2014 Cabinet resolved to agree 'in principle' the use of the Council's compulsory purchase powers, if required to complete land assembly for the Wards Corner development.
- 1.2. Tottenham is a major regeneration area for Haringey and London. The Tottenham Strategic Regeneration Framework (SRF), approved by Cabinet on 18th March 2014, confirms that Seven Sisters is a key part of the regeneration vision, with the redevelopment of Wards Corner an objective of the SRF Delivery Plan agreed in 2014. The Wards Corner development is an opportunity for major new investment into the area, which has the potential to act as a catalyst for further transformational investment in Seven Sisters and Tottenham. It has support from the Greater London Authority (GLA) through the successful Tottenham Housing Zone bid in which Wards Corner is identified as a priority site, and the development has also been shortlisted for GLA Build to Rent funding.
- 1.3. The boundary of the CPO area is shown outlined in red on the draft Order Plan in Appendix 1.

2. Cabinet Member introduction

- 2.1. This is the latest in a series of reports I have brought to Cabinet to progress the Seven Sisters Regeneration Project. Seven Sisters is a major regeneration priority for the Council and it is important that this scheme moves ahead to secure the new jobs and homes, and the significant improvements to the area that this will bring.
- 2.2. This new building will bring significant benefits to the area including 360 new construction jobs and 160 jobs in the employment space created. In addition, the scheme will provide nearly 200 homes and a new, larger public space. Overall, the scheme will transform the look and feel of the Seven Sisters area of the High Road, bringing significant improvements to the high street.
- 2.3. Cabinet has previously agreed in principle to use the Council's Compulsory Purchase Powers to ensure this important new development can happen. This report seeks Cabinet approval for the next step towards this important new development coming forward; Cabinet is asked to approve these Compulsory Purchase Powers being used, where necessary.

3. Recommendations

- 3.1. That Cabinet notes that the pre-conditions for the CPO as set out in the Cabinet Resolution of 12th July 2014 have been met and complied with and that Grainger has confirmed that the pre-conditions contained within the Development Agreement of the 3rd August 2007 (as varied) have either been met and complied with, or can be met and complied with (as set out in paragraphs 6.11 to 6.29 of this Report).
- 3.2. That (whether or not the pre-conditions for the CPO as set out in the Cabinet Resolution of July 2014 have been complied with) Cabinet resolve to make a Compulsory Purchase Order to acquire all land and rights within the Site shown edged red on the plan in Appendix 1 for planning purposes pursuant to Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended), to enable Grainger to implement its planning permission on the basis that this will facilitate the redevelopment of the Site and promote or improve the economic, social and environmental well being of the area.
- 3.3. That Cabinet grant delegated authority to the Assistant Director of Corporate Governance, in consultation with the Chief Financial Officer and Assistant Director of Property and Capital Projects (i) to make any necessary changes, if appropriate, to the draft Statement of Reasons consequent upon Full Council's consideration of the emerging planning policy papers and Regulation 19 approval for publication and submission thereof and (ii) on receipt of the Developer's Stage 2 Notice (as defined in the CPO indemnity agreement dated 23 January 2015) to make, serve and

implement the London Borough of Haringey (Wards Corner Regeneration Project) Compulsory Purchase Order 2016, including dealing with consultation with landowners and objections to the CPO, and preparation for and representation at any public inquiry.

- 3.4. That Cabinet grant delegated authority to the Assistant Director of Property and Capital Projects to serve the requisite Demolition Notices as set out in paragraph 8.9 to 8.11 of this report on 12 Suffield Road.

4. Reason for decision

Dealing with each recommendation in turn, the reasons for decision are as follows:

- 4.1. The Cabinet resolution of 15th July 2014 which agreed in principle to the use of compulsory purchase powers in regards to the Wards Corner development site was subject to Grainger complying with a number of pre-conditions which were set out in the same Cabinet Report. It is therefore required that the Cabinet note that Grainger have complied with these pre-conditions as set out in sections 6.8 – 6.9 of this Cabinet Report. This is the reason for the recommendation at 3.1 of this Report.
- 4.2. Grainger have been unable to acquire all of the outstanding third party land interests in the proposed Wards Corner development site through agreement and is unlikely to be able to without the use of a CPO. To enable the delivery of the Seven Sisters Regeneration Project and the economic, social and environmental benefits that this will bring to the area, the Cabinet is asked to resolve to make a Compulsory Purchase Order to acquire all land and rights within the Site. The Council is satisfied that there is a compelling reason in the public interest to make the CPO for the reasons set out in this Cabinet Report and the Statement of Reasons (see Appendix 3). This is the reason for the recommendation at 3.2 of this Report.
- 4.3. A number of further steps will need to be taken to issue, serve and implement this Compulsory Purchase Order. In order to expedite this process the Cabinet is also asked to grant delegated authority to the relevant officers to undertake the actions required. This is the reason for the recommendation at 3.3 and 3.4 of this Report.

5. Alternative options considered

- 5.1. Not to support the Wards Corner development with the use of Compulsory Purchase Powers (business as usual).
- 5.2. The implications of this option are that Grainger would be unlikely to be able to acquire the land needed through negotiation with individual land owners alone, and therefore will not be able to progress the development and the regeneration objectives for the Seven Sisters area will not be achieved. The additional houses

and jobs will not be provided and the opportunity to create a significant and landmark development at the Seven Sisters transport interchange will be missed.

- 5.3. The alternative planning permission for part of the site, obtained by the Wards Corner Coalition (WCC), could, with the necessary landowner consent and funding, come forward should the CPO not be made. This scheme does not provide any increase in housing or employment space on the site and is likely to compromise the comprehensive development of the rest of the wider site which makes up the Order Land (Appendix 1). As a result the capacity of the site to provide new houses, commercial space and jobs and to help to achieve the regeneration objectives for the Seven Sisters area would not be met.
- 5.4. There are also significant concerns about the deliverability of the WCC scheme, as there is no evidence that the development could be funded and the landowner, London Underground Limited, has entered into negotiations with Grainger regarding the disposal of their interest.

6. Background information

Planning Framework

- 6.1. The comprehensive redevelopment of Wards Corner has been a strategic objective for the Council since the Wards Corner/ Seven Sisters Underground Development Brief was published in 2004. It has been identified as a key site in every strategic planning policy document for the area following this, including the Haringey Local Plan Strategic Policies, the Upper Lee Valley OAPF and the emerging Tottenham AAP, as well as in the Tottenham SRF.
- 6.2. The following documents make up the planning policy framework for the Site and the surrounding area:
- Haringey Local Plan: Strategic Policies 2013-2026
 - Haringey Unitary Development Plan (Saved Policies);
 - The London Plan 2015;
 - The National Planning Policy Framework 2012;
 - The Upper Lee Valley Opportunity Area Planning Framework 2013;
 - The Publication Draft of the Tottenham Area Action Plan 2015-2030;
 - Wards Corner/ Seven Sisters Underground Development Brief 2004.
- 6.3. The current planning policy framework promotes the comprehensive re-development of the Wards Corner site as a landmark building which will provide new housing and commercial development linked to existing or potential improvements to public transport accessibility. The framework requires District and Town Centres to continue to be supported and strengthened as important shopping and service centres, to meet people's day-to-day needs and be reinvigorated to

widen their role and offer and to develop their identities. This is covered in greater detail in section 7 of the Statement of Reasons (Appendix 3).

Wards Corner planning permission

- 6.4. Planning permission was granted to Grainger for the redevelopment of Wards Corner on 12th July 2012 for a mixed use development comprising 196 new homes and class A1/A2/A3/A4 uses, amounting in total to 3,693 sq metres of employment floorspace (ref. HGY/2012/0915). The proposed development would include improvements to the public realm on the High Road and other frontages. The proposal includes the provision of 44 basement car parking spaces (including 3 disabled) and 196 cycle spaces.
- 6.5. The new development will deliver new shops creating a continuous street level frontage to the High Road, Seven Sisters Road and the units along West Green Road. West Green Road will be principally aimed at smaller independent traders; the High Road units will be aimed at quality national stores; and Seven Sisters Road will contain space for a replacement market, with the entrance placed on the prominent High Road corner. A café-bar/restaurant at first floor overlooking the public square and the High Road is also proposed. Flats and family duplexes will be located at first floor and above around a new garden square over the shops, with family duplexes on Suffield Road. The public realm around the development will be transformed. The High Road frontage will be expanded and redesigned to create a new public square, corresponding to the Underground entrances and bus stops.
- 6.6. The relocation of the Seven Sisters Market is currently provided for within this planning permission for Wards Corner and the related section 106 agreement, as detailed at 6.7. A temporary location for the Market is required while works take place and discussions are ongoing as to where this will be. At present a number of options are being explored, including a temporary or permanent relocation to the adjacent Apex House site, dependent on the outcome of the planning application (ref. HGY/2015/2915) in respect thereof. These discussions will continue and are unlikely to be conclusive until closer to the commencement of the Wards Corner development.
- 6.7. A S106 agreement was entered into between the Council and Grainger on the 11th July 2012. This sets out a number of obligations for Grainger to comply with, including but not limited to:
- Paying the Traders Financial Assistance Sum of £144,300 no later than six months before the market closure date, which the Council will then pay to the traders;
 - Not permanently closing the market unless and until the Temporary Market has been provided and is ready for occupation and additionally to appoint a market facilitator to work with traders to assist with this relocation and to

support the existing traders. The Traders Financial Assistance Sum is intended to be a contribution towards relocation costs to the Temporary Market;

- Complying with the New Market Area obligations which require the market operator to offer the traders a lease or a license of a stall in the new market area which is equivalent in size to their existing stall and at a rent or fee which is 30% less than would be chargeable based on an open market valuation for the first 18 months. Traders should also be consulted on the internal layout out of the New Market Area;
- Paying the £150,000 West Green Road Improvement Fund to the Council no later than six months after the commencement of the development;
- Developing a Marketing and Letting Strategy of the Residential Development which focuses initially on local residents to target potential future owner-occupiers and tenants;
- Developing a marketing and letting strategy for the Retail Units which is consistent with the promotion of West Green Road as a district centre, with a focus on independent trading and provides for rents which are consistent with the rents being paid for units of a similar size and nature in the vicinity of the site;
- Not letting the first Retail Unit without written approval of the Council (subject to exceptions) provided that the Council's approval shall not be required if letting is proposed to a person or organisation whose existing place of trading is within the Council's area;
- Not amalgamating retail units to form larger units;
- Monitoring which should involve updating the Baseline Study (June 2012), being a study of business owners, stallholders and other employees working at the market;
- Delivering Local Labour provisions which include employment and training provisions regarding opportunities for local employment, training and supply chains to benefit;
- Securing improvements to the Open Space including footways, public realm at the entrance to Seven Sisters Station and bus stops;
- Delivering Community Engagement through the submission of a community engagement strategy to the Council to deal with regular diversity monitoring, reporting on the engagement process and representations from third party stakeholders and any further mitigation measures identified as necessary; and,
- Prohibiting uses so that a hot food take-away, betting shop or pay-day loan shop are not permitted in the retail units (excluding the market and the new market area).

6.8. As part of his response to the Grainger planning application (ref. HGY/2012/0915), the Mayor of London agreed to enter into arrangements with the London Borough of Haringey to provide financial support to the small businesses in the existing market

during the regeneration period. This is expressly to support the Latin American market, recognising that it is a 'specific case, which provides a platform for small businesses and provides a specialist, culturally specific amenity for the local community, supporting the vitality and cultural diversity of the local Seven Sisters retail offer'. The Mayor of London has delegated authority to TfL to enter into this agreement with the Council to provide £284,500 to 'assist in resourcing the temporary relocation of Seven Sisters market following its temporary closure as planned to allow for the regeneration of Wards Corner'¹. This will be additional to the Traders Financial Assistance Sum agreed between Grainger and the Council in the S106 agreement.

Cabinet Resolution, 12 July 2014 – in principle CPO and pre-conditions associated

- 6.9. On 12th July 2014, Cabinet resolved, in respect of the Wards Corner development site to agree "in principle to the use of Section 226 Town and Country Planning Act 1990 compulsory purchase powers, if necessary, to acquire outstanding third party land interests in the proposed Wards Corner development site where acquisition by agreement (by Grainger as developer) is not possible, subject to Grainger complying with its obligations in the Development Agreement".
- 6.10. These pre-conditions were set out in the Cabinet Report at 3.1(j). In accordance with the Cabinet resolution, Grainger has now complied with these conditions as follows:

Pre-condition (i)

Grainger providing the Council with satisfactory details of the steps they have taken to seek to buy land by agreement;

Since December 2014 offers have been submitted to all remaining freehold and leasehold owners within the Site by Grainger. There are now a total of 17 freehold and leasehold acquisitions still to be made, three of which had accepted an offer but were yet to exchange contracts at the time of this Report being published. This previously stood at 24 freeholds and leaseholds still to be acquired at the time of the July 2014 Cabinet Report. It is therefore considered that Grainger has provided the Council with satisfactory details of the steps they have taken to seek to buy land by agreement and that this pre-condition is satisfied.

Pre-condition (ii)

¹ Request for Mayoral Decision, 'Wards Corner regeneration' dated 17 August 2012 GLA.

Confirmation by the Grainger plc Board, prior to Cabinet (at a future meeting) considering making a Compulsory Purchase Order, that all conditions (apart from the Site Assembly Condition) in the Wards Corner Development Agreement have been or can be satisfied on the basis of current scheme proposals;

Compliance with the conditions from the Development Agreement between Grainger (being a wholly-owned subsidiary of Grainger plc) and the Council is dealt with below. It is therefore considered that Grainger plc has confirmed, prior to Cabinet considering making a Compulsory Purchase Order that all conditions (apart from the Site Assembly Condition) in the Wards Corner Development Agreement have been or can be satisfied on the basis of current scheme proposals and that this pre-condition is satisfied.

Pre-condition (iii)

Grainger entering into a Costs Indemnity Agreement with the Council to cover the Council's costs & liabilities in relation to compulsory purchase action;

Grainger entered into a Costs Indemnity Agreement with the Council on the 23rd of January 2015. It is therefore considered that this pre-condition is satisfied.

Pre-condition (iv)

The preparation of an Equalities Impact Assessment of the impact of compulsory acquisition;

An Equalities Impact Assessment of the impact of the Wards Corner CPO has been prepared by AECOM on behalf of the Council and is at Appendix 5 of this Report. It is therefore considered that this pre-condition is satisfied.

Development Agreement (2007 as varied) – conditions for the CPO

- 6.11. On 3rd August 2007 the Council entered into a Development Agreement with Grainger Seven Sisters Limited and Northumberland & Durham Property Trust Limited (the Guarantor) and was subsequently varied on the 23rd January 2015, following a Cabinet decision on the 15th July 2014. The purpose of this Development Agreement is to secure a quality redevelopment of the Site, which promotes the regeneration objectives for the area. Under the terms of this agreement the Council and Grainger have to comply with a number of conditions before the CPO is made. The Conditions contained in the Development Agreement are set out below:
- 6.12. Secretary of State's Condition: The condition states that; "that within a period of 10 working days following the date of this Agreement, the Council shall apply for and

use reasonable endeavours to obtain the Secretary of State's Consent as soon as reasonably". The Secretary of State's Consent is defined as:

"the consent of the Secretary of State under and for the purpose of Section 32-34 of the Housing Act 1985 (and any other necessary consent of the Secretary of State) in each case: (a) Allowing the Council to enter into (and complete the sale of the Council's adjacent land pursuant to) the Call Option Agreement; and (b) Allowing this agreement to be given its full effect without the need for further consent except as provided for in the Agreement".

The Council has complied with this condition and the consent of the Secretary of State was given on the 17th July 2007 (a copy of the letter received from the Department of Communities and Local Government (DCLG) on 17th July 2007 is attached at Appendix 6). This condition has been satisfied

- 6.13. LUL Condition: This condition states: "The Developer agrees to use all reasonable endeavours to procure satisfaction of the LUL Condition as soon as reasonably practicable after the date of satisfaction of the Secretary of State Condition" The LUL Condition is defined as "the Developer entering into an agreement with LUL (with the Council as a party to the extent necessary), which agreement is unconditional, under which LUL grant development rights to the Developer and a 150 years (or longer) lease of the LUL airspace sufficient to enable the Developer to implement the Development and on terms that the Developer considers to be acceptable"
- 6.14. Grainger has provided a summary of its progress in complying with this condition in the Discharge of Conditions letter of 20th October 2015 at Appendix 6. This states that negotiations with LUL are continuing and it is expected that contractual terms of a disposal will be agreed by end of Dec 2015, with a subsequent exchange of contracts in early 2016. This condition is therefore capable of satisfaction. This condition has not as yet been satisfied for the purpose of the Development Agreement, but is capable of satisfaction for the purpose of Pre-condition (ii).

Asset of Community Value

- 6.15. Since the Development Agreement was entered into the ground floor of the Wards Corner building (occupied by the Market) and part of the Site has been designated by the Council as an Asset of Community Value (ACV) pursuant to the Localism Act 2011 in May 2014, following an application by the Wards Corner Community Coalition.
- 6.16. Under the Localism Act 2011 if the owner of the asset (in this case, London Underground Ltd) wishes to sell the land or building, it may be required to notify the Council which will trigger a six week interim moratorium period in which the building cannot be sold. There is a clause in the Localism Act which lists situations in which

the conditions which must be satisfied before a relevant disposal do not apply. An exemption may apply to this particular ACV (in accordance with section 95(5)(e) relating to part-listed disposal) and LUL, as owner of the asset, will assess what is the correct procedure that it should follow to comply with the legislation. If it is the case that an exemption does apply for this case, the owner would not be required to notify the local authority or comply with either of the moratorium periods.

- 6.17. Should the six week interim moratorium period apply, then in this period a community interest group may register interest to be considered as a potential bidder. This would then trigger the full six month moratorium period, during which the owner may not sell to anyone other than a community interest group. However this would not prevent LUL from negotiating with Grainger with a view to selling the ACV to Grainger. Once the moratorium period is completed, the owner is free to sell the asset to whomever it chooses and a bid from a community interest group will receive no preference.
- 6.18. Design Condition: This condition states: “As soon as reasonably practicable after the date of satisfaction of the Secretary of State's Consent Condition and the LUL Condition the Developer shall prepare and submit to the Council a set of plans, drawings, elevations, a schedule of intended areas (which in relation to Residential Units shall be consistent with the Schedule of Habitable Rooms or as otherwise approved by the Council, such approval not unreasonably to be withheld) and uses and such other information appropriate to an application for detailed planning permission as the Council shall reasonably require in respect of the proposed Development (which shall comply with the LUL Agreement where applicable) for approval by the Council as the Detailed Design.” Grainger has complied with this condition as it has received planning permission for the Development (see below). This condition has been satisfied.
- 6.19. Planning Condition: This condition states “Following satisfaction of the Secretary of State's Consent Condition, the LUL Condition and the Design Condition the Developer shall:
- prepare the Planning Application and any other relevant and necessary supporting documentation which, to the extent not already approved pursuant to clause 6, shall be approved by the Council using the procedures set out in clause 6 (such approval not to be unreasonably withheld or delayed but subject always to clause 6.3);
 - submit the Planning Application to the Local Planning Authority as soon as reasonably practicable thereafter;
 - diligently pursue the grant of Planning Permission pursuant to the Planning Application and shall use its reasonable endeavours (subject as set out in this clause 7) to obtain at its own expense Satisfactory Permission as soon as reasonably practicable”.

- 6.20. Grainger received planning permission and conservation area consent on 12th July 2012 for mixed use development comprising class C3 residential, class A1/A2/A3/A4 uses (HGY/2012/0915 and HGY/2012/0921). A Section 106 Agreement was entered into on 11th July 2012. This condition has been satisfied.
- 6.21. Site Assembly Condition: This conditions states: "The Developer shall (subject as provided below) use its reasonable endeavours at its own cost to procure satisfaction of the Site Assembly Condition as soon as reasonably practicable after the date of this Agreement having regard to the need to minimise site assembly costs" The Site Assembly Condition is defined as:
- (a) the Developer completing the acquisition of and/or exchanging Unconditional agreement(s) (or such agreement(s) becoming Unconditional) for the acquisition of the freehold and/or leasehold interest in all Third Party Properties; and
 - (b) the Developer completing the acquisition of and/or exchanging Unconditional agreement(s) (or such agreement(s) becoming Unconditional) for the acquisition, release, termination or variation of all Adverse Interests so as to enable the Development to be carried out retained or used (including the provision of full vacant possession of the entirety of the Development Land); and
 - (c) the Developer completing the acquisition and/or exchanging Unconditional agreement(s) (or such agreement(s) becoming Unconditional) for the grant of any consent, waiver or approval in respect of or under any Adverse Interests so as to enable the Development to be carried out, retained and used; and
 - (d) a confirmed CPO being obtained in respect of any Third Party Property and any Adverse Interests to the extent not so acquired or released (as the case may be) or the subject of any Unconditional agreement in the manner provided in (a) to (c) above and a General Vesting Declaration being made pursuant to the provisions of the Compulsory Purchase (Vesting Declarations) Act 1981 ("Vesting Declaration") in relation to all of the interests comprised in such Third Party Property and/or in relation to such Adverse Interests vesting the same in the Council."
- 6.22. Grainger has been acquiring land within the Site boundary and has provided a summary of its progress in the Discharge of Conditions letter of 20th October 2015 attached at Appendix 6. This states that Grainger, the Council and LUL own 72% of the development site and at the date of this letter terms have been agreed to acquire three further freehold interests. This condition has not been satisfied for the purpose of the Development Agreement, but is capable of being satisfied. The purpose of this Cabinet Report is to enable this condition to be able to be satisfied by agreeing to make the CPO which clause (d) refers to (as set out at 6.21). Pre-condition (ii) does not require this condition to be satisfied at this point in time.

- 6.23. Stopping up Order Condition: This Condition states “The Stopping Up Order Condition shall be satisfied by the Developer obtaining the necessary road closure orders and/or diversion/stopping up orders in respect of any roads, footpaths and other public highways within and/or serving the Development Land and required for the carrying out of the Development and the use thereof following completion of the Development and shall be taken as satisfied on the expiry of any period during which such order or orders may be challenged without any challenge having been made, or if made any such challenge has been finally determined leaving in place such order or orders. The Developer agrees with the Council to use its reasonable endeavours at its own cost to procure satisfaction of the Stopping Up Order Condition as soon as reasonably practicable after the date of grant of the Satisfactory Permission.

The Stopping Up Order Condition is defined as: “the Developer securing the appropriate orders for the legal closure of all roads footpaths and other public highways and the diversion and/or stopping up of public utility apparatus within any road footpath right of way or other public highway to be so closed in accordance with clause 8 and in each case to the extent required in order to carry out and complete the Development in accordance with this Agreement”.

- 6.24. Grainger has provided a summary of its progress in complying with this condition in the Discharge of Conditions letter of 20th October 2015 at Appendix 6; and a plan showing the area of highway required to be stopped up in order to facilitate the carrying out of the development which is also at Appendix 6. Grainger state that it is their intention to submit an application for the stopping up of this road/ footpath and when received this will be dealt with by the Council under delegated authority as is standard procedure. This condition has not been satisfied for the purpose of the Development Agreement, but is capable of satisfaction for the purpose of Pre-condition (ii).
- 6.25. Necessary Consents Condition: This Condition states “The Developer agrees with the Council to use its reasonable endeavours to procure satisfaction of the Necessary Consents Condition as soon as reasonably practicable after the date of grant of the Satisfactory Permission.” The Necessary Consents Condition is defined as “those of the Consents apart from and excluding Satisfactory Permission to the extent required to enable commencement of the Development” The Consents are in turn defined as: “the Satisfactory Permission, all Planning Agreements, all other consents, permissions, agreements, licences and approvals under the Planning Act (and all other statutes containing provisions relating to town and country planning) (including the approval of any matters reserved by any such) building regulations and any other statute, by law or regulation of any Authority from time to time necessary for the Developer to undertake, complete and operate the Development in accordance with the provisions of this Agreement including (if they are destroyed or damaged) the reinstatement of the Works.”. Grainger have confirmed that this condition is capable of satisfaction in the Discharge of Conditions letter of 20th

October 2015 at Appendix 6 and it is considered there is sufficient time for their satisfaction before the commencement of the development, which is expected in 2017. This condition has not been satisfied for the purpose of the Development Agreement but is capable of satisfaction for the purpose of Pre-condition (ii).

- 6.26. Funding Condition: This Condition states “The Developer (acting reasonably and in good faith) agrees with the Council following satisfaction of the Planning Condition, the LUL Condition and the Site Assembly Condition to use reasonable endeavours to obtain sufficient funding on terms which are commercially acceptable to the Developer acting reasonably so as to enable the Development to be undertaken and completed in accordance with the provisions of this Agreement and in order to satisfy the Funding Condition. The Funding Condition shall be satisfied upon the Council’s receipt of notice by the Developer to the effect that funding for the Development has been secured by means of an unconditional agreement to provide such funding in a form which is acceptable to the Developer (acting reasonably).”
- 6.27. Grainger has provided a summary of its progress in complying with this condition in the Discharge of Conditions letter of 20th October 2015 at Appendix 6 with a letter from the Financial Director of Grainger and a letter from Barclays Bank, confirming that sufficient funds are in place to deliver the development. These letters are also at Appendix 6. This condition has not been satisfied for the purpose of the Development Agreement, however it should be noted that it is not required to be satisfied until the LUL and Site Assembly conditions have been satisfied. For the purpose of Pre-condition (ii) it is capable of being satisfied.
- 6.28. Viability Condition: This Condition states “As soon as reasonably practicable following satisfaction of the Planning Condition, the LUL Condition and the Site Assembly Condition the Developer agrees with the Council to prepare an appraisal for the Development utilising the pro-forma Appraisal in order to determine if the Viability Condition has been satisfied.”
- 6.29. Grainger has provided a summary of its progress in complying with this condition in the Discharge of Conditions letter of 20th October 2015 at Appendix 6. This condition is not required to be satisfied at this point in time, however the District Valuer Service (DVS), commissioned by the Council to review the Grainger appraisal, have undertaken a review and have confirmed that it is ‘of the view that the Viability Condition is capable of being satisfied’. It should be noted that it is not required to be satisfied until the LUL and Site Assembly conditions have been satisfied. Grainger have submitted a revised appraisal document which confirms that the viability condition is capable of being satisfied.

Overall position in relation to the Cabinet Resolution of 12 July 2014, and the making of a CPO

- 6.30. Overall, for the reasons given above, it is considered that the pre-conditions set out in the Cabinet Report of 12 July 2014 have been satisfied. However, even if any of those pre-conditions has not been satisfied, it is considered that the making of a CPO is still justified, having regard to the compelling case in the public interest which is set out in the following section of this report.

7. Justification for CPO

- 7.1. Section 226(1)(a) and (1A) of the Town and Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) requires the acquiring authority to “think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land” and “that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects— the promotion or improvement of the economic well-being of their area; (b) the promotion or improvement of the social well-being of their area; (c) the promotion or improvement of the environmental well-being of their area”.

Statement of Reasons

- 7.2. The reasons for making the order must be submitted by the acquiring authority (in this case LB Haringey) as part of the Compulsory Purchase inquiry. This is known as the Statement of Reasons and a draft of the Statement of Reasons for the Wards Corner CPO is attached at Appendix 3. This sets out in detail the purpose of acquiring the land, the justification for doing so and provides the context for the order, including relevant planning policy, equalities impact, resources for delivery and local engagement undertaken. The following paragraphs from (a) to (c) are a summary of section 8 of the Statement of Reasons, which provides the justification for the CPO (see Appendix 3).

(a) the promotion or improvement of the economic well-being of their area

- 7.3. Tottenham suffers from some of the highest levels of economic deprivation in the UK. The area has experienced a long period of relative decline moving from being a prosperous working suburb to one of high unemployment. The proposed development would create a substantial number of jobs and provide an economic stimulus into the area, acting as a catalyst to draw in greater investment in Seven Sisters and Tottenham. A number of economic benefits can be directly attributed to the development (as set out in detail in section 8 of the Statement of Reasons (Appendix 3)), including²:

² Report by Nathaniel Lichfield & Partners, Seven Sisters Regeneration Project Economic Benefits Assessment dated October 2015.

- 360 jobs directly involved in the construction of the development;
- 160 jobs (FTE) operational jobs supported by new employment space;
- 545 jobs indirectly created or induced by the construction of the development;
- 70 (FTE) operational jobs indirectly created or induced by the development;
- £2.1 million/ annum of net additional resident expenditure within local shops or services; and
- 15 new operational jobs created by this additional resident expenditure in the area.

7.4. Alternative proposals for the site focus on the refurbishment of the existing ground floor market, but do not offer the diversification of the retail offer provided through the comprehensive redevelopment of the site. Without this scale of development the diversity of retail units remains limited and a critical opportunity to strengthen and support the town centre will be missed. The Wards Corner S106 Agreement dated 11 July 2012 includes obligations that are intended to support the existing businesses and tenants on the development site to stay and thrive in the area, while helping to improve the retail offer and support the district centre to remain competitive.

(b) the promotion or improvement of the social well-being of their area

7.5. The delivery of the economic benefits referred to above and the environmental improvements referred to below will themselves improve the social well-being of the area. However, further, the housing proposed will bring substantial social benefits.

7.6. There is a pressing need for new housing in Haringey, as in the rest of London, given high levels of population growth. Seven Sisters in particular has low levels of home ownership, as well as a significant demand for new housing. The range of housing tenures in the area is limited and has historically focused on social rented housing. The comprehensive development proposed for Wards Corner would deliver 196 new homes for sale with a range of 1-3 bed units, contributing to the delivery of much needed housing in Haringey and London by optimising residential densities in a town centre where there is good, existing and planned, public transport accessibility. Overall it would result in a net increase of 150 homes on the site. The housing delivered will all be built to London Plan standards, with Lifetime Homes standards also being applied and 10% of the housing designed to be wheelchair accessible. The new housing will therefore be of a high quality, with amenity and playspace provision which exceeded the (now revoked) Haringey Council Housing SPD (2008) requirements at the time of the application being made.

7.7. To deliver the scale of residential development which is proposed in the Wards Corner planning permission requires using the full footprint of the site. While the site

could come forward in parcels, the optimum number of units can be delivered through comprehensive redevelopment because the site can be used more efficiently, for example through only having one building core and reducing conflicts which arise from adjacent landowners. Alternative proposals do not include providing any additional housing and the land assembly required to undertake comprehensive development has proven that some properties cannot be acquired through agreement. It is therefore considered that compulsory acquisition of the site is required in order to deliver the high number and quality of residential units which the site has capacity for. To ensure that the development does deliver positive social benefits to the area, a number of monitoring and mitigating obligations are set out in the S106 Agreement for the planning permission.

(c) the promotion or improvement of the environmental well-being of their area

- 7.8. The Wards Corner development site and immediate area has been shown to have the potential to deliver a sustainable development within a well-designed public realm, but is overcome by serious constraints at present. The site is in a prominent location, where the Seven Sisters Road meets the High Road, and at a significant transport interchange for the Victoria Line, the Overground and a number of bus routes. The Cycle Super Highway route is currently being extended through the development site, due for completion in July 2016. The site has also been identified as a potential location for a station on the Crossrail 2 line. While this makes it an important gateway site into Tottenham, it is also a very busy place, with strategic roads on two sides creating a potentially hostile environment. The public realm in front of the development site feels tired and a number of vacant units front onto the main space around the station. This makes the area feel unattractive and unsafe, with the Seven Sisters area recording a higher crime rate than the average for Haringey and London.
- 7.9. The permitted Wards Corner development provides an opportunity to comprehensively redevelop and improve the public realm around the whole of the development site and provides a high quality and inclusive design, which seeks to address the connections between people and places. The proposed mix of retail and residential uses together with improvements to the transport interchange and public realm will bring vibrancy to the area and give rise to additional footfall that would serve to encourage the economic and physical regeneration process to extend along Seven Sisters Road and High Road. The development achieves the standards in sustainable design and construction required to minimise its impact on the environment; and the S106 Agreement contains further measures to ensure that any other environmental impacts are managed, as well as providing financial contributions towards the environmental improvement of the area.
- 7.10. Control of the entire site enables a redesign of the building footprint allowing the new development to deliver a new and expanded public square around the station. This will create a new focal point for the community and a new entrance point into

Tottenham. With a mixed use development overlooking the new public square there should be a positive impact on the perception of and potentially the actual levels of crime and safety in the area. Alternative proposals do not include upgrades to the public realm and fragmented land ownership would make the expansion of the public space and any comprehensive improvements difficult to achieve.

Compelling case in the public interest

7.11. Paragraph 16 of Appendix A to the Government's Circular Guidance on the use of CPO powers in s226(1)(a) cases provides as follows:

Any decision about whether to confirm an order made under section 226(1)(a) of the 1990 Act will be made on its own merits, but the factors which the Secretary of State can be expected to consider include:

- (i) whether the purpose for which the land is being acquired fits in with the adopted planning framework for the area or, where no such up-to-date framework exists, with the core strategy and any relevant Area Action Plans in the process of preparation in full consultation with the community;
- (ii) the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;
- (iii) the potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitments from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important. For example, a strict time-limit on the availability of the necessary funding may be an argument put forward by the acquiring authority to justify proceeding with the order before finalising the details of the replacement scheme and/or the statutory planning position;
- (iv) whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its re-use. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired.

7.12. Dealing with each of these provisions in turn:

- (i) it is clear that the purpose for which the land is being acquired fits in with the adopted planning framework for the area (see paragraphs 6.1 to 6.3 above);
- (ii) the contribution to the achievement of the promotion or improvement of the economic, social and environmental wellbeing of the area will be significant (see paragraphs 7.3 to 7.9 above);
- (iii) Grainger has confirmed in the letter attached at Appendix 6 that sufficient funds are in place to finance the delivery of the development. Grainger have submitted a development appraisal confirming that, based on the current appraisal, the scheme is viable for delivery. The appraisal has been reviewed externally by the DVS and the outcome of this review is at paragraph 6.28 above.
- (iv) it is clear that any alternative proposals put forward have little prospect of delivering the required regeneration benefits (see section 5 above and 8.76 – 8.83 in the Statement of Reasons at Appendix 3).

7.13. These provisions are addressed in greater detail in the Statement of Reasons (see Appendix 3). Accordingly, it is considered that the matters set out in paragraph 16 of Appendix A to the Circular are satisfied. Further, appropriate steps have been taken to seek to acquire the land needed by agreement, and it is clear that compulsory acquisition is necessary to acquire the relevant land. In the circumstances, it is considered that a compelling case in the public interest is established for making the CPO recommended.

8. Local engagement

8.1. Grainger has undertaken local engagement, beginning in June 2007 and continuing to date. A detailed chronology of engagement is set out at section 7 and Appendix D of the Statement of Reasons, at Appendix 3, which outlines:

- Consultation and engagement through all of the planning applications exceeding the statutory requirements;
- A specific focus on engagement with the Seven Sisters Market traders including an open meeting with all of the market traders and a series of meetings held with market representatives in 2008;
- In December 2014, following the granting of planning permission and the Cabinet resolution to agree in principle to using CPO powers, Grainger's agents were instructed to engage with all affected property owners and lessees on an individual basis in order to begin to agree terms for Grainger to acquire their interest;
- In 2015 these individual negotiations continued and Grainger continued to provide general updates through newsletters and a project website and held invite-only drop-in events in June 2015 for affected property owners and

tenants who are not in active negotiations with Grainger about the sale of their interests; and

- On-going engagement which includes further drop-in events, quarterly newsletters and project website updates, as well as continuing to engage and negotiate with affected property owners and lessees.

8.2. The Council and Grainger have jointly issued a newsletter, the purpose of which is to keep the community informed of process on the Seven Sisters Regeneration project. The newsletter was sent in June 2015 to approximately 9000 properties, including businesses and residential homes. A copy can be found on the Seven Sisters Regeneration website.

8.3. The Council have undertaken several public consultations on the Wards Corner development and the Seven Sisters area including:

- Council-led consultation for the planning application submitted by Grainger for the Wards Corner site (HGY/2012/0915). This consultation complied with the statutory 21 days period. The scheme was presented to a Development Management Forum on the 30th May 2012, which was attended by approximately 230 local people and businesses, and was also presented to the Haringey Design Panel on the 31st May 2012. Responses received at both of these events were considered as part of the Wards Corner Officers Report for Planning Committee on 25th June 2012.
- The emerging Tottenham Area Action Plan (AAP) includes the Seven Sisters area and specifically allocates the Wards Corner site for redevelopment. A period of public consultation was held on the Preferred Options Draft Tottenham AAP from 9th February 2015 to 27th March 2015. The responses received through the consultation have been considered and have informed the Proposed Submission Tottenham AAP which was considered by Cabinet on 20th October 2015 and will be considered by Full Council on 23rd November 2015.
- Various documents which have informed the planning framework for the Seven Sisters area and the site have undergone periods of public consultation, including the Upper Lee Valley Opportunity Area Planning Framework (2013) and the Wards Corner/ Seven Sisters Underground Development Brief (2004).

Council-owned properties

8.4. The Council owns one property, 12 Suffield Road, within the development site which is subject to a secure tenancy. A Right to Buy (RTB) application was received for that property in January 2014 but has since been withdrawn.

8.5. On the 2nd April 2012 the regulations on RTB changed the level of this discount that a secure tenant can claim when exercising their RTB. Secure tenants who

have lived in their property for at least five years have the right to claim a current maximum discount of £103,900 on the purchase of their properties through RTB.

- 8.6. Once a RTB application has been made the Council must proceed with the transfer if the secure tenant complies with all of the statutory conditions. If a transfer was to be completed the Council would then have to buy back the property or use its compulsory purchase powers as set out in this report to acquire it back.
- 8.7. In relation to 12 Suffield Road, the Council has carried out a consultation under section 105 of the Housing Act 1985 in compliance with its statutory duty to “consult its secure tenants on matters of housing management such as changes to the management, maintenance, improvement or demolition of houses let by them, or changes in the provision of amenities”. This consultation ran from Monday 5th October 2015 to Monday 2nd November 2015.
- 8.8. Consultation responses are awaited but relevant Council officers have met with the affected tenant. Once any consultation comments have been considered (and assuming demolition is still to go ahead) the Council will assess the needs of the tenant and take steps to enable the tenant to be re-housed with as little inconvenience as is possible, taking into account any housing needs which have been identified. The Council will also pay any compensation due to the tenant owing to ‘home loss and disturbance’.

Initial Demolition Notices

- 8.9. The Council can suspend a right to buy by serving a Demolition Notice under Sections 138A and 138B of the Housing Act 1985. A demolition notice is used to tell tenants and leaseholders that the Council plans to demolish their home in the future. It also details the reasons why this is necessary. Demolition notices come in two stages:
- **Initial Demolition Notices (IDNs)** are usually issued when the local authority intends to demolish the property but has not yet planned when it will take place. A Final Demolition Notice must be issued before the demolition can take place.
 - **Final Demolition Notices (FDNs)** replace Initial Demolition Notices and are usually issued when the local authority has set a date for the demolition to take place.
- 8.10. An Initial Demolition Notice will expire seven years after the date of service of the notice. If a Final Demolition Notice has not been issued in that time then

everybody affected will have to be informed that the Initial Demolition Notice has ceased to be in force, and the reason why. Once an IDN has ceased to be in force then another one cannot be issued for five years (unless the Secretary of State consents). Final Demolition Notices are valid for two years.

- 8.11. In order to expedite the process for the Council in securing vacant possession of 12 Suffield Road it is recommended that the Council's Cabinet give approval for Officers to serve Initial Demolition Notices and Final Demolition Notices (when appropriate). It is believed that 12 Suffield Road can be demolished within the timescales set by the IDN and FDN periods.

9. Next steps

- 9.1. If the Cabinet agrees to the use of CPO powers then notice of the Council's resolution to use these powers will be sent to the landowners who are affected by this decision and the statutory CPO process for the preparation and making of the Order will be followed.
- 9.2. The CPO itself will not be sealed, issued and served until such time as the Developer has served the relevant Developer's Stage 2 Notice as set out in the Indemnity Agreement. The Stage 2 Notice requests that the Council comply with a number of provisions which are detailed in the Indemnity Agreements at clause 6.2, including taking all necessary steps to enable the CPO to be made and other specific actions relating to the making of the CPO. The Developer is entitled to serve the Stage 2 Notice within six months after the Council has resolved to make the CPO.

10. Contribution to strategic outcomes

- 10.1. The resolutions outlined in this report will contribute towards the following strategic priority outcomes in the Corporate Plan:
- Priority 3 – Clean and Safe: A clean, well maintained and safe borough where people are proud to live and work;
 - Priority 4 – Sustainable housing, growth and employment: Drive growth and employment from which everyone can benefit. (Transport, broadband, skills, carbon reduction, strategic development); and
 - Priority 5 – Sustainable housing, growth and employment: Create homes and communities where people choose to live and are able to thrive. (Housing).

11. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Comments of the Chief Finance Officer and financial implications



- 11.1 Within the Development Agreement there are 2 conditions that are primarily financial in nature, the Funding condition as outlined at 6.26 and the Viability condition as outlined at 6.28. With regard to the Funding condition the information supplied by both Grainger's and Barclays Bank demonstrates that this condition is capable of being satisfied as they show both the existing funding Grainger have available and evidence of their ability to acquire additional funding where necessary. With regard to the Viability condition, the Council commissioned the District Valuation Service (DVS) to review the information provided by Grainger and they have concluded that 'the Viability Condition is capable of being satisfied.'
- 11.2 As the Development Agreement just requires the relevant conditions to be capable of being satisfied at this point, then it is appropriate for the Council to proceed to the CPO stage, however progress against these conditions will need to be closely monitored as the project progresses.
- 11.3 The wider Seven Sisters Regeneration project is expected to contribute positively to Council priorities around Economic Growth, particularly with regard to additional housing and employment opportunities.
- 11.4 It is expected that the costs of the CPO process will be covered by Grainger under the indemnity agreement, the Council will need to assure itself that all risks have been fully mitigated before commencing with the CPO process.

Comments of the Assistant Director of Corporate Governance and legal implications

- 11.5. The Assistant Director of Corporate Governance has been consulted in the preparation of this report and comments as follows.
- 11.6. The Council is being asked to use its Town and Country Planning Act 1990 (the Planning Act) compulsory purchase powers to help implement this regeneration scheme.
- 11.7. The CPO would therefore be made using planning powers pursuant to Section 226(1) (a) of the Town and Country Planning Act 1990. Section 226(1)(a) of the Planning Act enables authorities with planning powers to exercise their compulsory acquisition powers if they think that acquiring the land in question will facilitate the carrying out of development, redevelopment or improvement on or in relation to land. It would not be reasonable to make a CPO if it were clear that all interests could be acquired by agreement. Section 226(1A) provides that the acquiring authority must not exercise the power unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of its area. In deciding whether to make a CPO using planning powers, the Council would

be required to demonstrate that there is sufficient justification for acquiring the land compulsorily and that there is a compelling case in the public interest for a CPO. This is set out in the draft statement of reasons attached in Appendix 3 to this report.

- 11.8. In addition, the relevant government guidance (Circular 06/2004) states that any programme of land assembly must be set within a clear strategic framework. The guidance goes on to state that such a framework will need to be founded on an appropriate evidence base and to have been subject to consultation processes, including with those whose property is directly affected. Cabinet when making the CPO, and the Secretary of State, when considering whether to confirm it, would be required to have regard in particular to whether the purpose for which the land is being acquired fits with the adopted planning framework for the area.
- 11.9. The Human Rights Act 1998 effectively incorporates the European Convention on Human Rights into UK law and requires all public authorities to have regard to Convention Rights. In making decisions Members therefore need to have regard to the Convention. The rights that are of particular significance to Cabinet's decision are those contained in Articles 8 (right to home life) and Article 1 of Protocol 1 (peaceful enjoyment of possessions). It is considered that the process of making of a CPO and confirmation after consideration of objections complies with Article 6 of the Convention.
- 11.10. Article 8 provides that there should be no interference with the existence of the right except in accordance with the law and, as necessary in a democratic society in the interest of the economic well-being of the country, protection of health and the protection of the rights and freedoms of others. Article 1 of the 1st Protocol provides that no-one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law although it is qualified to the effect that it should not in any way impair the right of a state to enforce such laws as it deems necessary to control the uses of property in accordance with the general interest.
- 11.11. In determining the level of permissible interference with enjoyment the courts have held that any interference must achieve a fair balance between the general interests of the community and the protection of the rights of individuals. There must be reasonable proportionality between the means employed and the aim pursued. The availability of an effective remedy and compensation to affected persons is relevant in assessing whether a fair balance has been struck.
- 11.12. Therefore, in deciding whether to proceed with the recommendations, Cabinet needs to consider the extent to which the decision may impact upon the Human Rights of the landowners and residents and to balance these against the overall benefits to the community, which the redevelopment will bring. Members will wish to be satisfied that interference with the rights under Article 8 and Article 1 of Protocol 1 is justified in all the circumstances and that a fair balance would be

struck in the present case between the protection of the rights of individuals and the public interest.

- 11.13. Overall, it is considered that the use of compulsory purchase powers in this case is justifiable in the light of the relevant provisions of the Convention.
- 11.14. Right to Buy can be exercised by secure tenants and will affect one property within the development site in the Council's ownership and known as 12 Suffield Road. In order to suspend the Right to Buy the Council must serve an Initial Demolition Notice and in order to stop the Right to Buy the Council must serve a Final Demolition Notice as set out in paragraph 8.9 - 8.11 of this report. Members should note the time limits.
- 11.15. The Council must carry out a consultation with the Council's secure tenant at 12 Suffield Road pursuant to Section 105 of the Housing Act 1985. Under this provision the Council must and thereafter maintain such arrangements as it considers appropriate to consult with its secure tenants (including demoted ones). The arrangements must enable the secure tenant to be informed of the Council's proposals and to make their views known to the Council within a specified period of time and for the council to consider any representations.

Equalities and Community Cohesion Comments

- 11.16. The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
 - advance equality of opportunity between people who share those protected characteristics and people who do not;
 - foster good relations between people who share those characteristics and people who do not
- 11.17. A full Equalities Impact Assessment ('EQIA') was commissioned by the Council in 2012 as part of its consideration of the planning application that resulted in Grainger's planning permission for the Wards Corner site. That EQIA demonstrated overall that:
- 'the planning application proposal is unlikely to give rise to major negative equality impacts provided all the measures set out in the S106 agreement are honoured in full and in a timely manner, as well as other recommended mitigation measures set out in this report.'

11.18. A further EQIA was commissioned by the Council in 2015 for the Wards Corner CPO and can be seen at Appendix 5. This EQIA finds that the Wards Corner CPO would bring about the following positive outcomes:

- an improved public realm in terms of safety, crime and accessibility. People sharing equality protected characteristics are likely to be able to share in these benefits;
- increased provision of additional family housing. However, it remains the responsibility of LB Haringey to enable equal access to housing in the borough;
- transport infrastructure improvements, including benefits for inclusive travel;
- employment benefits, though it is noted that there may be some residual risks concerning the sharing of benefits amongst some BAME employees of the existing market stalls and shops;
- business opportunities, particularly in the retail sector.'

11.19. The EQIA identifies a number of equality issues which could potentially arise from the development plans and CPO. The Council needs to be aware of these issues and put in place mitigating measures to limit adverse impacts where appropriate. Potential equality issues identified by the EQIA include:

- The impact and disruption on those households and tenants who will have to relocate as a result of the CPO.
- The impact on those businesses and stall holders who will be affected by the redevelopment of the market. Concerns have been raised by market stall holders over uncertainty regarding the viability of existing businesses both during the redevelopment period and as part of the future completed development. The EqIA identified that there is a high concentration of businesses/stall holders who are ethnically part of the Hispanic/Latin American community, and that the Wards Corner market has strong ties to this particular ethnic group.

11.20. Mitigating actions included in the Section 106 agreement to help address these issues include:

- A temporary location for the market will be found whilst the redevelopment takes place, and a Traders Financial Assistance Sum will contribute to relocation costs;
- Requirement that the new market operator will offer all existing traders a stall in the new market of an equivalent size and at a rent or fee which is 30% less than would be chargeable on the open market for the first 18 months;
- As part of his response to the Grainger planning application (ref. HGY/2012/0915), the Mayor of London agreed to enter into arrangements with the London Borough of Haringey to provide financial support to the small

businesses in the existing market during the regeneration period. The Mayor of London has delegated to TfL to enter into this agreement with the Council to provide £284,500 to assist in resourcing the temporary relocation of Seven Sisters market following its temporary closure as planned to allow for the regeneration of Wards Corner. This is additional to the Traders Financial Assistance Sum agreed between Grainger and the Council in the S106 agreement;

- Monitoring involving updating a study of business owners, stallholders and other employees working at the market;
- To help mitigate adverse impacts of using a CPO it is recommended that Grainger continues to seek to secure private purchase prior to a CPO inquiry stage;
- In the case of residents of housing association homes the housing authority (LB Haringey) should brief the housing association with the objective of identifying suitable alternative provision for affected tenants;
- In the case of short hold residents of council housing LB Haringey should engage with existing tenants regarding their requirements and possible alternative accommodation choices within the local area;
- A consultation exercise has been carried out and discussions are underway with the secure tenanted household;
- The developer is required to develop a Marketing and Letting Strategy for the Residential Development which focuses initially on local residents.

11.21. The EQIA states that 'suitable mitigation measures are in place to prevent negative equality effects as a direct result of the CPO'. It goes on to recommend that the Council should ensure that all stakeholders are kept informed in relation to the compulsory purchase process and that next steps regarding the CPO and the S106 Agreement are clearly communicated to them and that Grainger should seek to secure private purchase of remaining freeholder and leaseholder interests prior to CPO resolution. If this is unsuccessful it should then seek to secure private purchase prior to CPO inquiry stage. The EQIA concludes that 'It is not considered that residual negative equality effects of the proposed development, as realised by the CPO, will amount to illegal discrimination. The positive benefits of the development for promoting the economic wellbeing of the area are considered to outweigh any residual negative equality effects.'

Head of Procurement Comments

11.22. There are no procurement implications arising from this Report.

12. Appendices

Appendix 1 – Order Plan

Appendix 2 – Ownership Plan

Appendix 3 – Statement of Reasons



Appendix 4 – Schedule of Interests (exempt)

Appendix 5 – Equalities Impact Assessment of the CPO

Appendix 6 – Evidence of compliance with the Cabinet and Development Agreement Pre-conditions (part exempt)

Appendix 7 – Cabinet minute from 15 July 2014

Appendix 8 – Section 106 agreement between the Council, Grainger and NDPT dated 11 July 2012

Appendix 9 – Development Agreement between the Council, Grainger Seven Sisters Ltd and NDPT dated 3 August 2007 and revised 23 January 2015 (exempt)

13. Local Government (Access to Information) Act 1985

- a. Cabinet Report dated 15 July 2014.
- b. Request for Mayoral Decision, 'Wards Corner regeneration' dated 17 August 2012 GLA.
- c. Report by Nathaniel Lichfield & Partners, Seven Sisters Regeneration Project Economic Benefits Assessment dated October 2015.
- d. Development Appraisal submitted by Grainger dated 29 September 2015.

Exempt information

- e. Schedule of interests (Appendix 4)
- f. Letters from Grainger plc dated 20th October 2015 (part of Appendix 6)
- g. Northumberland and Durham Property Trust Ltd (NDPT) Financial Statements dated 30 September 2014 (part of Appendix 6)
- h. Development Agreement between the Council, Grainger Seven Sisters Ltd and NDPT dated 3 August 2007 and revised 23rd January 2015. (Appendix 9)

This information is exempt by virtue of one or all of the following paragraphs of Schedule 12A to the Local Government Act 1972 (as amended) namely:

- 1 Information relating to any individual.
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).

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Report for: Cabinet – 10th November 2015

Item number: 14

Title: Purchase of the BP Petrol Station Site, Tottenham Hale

Report authorised by : Lyn Garner, Director of Regeneration, Planning and Development

Lead Officer: Peter O'Brien, Area Regeneration Manager Tottenham Hale and South Tottenham
Contact: 020 8489 4371, 077 7268 2772
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Ward(s) affected: Tottenham Hale

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

1. Describe the issue under consideration

- 1.1. Following the Cabinet decision on 20th January 2015 delegated authority was given to the Director of Regeneration, Planning and Development to purchase land and properties within the Borough subject to the following criteria being satisfied:
- The land or property acquired must be for a purpose which is aimed at facilitating the delivery of projects within the approved Tottenham Strategic Regeneration Framework and Delivery Plan and be in accordance with the Council's statutory powers to acquire such property and geographically located in the 8 designated Tottenham wards, Northumberland Park, White Hart Lane, Bruce Grove, Tottenham Green, Tottenham Hale, Seven Sisters, West Green and St Ann's; or
 - The land or property acquired must be demonstrably consistent with the Council's regeneration objectives for the Wood Green Investment Framework area, within the area defined in map shown at Appendix A, meet at least one of the criteria set out in 5.6 and be in accordance with the Council's statutory powers to acquire such property; and
 - The maximum value of any one purchase shall not exceed the sum of £2.5m (including all applicable fees and associated costs).
- 1.2. The delegation to the Director of Regeneration Planning and Development is limited to the lifespan of the Corporate Plan for 2015/18; namely until 31 March 2018 and will be reviewed at the end of that period
- 1.3. A key strategic site in Tottenham Hale located on Hale Road, Tottenham Hale and known as the BP Petrol Station site (see Appendix B) has been subject to negotiation for the Council to purchase the site in line with these principles.

- 1.4. A purchase price has been agreed to be paid for the freehold interest with additional leaseback options. As the purchase price exceeds the maximum value of any one purchase Cabinet has given the Council authority for, the Council are seeking Cabinet approval for the acquisition of this site.

2. Cabinet Member Introduction

- 2.1. We have made great progress through the Tottenham Strategic Regeneration Framework in setting out an exciting vision for the future of Tottenham. This vision speaks of Tottenham Hale as London's next great affordable neighbourhood of choice, one with a different kind of housing market that affords working Londoners a greater range of quality housing options. At the heart of Tottenham Hale, around the new station interchange, there will be a thriving district centre, with new places to live, work, shop and enjoy.
- 2.2. Achieving this vision for Tottenham Hale requires clear, strategic focus and substantial resources to bring challenging sites to the point that they are delivering new homes and jobs for local residents and for Londoners. We are clear that the objective here is to deliver a quality place that will bring substantial benefits to existing and future residents and will overcome many of the place challenges which Tottenham Hale experiences today.

3. Recommendations

- 3.1. Cabinet agrees to :
- 3.2. the purchase the land known as the BP Petrol Station site, Tottenham and shown outlined in red on the plan located at Appendix B for planning purposes and for the sum as stated in the Exempt part of the report; and
- 3.3. subject to the detailed Heads of Terms outlined in Appendix D.

4. Reasons for decision

- 4.1. This report asks Cabinet to approve the purchase of the identified site currently owned freehold by BP, at the agreed price (see exempt report). The purpose of obtaining this key site is to help realise the ambitions of the District Centre Framework and meet the Council's ambitions for the regeneration of Tottenham Hale.

5. Alternative options considered

Option 1 – Do Nothing/maintain the current situation

- 5.1. The implications of doing nothing would mean that the Council would miss the opportunity of purchasing the site and thus realising the ambitions of the District Centre Framework to take forward the development of the District Centre in a coordinated manner. This option results in significant risk that the site would not come forward for redevelopment. It is worth noting that this site did not come forward for redevelopment under the Council's Transforming Tottenham Hale Supplementary Planning Document (2006). The failure to acquire this site would

therefore reduce likelihood of the site coming forward and there are significant risks that the quality of the resulting development would not be in line with the Council's ambitions to regenerate Tottenham Hale.

Option 2 – The Council purchases the site alongside other sites

- 5.2. The Council could purchase the site, as part of a wider strategy to bring together small sites into a coherent package. This option would see greater Council influence over the process and would ensure that key sites come forward for development in a timely and coordinated fashion.
- 5.3. Option 2 has been identified as the option which best supports the regeneration of Tottenham Hale.

6. Background information

- 6.1. The Tottenham Strategic Regeneration Framework (SRF) sets out an exciting vision for the future of Tottenham. This vision proposes Tottenham Hale developing as a quality place that will bring substantial benefits to existing and future residents, offering a thriving district centre, with a neighbourhood that will offer a housing market that affords working Londoners a greater range of quality housing options.
- 6.2. The BP Site has been identified under the Tottenham Area Action Plan (Preferred Option Consultation, February 2015) as part of the Tottenham Hale Neighbourhood Area. The Property falls into allocation TH2 Ashley Road South, and is proposed to create an employment led mixed use (residential and commercial) quarter north of a new District Centre. An east/west new Green Link is to run along the Property's northern boundary.
- 6.3. The Council regards this property as being of significant strategic importance to help facilitate regeneration in Tottenham Hale and it may also enable more development to be released from the site to the south (owned by Micuber). The land market is currently very competitive and developers are reflecting anticipated price inflation and applying keen profit levels in their bids for sites in order to secure development opportunities.
- 6.4. In February 2015, Tottenham was allocated as one of the first nine London Housing Zones. The plans for the Housing Zone will see 10,000 new homes built and 5,000 new jobs created by 2025. The Housing Zone provides the opportunity to build c 2,000 new homes around and on top of the redeveloped Tottenham Hale Station.
- 6.5. A purchase price of has been agreed to purchase the site. A valuation report has been prepared by GVA which supports the purchase price agreed.
- 6.6. The purchase also offers a Leaseback of the site to BP for a minimum period of 18 months and a maximum period of 24 months. The lease to exclude the 1954 Act.

7. Contribution to strategic outcomes

- 7.1. The purchase will mean that the Council will be able to help deliver on the District Centre Framework in a coordinated, efficient and timely manner. The Council will work with neighbouring land owners, with a view to taking forward development in line with the principles set out in the District Centre Framework and the Tottenham Area Action Plan.
- 7.2. The recommendations in this report are related to a number of Council wide corporate policies and priorities and will help deliver the following Council outcomes and priorities as set out in the Corporate Plan 2015-2018: Building a stronger Haringey together. These include:-
- 7.3. Priority 5 – Sustainable Housing growth and employment. The purchase of the site will support the Tottenham Hale regeneration including housing opportunities.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance and Procurement Comments

- 8.1. The cost of this purchase can be funded from the Strategic Acquisition Fund established as part of the 2014-15 budget process. Cabinet in January agreed criteria under which this fund could be utilised under Delegated Authority, however as the purchase price exceeds the maximum amount delegated within that report, Cabinet Authority is required.
- 8.2. The Council has commissioned external Valuation advice which has confirmed that the purchase price represents good value to the Council (see Appendix C).
- 8.3. Remediation costs that identify for any surveys to be undertaken are to be covered by the GLA Housing Zone fund and results to be considered prior to completing the purchase.
- 8.4. A budget for the following works will be needed following the purchase of the site:
 - demolition of the buildings
 - breaking up and removal of the hard standing
 - removal of the petrol tanks
 - spot decontamination

Assistant Director of Corporate Governance Comments and Legal Implications

- 8.5. The Council has the power under section 120 of the Local Government Act 1972 acquire land by agreement for any purpose for which it is authorised. The acquisition will be for planning purposes.

Equality

- 8.6. The Council is subject to the Public Sector Equalities Duty (“PSED”) set out in section 149 of the Equalities Act 2010 which obliges the Council in performing its functions “to have due regard to the need to:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it”
- 8.7. The protected characteristics under the legislation are age, sex, ethnic origin, sexual orientation, disability, religion or belief, pregnancy or maternity and gender reassignment, marriage and civil partnership.
- 8.8. An equalities impact assessment screening tool has been undertaken in relation to the proposed purchase of the property. Following screening a full EqIA is not required on the basis that the purchase currently has no impact on Council services and does not affect any of the protected groups.

Head of Procurement Comments

- 8.9. There are no procurement implications arising from the proposals in this report given that they are land transactions.

9. Use of Appendices

Appendix A – DCF Masterplan
Appendix B – Site Plan & Photographs

EXEMPT APPENDIX

Appendix C – Extract Summary of GVA Valuation report
Appendix D – Heads of Terms

10. Local Government (Access to Information) Act 1985

- 10.1. There is an exempt part to this report which contains exempt information and is not for publication. The exempt information is under the following category (identified in amended schedule 12A of the Local Government Act 1972) - S. (3) Information relating to financial or business affairs of any particular person (including the authority holding that information).

Appendix A – DCF Masterplan



APPENDIX B – Site Plan & Photographs

BP Petrol Filling Station , Hale Road, Tottenham Hale – OS Plan







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Report for: Cabinet 10th November 2015

Item number: 15

Title: Sale of the Olympia Trading Estate, Cobourg Road N22

Report

authorised by : Lyn Garner, Director of Regeneration, Planning & Development

Lead Officer: Jon McGrath, Assistant Director Property & Capital Projects
jon.mcgrath@haringey.gov.uk Telephone -0208 489 1818

Ward(s) affected: Noel Park

Report for Key/

Non Key Decision: Key decision

1. Describe the issue under consideration

1.1 The Council owns the freehold of the Olympia Trading Estate which is an industrial estate located in Cobourg Road. The estate is part of the Clarendon Road development proposal.

1.2 A Cabinet decision on 16th September 2014 resolved to grant an option to purchase the freehold interest in the property to the GLA. The GLA were at that time negotiating with National Grid in order to agree a joint sale of the development site covering the whole of the Clarendon development scheme.

1.3 National Grid have subsequently formed a joint venture company with Berkeley Homes called St. William Homes LLP and have recently agreed to include this site in the company. The GLA and the Council are in discussion with St. William who are proposing to purchase the freehold interest in the Olympia Trading Estate directly. On this basis the Council would receive full value of the land on completion with an overage agreed to ensure best consideration is achieved as the development moves forward.

2. Cabinet Member Introduction

2.1 The sale of the freehold of the Olympia Trading Estate to St. William is an important step in enabling the Clarendon Road development. This is a key regeneration project in Wood Green which will provide a housing led mixed use development on a site which is a major Regeneration priority.

3. Recommendations

3.1 It is recommended that Cabinet agree:

- a) To sell the freehold of the land known as the Olympia Trading Estate and edged red on the plan in Appendix A to either St. William Homes LLP or the GLA for the estimated sum set out in the exempt part of this report.
- b) The disposal to be on the draft Heads of Terms set out in the exempt part of this report.
- c) That delegated authority be given to the Director of Regeneration Planning and Development after consultation with the Cabinet Member for Housing and Regeneration and Cabinet Member for Resources and Culture to agree the final terms (including the final sale price) for the disposal.

4. Reasons for decision

4.1 Cabinet has previously agreed to an option to sell the freehold of the Olympia Trading Estate to the GLA but it has now been agreed that the disposal be through a straight sale either to St William or the GLA as this will be more tax efficient.

4.2 The Olympia Trading Estate forms part of Clarendon Square a key regeneration area in Wood Green. The sale of the freehold of the estate to St. William will help enable the development and take it to the next stage.

4.3 The deal with the GLA and St. William will reflect current market conditions and reflect best consideration.

5. Alternative options considered

5.1 Members have already approved that the Council enter into an option to sell the freehold of the Olympia Trading Estate.

5.2 The alternative option is not to agree the sale of the freehold interest in the Olympia Trading Estate to St. William. This would result in delaying the development of the Clarendon Square development and the implementation of the current planning consent for the site.

6. Background information

6.1 The Clarendon Square development is a key regeneration site in Wood Green. The existing outline planning consent provides for approximately 1,000 residential units together with business and retail space and some community provision. St. William have appointed an architect and are working on a detailed proposal which will reflect the Wood Green Investment Framework and Area Action Plan currently being developed. The development will support the local infrastructure and green link proposals helping to support the wider regeneration of the area.

- 6.2 There are currently four industrial units on the site which support two businesses. The Council are working with St. William to identify an alternative options for the relocation of the businesses in line with the S106 requirements.
- 6.3 The Olympia Trading Estate forms part of the Clarendon Square development proposal which is a key strategic Council regeneration area. The site is an opportunity to regenerate a large underused area and to provide housing led mixed use development and is covered by the Haringey Heartlands Development Framework adopted in April 2005.
- 6.4 The site is adjacent to the former British Gas site now owned by St. William a joint venture between National Grid and Berkeley Homes. The site occupies a key position at the northern end of the site forming 19% of the overall area of the proposed development site.
- 6.5 The Council is the freeholder of the estate which is leased to the GLA on a 125 year lease from 1980. The Council currently receives 11% of the rental value details of which are set out in Part B of this report.
- 6.6 The site forms part of a development site which has received outline planning consent for a mixed residential and retail development scheme. This was granted on 21st March 2012.

Regeneration and Housing

- 6.7 Wood Green is identified as a major regeneration priority in the Corporate Plan 2015-2018, under Priority 4, Objective 5: 'Focus growth, by prioritising new homes and jobs in Wood Green and particularly in Tottenham, where need and opportunity are greatest, and by bringing some of the borough's key community assets into more active use'.
- 6.8 An Investment Framework (IF) and an Area Action Plan (AAP) for Wood Green town centre are being developed. These combined will provide a comprehensive spatial and economic plan and planning framework for the town centre, alongside an assessment of the investment levels required to deliver major residential and commercial development, new public open spaces and improved connections over a 15-20 year period. This includes enabling a minimum of 4,600 new homes and 1,500 new jobs in Wood Green over the planned period to 2026.
- 6.9 The Investment Framework will also inform decisions on the council's accommodation in Wood Green and the effective future use of the council's own land and property assets to maximise regeneration objectives.

- 6.10 The Investment Framework and Area Action Plan are in development. A report is due to be presented to Cabinet in January 2016, requesting authority to go to public consultation (Regulation 18) on the broad options for regeneration of Wood Green.
- 6.11 The Olympia Trading Estate site is within the boundary of the Investment and Area Action Plan area and is viewed as important in delivering on the emerging strategic objectives of delivering residential, employment and commercial growth in the town centre and facilitating improved east-west connections between the high road and adjacent areas, in particular the creative quarter and Alexandra Palace and Park.
- 6.12 The Olympia Trading Estate site forms part of a larger cluster of adjacent sites (including council-owned sites on the corner of Coburg Road and Western Road) which offers major potential to increase the scale and quality of development, including attractive active frontages along a future route/green link to Alexandra Palace and park via the Penstock tunnel. It would be preferable to bring these sites forward together rather than risk the alternative piecemeal development.
- 6.13 A Wood Green Investment Framework Advisory Group has been set up to communicate and provide a channel for key land owners to be consulted and input into the Investment Framework options as they develop and St. William are member of this group.

Planning

- 6.14 The outline planning consent for Clarendon Square is subject to a number of conditions and also a Section 106 agreement.
- 6.15 The S106 agreement includes a requirement to use reasonable endeavours to assist the two existing businesses on the Olympia Trading Estate (occupying four units) in seeking alternative premises in the first instance in Haringey. The Council are already in discussion with St. William in looking for alternative premises in the Borough for the tenants of the estate.
- 6.16 St. William have recently appointed an architect Panter Hudspith to review the existing planning consent for the Clarendon Square development. They are also in discussion with the Council to review other land holdings adjacent to see if they can add opportunity to the development and to support the Council's current accommodation requirements in Wood Green.

Best Consideration

- 6.17 The deal is still subject to negotiation with a proposal to combine the Council's freehold interest with the long lease held by the GLA and to sell directly to St. William. The deal agreed will ensure best consideration and will include overage to take into account any planning changes and an improving property market.

6.18 The likely capital receipt for the site is set out in Part B to this report.

7. Contribution to strategic outcomes

7.1 The recommendations in this report are related to a number of Council wide corporate policies and priorities and will help deliver the Council's priorities as set out in the Corporate Plan 2015-2018: building a stronger Haringey together and in the draft Housing Strategy. In particular, the low cost home ownership homes in this proposed development will support delivery of the Council's target for affordable housing in the Borough.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance and Procurement

8.1 The full capital receipt that will be generated by this disposal will be used to support the Council's current approved capital programme.

8.2 Proceeds from the disposal have already been factored into the Council's capital programme forecast. Further details are set out in Part B to this report.

8.3 The Corporate Procurement Unit notes the recommendations in this report and that there is no input from procurement required.

Legal

8.4 The Olympia Trading Estate is held by the Council for planning purposes. Under Section 233 of the Town & Country Planning Act 1990, the Council may dispose of the land in such manner and subject to such conditions as appear to the Council to be expedient in order to secure the best use of the land, or to secure the construction of buildings or carrying out of other works needed for the proper planning of the area. The Council has to make sure that the disposal of the land would indeed result in the redevelopment as proposed and must safeguard against that in the sale agreement.

8.5 The Council must also obtain best consideration for its freehold interest in the land.

8.6 Any sale to St William must include an indemnity to the Council in respect of any residual liability that may fall to the Council as a result of St William relying on Section 237 of the Town & Country Planning Act 1990 to override third party interests during the development.

Equality

8.7 The Council is subject to the Public Sector Equalities Duty (“PSED”) set out in section 149 of the Equalities Act 2010 which obliges the Council in performing its functions “to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it”

8.7 The protected characteristics under the legislation are age, sex, ethnic origin, sexual orientation, disability, religion or belief, pregnancy or maternity and gender reassignment, marriage and civil partnership.

8.8 The sale of the Olympia Trading Estate has no impact on employees of the Council. The existing sub tenants will be assisted in their relocation by the developer St. William as part of the Section 106 agreement.

8.9 The Olympia Trading Estate will form part of the Clarendon Square development to be undertaken by St. William. There will be many positive impacts on Wood Green by the development through the creation of employment, public space and affordable housing. These will have a positive impact on Wood Green’s diverse communities and promote community cohesion (public space). The broader Wood Green regeneration programme is being conducted through close consultation with residents and will feed into the development proposal.

9. Use of Appendices

9.1 Appendix A – Site Plan of Olympia Trading Estate

9.2 Draft Heads of Terms [Exempt]

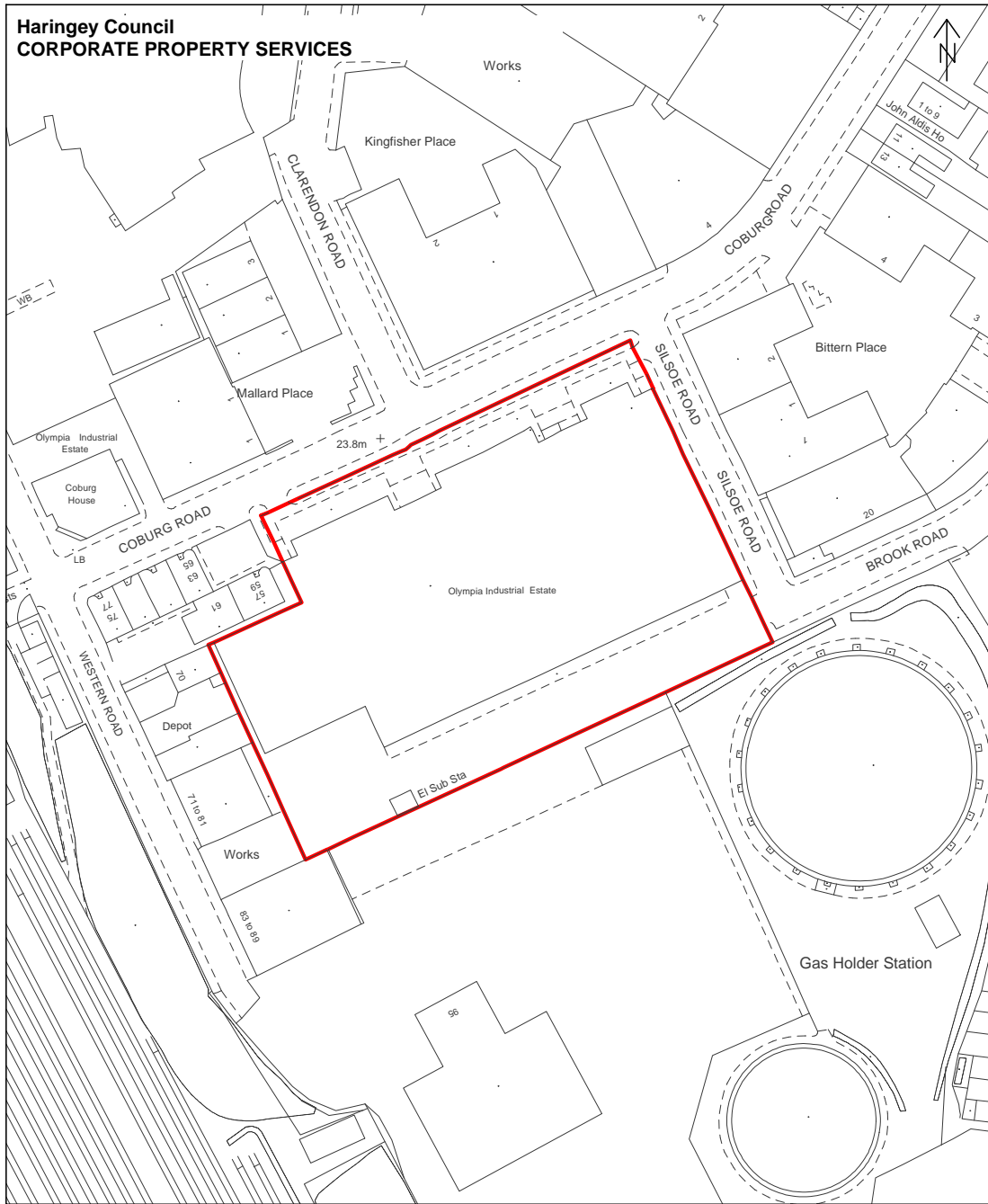
10. Local Government (Access to Information) Act 1985

10.1 Background papers include Cabinet report dated 13th March 2008 and Cabinet report dated 16th September 2014.

10.2 This report contains exempt and non exempt information. Exempt information is contained within Part B and **is not for publication**. The exempt information is under the following category (identified in amended schedule 12A of the Local Government Act 1972):

S. (3) Information relating to financial or business affairs of any particular person (including the authority holding that information).

Appendix A – Site Plan Olympia Trading Estate



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Olympia Trading Estate
Coburg Road
Wood Green
LONDON N22

CPM No.

Overlay : *Heartlands - Head Leases*

Plan produced by Kevin Lincoln on 18/02/2008

Site Area (hectares) : 0.841

Scale 1:1250

Drawing No. BVES A4 1080b

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Report for: Cabinet, 10th November 2015

Item number: 16

Title: Proposed Article 4 Direction Restricting the Conversion of Warehouses to Residential Use

Report authorised by : Lyn Garner, Director, Planning, Regeneration and Development

Lead Officer: Matthew Paterson, Head of Strategic Planning, extn 5562, matthew.patterson@haringey.gov.uk

Ward(s) affected: Alexandra, Bounds Green, White Hart Lane, Northumberland Park, Tottenham Hale, Hornsey, Stroud Green, Noel Park & Seven Sisters

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

1. Describe the issue under consideration

- 1.1 In April 2015 the Government introduced a new permitted development right to the Town and Country (General Permitted Development Order) 2015 that allows, for a temporary period of three years, buildings in B8 Use Class (storage and distribution) to be converted to residential homes (Use Class C3). Buildings with an existing gross floorspace of up to 500m² can be converted to residential use and Council's consideration, as to the acceptability of any proposal, is restricted to a very limited number of prior approval planning considerations.
- 1.2 It is considered that this new permitted development right could adversely impact the long-term economic vitality of the borough and significantly compromise the successful implementation of the Council's spatial development strategy as set out in the Local Plan.
- 1.3 The making of a non-immediate Article 4 Direction is therefore proposed to withdraw this temporary permitted development right within the designated employment areas of the Borough, as shown on the plan at Appendix A. The objective in making the Article 4 Direction is to ensure planning applications are considered on their planning merit on a case-by-case basis against the relevant policies of the Local Plan, which seek to retain these key employment sites in employment use, and ensure the achievement of managed growth delivering both new housing and jobs.

2. Cabinet Member Introduction

- 2.1 Throughout the years, the Council has sought to protect our main industrial areas for workshops, manufacturing, storage and distribution, and waste facilities. With the decline in traditional manufacturing, these areas are under significant pressure for release for other strategic needs – namely housing.

However, these employment areas are crucial to the current and future economic vitality and wellbeing of the Borough.

- 2.2 In accordance with national and regional planning policy, our current approach, as set out in Haringey's Local Plan, is to retain and safeguard the best quality industrial sites to meet current needs and to reconfigure our poorer performing industrial land away from warehousing to more intensive employment uses. Through active and sustainable management of the Borough's employment land portfolio we can continue to attract more businesses into Haringey, and create greater job and business opportunities for local residents alongside the provision of new housing.
- 2.3 One of the Council's five corporate priorities is to drive growth and employment from which everyone can benefit. With the introduction of this latest permitted development right, the Council fears that currently occupied warehouses will be converted to flats and existing businesses will be displaced, resulting in local jobs being lost. Moreover, ad hoc residential encroachment into key industrial areas is likely to create commercial uncertainty, deter much needed investment and perpetuate industrial decline. The Council considers that, in a Haringey context, this new permitted development right therefore represents a real and specific threat to the long-term economic vitality of the Borough to the detriment of proper planning and the wellbeing of the area.
- 2.4 It is therefore appropriate for the Council to seek to remove the permitted development right to convert a building in B8 use to residential use within the Borough's designated employment areas.

3. Recommendations

Cabinet is recommended to:

- A) Approve the making of and consultation (for a six-week period in accordance with the Council's Statement of Community Involvement) on a non-immediate Article 4 Direction under the Town and Country (General Permitted Development Order) 2015, to come into effect 12 months after it comes into operation, withdrawing permitted development rights to convert buildings of less than 500sqm in Use Class B8 (Storage and Distribution) to Use Class C3 (Dwellinghouse) for the areas of the Borough outlined in bold on the plan at Appendix 1.
- B) Delegate authority to the Director for Planning, Regeneration and Development, in consultation with the Portfolio Holder for Planning, to formally confirm the non-immediate Article 4 Direction following (1. the expiry of the six week consultation period; 2. the expiry of a minimum statutory 28 day confirmation period) , if having fully considered all representations made during the consultation period, they are of the opinion that the Article 4 Direction should be made.

4. Reasons for decision

- 4.1 The Council considers that this new permitted development right, and the effect of the prior approval process, significantly dilutes its planned and managed approach to meeting local employment needs and demands, and does very little to facilitate proper sustainable place-making, on-going business confidence and the delivery of sustainable development, including jobs growth. Having regard to local circumstances, it is not considered that the adverse effects likely to arise as a result of this change to permitted development rights would be offset by the positive benefits the new rights would bring in terms of the potential delivering of any new housing.
- 4.2 The making of this Article 4 Direction is therefore seen as crucial to ensuring the proper long-term planning of the area and to protect local wellbeing, in particular the Council's ability to prevent the loss of uses which contribute to local jobs and the wider strategic aims for the area. The Council considers it appropriate that proponents of schemes to convert warehouses in B8 use to residential use, should submitted a planning application to be considered on its merits on a case-by-case basis in the usual way.

5. Alternative options considered

- 5.1 The only alternative option is not to introduce an Article 4 Direction and to allow the new permitted development right to be exercised across the Borough (i.e. the 'do nothing' option).
- 5.2 While the do nothing option would include a requirement to monitor the up-take and impact of this change on employment locations, this option runs the risk of significantly undermining the strategic objectives of the Local Plan to strike a sustainable balance between the delivery of both housing and employment growth. In the longer-term it may also compromise the ability of the Council to retain its main employment areas in an employment designation, which is considered essential in achieving sustainable development and growth within an urban London borough like Haringey. For these reasons, the do nothing option can be dismissed.
- 5.3 An Article 4 Direction would enable the Council to safeguard the main strategic, homogenous and economically important employment areas within the Borough, ensuring these are not compromised by incremental residential development, the effect of which is likely to undermine business confidence and investment, and result in reverse sensitivities and pressure to respond by the new tenants of these homes to reallocate surrounding employment land and buildings to either residential or more residential compatible mixed uses.
- 5.4 The Regulation allow the Council discretion as to when the Direction will come into force, which must be at least 28 days, but not longer than 2 years, after the end of the consultation period. In addition, there are compensation provisions that apply in circumstances where an application for planning permission, for an application formally permitted, is made before the end of the period of 12 months beginning with the date on which the Article 4 came into operation. Accordingly, the Council would wish to minimise its exposure to this compensation provision and a 12 month notification period is recommended.

6. Background information

- 6.1 As part of the Government's continuing efforts to reform the planning system, in an effort to boost housing supply and remove perceived bureaucracy, the Department for Local Government and Communities introduced, on the 15th April 2015, a new permitted development right to allow, for a three year period, storage or distribution buildings (Use Class B8) to change use to residential (Use Class C3).
- 6.2 Existing buildings with a gross floorspace of up to 500m² are able to change to residential use. The right is however, subject to a prior approval process. However, the Council's prior consideration of any proposal is restricted to adverse impacts to the transport and the highways network, air quality and noise impacts on intended occupiers, risks of contamination and flooding, and the impact the change of use would have on existing industrial uses and or storage or distribution uses.
- 6.3 The new permitted development right does not apply to Listed Buildings or land within the curtilage of Listed Buildings or where the site is or forms part of a SSSI, a safety hazard area or contains a scheduled monument.

Regulatory Committee

- 6.4 The Regulatory Committee considered the making of the Article 4 Direction at its meeting of 21st September 2015. The Committee endorsed the making of a non-immediate direction but requested that the Friern Barnet Employment Site (Pinkham Way) be excluded from the employment sites to which the Article 4 is to apply, on the basis that the site currently has no buildings on it and therefore would not benefit from the permitted development right. This amendment has subsequently been made.

Article 4 Direction: regulatory Requirements and Relevant Guidance

- 6.5 The statutory powers and procedures for making an Article 4 Direction are set out in the Town and Country (General Permitted Development Order) 2015. The general test for making an Article 4 Direction, as set out in article 4(1) of the instrument, is that such an action would be 'expedient' i.e. appropriate to the circumstances.
- 6.6 In accordance with the National Planning Policy Framework (paragraph 200), the use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area.
- 6.7 Further guidance is provided within Appendix D to Circular 9/95 which states that there should be a real and specific threat to interests of acknowledged importance and that there should be a particularly strong justification for the withdrawal of permitted development rights relating to: (a) a wide area (e.g. those covering the entire area of a local planning authority) and (b) cases where prior approval powers are available to control permitted development.
- 6.8 The following sections of this report address the above relevant considerations.

Appropriate to the local circumstances

- 6.9 Table 1 below comes from the most recent Employment Land Review (ELR) for Haringey undertaken by consultants Atkins in February 2015. It shows the breakdown of B-class employment floorspace within the Borough. In particular, it highlights the fact that the vast majority of the Borough's employment floorspace is in warehousing & distribution use (B8), which account for a 49% of all B-class floorspace.
- 6.10 Other key findings from the ELR were: that there is currently a lack of supply of new developments catering for industrial and warehouse uses; even within the existing second hand stock there is limited supply; that local estate agents confirmed that there is strong demand for employment floorspace originating from SME's requiring small, affordable industrial units and local businesses requiring larger warehousing premises; they also confirmed there was high occupancy in the existing protected industrial estates; but an insufficient supply of employment locations with enough capacity to accommodate additional demand.

Table 1: B-class Employment Floorspace within Haringey

Total stock of B-class employment land Location	B1a/b (sqm)	B1c (sqm)	B2 (sqm)	B8 (sqm)	Total (sqm)
Designated Employment Areas	24,401	55,371	52,147	184,834	320,841
Other Employment Areas	43,781	39,508	20,268	40,990	144,547
Total (sqm)	68,182	94,879	72,571	229,912	465,544
Total (%)	15%	20%	16%	49%	100%

- 6.11 While the ELR offers three different potential forecasts of employment growth, with the exception of the trend based scenario, the other two forecasts suggest a need for further B8 floorspace to meet future demand. However, a scarcity of the land within Haringey means the ability to provide additional land for B8 provision is not an option. As a result, supply and choice for warehousing and distribution uses will continue to be constrained and may already be impacting upon development flexibility options offered to future tenants looking to invest in the Borough.
- 6.12 If the trend base forecast happens to play out, and there is further decline in industrial and warehousing employment, this will result in a surplus of B8 employment land over the period to 2031. However, under the same scenario, there is predicted to be significant growth in B1a/b uses, resulting in a net requirement for an additional 8ha of land to meet demand. It will therefore be important that any surplus B8 land is re-used to meet the B1a/b needs of local businesses rather than being lost to housing.
- 6.13 The implications of the above, and the recommendation of the ELR, is that Haringey needs to safeguard its existing employment sites to meet existing and future needs and likely longer-term changes in employment floorspace demand. The Local Plan therefore reflects this recommendation by safeguarding the main employment areas for continued employment use and, outside of designated employment sites, seeks no net loss in B-class floorspace when sites and buildings are redeveloped. The latter offers the opportunity to

improve stock quality and re-orientate large floor plate B8 accommodation into smaller unit sizes better tailored to local market needs for both smaller warehousing and SME's. Any release of surplus B8 employment land should therefore not be to the detriment of successful B1a/b and B2 businesses.

- 6.14 The introduction of the new permitted development right is clearly at odds with the current picture of existing and projected needs for the supply and demand for industrial and warehouse floorspace in Haringey. The implication of the permitted development right, especially if widely taken-up, will be to reduce further the current under provision of B8 floorspace, further constraining the ability to meet local needs and demands. It will also likely compromise the supply of sites needed for projected growth in B1a/b and B2 uses which would typically take up any truly surplus B8 floorspace. It is therefore at odds with local planning policies, which are based on robust and up to date evidence and are consistent with the key tenant of national planning policy to meet objectively assessed local needs for all land use requirements including both housing and employment.
- 6.15 With respect to housing provision, the Borough is and continues to meet its strategic housing target, it has a strong pipeline of supply for the next five years and beyond, and is allocating sufficient sites within its emerging Local Plan to comfortably meet Haringey's objectively assessed housing needs over the life of the existing plan period to 2026 – well beyond the three year temporary period of this latest change to permitted development.
- 6.16 It is therefore clear that the change to permitted development is not consistent with or appropriate to the specific local circumstances being experienced in Haringey, where there is a constrained supply but demand for B8 floorspace and sufficient sites and pipeline of supply to meet strategic housing requirements.

Necessary for the proper planning and wellbeing of the area

- 6.17 As set out above, within the local market there is high demand for industrial and warehousing premises, but the limited supply of new sites and limited churn in the existing stock due to low vacancy rates, is forcing many businesses to stay put, constraining investment.
- 6.18 Despite Government rhetoric that the change to the permitted development rules is aimed at helping to bring empty and redundant buildings back into productive use, for the right to be permitted, an applicant must be able to demonstrate that building has been in B8 use for a period of at least 4 years before the date the change of use takes place and the building has to have last been in use for a Class B8 use on or before 19th March 2014.
- 6.19 This highlights the paradox of the permitted development regime, especially in a Haringey context. For the right to be exercised, it needs to be at the expense of occupied or recently occupied B8 floorspace, this despite demand within the local market to take up this floorspace for continued employment use, ensuring it remains productive. However, the differential land values between B8 floorspace and residential, will see the opportunity to secure a residential use preferred over the retention of a B8 or B-class use. Further, because of the

limited supply and choice in B8 accommodation, existing businesses, displaced as a result of the permitted development, are unlikely to find suitable alternative premises within Haringey and will be forced to move out of the Borough; taking with them much needed local jobs.

- 6.20 The harm to Haringey will be exacerbated by virtue of the fact that Tottenham, Wood Green and Green Lanes, where the bulk of Haringey's employment land is located, are also the areas of the Borough that experience high unemployment, especially among young adults. The businesses within these employment areas provide the main source and opportunity for local employment, and if displaced and forced from the Borough, will only result in local unemployment increasing and further limit future job opportunities to local residents.
- 6.21 Lastly with respect to the harm to the proper planning of the Borough, the Council's policy position is supportive of redevelopment of truly redundant and surplus employment floorspace and sees this as an important constituent to meeting other strategic planning needs such as schools, open spaces and community facilities required as a result of and to support meeting Haringey's significant strategic housing requirement. However, permitted development promotes a default straight to residential use in the absence of any consideration of wider social or environmental needs. This again is at odds with a Borough such as Haringey that is proactively seeking to meet its housing targets but that requires a planned and managed strategy to deliver this in a sustainable way.
- 6.22 Perversely is also the case that, in satisfying the occupied or recently vacated requirement to benefit from the permitted development, the conversion of the b8 floorspace to a residential use, with it higher demands for services and social facilities, will also be exempt from paying the Community Infrastructure Levy, and therefore will not contribute towards the infrastructure provision essential to creating sustainable places to live, work and enjoy.
- 6.23 Having regard to all of the above, it is therefore important, for the proper planning and wellbeing of the Borough, that Haringey maintains a core of industrial and warehousing activities in order to meet local needs and maintain a diverse economy that provides a wide range of employment opportunities for local people now and in the future.

Real and specific threats

- 6.24 While a real threat is the displacement of viable local businesses, a more significant and harmful threat is that surrounding businesses may also be adversely affected and potentially displaced as a result of residential encroachment into employment areas and the subsequent need to protect residential amenity through environmental legislation. This could be by virtue of issues relating to noise, parking, hours of operation, vibration and industrial processes, which whilst previously acceptable, may become a statutory nuisance when noise-sensitive residential uses are introduced in to an employment area.

- 6.25 The lack of certainty that is afforded to the protection of neighbouring uses under the prior approval process is therefore of real concern. In particular, within designated employment areas where residential use is typically considered incompatible to the proper functioning and operation of established businesses, if permitted, is likely to undermine the primary purpose of the designation (i.e. to safeguard key employment sites for a broad range of employment activities). Any restrictions that compromise the functioning of these key employment areas therefore risks causing demonstrable harm to the long term economic vitality of the Borough.
- 6.26 A further threat, relevant to the above consideration, is the fact that many buildings within employment areas are made up of a number of B-class uses (i.e. a single building in single occupation is likely to include front of house or back office functions (B1 use), some light industrial (B2 use) and storage and distribution floorspace (B8 use).
- 6.27 This is highlighted in Table 1 above which shows that a third of the Borough's office stock is actually within the designated industrial sites. To date the office conversions within Haringey's industrial areas has probably not been viable because the office floorspace forms only a small part of the overall building floorspace and is likely to be required to maintain the operation of the other B-class floorspace within the building.
- 6.28 The cumulative effect of the latest permitted change, if used in tandem with the 2013 permitted change from B1 office to residential, could see proposals for substantially more than just 500sqm of employment floorspace being converted to residential within individual employment buildings. Should this scenario come to pass, then the harm to our employment areas would be significantly greater than just that anticipated by the conversion of B8 floorspace alone.
- 6.29 There are also considered to be wider threats to the pace of development across the Borough as a result of the permitted development changes. It is recognised that residential units, delivered as a consequence of prior approval processes can contribute to meeting housing targets. However, since the introduction of the prior approval processes in May 2013, for the conversion of offices to residential flats, there has been very little evidence from across London to confirm that residential starts on site or completions pursuant to prior approval are taking place. Many prior approval processes appear to be used to progress other development options and/or enhance land values, introducing significant uncertainty and ambiguity within the residential and commercial property markets.
- 6.30 There is no evidence to suggest that residential development, pursuant to a grant of planning permission will come forward anymore slowly. There is however a significant potential risk that a flood of residential units promoted through the prior approval processes might well have a detrimental effect on developer confidence when progressing planned residential and mixed use redevelopment within the Borough. This may result in the main stream house buildings delaying their schemes at a time when an acceleration in housing completions is needed to keep pace with demand. Should this occur, it would likely lead to a shortfall in housing provision relative to our annualised housing

target, and impacting upon our ability to demonstrate a 5 year pipeline of housing supply.

- 6.31 In addition, a developer seeking express planning permission to develop land in B8 use for residential purposes, may try to rely on the permitted development right as a 'fall back', to be relied upon in order to overcome a policy which seeks to ensure that land in employment use is retained for that use alone. In order to place reliance upon the permitted development right when advancing such a case, it will be necessary to secure prior approval and to begin the use but with a longer term view to promoting a purely residential use on the site through a subsequent planning application.
- 6.32 This is likely to represent a very real risk in a Haringey context as the average unit size in B8 use is only 333sqm, increasing to 411sqm in designated employment areas, as shown in Table 2 below. It is not uncommon for industrial estates to be made up of numerous parcels of land but in a single ownership. Where this is the case, prior approval could be sought for each building with a B8 class use on each parcel of land, effectively establishing a significant quantum of residential floorspace, which once lawfully established, could be used to promote redevelopment of whole estates or parts of them away from employment use. This would be difficult for the Council to robustly defend and replicates the circumstances currently experienced through illegal residential use of warehouses that have subsequently sought to be made lawful through the issuing of lawful development certificates once the period for challenge had lapsed.

Table 2: The average size of different B-class premises within Haringey

Average size of premises (sqm) within the Borough	B1a/b (sqm)	B1c (sqm)	B2 (sqm)	B8 (sqm)	Total (sqm)
Existing Employment Areas	82	103	414	411	228
Other Employment Areas	76	120	230	171	117
Average (sqm)	78	110	338	333	176

- 6.33 While the permitted change of use is intended to only be available for a temporary period of three years, as highlighted above, the effects of this permitted change could be significant, wide in scope, and permanent. Once residential use has been established, the differential land values between a residential and B8 use mean that these buildings and land will never revert back to an employment use. Without removing this permitted right, the Council would risk foregoing future employment opportunities as well as the potential need to use these warehousing sites to meet residents needs for other strategic purposes. While it is accepted that this change to permitted development rights may deliver additional housing, it is considered that this will be at the expense of existing and viable jobs and the proper planning of the area.
- 6.34 Through the planning application process, the Council can, on a case-by-case basis, apply a flexible approach to residential redevelopment of truly redundant employment floorspace but, in doing so, also retain its broader statutory function to consider the strategic needs of the community as a whole when assessing the planning merit of individual proposals.

Consideration as to the area(s) to be covered by the Article 4 Direction

- 6.35 When making an Article 4 Direction it is necessary to identify the land to which the Direction is to apply. Typically, proposals for the borough-wide blanket removal of permitted development is met with stern opposition from both the development industry and from the Secretary of State, unless the Council can demonstrate exceptional local circumstances.
- 6.36 With regard to B8 floorspace being converted to residential use, it would be difficult for the Council to demonstrate that such development would be wholly inappropriate in all circumstances within the Borough, or that it would require assessment through the planning application process in every instance to be considered acceptable. Especially given the Council's general acceptance to residential use of warehouses within the south of the Borough, even those these were established initially by illegal means. Therefore, for ease of identification and application of the Article 4 Direction, and given their role and function and the fact that they house the vast majority (circa 80%) of the Borough's B and B8-class floorspace (see Table 1), officers consider that it is appropriate to apply this proposed Article 4 Direction to designated employment land in the Borough as shown on the plan at Appendix 1.

The need for further planning controls beyond Prior Approval considerations

- 6.37 In addition to those already listed above, the change to the permitted development right also introduces some other important impacts, including the inability to control unit sizes, seek an appropriate layout and landscaping, apply privacy and amenity standards, control servicing arrangements such as domestic waste collection or capture any planning obligations such as affordable housing or affordable workspace.
- 6.38 The above are considered by the Council to represent elements of good design and amenity that Haringey residents should expect of all housing regardless of the means by which they are created (new build or conversion and whether by planning process or via permitted development).
- 6.39 As experienced with permitted development for the conversion of offices to flats, not all commercial buildings lend easily to conversion to a residential use. However, unlike offices, most buildings that house B8 uses are generally not fit for habitation, and their conversion to residential accommodation is therefore likely to require significant adaptations to be made to the structural fabric of the building beyond that provided for under the permitted development right.
- 6.40 As employment sites are typically not considered appropriate areas for residents to live, adaptations to the surrounding environment will likely be required. However, having established the principle of a residential use, in assessing subsequent planning applications required to adapt these buildings and their surroundings, Council's hands will be effectively tied to find solutions where normally expected standards cannot be met, which is likely to require uncomfortable compromises to be agreed. However, within designated employment areas, the significant potential for reverse sensitivities means that it will not be possible to arrive at a deliverable scheme if the principle of

conversion and context is divorce from the consideration and scrutiny of necessary adaptations. Such matters can only be appropriately and comprehensively negotiated through a case-by-case consideration via the planning application process.

Implications of introducing the Article 4 Direction

- 6.41 Once the Direction is formally confirmed in September/October 2016, planning permission will be required for proposals promoting a change of use from storage and distribution (B8) to residential (C3) within the areas identified on the plan in Appendix 1.
- 6.42 Applicants will be able to formally submit a free planning application for this specified change of use. Nevertheless, this will allow the Council to be involved in a formal decision making process, enabling a case-by-case judgement to be made as to whether, on its own or cumulatively, the change of use to residential would undermine the economic function of the designated employment area. Through the planning application process adjoining landowners and occupiers will also be able to offer their views as to whether, in planning terms, such a proposal was acceptable. If acceptable, it would also allow the local planning authority to form a view on size, design and servicing considerations that are currently outside the scope of matters covered by the prior approval process.

Next steps

- 6.43 Notice of the non-immediate withdrawal of the Permitted Development Right has to be published in the manner prescribed in Schedule 3 of the instrument, which includes a requirement to: publish a notice in the local paper; erect at least two site display notices within the areas the Direction relates; where practicable, serve notice on the landowner and occupier of every part of the land within the area to which the Direction relates; and send a copy of the Direction to the Secretary of State. The content of the notice is prescribed by sub-paragraph 4 of the Schedule and specifies a period of at least 21 days within which representations to the Direction can be made. However, in accordance with the Council's Statement of Community Involvement, the period for representations will be extended to at least 6 weeks to allow for more meaningful engagement with existing businesses and other stakeholders including commercial agents and developers active within the Borough. Through the consultation, the Council will ask consultees to comment on whether they support the Article 4 Direction and will also seek views on the boundary of areas within which the Article 4 Direction is to apply.
- 6.44 The Direction, once made, cannot come into force unless confirmed by the local planning authority. In deciding whether to confirm a Direction the LPA 'shall take into account' any representations made during the period of consultation. Any material changes made to the Direction as a result of the consultation will require re-consultation.
- 6.45 The Secretary of State has power to cancel or modify an Article 4(1) Direction made by a local planning authority at any time before or after its confirmation by the LPA.

7. Contribution to strategic outcomes

- 7.1 The making of an Article 4 Direction, to withdraw the permitted development right to convert B8 use floorspace to residential use within key employment areas, supports and is consistent with the Council's strategic policies and **Corporate Priority 4 (Growth)** aimed at promoting Haringey as a secure and economically viable employment market, alongside other interventions to retain, promote and grow local businesses and jobs, including education and training initiatives.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance

- 8.1 The cost of making the Article 4 Direction is estimated at £5k, largely relating to publicity and land registry costs, these costs can be contained within existing budgets.
- 8.2 Removal of the need for a Planning application will have reduced the Council's income in this area, as with alterations taking place under permitted development rights, no Planning Fee would have been payable. However, there would also have been in corresponding reduction in workload within Planning and hence the overall position would have been expected to be broadly neutral.
- 8.3 By introducing an Article 4 direction, the Council will need to process some applications but will be limited in the amount of fees it is allowed to charge. However, the shortfall in income is not expected to be significant bearing in mind the number of applications made and should be outweighed by the wider benefits of this policy.

Procurement

- 8.4 There are no procurement issues currently associated with the making of the Article 4 Direction. However, if further justification is deemed necessary to enable the Direction to be confirmed, specialist consultancy services may need to be procured to gather any additional information. Such costs will need to be met but the Planning Policy budget and will need to accord to Council's procurement protocols.

Legal

- 8.5 The Assistant Director of Corporate Governance has been consulted on the preparation of this report and comments as follows.
- 8.6 Article 4 confers a wide power, and a Direction made under it can cover the entire geographical area of an LPA, and also permitted development rights with a temporary effect (such as the proposed change). There are two main types of Article 4 Direction:

- a. Non-immediate Directions, where permitted development rights are only withdrawn following local consultation and the subsequent confirmation of the Direction by the LPA; and
 - b. Immediate Directions made under Article 6, where permitted development rights are withdrawn with immediate effect. Immediate Directions must then be confirmed by the local planning authority following local consultation within six months, or else the Direction will lapse.
- 8.7 The non-immediate route recommended mitigates the Council's exposure to legal and financial risk.
- 8.8 There is no statutory appeal against the making of an Article 4 Direction. However, such a decision would be open to challenge by way of judicial review. Provided the Council takes into account all relevant considerations (and does not take into account any irrelevant considerations or otherwise act irrationally), and adheres to the confirmation process, a successfully judicial review of the proposed Article 4 Direction, made on the basis that the authority wishes to consider applications on a case-by-case basis, is unlikely.
- 8.9 The proposed six week consultation period, and the period required to consider any representations received, and the 12 month notification period, may lead to applications coming forward during the process of bringing the Article 4 Direction into effect. These applications must be dealt with in accordance with the prior approval requirements. An Article 4 Direction could not prevent the carrying out of development which has received prior approval before the date the Article 4 Direction comes into force. It is not possible to safeguard against this risk.

Equality

- 8.10 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- I. tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
 - II. advance equality of opportunity between people who share those protected characteristics and people who do not;
 - III. foster good relations between people who share those characteristics and people who do not.
- 8.11 The Council is committed to increasing education and economic opportunity in the east of the Borough and to tackling the high levels of unemployment particularly among young BAME communities and disabled residents. The Council runs and supports a number of programmes aimed specifically at supporting those who are long term unemployed back into work. Although, the Article 4 Direction is not aimed at directly having a positive impact on these protected characteristic, it will have an indirect positive impact by way of protecting existing employment and business areas which may lead to retaining

or providing greater local job and business opportunities for these protected characteristic.

- 8.12 Having regard to the above and the implications of making the Article 4 Direction as set out in sections 7 & 8 of this report, it is highly unlikely that any specific group or groups within our community will be disproportionately impacted as a result of the making of the Article 4 Direction. A full equalities impact assessment is therefore not warranted.

9. Use of Appendices

- 9.1 Appendix 1 provides a plan showing the areas within the Borough to which the proposed Article 4 Direction is to apply.

10. Local Government (Access to Information) Act 1985

- 10.1 The following documents are of relevance to this report:

General Permitted Development Order 2015

http://www.legislation.gov.uk/ukxi/2015/596/pdfs/ukxi_20150596_en.pdf

Haringey Employment Land Review 2015

<http://www.haringey.gov.uk/housing-and-planning/planning/planning-policy/local-development-framework-ldf/local-plan-evidence-base#Employment%20Land%20Review>

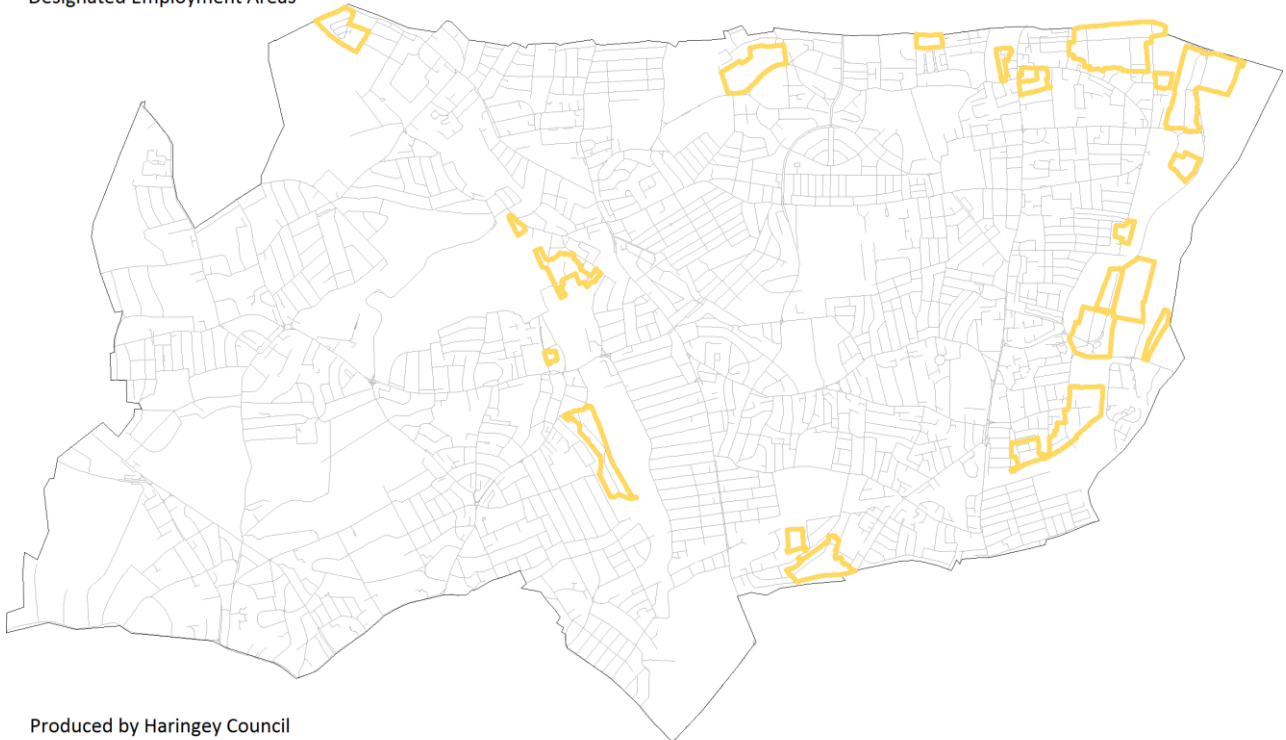
Haringey Local Plan

<http://www.haringey.gov.uk/housing-and-planning/planning/planning-policy/local-development-framework>

- 10.2 With respect to external links – Haringey Council is not responsible for the contents or reliability of linked web sites and does not necessarily endorse any views expressed within them. Listing should not be taken as endorsement of any kind. It is your responsibility to check the terms and conditions of any other web sites you may visit.
- 10.3 We cannot guarantee that the above links will work all of the time and we have no control over the availability of the linked pages.’

Appendix 1: Areas to which the Article 4 Direction is to apply

Designated Employment Areas



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Report for: Cabinet 10th November 2015

Item number: 17

Title: Draft Noel Park Conservation Area Character Appraisal and Management Plan

Report authorised by : Stephen Kelly, Assistant Director, Planning

Lead Officer: Nairita Chakraborty, Principal Conservation Officer (x2841)

Ward(s) affected: Noel Park

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

1. Describe the issue under consideration

1.1 Cabinet is requested to approve the draft Noel Park Conservation Area Appraisal and Management Plan, attached at Appendix 1, for a six week public consultation. The draft Management Plan has been updated to reflect comments made by Regulatory Committee meeting on 21 September 2015. The final amended character appraisal and management plan, having regard to any representations received, will be referred back to Cabinet for adoption by the Council in early 2016.

2. Cabinet Member Introduction

2.1 The draft Noel Park Conservation Area Appraisal and Management Plan follows guidance published by Historic England. It covers the historical context of the area and provides an assessment of the area's character and special interest. It addresses planning policy and development management issues and provides design guidance. It also includes a review of the boundaries of the conservation area and a recommendation that the boundaries of both the conservation area and Article 4 Direction are extended. If there is residents' support for the two recommendations, separate processes would be followed to extend the conservation area boundary as well as the Article 4 direction and cabinet will receive a further report about this in due course.

2.2 The character appraisal supports the Council's existing Local Plan Strategic Policies and emerging development management policies, and does not seek to introduce new policy.

- 2.3 Whilst very high in architectural quality, many buildings within Noel Park have been altered poorly with insensitive additions. In many cases, original details have been lost that has led to further loss of character. Despite the Article 4 Direction, the Council has been unable to enforce against many of these insensitive alterations, mainly due to lack of resources. The conservation area has also been included in Historic England's At Risk Register.
- 2.4 Recognising these issues, the Council along with support from Historic England considered working with the community to produce an Appraisal and Management Plan under the Community Heritage Initiative Partnership (CHIP). Officers have also worked closely with Homes for Haringey during this time to ensure that the work undertaken by Decent Homes Programme is sensitive towards the character of the area. The document thus produced has been in close liaison with residents, Homes for Haringey and Historic England.
- 2.5 The Conservation Area Appraisal seeks to clearly identify those elements that make the area special and provide further guidance to residents, members and agents on how to alter and upgrade their properties sensitively so that the character of the area is not further eroded. It would also provide the Council a valuable tool to enforce against unauthorised works.

3. Recommendations

- 3.1 That Cabinet approves the draft Noel Park Conservation Area Appraisal and Management Plan, attached at Appendix 1, for a six-week public consultation.

4. Reasons for decision

- 4.1 The Council has a statutory duty to ensure that conservation areas are preserved or enhanced and publish policies for the implementation of the same. The various insensitive alterations within the area have resulted in the conservation area being included in Historic England's 'At Risk' register. It is therefore important that the Council publishes this appraisal along with the management plan to ensure that the significance of the area is preserved or enhanced.

5. Alternative options considered

- 5.1 The draft Appraisal explores the possibility of leaving the boundaries of the conservation area and the area covered by the Article 4 Direction as they currently are. Given the fact that the area proposed to be included is contemporary with the Noel Park Estate and has the same architectural and historic significance, it was considered that it should be recommended to be a part of the conservation area and given the same protection as the rest of the area. In addition, given the cumulative impact of the loss of architectural

detailing, it is imperative that a consistent control over such alterations is implemented across the whole of the conservation area. It is, therefore, recommended to extend the Article 4 direction (which removes permitted development rights to alterations to the front of the property only).

- 5.2 It should be noted that if the proposal for extension of the conservation area and the extension of Article 4 directions is taken forward, Cabinet approval would be sought to undertake the respective legal processes.

6. Background information

- 6.1 There are 29 conservation areas in Haringey, designated over a period of 45 years, of which 13 have adopted character appraisals. Noel Park was designated as a conservation area in 1982. An Article 4 direction was implemented in 1983, restricting permitted development (PD) rights to the front of the properties. The conservation area was extended in 1991 to cover most of the original estate, but the Article 4 Direction was not extended at this time and currently only applies to part of the conservation area.
- 6.2 The Council has a statutory requirement to '*...formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas*' under Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Conservation area character appraisals are primary evidence-based documents which aid the implementation of approved development plan policies for the preservation and enhancement of conservation areas.
- 6.3 It is important to stress that a character appraisal or management plan **cannot introduce new policy**. The purpose of the appraisal and management plan is to provide a clear indication of the Council's approach to the preservation and enhancement of the Noel Park conservation area, as well as supplement existing planning policy already set out in the Local Plan.
- 6.4 The National Planning Policy Framework (NPPF) issued by the Government in March 2012 requires local planning authorities to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. In doing so, they should recognise that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. In this regard, character appraisals are primary guidance which define the special character of conservation areas, and identify what is of special architectural and historic interest within them.
- 6.5 The Council's strategy for the conservation and enjoyment of the historic environment takes into account the desirability of new development that makes a positive contribution to local character and distinctiveness. This position is

reflected in the Council's adopted UDP and emerging Local Plan Strategic Policies.

- 6.6 The emerging Development Management Plan Policies (anticipated for adoption by 2016) states that the preservation and enhancement of historic environment should be given highest regard as per statutory duty and should be used as the basis for good design and positive change. All new development should be of the highest standard of design that respects its local context, character and historic significance.
- 6.7 An adopted character appraisal provides a sound basis, defensible on appeal, to implement the Council's approved development plan policies and to inform development management decisions. The appraisal is for the use of local residents, community groups, businesses, property owners, architects and developers and is an aid to the formulation and design of development proposals and change in this particular area. The document will be used by the Council in the assessment of all development proposals.
- 6.8 An adopted character appraisal is taken into account by the Planning Inspectorate when it considers and determines planning appeals. The character appraisal is also helpful to those considering investing in the area, and can be used to guide the form and scale of new development proposals. When funding was sought for grant aid schemes, such as the Townscape Heritage Initiative at Bruce Grove, Tottenham, an adopted character appraisal was essential to demonstrate the value of the area.

Structure of the Noel Park Conservation Area Appraisal and Management Plan

- 6.9 The Noel Park Conservation Area Appraisal and Management Plan has been written to reflect the framework set out in *Understanding Place: Conservation Area Designation, Appraisal and Management*, published by Historic England in March 2011. A brief structure of the appraisal and the issues it addresses is set out below:
- a) **Introduction:** the background and aims of the study, general identity and character of Noel Park Conservation Area and details of its designation;
 - b) **Summary of special interest:** a vivid, succinct picture of the overall conservation area as it is today;
 - c) **Community based partnership:** details of the Community Heritage Initiative Partnership;
 - d) **Location and setting:** the context of Noel Park within the wider settlement and landscape;
 - e) **Origin and Development:** The history of the area and its development up to the present day;

f) **Character Assessment**

An overall assessment of the current character and appearance of the area, including;

- Townscape analysis
- Layout and plan form
- Architectural character
- Hierarchy of streets
- Boundary treatments
- Uses within the area
- Public Realm
- Trees and open space
- Views
- Positive contributors
- Negative contributors

g) **Problems, issues and opportunities:** alterations to properties, subdivision of properties, poor quality public realm, opportunity for boundary review, opportunity to upgrade some properties through the decent homes programme, opportunity for public realm enhancements;

h) **Management plan and design guidance:** details of the council's plans for the management of the area, including:

- Boundary review: proposals to extend the boundaries of the conservation area and Article 4 Direction;
- The planning process: the council's approach to planning decisions and enforcement; and
- Design guide: guidance on how to repair and maintain buildings and how to alter them sensitively.

Please see the Appendix 1 for the draft Noel Park Conservation Area Appraisal and Management Plan.

Community Involvement and Public Consultation

6.10 The appraisal has been produced as part of a Community Heritage Initiative Partnership in collaboration with Historic England, aimed at encouraging the local community to better understand their historic surroundings, and engaging with the issues around the future management of the area. The process involved a training workshop for volunteers including representatives from various amenity and conservation societies, the appointment of a group of stakeholders as a steering group who undertook survey work, and then a review of the draft document by stakeholders prior to the formal consultation period.

Their observations, where consistent with current planning policy and guidance, have been included in the draft appraisal.

- 6.11 Public consultation of this draft appraisal will be undertaken in line with the Council's Statement of Community Involvement (SCI). The Council will notify all residents on its database, and will issue a press notice. Paper copies of the draft appraisal will be issued to the Wood Green Central Library. It will be published on the Council's website, accompanied by an electronic feedback form to facilitate responses to the Council. A six-week period of public consultation is proposed.
- 6.12 The final character appraisal, with any further amendments, will be referred back to Cabinet in early 2016 for adoption by the Council, together with a report to Cabinet detailing how the input from the community has been evaluated and how it has been taken into account in informing the final character appraisal.

7. Contribution to strategic outcomes

- 7.1 The Appraisal and Management Plan support the Council's strategic objective 3 (A clean and well maintained and safe borough where people are proud to live and work) by providing a document that in collaboration with resident stake holder groups highlights the architectural and significance of the area. It also gives guidance on how the area can be maintained and enhanced in the future for our future generations to enjoy.

8. Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance and Procurement

- 8.1 Any costs associated with publication of the adopted character appraisal will be contained within existing approved budgets for Planning Policy & Design.

Assistant Director of Corporate Governance and legal implications

- 8.2 The Assistant Director of Corporate Governance has been consulted on the preparation of this report and comments as follows.
- 8.3 Local planning authorities are under a duty to formulate and publish proposals for the enhancement of conservation areas under section 71 Planning (Listed Buildings and Conservation Areas) Act 1990. The power to vary and extend the nature and extent of a conservation area is provided for in sections 69 and 70 thereof and there are associated notification requirements to be complied with. Where the local planning authority publishes proposals for the preservation and enhancement of any parts of their area which are existing conservation areas those proposals shall be submitted for consideration to a public meeting in the area to which they relate and the local planning authority shall have regard to

any views concerning the proposals expressed by persons attending the meeting.

- 8.4 The procedure for making and extending Article 4 Directions is contained in Schedule 3 to the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 8.5 The Cabinet will need, following a report back at the conclusion of the consultation exercise, to consider the proposals in light of the requirements for not only conservation areas but also Article 4 Directions and provide any necessary authority to action any agreed proposals.

Equality

- 8.6 Equality Impact Assessment would not be required for this report as this does not introduce any policy.

9. Use of Appendices

Appendix 1: Draft Noel Park Conservation Area Character Appraisal and Management Plan for consultation

10. Local Government (Access to Information) Act 1985

- a) Planning (Listed Buildings and Conservation Areas) Act 1990
- b) Town & Country Planning (General Permitted Development) (England) Order 2105
- c) National Planning Policy Framework (NPPF), March, 2012;
- d) Planning Policy Statement (PPS) 5 Practice Guide, English Heritage, March 2010;
- e) Understanding Place: Conservation Area Designation, Appraisal and Management, English Heritage, March 2011.

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Report for: Cabinet

Item number: 18

Title: Outcome of consultation on revised Statement of Licensing Policy for Gambling Act 2005 .

Report

authorised by : Stephen McDonnell – AD Environmental Services & Community Safety

Lead Officer: Daliah Barrett – Licensing Team Leader -Regulatory Services. 0208489 8232. Daliah.barrett@haringey.gov.uk

Ward(s) affected: 'All'

Report for Key/

Non Key Decision: Key Decision

1. Describe the issue under consideration

- 1.1 Under Section 349 of the Gambling Act 2005, a Licensing Policy statement must be produced and published every three years. It must be reviewed from time to time over the three year period and may be revised during the period taking into account any relevant changes brought by guidance issued by the government. The Licensing authority is required to consult various specified authorities in revising its Gambling Policy Statement.
- 1.2 The Council's Statement of Gambling Policy for the Gambling Act 2005 for the years 2016-2019 needs to be approved and this report advises of the outcome of the consultation and seeks Cabinet's approval for the draft policy in order that it can be recommended to Full Council for adoption.
- 1.3 Members are asked to note the implications for the next review in 2016, where it will be a requirement in future to create Local Area Profiles. These profiles will provide a good evidence base of gambling in the local area and help identify any future risks, which will inform the decision making process.

2. Cabinet Member Introduction

- 2.1 The Gambling Policy is a policy framework document and is required to be revised consulted and adopted every 3 years. Section 349 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of policy that they propose to apply in exercising their functions under the Act during the term to which the policy applies. Working together with partners, Haringey has developed this document with due regard to all available regulations, conditions, codes of practice, statutory guidance, practical experience of legislation and any consultee responses.

- 2.2 Haringey Council takes its responsibilities as a licensing authority very seriously
-

and has strongly opposed the proliferation of betting shops, particularly on the borough's High Street. We welcome the forthcoming amendments to the Licensing Condition Codes of Practice which will see Local Area Profiles coming into effect in April 2016. We consider the new conditions to be a valuable tool to enable local authorities to fully assess the impact of betting within our communities. Haringey will undertake a further review of this policy in 2016 to ensure data on gambling related matters are evidenced in future policies.

3. **Recommendations**

That Cabinet:

- 3.1 Note and agree the responses to the consultation as set out in paragraphs 6.9 - 6.12 and at Appendix 2.
- 3.2 Approve the draft Statement of Gambling Policy at Appendix 1 in order that it can be recommended to Full Council for adoption.
- 3.3 In coming to their decision in 3.2 above note and take account of the EQiA set out at Appendix 3.

4. **Reasons for decision**

The Council is obliged to review and adopt a statement every three years, the current policy will expire in January 2016. Therefore a new policy has to be adopted.

5. **Alternative options considered**

No alternatives were considered. It is a legislative requirement that the policy be reviewed at least every three years, and that a public consultation is carried out. Failure to review and adopt the Statement of Gambling Policy would result in the Council failing to comply with legislation.

6. **Background information**

- 6.1 The revised policy statement 2016-2019, retains the vast majority of the current policy, but has been updated to reflect practical changes that have arisen since its publication. The local police as a Responsible Authority have been consulted and have contributed to the development of new policy. The Guidance to Licensing Authorities is now in its fifth revision.
- 6.2 Although changes have been made to the LCCP (Licence Conditions and Codes of Practice) and there are changes pending within the guidance there have been no changes to the Gambling Act with the three licensing objectives remaining the same. They are:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and

- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

6.3 As a Licensing Authority we are required by the Licensing Act to aim to permit the use of premises for gambling in so far as the authority think it:

- (a) in accordance with the LCCP;
- (b) in accordance with the guidance issued by the Commission;
- (c) reasonably consistent with the licensing objectives; and
- (d) in accordance with the statement published by the authority under Section 349 of the Gambling Act 2005.

6.4 The Gambling Commission intends to publish new guidance in April 2016, and in light of this the Council will undertake a further review of its gambling policy in 2016. As part of the new changes reflected within this policy is the need for all applicants for gambling premises licences to submit an accompanying risk assessment. This change (pending guidance) will enable the Council to better capture equalities considerations and mitigating actions e.g. the risk assessment should consider whether the premises is located near to areas with high numbers of children and young people, include measures to reduce access for known vulnerable groups and consider local crime statistics, demography and deprivation levels. It should be noted that in future Local Area profiles will need to be completed as part of this process. The role of Local Area Profiles is set out in paragraphs 7.4 to 7.6 of this report.

6.5 Haringey's revised policy for 2016-2019 addresses formatting changes and various other issues as listed below:

- Para 1.3 – Information on gambling data from the Prevalence Survey and outcome of the Scrutiny Review undertaken by Haringey in 2011;
- Para 2.8 – inserted to explain what social responsibility is as defined in the Gambling Commission Guidance;
- Para 2.9 – highlights that further changes are expected next year in terms of guidance from Gambling Commission to allow for the consideration of Local Area Profiles. It should be noted that this is not a change in the law and the need to aim to permit is still the overriding factor;
- The latest updated stakes and prizes amounts and machine category chart can be found on page 33 and 34 at the back of the document.

7.0 Consultation Outcome

7.1 The Gambling Act 2005 contains details of the consultees that are to be consulted as part of the review of the policy. These are:

- The Chief Officer of Police for the authority's area;

- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One of more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

7.2 All of the above were consulted and in addition the following were also included in the consultation:

- Holders of licences issued under the Gambling Act 2005;
- Trade Associations representing the gambling industry;
- Haringey Social Services;
- Haringey Public Health Directorate;
- Residents Associations; and
- Faith Groups.

7.3 All responses that were received were from representatives of the betting industry. The detailed responses are attached at Appendix 2, but are summarised below:

- (i) Consultee Response: Comments were made on the inclusion of the Prevalance Survey data where it was felt by the betting industry that this date should not be included in the policy as it speaks to national data as opposed to local data.

Council's Response (Not Agreed) – The Council's view is that this information is to provide background context for any decision and will remain in the policy document.

- (ii) Consultee Response: Comments were made regarding the siting of future betting shops, which raised concerns that the policy sought or could exclude betting shopS from specific areas.

Council's Response (Agreed) -This wording has been removed as it may be viewed as unlawful.

- (iii) Consultee Response - Request to update wording to make clear that proof of right to occupy no longer applies to Provosional statement applications.

Council's Response (Agreed): The policy has been redrafted in the Provisional Statement to reflect the fact that applicants no longer need to have the right to occupy in order to use this process.

- (iii) Consultee Response: Request that no additional conditions should be imposed on licences above the standard ones.

Council's Response (Not Agreed)-The Council is clear that it must consider each case on its merits and will attach conditions if they are evidenced based. No change to policy.

7.4 Local Area Profiles

7.5 All the letters of representation speak to the new Licensing Conditions and Codes of Practice coming into effect in April 2016, requiring Local Authorities to create Local Area Profiles for their borough.

7.6 Local Area Profiles will involve collecting gambling data specific to an area to help inform applicants when completing their risk assessments. The process will help understanding of the potential risks associated with gambling within an area, which could include:

- Crime statistics;
- Areas of Deprivation;
- The different types of people who may be potentially vulnerable to harm, including:
 - Mental health prevalence (for example, common mental disorder/substance abuse/misuse/ psychosis) ;
 - Significant ethnic groups;
 - Significant life-stage age groups (for example, children, emerging adults);
 - Financial problems (for example, debt, credit environment, need of financial support);
 - Housing instability (for example, tenure, homelessness).
 - Alcohol consumption;
 - Employment and income considerations;

7.7 There is no prescriptive requirement and different authorities are likely to approach the development of Local Area Profiles in different ways. In Haringey (like many other authorities) there is no data collected at a local level about gambling and to collect this would require a significant investment. Westminster and Manchester councils have joined up to produce theirs, using an external research organisation called Geofutures. Haringey will be looking to work in partnership to develop such an approach.

8.0 Contribution to strategic outcomes

8.1 Priority 3 of the Corporate Plan - A clean, well maintained and safe borough where people are proud to live and work.

Objective 1 - Strengthening Communities and partnerships to improve our environment and reduce crime, enabling residents and traders to feel safe and proud of where they live. This will be delivered by effectively working with community networks, such as traders and residents associations and working in partnership with police colleagues. For gambling premises this may be achieved through better CCTV provisions, operating a local Bet Watch Scheme for the trade.

Objective 2 – To make our streets, parks and estates, clean, well maintained and safe. Gambling premises would be visited to ensure that they had waste contracts and were disposing of their rubbish via suitable arrangements.

Objective 4- To prevent and reduce violence against women and girls. This will be delivered by raising awareness with the boroughs licence holders of the issues and scale of VAWG.

Objective 5 – To work with partners to prevent and reduce more serious crime, in particular youth crime and gang activity. This will be delivered by working in partnership with police colleagues, schools and residents and businesses.

8.2 The above Priorities and objectives are underpinned by a number of cross – cutting principles, namely:

- Prevention and early intervention – preventing poor outcomes for young people and intervening early when help and support is needed;
- A fair and equal borough – tackling the barriers facing the most disadvantaged and enabling them to reach their potential;
- Working together with our communities – building resilient communities where people are able to help themselves and support each other;
- Value for Money – achieving the best outcome from the investment made;
- Customer focus – placing our customers needs at the centre of what we do;
- Working in partnership – delivering with and through others.

9.0 Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

9.1 Finance and Procurement

There are no other financial implications.

9.2 Legal

- (i) The Assistant Director of Corporate Governance has been consulted in the preparation of this report and comments as follows.
- (ii) In accordance with section 349 of the Gambling Act 2005 the Council, as licensing authority, is required at least every 3 years to prepare and publish its statement of Gambling Policy. In preparing its statement the Council is required to consult with the consultees listed at paragraph 7.1 of this report.
- (iii) Under Regulations 4(1) (a) and (2) of the Local Authorities (Functions and Responsibilities) (England) Regs 2000, Cabinet must be involved in the formulation/ preparation of the Gambling Policy. The Policy therefore has to be reviewed by Cabinet first, before recommendation to Full Council for adoption.

9.3 Equality

9.4 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil

partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;

- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who share those characteristics and people who do not.

9.5 The current EQiA does not show any negative impact on groups or individuals with protected characteristics. There is scope to have a positive impact in terms of age (the protecting children objective). There is a fundamental lack of data around service users which limits the equality analysis. In mitigation the fact that the policy will be regularly monitored and reviewed and that the council may be in a position to carry out some data analysis in 2016 to create local area profiles will greatly improve our position. The EQiA is shown at Appendix 3.

9.6 When framing its policy on the licensing of gambling premises, the Council must work within the statutory parameters of the Gambling Act, which includes a general 'aim to permit'.

10.0 Use of Appendices

Appendix 1- Haringey Statement of Licensing Policy for the Gambling act 2016-2019

Appendix 2- Consultation outcome and impact

Appendix 3- Equalities Impact assessment

11.0 Local Government (Access to Information) Act 1985

N/A

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**STATEMENT
OF
GAMBLING
POLICY
2016**

LONDON BOROUGH OF**HARINGEY****Statement of Gambling Policy****INDEX**

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1 Statement of Gambling Principles

1.1 Introduction

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must then be re-published.

Haringey Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.

- The Gambling Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.

List of persons this authority consulted:

- The Metropolitan police service
- Haringey Social Services
- Betting Industry trade association
- Local residents association

Our consultation took place between 9th September 2015 to 19th October 2015 and we followed the HM Government Code of Practice on Consultation (published July 2012).

The full list of comments made and the consideration by the Council of those comments is available by request to: Licensing@haringey.gov.uk / via the Council’s website at: www.haringey.gov.uk/licensing

The policy was approved at a meeting of the Full Council on xxxx and was published via our website on xxxx. Copies were placed in the public libraries of the area as well as being available in the Civic Centre.

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Licensing Team

Level 6 Alexandra House, 10 Station Road London N22 7TR

[E-mail:] Licensing@haringey.gov.uk

It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

1.2 The London Borough of Haringey

Map of the London borough of Haringey



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Haringey is one of London's 32 Boroughs. It is located in the north of the capital and is more than 11 square miles in area. According to the 2001 Census nearly half of its 254,900 people come from ethnic minority backgrounds. It is often said that Haringey is an outer London Borough with inner London challenges.

There are approximately 100,000 dwellings and approximately 8,200 businesses employing 64,700 people. The most recent indices of multiple deprivation (IMD) (2010) show that Haringey is one of the most deprived authorities in the country, ranking 13th out of 326 authorities, and it is ranked 4th in London.

1.3 Gambling data

The British Gambling Prevalence Survey 2010, in a profile of problem gamblers found that In 2010 across England, problem gambling prevalence varied by IMD and was lowest among the least deprived areas and was higher among more deprived areas. Problem gambling prevalence was also associated with employment status, being highest among the unemployed (3.3%) and the 'other' group (4.6%) and lowest among those who were retired (0.1%) and those looking after family/home (0.5%).

Problem gambling prevalence was significantly higher among groups with increasingly money problems. Prevalence was lowest among those with no money problems (0.5%) and highest among those with very severe money problems (6.1%).

In 2013/2014 Gamcare, a charity dealing with problem gambling, reported that the gambling activities that featured in calls received were, 30% fixed odds betting terminals and roulette machines, 31% betting and 19% slot machines. The gambling facilities that featured were, 41% betting shops, 34% the internet and 7% casinos.

In April 2011 a Haringey scrutiny report noted that betting shops were located disproportionately within the east of the borough (85%), and that there was a correlation between the location of betting shops and social deprivation with 43% of betting shops located in the most deprived super output areas (10%) of the borough.

1.4 Glossary of Terms

Within this Statement of Gambling Policy, the following words and terms are defined as stated:

Licensing Objectives:	As defined in section 4 below
Council:	Haringey Council The area of London administered by the London Borough of Haringey
Borough:	
Licences:	As defined in section 5 below
Applications:	Applications for licences and permits as defined in section 5 below
Notifications:	Means notification of temporary and occasional use notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place, including a vehicle, vessel or moveable structure
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Haringey Council
	For the purposes of this Act, the following are responsible authorities in relation to premises:
	<ol style="list-style-type: none"> 1. The Licensing Authority in whose area the premises are wholly or mainly situated (“Haringey Council”);
Responsible Authority:	<ol style="list-style-type: none"> 2. The Gambling Commission; 3. Metropolitan Police Constabulary 4. London Fire and Emergency Planning Authority 5. Building Control Manager, Assistant Director Planning , Haringey Council

6. Commercial and Environmental Protection Team, Haringey Council;
7. Policy & Performance Manager, Children's Services Officer in Social Services, Haringey Council;
8. HM Customs and Excise.

For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-

- Interested Party:
- (a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - (b) Has business interests that might be affected by the authorised activities;
 - (c) Represents persons who satisfy (a) or (b) above.

1.5 Declaration

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

PART A

2 Licensing Objectives

2.1 The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

2.2 Responsible Authorities

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.haringey.gov.uk/licensing

Engagement with the police and local crime prevention partnership schemes

In addition to the need to consult a local Crime Reduction Officer, the operators of new premises undergoing a refurbishment should also engage with the police's designing out crime unit at the design stage to ensure crime prevention and detection.

We encourage that premises liaise with their Neighbourhood Policing Team to develop relationships at a local level and promote effective communication and co-operation.

Additionally, operators are expected to actively support and participate in any local business partnership / Crime prevention schemes, where any such schemes are in operation, and where

such schemes are reasonably consistent with the licensing objectives.

2.3 Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.11 to 8.19. Note though that decisions on premises licences and temporary use notices must be "in accordance" with Gambling Commission Guidance (Section 153). It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises

to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department.

2.4 Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

2.5 Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing department.

2.6 Licensing authority functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits to Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities are not to be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

2.7 Summary of license requirements and machine entitlements:

Premises Type/ Activity	Type of authorisation you need	Overview of entitlements authorisation brings
Adult Gaming Centre	Premises Licence + Operating Licence + Personal Licence	20% of the total number of gaming machines which are available for use on the premises as B3 or B4 gaming machines* + and any number of category C and D + prize gaming
Family Entertainment Centre (premise wholly/ mainly making gaming machines available)	OPTION 1: Premises licence + Operating Licence + Personal Licence	Any number of category C and D gaming machines + equal chance gaming + prize gaming
	OPTION 2: Gaming Machine Permit	Any number of category D gaming machines
Tracks (dog track, horse track) or other sporting venues	OPTION 1: Premises licence + Operating Licence	Maximum of 4 machines categories B2 to D (except B3A) + betting (type of betting dependent on type of operating licence)
	OPTION 2: Occasional	Betting for 8 days or less in a calendar

Premises Type/ Activity	Type of authorisation you need	Overview of entitlements authorisation brings
	Use Notice	year
Casino Premises	Premises Licence + Operating Licence + Personal Licence	Casino games (i.e. games of chance), equal chance gaming, betting, bingo (regional/ large casinos only) + category B to D gaming machines (regional casino may also have cat. A machines) No. of machines as per casino size.
Bingo Premises	Premises Licence + Operating Licence + Personal Licence	Bingo + prize gaming + 20% of the total number of gaming machines which are available for use on the premises as B3 or B4 gaming machines* + any number of category C and D
Travelling Fair	Gaming machine permit	Any no. of category D gaming machines (as long as this amounts to no more than ancillary activity) + prize gaming
Betting Premises (makes or accepts bets)	Premises Licence + Operating Licence + Personal Licence	Maximum of 4 machines categories B2 to D (except B3A) + betting (type of betting dependent on type of operating licence)
Premises with consumption of alcohol on the premises	OPTION 1: Notify Licensing unit	Automatic entitlement to 2 category C or D machines
	OPTION 2: Licensed premises gaming machine permit	Any number if category C or D machines may be requested
Prize gaming	Prize gaming permit	Provision of any form of prize gaming (other than bingo)
Members' club or miners' welfare institute (and commercial clubs)	OPTION 1: Club <i>gaming</i> permit (not available to commercial clubs)	Maximum of 3 machines in categories B3A or B4 to D**, equal chance gaming + games of chance
	OPTION 2: Club <i>Machine</i> permit	Maximum of 3 machines in categories B4 to D
Small-society lottery	Must register with licensing unit	May run a small-society lottery (details upon request)
Any premises without premises licence	Temporary Use Notice	Permits gambling on the premises for no more than 21 days in any 12 month period

* Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

** It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

2.8 Social Responsibility

The Gambling Commission has published a set of Licensing conditions and codes of practice (LCCP). This document contains conditions that are applied by the Commission to operating and personal licences. The LB Haringey does not issue these licences and has no influence over them.

The LB Haringey issues premises licences, within the LCCP are social responsibility codes of practice for different gambling sectors. Compliance with these social responsibility code provisions is mandatory. The LB Haringey expects applicants for new licences and variations of existing licences to provide information setting out how they will fulfil the relevant code provisions. It is not considered that this is an onerous requirement as compliance is mandatory.

In addition to the social responsibility code provisions there are also ordinary code provisions. These are not mandatory, however the LB Haringey expects applicants to consider the relevance of these ordinary code provisions to their premises and applications in the light of local risk assessments. Where applicants consider that ordinary code provisions are not necessary they may be asked to provide the reasoning for this decision.

2.9 Local Risk Assessments

From 6th April 2016 licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate these risks. Licensees must take into account relevant matters identified by this authority. Further guidance will be published at a later date.

PART B

3. PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

3.1 General Principles

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

This licensing authority has published guidance for applicants that sets out the expectations the authority has about information that applicants for new licences or variations of existing licences should submit in order for the authority to make a decision on the merits of the application.

Primary gambling activity

This authority is aware of the general conditions attached to operating licences, concerning primary gambling activity, and of the ordinary provisions of the codes of practice. As the ordinary provisions are best practice this authority expects operators to demonstrate that sufficient facilities for the primary gambling activity for which an operating licence has been issued are being made available in each licensed premises, and that licensees should have regard to the following general factors:

- The ratio of the space available to customers allocated to the primary gambling activity, to that allocated to other gambling activities;

- The extent to which the primary gambling activity is promoted on the premises and by way of external advertising compared to other gambling activities;
- The use, either expected or actual, to be made of the different gambling activities.

3.2 Decision-making

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

When aiming to permit the use of premises as above, the authority will impose conditions on a premises licence. The Authority may reject, review or revoke premises licences where there is an inherent conflict with the relevant codes of practice, the published guidance, the licensing objectives or this policy.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos – 3.12). Each application will be considered on its merit without regard to demand.

3.3 Definition of “premises” – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

Separation and division of buildings

If applications for multiple applications are made in relation to one building it is expected that, in line with published guidance the exits and entrances will be separate and identifiable so that the separation of different premises is not compromised. This also applies to any application for a discrete part of a building.

The authority expects that in this situation the premises will be configured in such a way that it will not be possible for children to participate in, have accidental access to or closely observe gambling.

To determine whether two or more proposed premises are separate this authority will consider:

- Are there separate registrations of business rates;
- Are neighbouring premises in the same ownership;
- Can each premises be accessed from the street;
- Can the premises be accessed from any other gambling premises.

Different premises licences cannot be granted in respect of a single premises to have effect at different times.

The Gambling Commission states in the published Guidance to Licensing Authorities that: “In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

This licensing authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity names on the premises licence.

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission’s relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of

merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

Premises "ready for gambling"

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

3.4 Location - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children

and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

3.5 Planning:

The Gambling Commission Guidance to Licensing Authorities states:

7.59 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. The Government has now made it necessary that all betting premises application need to apply for Planning permission in its own use class.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.66 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building regulations.

3.6 Duplication with other regulatory regimes - This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

3.7 Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see or hear it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way

as this will be addressed via operating and personal licences. *For Local Authorities with tracks:* There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section.

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis.

3.8 Conditions - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

3.9 Door Supervisors - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

3.10 Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3.11 (Licensed) Family Entertainment Centres:

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

3.12 Casinos

No Casinos resolution - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

3.13 Bingo premises

This licensing authority notes that the Gambling Commission's Guidance states:

18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

3.14 Betting premises

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

3.15 Track Betting

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming machines -Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

3.16 Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. As a minimum, submitted plans should contain the information as set out in the regulations, however, to demonstrate compliance with the requirements of the social responsibility codes locations of counters, betting terminals, gaming machines and CCTV camera locations should also be included.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not

required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place.

3.17 Travelling Fairs

This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

3.18 Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S.204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

3.19 Reviews:

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission

- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C

4. Permits / Temporary & Occasional Use Notice

4.1 Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
 - that staff are trained to have a full understanding of the maximum stakes and prizes.
- (24.7)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

4.2 Statement of Principles - PERMITS

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include

appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

4.3 (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Permit: 2 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

4.4 Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4.5 Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.

Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

4.6 Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according the Gambling Commission, would include hotels, conference centres and sporting venues.

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

4.7 Occasional Use Notices:

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

5. Legislation, Policies and Strategies

5.1 Legislation

In undertaking its licensing function under the Gambling Act 2005, the Council is also bound by other legislation, including:-

1. Section 17 of the Crime and Disorder Act 1988;
2. Human Rights Act 1998;
3. Health and Safety at Work Act 1974;
4. Environmental Protection Act 1990;
5. The Anti-Social Behaviour Act 2003;
6. The Race Relations Act 1976 (as amended);

However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

5.2 National Strategies

The Council will also seek to discharge its responsibilities identified by other Government Strategies, in so far as they impact on the objectives of the licensing function.

5.3 Local Strategies and Policies

Where appropriate, the Council will consider applications with reference to other adopted local strategies and policies, including the following:-

1. The Council's Community Strategy; 2003-2007
2. The Haringey Safer Communities Strategy: 2005-2008
3. Enforcement Policies.

6. Integrating Strategies

There are many stakeholders involved in the Leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case, the Council will aim, as far as possible, to co-ordinate them.

The Council considers that where appropriate and in so far as is consistent with the Gambling Act, Guidance and Codes of Practice issued under sections 24 and 25 of the Gambling Act 2005, it is desirable that this Policy complements other relevant plans and strategies aimed at the management of town centres and the night-time economy.

Relevant plans and strategies include:-

- ❖ Crime and Disorder Strategy – The Council will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. As far as possible, licensing decisions will aim to contribute to the targets set in the Crime and Disorder Strategy and conditions attached to licences and certificates will reflect local crime prevention strategies.
- ❖ Safer Communities Strategy

The Community Safety Strategy is committed to tackling the key areas of crime and building prevention initiatives into neighbourhoods. The licensing authority will support the work of the Safer Communities Strategy within the scope of the licensing objectives under the Act

- ❖ Haringey Council – A Community Plan – As far as possible, any licensing decisions will be in line with the aspirations of this community plan.
- ❖ Local Transport Plan – the Council aims to work with the local transport authority and will consider ways in which the public can be dispersed from licensed premises and events so as to avoid disturbance, crime and disorder. The Police will be encouraged to report on matters related to the swift and safe dispersal of people from licensed premises.
- ❖ Racial Equality – The Council is required under race relations legislation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The impact on these issues of the Gambling Policy will be monitored and amendments will be made as necessary.
- ❖ Domestic Violence Strategy – The Council will ensure consultation to ensure that any correlation between gambling and domestic violence can be detected at the earliest opportunity.
- ❖ Children and Young Persons Strategy – The Council will have regard to the impact on this strategy and the criteria for safeguarding children from becoming addicted.
- ❖ Anti-Poverty Strategy – As far as possible, any licensing decisions will have regard to this strategy. It will support the work of the Anti Poverty Strategy as they are developed within the scope of the licensing objectives under the Act.
- ❖ Human Rights – The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:-
 - Article 6 that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
 - Article 8 that everyone has the right to respect for his home and private and family life;
 - Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including for example the possession of a licence.
- ❖ Proper integration will be assured by the Licensing Authority's Licensing Committee providing reports, when appropriate, to its Planning Committee on the situation regarding licensed premises in the area, including the general impact of gambling related crime and disorder, to enable the Planning Committee to have regard to such matters when taking its decisions.

- ❖ The Council will ensure that the Licensing Committee receives reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations.
- ❖ Economic Strategies – The Council will ensure that the Licensing Committee is appraised of the employment situation in the area and the need for new investment and employment where appropriate.
- ❖ Enforcement Policy – All licensing enforcement will be conducted in accordance with the Enforcement Concordat, and the Haringey Enforcement Policy.

These links to other corporate strategies will be formulated in detail as a result of the consultation process.

7. Decision Making

7.1 Committee Terms of Reference

A Licensing Sub-Committee of Councillors will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

The Licensing Committee will also sit to determine general licensing matters that have been delegated to it by the full Council that are not associated with the Gambling Act 2005.

Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.

The Licensing Sub-Committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

The Licensing Committee will refer to the full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.

The Council's Licensing Officers will deal with all other licensing applications where either no representations have been received, or where representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons as to why that is the case. There is no right of appeal against a determination that representations are not admissible.

7.2 Allocation of Decision Making Responsibilities

The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.

Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Council Officers.

The table shown at Appendix A sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.

This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

8. Local Standards

8.1 Enforcement

The Council is a signatory to the Enforcement Concordat and will follow the principles set out in it. The concordat is based around the principles of consistency, transparency and proportionality.

The Enforcement Concordat (available upon request) proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a licence review, the issue of a Formal Caution or a referral for prosecution.

The Council intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the Borough for unlicensed premises.

The Council will seek to work actively with the Police in enforcing licensing legislation and intends to establish protocols with the Metropolitan Police and, Haringey Trading Standards Department and London Fire and Emergency Planning Authority on enforcement issues to ensure an efficient deployment of police and council officers.

9. Complaints Against Licensed Premises

The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Council may initially arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the licensing committee consider their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

10. Further Information

Further information about the Gambling Act 2005, this Statement of Gambling Policy or the application process can be obtained from:-

Licensing Team
Level 6 Alexandra House
10 Station Road
London N22 7TR
Tel: 020 8489 1335 Fax: 020 8489 5528
E-mail: licensing@haringey.gov.uk

Information is also available from:-

Gambling Commission

Victoria Square House
 Victoria Square
 Birmingham
 B2 4BP

Email: info@gamblingcommission.gov.uk

Telephone: 0121 230 6666

Fax: 0121 230 6720

The new stake and prize limits by category of machine as of January 2014 are as follows:

Category	Old maximum stake	Old maximum prize	New maximum stake	New maximum prize
B1	£2	£4,000	£5	£10,000*
B2**	£100	£500	£100	£500
B3	£2	£500	£2	£500
B3A	£1	£500	£2	£500
B4	£1	£250	£2	£400
C	£1	£70	£1	£100
D non-money prize	30p	£8	30p	£8

(not crane grab)				
D non-money prize (crane grab)	£1	£50	£1	£50
D money prize	10p	£5	10p	£5
D combined money and non-money prize (coin pusher/penny falls)	10p	£15 (of which no more than £8 may be money prize)	20p	£20 (of which no more than £10 may be a money prize)
D combined money and non-money prize (other than coin pusher or penny falls)	10p	£8 (of which no more than £5 may be a money prize)	10p	£8 (of which no more than £5 may be a money prize)

* with option of maximum £20,000 linked progressive jackpot on premises basis only

** Government considers the future of these machines to be unresolved pending further work which is already underway.

Summary of Machine Provisions by Premises

Premises type	Machine Category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)							
Small casino (machine/table ratio of 2-1 up to maximum)							
Pre-2005 Act casino (no machine/table ratio)							
Betting premises and tracks occupied by pool betting							
Bingo premises							

Maximum of 150 machines
Any combination of machines in categories B to D within the total limit of 150 (subject to machine/table ratio)

Maximum of 80 machines
Any combination of machines in categories B to D within the total limit of 80 (subject to machine/table ratio)

Maximum of 20 machines categories B to D or any number of C or D machines instead

Maximum of 4 machines categories B2 to D

Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**

No limit on category C or D machines

Adult gaming centre	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**	No limit on category C or D machines				
Family entertainment centre (with premises licence)		No limit on category C or D machines				
Family entertainment centre (with permit)		No limit on category D machines				
Clubs or miners' welfare institute (with permits)		Maximum of 3 machines in categories B3A (only one may be of B3A) or B4 to D*				
Qualifying alcohol-licensed premises		1 or 2 machines of category C or D automatic upon notification				
Qualifying alcohol-licensed premises (with gaming machine permit)		Number of category C-D machines as specified on permit				
Travelling fair		No limit on category D machines				
A	B1	B2	B3	B4	C	D

11 APPENDIX A

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		Can only be delegated to a sub-committee, not officers	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn

Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence			The initial grounds for review will be for officers to validate. Licensing Sub Committee will then hear the review if the grounds are valid under s.198
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits			Cancellation of club gaming /machine permits and other permits decisions would be appropriate for officers.
Applications for other permits			Dealt with by officers
Cancellation of licensed premises gaming machine permits			Dealt with by officers
Consideration of temporary use notice		X	
Decision to give a counter notice to a temporary use notice			

Appendix 2 - Consultation responses

Person/Organisation Making representation	Representation made Specific Policy Comments	Does it have an effect on the Policy.
<p>Association of British Bookmakers</p>	<p>Inclusion of Prevalence survey Information and outcome of Haringey's Scrutiny Review on Gambling.</p> <p>Paragraph 1.3 of the draft statement of gambling principles introduces the British Gambling Prevalence Survey 2010 and indicates that problem gambling is highest among the more deprived areas. The draft statement of principles should be amended in order that such figures can be read in context. The British Gambling Prevalence Survey in 2010 found that rates of problem gambling were static at around 0.5 to 0.6%. The more recent report commissioned by the Gambling Commission – Gambling Behaviour in England and Scotland, published in June 2014 similarly indicates that levels of problem gambling are static or perhaps falling. This section of the policy is pejorative and it is difficult to see why it has been included within a local licensing authority statement of principles. The figures given are national figures and have little bearing on gambling within Haringey. Overall we respectfully submit that this part of the policy should simply be removed. It does not assist the authority with its overriding requirement to aim to permit the use of premises for gambling and</p>	<p>No concerns with the information inserted at para 1.3, it is there to give contextual overview and background information.</p> <p>This will not be removed from the policy document.</p>

	<p>nothing within it will have any relevance as far as a Gambling Act 2005 application is concerned.</p> <p>2.8 Social Responsibility</p> <p>In the second paragraph under this heading, there is a spelling mistake. The word “exiting” needs to be replaced with word “existing”.</p> <p>3.2 Decision Making</p> <p>The second paragraph under this heading indicates that “when aiming to permit the use of premises as above, the authority will impose conditions on a premises licence, reject, review or revoke premises licenses where there is an inherent conflict with the relevant codes of practice published guidance, the licensing objectives or the statement of principles.” We suspect that this is not intended to be a single sentence and this paragraph needs to be amended in order that it makes sense. The paragraph should make it clear that the authority will only impose conditions where there is evidence in the particular circumstance of any case that the existing mandatory and default conditions need to be supplemented due to a particular risk to the licensing objectives.</p>	<p>Amendment made.</p> <p>Amended the paragraph to break up the sentences. No changes to policy context.</p>
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	<p>3.4 Location</p> <p>The final two sentences of the first paragraph under this heading cause the ABB concern. Any policy that a specific area is an area where gambling premises should not be located may be unlawful. This paragraph appears to implement a cumulative impact type policy as exists within the licensing regime under Licensing Act 2003. Such a policy is contrary to the overriding principles of “aim to permit” contained with s153 Gambling Act 2005. Similarly, the reversal of the burden of proof in the final sentence that requires the applicant to demonstrate why an application should be granted is contrary to that principle. These two sentences should be removed and replaced with the reiteration of the principle earlier in the policy that each case will be determined on its own merits.</p> <p>The following paragraph is a non sequitur. It is believed that this paragraph has been inserted at this point in error and should be included within paragraph 3.7 where the policy deals with the licensing objective of preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</p> <p>Paragraph 3.7 Licensing</p>	<p>The wording below has been removed:</p> <p>Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how potential concerns can be overcome.</p> <p>The legislation is silent on the ability to impose a cumulative impact under Gambling but there has been work undertaken by Public Health England to encourage Authorities to look at possibly doing this.</p> <p>The last paragraph has been removed as it is expressed elsewhere in the document.</p>
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	<p>Objectives</p> <p>The draft statement of principles would be assisted by a clear acknowledgement that issues of nuisance are not relevant considerations under Gambling Act 2005.</p> <p>3.8 Conditions</p> <p>The draft statement of principles would be assisted by a clear statement that the starting point for consideration of any application made under Gambling Act 2005 is that the application will be granted without the need for additional conditions, the mandatory and default conditions being sufficient to ensure operation that is reasonably consistent with the licensing objectives. It should state further that additional conditions will only be imposed where there is evidence in a particular case of a risk to the licensing objectives such that the mandatory and default conditions need to be supplemented. The draft statement needs to be clear that conditions will only be imposed where there is real evidence of a risk to the licensing objectives. The imposition of conditions must be supported by evidence. Conditions cannot be imposed where there is simply a “perceived need” as described in paragraph 3.8 or “concerns” in 3.9.</p> <p>General observation about</p>	<p>The Council takes the view that nuisance linked to the gambling activity could potentially be a relevant consideration.</p> <p>No changes to policy.</p> <p>The Policy is clear that such matters will be considered on the merits of the case.</p> <p>No changes to policy.</p>
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<p>Coral Bookmakers</p>	<p>the draft policy and wishing to state that their consideration of suitable betting premises, is not disproportionately positioned towards areas of greater deprivation (reference your section 1.3 – page 5 / 6). Our views are based on adult population, footfall and other complimentary businesses. It is too simplistic to try and identify a clear correlation between deprivation and betting office positions.</p>	<p>No impact on current draft.</p>
<p>PaddyPower Betting Operator.</p>	<p>We note at section 3.3 that if the construction of the premises is not yet complete, or if they need alteration then an application for a provisional statement should be made instead.</p> <p>This paragraph requires updating following the determination of R (on the application of) Betting Shops Services Limited-v-Southend-on-Sea Borough Council [2008] EWHC 105 (admin).</p> <p>Location and local area risk assessment</p> <p>We refer the Authority to the Regulators' Code, which provides that in making an assessment of risk, regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility.</p>	<p>The wording 'if the applicant does not have the right to occupy' has been removed.</p> <p>The Authority already carries out its duties in line with the Regulators Code. No impact on policy.</p>

	<p>Statistics</p> <p>Section 1.3 of the policy introduces gambling related statistics without a thorough analysis of any implications and conclusions drawn. The inclusion of such data, without thorough assessment, does not enable thorough consideration of the context and suggested impact that gambling premises may have upon local populations. We do not consider that the incorporation of this data within the statement of policy is in accordance with the permissive regime intended by parliament and engineered with the implementation of the Gambling Act 2005.</p> <p>Primary Authority</p> <p>Power Leisure Bookmakers Limited has established a Primary Authority Partnership with Reading Council. The primary authority worked with the Gambling Commission to develop a national inspection strategy to be implemented to help protect underage people from gambling. Such schemes enable a consistent approach to regulation and enforcement and provide a uniform standard.</p> <p>Conditions</p> <p>Mandatory and default premises licence conditions are already imposed on operators and the authority must consider that operators</p>	<p>No concerns with the information inserted at para 1.3, it is there to give contextual overview and background information.</p> <p>This will not be removed from the policy document.</p> <p>We aware of this link as is Trading Standards. No impact on policy</p> <p>The Policy is clear that such matters will be considered on the merits of the case. No changes to policy.</p>
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	<p>are required to uphold social responsibility. Additional conditions should only be imposed in exceptional circumstances where evidence based risks are identified and operators existing provisions are considered inadequate to specifically address those concerns.</p>	
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Equality Impact Assessment

Name of Project	Revision of Statement of Gambling policy	Cabinet meeting date <i>If applicable</i>	10 th November 2015
Service area responsible	Regulatory Services		
Name of completing officer	Daliah Barrett	Date EqIA created	15 th October 2015
Approved by Director / Assistant Director	Stepehn McDonnell	Date of approval	

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advancing equality of opportunity between those with 'protected characteristics' and those without them
- Fostering good relations between those with 'protected characteristics' and those without them.

In addition the Council complies with the Marriage (same sex couples) Act 2013.

Haringey Council also has a 'Specific Duty' to publish information about people affected by our policies and practices.

All assessments must be published on the Haringey equalities web pages. All Cabinet papers MUST include a link to the web page where this assessment will be published.

This Equality Impact Assessment provides evidence for meeting the Council's commitment to equality and the responsibilities outlined above, for more information about the Council's commitment to equality; please visit the Council's website.

Stage 1 – Names of those involved in preparing the EqIA	
1. Project Lead	Daliah Barrett
2. Equalities / HR	
3. EqIA Adviser (where necessary)	

Stage 2 - Description of proposal including the relevance of the proposal to the general equality duties and protected groups. Also carry out your preliminary screening (Use the questions in the Step by Step Guide (The screening process) and document your reasoning for deciding whether or not a full EqIA is required. If a full EqIA is required move on to Stage 3.

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles that they propose to apply when exercising their functions under the above legislation. The statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon before publication.

The objective of the Haringey Statement of Gambling Policy is to inform interested parties of the principles that it proposes to apply when exercising its functions under the Gambling Act 2005. It sets out the Council’s approach to licensing over next three years and tells us that the authority must have regard to the licensing objectives as set out in section 1 of the Act:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- **Ensuring that gambling is conducted in a fair and open way**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

The key message within the Statement is that our aim is to permit gambling activities at properly regulated premises whilst supporting the licensing objectives: The Statement will impact on individuals and businesses making applications, making representations against applications, and seeking the review of existing licenses. We will seek to make this process open to all by providing clear and concise guidance on our web pages and through the Licensing Team. The Statement does not prevent anyone from making an application, and each application will be judged on its individual merits.

As well as providers of gambling premises, the policy is intended to benefit residents of the Borough and businesses situated near to gambling premises. The Statement will also impact on businesses with their ‘head office’ base outside of the Haringey Area and may impact on national campaigning and support organisations. The controls on gambling activities will also impact on visitors to the area participating in such activities.

Stage 3 – Scoping Exercise - Employee data used in this Equality Impact Assessment
Identify the main sources of the evidence, both quantitative and qualitative, that supports your analysis. This could include for example, data on the Council’s workforce, equalities profile of service users, recent surveys, research, results of recent relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment and any other sources of relevant information, local, regional or national.

Data Source (include link where published)	What does this data include?

Stage 4 – Scoping Exercise - Service data used in this Equality Impact Assessment
This section to be completed where there is a change to the service provided

Data Source (include link where published)	What does this data include?
<p>There is a lack of information about users of gambling premises.</p> <p>This needs to be flagged up as an issue as we will need to evidence gambling related effects on the community in order to prepare local area profiles in 2016.</p>	

**Stage 5a – Considering the above information, what impact will this proposal have on the following groups in terms of impact on residents and service delivery:
Positive and negative impacts identified will need to form part of your action plan.**

	Positive	Negative	Details	None – why?
Sex			No impact	no data on local users of gambling premises
Gender Reassignment			No impact	no data on local users of gambling premises
Age	<p>References to age are made throughout all documents i.e. Protecting children from being harmed or exploited by gambling is a key Licensing objective enshrined in the legislation.</p> <p>The policy clearly restates the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as the restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). Objections to a Licence application based on this key objective are treated as a valid objection.</p> <p>The list of persons this authority consults on the Gambling policy includes</p>			

	the Children and Young Peoples Services.			
Disability			<p>In some circumstances licence conditions that have the effect of excluding disabled customers from certain premises may be necessary for reasons of public safety. For example, licence conditions may prevent non-ambulant people from entering first floor premises unless an adequate means of escape exist. However, this should be mitigated by the duty placed on premises owners to make reasonable adjustments to premises by October 2005 to accommodate disabled visitors.</p> <p>By considering each application on its merits, and taking into account views of all concerned including the listed Responsible Authorities, we seek to minimise such restrictions through the use of appropriate conditions where possible, and only in extreme cases by exclusion or refusal of applications.</p>	
Race & Ethnicity			No specific impacts on race and ethnicity have been	

			<p>identified at this stage.</p> <p>Careful monitoring (via the annual report to the Licensing Committee on the operation of the policy) will look to identify whether certain racial groups either disproportionately benefit from applying for and being granted licences, or suffer disproportionate use of enforcement sanctions.</p>	
Sexual Orientation			No impact	no data on local users of gambling premises
Religion or Belief (or No Belief)			<p>There is a right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.</p> <p>The Gambling Commission's Guidance is that charities and faith groups can be 'interested persons' able to make a representation or objection to a licence application. However moral objections are not a valid reason to reject applications for premises licence.</p>	
Pregnancy & Maternity			No impact	no data on local users of

				gambling premises no data on local users of gambling premises
Marriage and Civil Partnership (note this only applies in relation to eliminating unlawful discrimination (limb 1))			No impact	

Stage 5b – For your employees and considering the above information, what impact will this proposal have on the following groups: Positive and negative impacts identified will need to form part of your action plan.

	Positive	Negative	Details	None – why?
Sex				
Gender Reassignment				
Age				
Disability				
Race & Ethnicity				
Sexual Orientation				
Religion or Belief (or No Belief)				
Pregnancy & Maternity				
Marriage and Civil Partnership (note this only applies in relation to eliminating unlawful discrimination (limb 1))				

Stage 6 - Initial Impact analysis	Actions to mitigate, advance equality or fill gaps in information
Council has a statutory duty to keep policy under review and formally review the policy. A further review will be carried out in early 2016 in order to incorporate new Guidance from the Gambling Commission. We are not	To prevent discrimination against any particular applicant or objector the Statement is clear that we will only consider ‘relevant matters’ and will closely follow Guidance issued by DCMS and or the Gambling Commission.

current;y able to access any data that is being held on gambling related issues in the borough. There will be future efforts to gather some data on the users of gambling premises – which will enable a better analysis.

The Gambling Policy has scope to advance equality by promoting good relations. The Statement supports a culture of openness where appropriate information can be accessed by all parties, hearings are generally held in public and enforcement is in line with the principles promoted within the Enforcement Concordat. Partnership working and exchange of information (within legal constraints) is also supported by the Statement. In this way we hope to promote understanding between those providing gambling opportunities and those potentially affected by them. As with applications under other laws such as the Licensing Act 2003, we will seek to mediate between applicants and objectors and reach negotiated settlements wherever possible.

The Statement will be reviewed at least every three years and the impact of the Statement will form part of that review. Customer feedback forms will be used to facilitate this process.

Stage 7 - Consultation and follow up data from actions set above

Data Source (include link where published)	What does this data include?
<p>The policy was emailed out to:</p> <ul style="list-style-type: none"> • Responsible authorities, including Police, Fire and Safeguarding Children, Public Health. • Neighbouring Boroughs • Ward Councillors • Licensees • Community Safety • Licensees reps (ABB) <p>Gambling Commission Various applicants for lottery licences which included various residents groups/faith groups etc.</p>	<p>There were three response from the betting industry all requesting the Council have clear evidence for future policies in how we set out our area profiles</p>

Stage 8 - Final impact analysis

The Gambling Commission intends to publish new guidance in April 2016, and in light of this the Council may need to further review its gambling policy then. A new requirement for all applicants for gambling premise licences to submit an accompanying risk assessment is due to be introduced. If changes to the national framework are made, this may present an opportunity for the Council to better capture equalities considerations and mitigating actions e.g. an assessment over whether the premise is located near to areas with significant crime issues or vulnerable people, measures to reduce access for known vulnerable groups and an assessment over the local area's statistics on crime, demography and deprivation levels.

The guidance sets out the expectation that that licensing authorities will create local area profiles.

Local Area profiles , collecting gambling **data** specific to the area to help inform applicants complete their own risk assessments. A reference to a local area profile means the process of understanding how gambling is provided in a particular area and what the risks might be eg demographics. Part of looking at local risk is considering the different types of people who may be potentially vulnerable to harm. This extends beyond simply looking at area deprivation to considering the range of characteristics that may be associated with increased risk of harm. This includes:

- Mental health prevalence (for example, common mental disorder/substance abuse/misuse/ psychosis)
- Significant ethnic groups
- Significant life-stage age groups (for example, children, emerging adults)
- Financial problems (for example, debt, credit environment, need of financial support)
- Housing instability (for example, tenure, homelessness)
- Alcohol consumption
- Employment and income

There is no prescriptive requirement and different authorities are likely to approach it in different ways.

Stage 9 - Equality Impact Assessment Review Log

Review approved by Director / Assistant Director

Date of review

Review approved by Director / Assistant Director

Date of review

Stage 10 – Publication

Ensure the completed EqIA is published in accordance with the Council's policy.

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Report for: Cabinet 10th November 2015

Item number: 19

Title: Award of contract for the Alcohol Support Service

Report authorised by : Charlotte Pomery, Assistant Director Commissioning

Lead Officer: Sebastian Dacre , Commissioning Manager 020 8489 2308
sebastian.dacre@haringey.gov.uk

Ward(s) affected: All

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

1. Describe the issue under consideration

- 1.1 This report details the outcome of an open tender process for the award of a contract to provide an Alcohol Support Service, in line with Contract Standing Order (CSO) 9.06.1(d).

2. Cabinet Member Introduction

- 2.1 I fully support the proposed single commissioning and service approach to the delivery of alcohol support services in the borough, with its important emphasis both on prevention and early intervention and on wrap around support. The risk of homelessness for people with alcohol needs can be high without the appropriate support and the outreach and engagement interventions set out in this report will help to minimise wider harm from alcohol use and to support abstinence.
- 2.2 The wider strategic focus on prevention and early intervention which minimises the need for more intensive interventions and complements other commissioned alcohol services is to be welcomed.

3. Recommendations

- 3.1 To agree the award of contract to the successful tenderer, Haringey Advisory Group on Alcohol, in accordance with Contract Standing Order (CSO) 9.06.1(d), for £969,691.00 for an initial term of 2 years and 9 months with an option to extend for a further period(s) of up to two years for a further value of up to £706,342 over two full years.

4. Reasons for decision

- 4.1 Although the existing alcohol support service in its current form was delivered as one service, it was funded through a number of separately agreed contracts across Housing and Adults Commissioning.

- 4.2 A review of the service provision identified cross cutting themes and outcomes across the two commissioning areas and the potential to improve outcomes for service users and deliver savings through joint commissioning and a competitive process.
- 4.3 As a result of the procurement exercise, which has been carried out in accordance with the Council's Contract Standing Orders and the Procurement Code of Practice, it is necessary to award the contract to the successful tenderer as outlined in paragraph 3.1 in accordance with CSO 9.06.1(d).

5. Alternative options considered

- 5.1 Three alternative options were considered but were deemed unsuitable:
 - 5.1.1 To continue with existing arrangements: this was not deemed viable as a longer term holistic approach is needed to provide stability for the service offer and more closely align the service outcomes with the Council's Corporate Plan, Building A Stronger Haringey Together.
 - 5.1.2 To recommission separately the different parts of the alcohol service: it was recognised that existing contracting arrangements and separate recommissioning would achieve neither the desired outcomes for users and their carers nor the savings set out in the Council's Medium Term Financial Strategy which could be delivered through a whole service commission and competitive tender process.
 - 5.1.3 To decommission the alcohol service: needs assessment and service user and stakeholder consultation evidence the need for this type of service provision in Haringey. This, in conjunction with the Council's duty in relation to wellbeing under the Care Act 2014, precluded decommissioning.

6. Background information

- 6.1 Alcohol misuse is associated with a number of health-related problems including: hypertension, cardiovascular disease, cancers, liver disease, mental and behavioural disorders, alcohol poisoning, accidental injuries, road traffic accidents, violence and premature death.
 - 6.1.1 Men in Haringey have the highest death rate from alcohol-specific causes in London per 100,000 population and the second highest mortality rate for chronic liver disease (NWPHO, 2012).
- 6.2 Alcohol has a significant social impact including alcohol-related crime, anti-social behaviour such as street drinking, domestic violence, teenage pregnancy, loss of workplace productivity and homelessness (Department of Health, 2007). Parental drinking is also a factor in a number of cases focused on the protection of children.
- 6.3 North West Public Health Observatory synthetic estimates suggest that 20.1% of the local population are drinking at increasing risk and 6.4% are drinking at high risk levels in Haringey (NWPHO, 2012). However, only a small percentage

of this population will go onto become dependent drinkers and require specialist alcohol treatment.

- 6.3.1 Alcohol related hospital admission rates remain above London and England averages. The latest published rate for Haringey is 2349 admissions per 100,000 population in 2012/13 (NWPFO, 2013).
- 6.3.2 Approximately 600 dependent drinkers access specialist alcohol treatment services in Haringey annually. National and local trends of alcohol-related hospital admissions suggest the upward trend in alcohol-related admissions are likely to continue, this means the need is likely to increase, at least in the short to medium term.

Alcohol services in Haringey

- 6.4 Alcohol services have evolved in Haringey over time separately funded through Housing Related Support, Social Care and Public Health. The commissioning of this new service brings together social care and housing related support commissioning to support the Council's commitment to enable all people to directly manage their own care and support, to maximise independence, choice and control and to maintain their housing and avoid the need for higher level interventions. The new holistic provision will range across different levels of support and care to reflect the different funding streams.

Service outcomes and design

- 6.5 A needs analysis review has now been undertaken to underpin the new alcohol support service commissioning activity. This included consideration of the Joint Strategic Needs Assessment for alcohol, the local alcohol profile for Haringey, the Reshaping Drug and Alcohol Services in Haringey Consultation findings (March 2013), and equalities data from the current provider Haringey Advisory Group on Alcohol. Service user consultation and stakeholder meetings have also been held which support the development of the jointly commissioned approach to a single, non-clinical, Alcohol Support Service.
- 6.6 The new non-clinical Alcohol Support Service will be jointly commissioned by the Council's Commissioning Unit (Social Care) and Housing Related Support Commissioning as part of ensuring that a wide range of preventative and early intervention offers are available to the residents of Haringey to support people maintaining a better quality of life and increasing their ability to maintain their independence. The Haringey Alcohol Support Service will provide outreach and engagement services to minimise harm from alcohol use and support abstinence. The service will also deliver support to service users to prevent homelessness and sustain independent living and to bring about improved health, social, economic wellbeing and community involvement outcomes. The Service will have a wide strategic focus on prevention and early intervention which minimises the need for more intensive interventions and complements other commissioned alcohol services. The service will work closely with other providers and agencies to ensure a seamless service and will deliver against the Council's priorities and cross cutting themes as set out in the Corporate Plan, Building A Stronger Haringey Together.

- 6.6.1 the aim of the outreach service is to prevent homelessness, minimises street drinking and alcohol related ASB and works in the community to raising awareness of the harmful affects of alcohol.
- 6.6.2 The aim of the engagment service is to reduce harmful levels of drinking or to support abstinence through non-clinical interventions.
- 6.6.3 The strategic focus on prevention and early intervention of the service will prevent escalation to high cost social care needs.
- 6.6.4 The Alcohol Support Service outcomes are set out in Appendix One.

The Procurement Process

- 6.7 A 'Meet the Buyer' event was held on 2nd July 2015. This event was intended to communicate and share information with potential providers to help them understand commissioning intentions and offer opportunities to network and forge partnerships. The 'Meet the Buyer' event indicated that these are specialist services and the nature of the market for this type of service is limited. Therefore, the 'Open' tendering process was selected as the most efficient route to market.
- 6.8 The procurement process started with the placing of a contract notice in the Official Journal of the European Union (OJEU) on Haringey's website, Delta CompeteFor portal. In addition the advert was circulated by Haringey Association of Voluntary and Community Organisations (HAVCO) by email to its membership, approximately 750 contacts representing 500 voluntary and community groups in the Borough. The Invitation to Tender (ITT) and supporting documents were uploaded on Delta (e-tendering portal) where following a registration, the potential tenderers can access the tender documents and submit their tenders electronically. The closing date for submitting tenders was 15th September 2015 and by the deadline one(1) bid was received.
- 6.9 The tender was evaluated using the Most Economically Advantageous Tender (MEAT) with a split of 40% quality and 60% price. The tender evaluation criteria and weighting were set out in the tender documents and clarified during the tendering process. The table below details total scores for the Tenderer:

Tenderer	Quality Scores (out of 400 points)	Price Scores (out of 600 points)	Total scores (out of 1000 points)	Contract price for 2 years and 9 months
HAGA	366	600	966	£969,691.00

- 6.9.1 The Council contacted the organisations that had initially requested information about the procurement, but had not submitted tenders. Two (2) replies were received. One feedback outlined that it coincided with another procurement, the second identified that the provider did not have resources to carry out the tender.

- 6.10 The two years and nine month contract value is £969,691.00 with an option to extend for a further period(s) of up to two years for a value of up to £706,342 over two full years.

7. Contribution to strategic outcomes

- 7.1 This service is linked to the Corporate Plan, Building a Stronger Haringey Together 2015- 18, in particular;

Priority 2 – Enable all adults to live healthy, long and fulfilling lives:

1. All residents will be as healthy as possible for as long as possible.
 - a. Health related quality of life will improve over time (including mental health and wellbeing).

Priority 5 - creating homes and communities where people choose to live and are able to thrive:

2. Prevent homelessness and support residents to lead fulfilling lives.
 - a. More people, including vulnerable people and those with complex housing needs, will be able to maintain their tenancies successfully and have greater independence.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance

- 8.1 There are a number of contracts in place across the Council to fund HAGA and the approach proposed in the report will greatly simplify these arrangements. Current contracts expire on 31st March 2016 and the budget for Adults Commissioning is £400k and the budget for Housing Related Support is £74k making a total current budget provision of £474k per annum. The recommended contract value is £353k per annum which equates to an annual saving of £121k. This saving will contribute to commissioning savings as identified in the Council's Medium Term Financial Strategy.

Procurement

- 8.2 The recommendation is in line with the Procurement code of practise.
- 8.3 A competitive process has been undertaken through an open tender process to test the market and ensure Value For Money.
- 8.4 Contract management arrangements have been put in place to ensure contract compliance and to monitor performance.
- 8.5 The Head of Procurement supports the recommendation

Comments of the Assistant Director of Corporate Governance

- 8.6 This report relates to services which are subject to the new Light Touch Regime under the Public Contract Regulations 2015. As such they are required to be advertised in the Official Journal of the European Union (OJEU) although there is greater flexibility in the tender procedure followed than under the standard EU tender regime.
- 8.7 The Council's Contract Standing Orders (CSOs) also apply to the procurement and the services have been tendered in accordance with CSO requirements. The open procedure provided under CSO 9.01(a) was followed.
- 8.8 The services tendered are valued over £500,000. As result, the decision to award the contract for the services is a Key Decision that must be included in the Forward Plan, which has been done, and must be taken at Cabinet level in accordance with CSO 9.06.1(d).
- 8.9 The Assistant Director of Corporate Governance confirms that there are no legal reasons preventing Cabinet from approving the recommendation in paragraph 3 of this report.

Equality

- 8.10 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
 - Advance equality of opportunity between people who share those protected characteristics and people who do not;
 - Foster good relations between people who share those characteristics and people who do not.
- 8.11 This report relates to award of a contract for an alcohol support service through a competitive tendering process. The service by its nature provides support to vulnerable people, including those with the protected characteristics.
- 8.12 The contract specification clearly sets out the supplier's responsibilities under equalities legislation, including a requirement to have in place up to date equalities policies and to ensure that the service is accessible to all sections of the community.
- 8.13 The contractor had to demonstrate compliance with relevant equalities legislation through the tendering process. The contractor was also required to demonstrate how they would meet the needs of different service users and ensure the service provided would be accessible to all sections of the

community. The contractor's compliance with equalities legislation will be quality assured through regular contract monitoring and service review.

- 8.14 An Equalities Impact Assessment has been carried out. The Alcohol Support Service is a service provided to some of the most vulnerable and excluded residents, including from the protected groups. Whilst the reduction in funding for this service may have an impact on the service delivered, this risk has been mitigated by the service being jointly funded and also through the service specification having a strategic focus on prevention and early intervention which should reduce the need for the more intensive and costly interventions.

9. Use of Appendices

9.1 Outcomes of the Alcohol Support Service

9.2 Copy of the Alcohol Support Service Equalities Impact Assessment

10. Local Government (Access to Information) Act 1985

10.1 This report contains no exempt information.

Appendix One

Alcohol Support Service Outcomes (extract from the service specification)

Service Outcomes at the Individual Level

- Service users are enabled to achieve and sustain either abstinence or alcohol use within safe limits.
- Service users are supported to maintain independent accommodation and prevent homelessness.
- Service users are supported into education, employment or training and are engaged with the community,
- Service users are consulted and involved in the development of the service.
- Individuals are empowered to take informed decisions about their health and wellbeing: including taking physical activity; healthy eating; reducing smoking.
- Service users are supported to access harm minimisation support, reducing the risks of street drinking.
- Service users are enabled to access peer support and other recovery models based on their own needs. Service users feel supported by their peers to recover.

Service Outcomes at the Service Level

- A wide strategic focus on prevention and early intervention which minimises the need for more intensive interventions and complements other commissioned alcohol services.
- Partnerships which will enable early intervention for the prevention of homelessness and supporting people to maintain independent accommodation.
- Effective and person centred support delivered which promotes completion of the treatment programmes, the improved health, economic and social well-being of service users, including addressing their welfare rights, money management and prevents homelessness
- Unique programmes which provide personalised support and advice and promote mental wellbeing i.e. reduction in anxiety and depression, improvement in feeling of wellbeing for:
 1. people who are looking to be abstinent from alcohol and
 2. continuous drinkers, (possibly through a day programme),
 3. an outreach programme that;
 - Raises awareness of alcohol harm reduction amongst residents, communities and professionals,


- Reaches out and works with residents with alcohol problems not engaged in services and low motivated residents to help them recognise damaging alcohol use.
- Reduces alcohol related street/community disorder.
- Responds in an informed and culturally appropriate manner.
- An integrated approach in working with other outreach based services.
- Promote Make Every Contact Count.
- Strong links with Children and Young People's and Early Help Services to support work with families by:
 - Clear referral pathways.
 - Clear protocols for information sharing with other agencies.
 - Recognising that service users are part of family systems.
 - Collaborate with specialist services which support individuals for example domestic violence, sexual health, substance misuse.

Service Outcomes at the Community Level

- Live longer healthier lives.
- Improve the mental health and wellbeing of the population.
- Prevent homelessness and support independence.
- Reduce the numbers of people into temporary accommodation.
- Give every child the best start in life.
- Right care, right time, right place.
- Delivery of greatest value from every pound spent.
- Co production.
- Reduce the numbers of unsupported street drinkers.
- Provide clear information and signposting to services that support people with problematic drinking.
- Develop preventative models to reduce risks in the long term.
- Reduce numbers of alcohol related hospital admissions.
- Reduce levels of alcohol related antisocial behaviour.

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Equality Impact Assessment

Name of Project	Alcohol Support Service	Cabinet meeting date <i>If applicable</i>	
Service area responsible	Commissioning		
Name of completing officer	Sebastian Dacre	Date EqIA created	May 2015 Updated Oct 2015
Approved by Director / Assistant Director		Date of approval	30 October 2015

The Equality Act 2010 places a ‘**General Duty**’ on all public bodies to have ‘**due regard**’ to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advancing equality of opportunity between those with ‘protected characteristics’ and those without them
- Fostering good relations between those with ‘protected characteristics’ and those without them.

In addition the Council complies with the Marriage (same sex couples) Act 2013.

Haringey Council also has a ‘**Specific Duty**’ to publish information about people affected by our policies and practices.

All assessments must be published on the Haringey equalities web pages. All Cabinet papers **MUST** include a link to the web page where this assessment will be published.

This Equality Impact Assessment provides evidence for meeting the Council’s commitment to equality and the responsibilities outlined above, for more information about the Councils commitment to equality; please visit the Council’s website.

Stage 1 – Names of those involved in preparing the EqIA	
1. Project Lead – Sebastian Dacre	
2. Equalities - Kathryn Booth	
3.	
4.	

Stage 2 - Description of proposal including the relevance of the proposal to the general equality duties and protected groups. Also carry out your preliminary screening (Use the questions in the Step by Step Guide (The screening process) and document your reasoning for deciding whether or not a full EqIA is required. If a full EqIA is required move on to Stage 3.

The Current Service

The current alcohol support service is delivered by Haringey Advisory Group on Alcohol. The service is funded through a number of separately agreed contracts across Housing and Adults Commisisioning but acts as one service.

The alcohol support service provides:

- Outreach: This service prevents homelessness, minimises street drinking and alcohol related ASB and works in the community to raising awareness of the harmful affects of alcohol
- Engagement: this service is a non clinical intervention to reduce harmful levels of drinking or to support abstinence
- Employment, Training & Education

The current service provides a service to some of the most vulnerable people in the borough, including from the protected groups.

The current contractual arrangements are no longer viable and the value of the contracts means that a competitive tender process must be undertaken.

The Proposed Service

A review of the service provision identified cross cutting themes and outcomes across the two commissioning areas and the potential to improve outcomes for service users and deliver savings through joint commissioning and a competitive process.

The proposed new service is not radically different from the current service provision. and will continue to provide outreach, engagement and ETE outcomes for service users.

In addition the new specification will have a focus on:

- Prevention and early intervention
- Joint working with other providers (especially children and young people services) and also the Public Health commissioned alcohol services.

The Council's Medium Term Financial Strategy outlines the need for savings to be made. As a result the budget for the proposed alcohol service is less than the current budget. The joint commissioning aims to manage the impact of budget reductions on service users by improving efficiency whilst retaining the overall focus of the service on outreach and engagement alongside a preventive approach.

The proposed service will continue to provide a service to some of the most vulnerable people in the borough, including from the protected groups. The outcome of the initial screening identifies that a full EQIA is required in relation to this contract. The relevance of this proposal to the general equality duties and protected groups derives from a number of issues which include:

- 1) The JSNA for alcohol projects an increase in the number of people in Haringey drinking at a level that is dangerous to their health.
- 2) The savings to be made against the current budget
- 3) The service being for some of the most vulnerable people in the borough, including from the protected groups.

Stage 3 – Scoping Exercise - Employee data used in this Equality Impact Assessment
Identify the main sources of the evidence, both quantitative and qualitative, that supports your analysis. This could include for example, data on the Council’s workforce, equalities profile of service users, recent surveys, research, results of recent relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment and any other sources of relevant information, local, regional or national.

Data Source (include link where published)	What does this data include?
EqIA Profile on Harinet	Age, gender, ethnicity, disability information – for the Council and the Borough

Stage 4 – Scoping Exercise - Service data used in this Equality Impact Assessment
This section to be completed where there is a change to the service provided

Data Source (include link where published)	What does this data include?
Data was provide by the current service provider HAGA. This information has not been published.	The data gives a breakdown for different services currently provided by HAGA: Assessment Service, Outreach, Breaking Ground (Day Service), Employment/Training/Education, Weekend Service. For each service the numbers are broken into: age, gender, ethnicity, disability information, religion, sexual orientation,
Alcohol Joint Strategic Needs Analysis	Information about alcohol need in Haringey
Local alcohol profiles www.lape.org.uk	includes hospital admissions (

The latest comprehensive hospital episode statistics (HES) analysis but relates to 2011/12 data: http://www.haringey.gov.uk/sites/haringeygovuk/files/haringey_alcohol_admissions_march_2013.pdf	Data on alcohol related admissions to hospital
Reshaping drug and alcohol services in Haringey Consultation findings March 2013	The re-tender consultation results
Impact analysis tool	granular local level data
Service User Consultation	Service user views on the current service

**Stage 5a – Considering the above information, what impact will this proposal have on the following groups in terms of impact on residents and service delivery:
Positive and negative impacts identified will need to form part of your action plan.**

	Positive	Negative	Details						None – why?																								
Sex	The new contract will include a focus on early help and prevention which is aimed at improving outcomes for all service users (positive impact for all protected characteristics)		<table border="1"> <thead> <tr> <th></th> <th>Heavy Drinking (UK)</th> <th>HAGA</th> <th>ETE</th> <th>Assessment</th> <th>BG</th> <th>Outreach</th> <th>Weekend</th> </tr> </thead> <tbody> <tr> <td>male</td> <td>70</td> <td>71.5</td> <td>61</td> <td>69</td> <td>71.2</td> <td>76.5</td> <td>85.7</td> </tr> <tr> <td>Female</td> <td>30</td> <td>28.5</td> <td>39</td> <td>31</td> <td>28.8</td> <td>23.5</td> <td>14.3</td> </tr> </tbody> </table> <p>Service monitoring data shows that more men than women are accessing current services. However, national figures highlight that men in England are more likely to drink heavily than women. 38% of men and 16% of women consume more alcohol than is recommended (Department of Health (DH), 2005).</p> <p>The review did not pick up any particular issues regarding service delivery around gender.</p>							Heavy Drinking (UK)	HAGA	ETE	Assessment	BG	Outreach	Weekend	male	70	71.5	61	69	71.2	76.5	85.7	Female	30	28.5	39	31	28.8	23.5	14.3	Services, under the new contract will continue to be open to residents regardless of sex
	Heavy Drinking (UK)	HAGA	ETE	Assessment	BG	Outreach	Weekend																										
male	70	71.5	61	69	71.2	76.5	85.7																										
Female	30	28.5	39	31	28.8	23.5	14.3																										

	tics)																																																																																																																																																																																		
Gender Reassignment	As above		No data								Services, and access to services are not restricted on the basis of gender reassignment																																																																																																																																																																								
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Age	Haringey	HAGA	ETE	Assessment	BG	Outreach	Weekend																																																																																																																																																																												
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			The age profile accessing the service is consistent with what we would expect. There is a strong correlation between dangerous levels of drinking and early deaths.								
Disability	As above								Services under the new contract will continue to be open to residents regardless of disability.		
		Disability	Haringey	HAGA	ETE	Assessment	BG	Outreach		Weekend	
		Day-to-day activities limited a lot	6.8	5.3	No data	3.5	8.2	8.7		5	
		Day-to-day activities limited a little	7.2	0.8		0.6	2.1	1.1			
		Day-to-day activities not limited	86	93.9		95.9	89.7	90.2		94	
A small proportion of existing service users have additional needs in relation to a disability or limiting illness they will still be provided for under the new service. The specification states that the service must be provided at accessible facilities.											
Race & Ethnicity	As above								Services under the new contract will continue to be open to residents regardless of ethnicity.		
		Ethnicity	Haringey	HAGA	ETE	Assessment	BG	Outreach		Weekend	
		white	Englis/Welsh/Scottish/Northern irish/British	34.7	45.8	32	43.8	51.4		47.1	58.9
			Irish	2.7	9	10	7.5	10.9		9.8	16.1
			Gypsy or Irish Traveller	0.1	0	0	0	0		0	0
			Other White	23	19	20	20.1	2.7		27.5	7.1
		Mixed	White and black caribbean	1.9	2	2.5	2.2	0.7		2.2	1.8
			white and black african	1	1	2.5	1.3	0.7		0.7	0
			White and asian	1.5	0.2	0	0.2	0.7		0	0
			Other Mixed	2.1	1.5	0	0.6	8.2		0.4	0
		Asian	Indian	2.3	1.9	7	1.8	2.1		0.7	3.6
			pakistani	0.8	0.4	0	0.5	0.7		0.4	0
			Bangladeshi	1.7	0.2	0	0.3	0		0	0
Chinese	1.5		0.4	0	0.3	1.4	0	1.8			

				Other Asian	3.2	1.1	0	1.3	2.7	0.4	0	
				African	9	4.8	7	4.9	6.2	4	3.6	
				Caribbean	7.1	5.3	12	4.9	8.2	3.3	7.1	
			Black	Other black	2.6	2.2	5	2.7	0	2.2	0	
				Arab	0.9	0	0	0	0	0	0	
			Other	Any other ethnic group	3.9	5.1	2	7.7	3.4	1.5	0	
			<p>Current patterns of service use broadly reflect the existing Haringey population. However, some ethnic groups within the borough currently have higher levels of problematic alcohol use and therefore have a greater need at present for the services provided under the contract. For example, the JNSA states that Irish men and 'any other ethnic group' have the highest rates of admissions wholly attributable to alcohol; it is thought that 'any other ethnic group' category includes people from Poland and Eastern Europe.</p> <p>The specification states that the Outreach Service must respond in an informed and culturally appropriate manner to all service users.</p>									
Sexual Orientation				Sexual Orientation								
				lesbian, gay, bisexual		Haringey/London	HAGA	ETE	Assessment	BG	Outreach	Weekend
						3.2	9.4	2	no data	6.9	9.4	10.7
Religion or Belief (or No Belief)				Religion	Haringey	HAGA	ETE	Assessment	BG	Outreach	Weekend	
				Christian	45	41.7	22	42.3	42.5	40.9	51.8	
				Buddist	1.1	1	0	0.8	1.4	1.4	0	
				Hindu	1.8	0.4	0	0.3	0.7	0.4	1.8	
				Jewish	3	0	0	0	0	0	0	
												Services are open to residents regardless of sexual orientation
												Services are open to residents regardless of religion

			<table border="1"> <tr> <td>Muslim</td> <td>14.2</td> <td>3.9</td> <td>0</td> <td>4.1</td> <td>6.2</td> <td>3.3</td> <td>1.8</td> </tr> <tr> <td>Sikh</td> <td>0.3</td> <td>0.3</td> <td>0</td> <td>0.3</td> <td>0.7</td> <td>0.4</td> <td>0</td> </tr> <tr> <td>Other religion</td> <td>0.5</td> <td>3.6</td> <td>2</td> <td>2</td> <td>2.7</td> <td>5.1</td> <td>7.1</td> </tr> <tr> <td>No religion</td> <td>25.2</td> <td>46</td> <td>17</td> <td>47.6</td> <td>45.9</td> <td>48.5</td> <td>37.5</td> </tr> <tr> <td>Religion not stated</td> <td>8.9</td> <td>2.1</td> <td>59</td> <td>2.6</td> <td>0</td> <td>0</td> <td>0</td> </tr> </table> <p>Religions underrepresented are those where alcohol abstention is part of the normal practice of that religion.</p>	Muslim	14.2	3.9	0	4.1	6.2	3.3	1.8	Sikh	0.3	0.3	0	0.3	0.7	0.4	0	Other religion	0.5	3.6	2	2	2.7	5.1	7.1	No religion	25.2	46	17	47.6	45.9	48.5	37.5	Religion not stated	8.9	2.1	59	2.6	0	0	0	
Muslim	14.2	3.9	0	4.1	6.2	3.3	1.8																																					
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No religion	25.2	46	17	47.6	45.9	48.5	37.5																																					
Religion not stated	8.9	2.1	59	2.6	0	0	0																																					
Pregnancy & Maternity	x		<p>There is currently no data available on the number of service users who are pregnant or have young children.</p> <p>The JNSA states that there is a gap in advice and information for pregnant women around safe drinking levels. The specification has therefore made pregnant women and those with young children as a priority group for the new alcohol support service</p>																																									
Marriage and Civil Partnership (note this only applies in relation to eliminating unlawful discrimination (limb 1))			<p>There is currently no data available in relation to this protected characteristic</p>	<p>Services, and access to services are not restricted on the basis of marriage and civil partnership</p>																																								

Stage 5b – For your employees and considering the above information, what impact will this proposal have on the following groups: Positive and negative impacts identified will need to form part of your action plan.

	Positive	Negative	Details	None – why?
Sex	N/A			
Gender Reassignment	N/A			
Age	N/A			
Disability	N/A			
Race & Ethnicity	N/A			
Sexual Orientation	N/A			
Religion or Belief (or No Belief)	N/A			
Pregnancy & Maternity	N/A			
Marriage and Civil Partnership (note this only applies in relation to eliminating unlawful discrimination (limb 1))	N/A			

Stage 6 - Initial Impact analysis	Actions to mitigate, advance equality or fill gaps in information
Existing services are targeted at problematic drinkers who are some of the most vulnerable in our communities. A number of service users have additional needs, for example related to disability or cultural needs.	The specification for the new service requires:

Pregnancy & maternity: By making this protected characteristic a priority group the new specification will have a positive impact.

Gender Reassignment/ marriage and Civil Partnership: gap in information so unable to know impact on this group.

- The service must be accessible to all sections of the community.
- The Outreach Service responds in an informed and culturally appropriate manner
- The provider must have an equalities policy
- All staff must be trained in equalities and diversity
- The service acknowledges and respects service users' gender, sexual orientation, age, ability, race, faith and culture and aims to meet the needs of BME and other protected groups as set out in the Equality Act 2010.

As part of the tender process prospective providers were required to demonstrate how they would ensure inclusive and fair ways of working with people and how they would measure their progress in doing so. The specification states that the new service must have a particular focus on Pregnant women and those with young children and treat them as a priority group.

As part of the monitoring data the new provider is required to collect data on all the protected characteristics which is not currently the case.

The Council is seeking to mitigate the impact of savings on service users through:

- reducing administrative costs

<p>The new contract will bring together the following existing services outreach, engagement (currently delivered through the day programme, Housing related support and Employment, training and education.)</p> <p>The new contract will deliver annual savings of £120k (greater than the original £100k target) as part of the Council's Medium Term Financial Strategy.</p> <ul style="list-style-type: none"> • • 	<ul style="list-style-type: none"> • making savings through a joint commissioning process • refocusing aspects of the service around prevention and early intervention to decrease demand for more intensive support over time <p>The specification allows for flexibility in how the outcomes of the service are delivered. Through contract monitoring the service will be able to adjust where necessary to make sure that those with protected characteristics are able to access the service.</p>
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Stage 7 - Consultation and follow up data from actions set above	
Data Source (include link where published)	What does this data include?
<p>Consultation</p> <p>A service user consultation was undertaken in October 2014. This consisted of members of the current providers abstinence day programme. This consultation focused on what they felt were the most important elements of the existing alcohol service and areas they thought were of least benefit.</p> <p>Stakeholder Meetings</p>	<p>The data included views about what were important services and which were less important.</p> <p>Important Services</p> <ul style="list-style-type: none"> • Abstinence 590 project • Counselling • Detox

Stakeholder meeting were held with external providers and also Council staff to look at the outcomes of the draft specification and to see if the correct commissioning process was being undertaken.

Stakeholders were aware of the Council's position for the need to make savings.

The meetings also highlighted the changing nature of the groups involved in street drinking and the need for the provider to be able to adjust the delivery of the outreach service to be culturally appropriate.

- Links to CAB – Housing (St Mungos)
- After care
- recovery

'Luxury services' (didn't say they were unnecessary)

- Polish and Eastern European drinking programme
- Hospital liaison
- Outreach
- Home support
- GP Hubs

Agreed that a single service jointly commissioned was a good idea.

Agreed with aligning the contract with the Public Health alcohol service in the future.

Discussed the outcomes for the new specification. This led to some amendments and some additions. Overall agreed that the these were improved outcomes and would mitigate against the savings made against the contract.

Highlighted the importance of having an alcohol support service and how it supported the Council's priorities and other services in the borough.

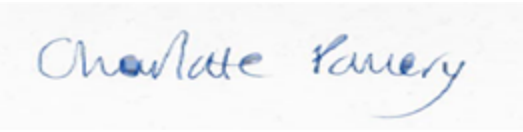
The Polish and Eastern European drinking programme was provided as a short term contract which ended prior to the recommissioning of

	<p>the new service.. The new specification, however, makes reference to the different cultures that are street drinking and the need for the new provider to be able to adapt to the cultural needs of this and future groups.</p> <p>The hospital liaison and GP hubs fall under the public health alcohol service.</p>
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Stage 8 - Final impact analysis

- Alcohol services provide support to some of most vulnerable in our community, including those who share the protected characteristics.
- A new contract is being tendered for which brings together the following existing services Outreach and Engagement, Housing related support and Employment, Training & Education.
- Savings are being made to the contract in line with the MTFS. The Council has agreed measures to mitigate the impact of these reductions including administrative savings, a joint commissioning process and refocusing the service around prevention and early intervention to reduce demand for services over time
- Service users were consulted on the design of the new service and service user feedback was incorporated into the specification for the new service
- The contract specification sets out the service provision and procedures the contractor must have in place in order to meet the needs of service users in line with the equalities duty
- Prospective tenderers were required to demonstrate how they would ensure inclusive and fair ways of working with people.

Stage 9 - Equality Impact Assessment Review Log

Review approved by Director / Assistant Director		Date of review	30 October 2015
Review approved by Director / Assistant Director		Date of review	

Stage 10 – Publication

Ensure the completed EqIA is published in accordance with the Council's policy.

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Report for: Cabinet – 10th November 2015

Item number: 20

Title: Approval of Haringey Council Tax Reduction Scheme for 2016/17.

Report

authorised by : Tracie Evans, Chief Operating Officer

Lead Officer: Freddie Grealish, Head of Revenues,
0208-489-3638 freddie.grealish@haringey.gov.uk

Ward(s) affected: All

Report for Key/

Non Key Decision: Report for key decision

1. Describe the issue under consideration

- 1.1 Following the transfer of Council Tax Benefit to Local Authority control from April 2013, Haringey has run a replacement Council Tax Reduction Scheme that protected pensioners (as prescribed by Central Government) and those in receipt of certain disability benefits. The government made funding cuts at the time of the transfer and Haringey passed these on by giving a maximum level of support of 80.2% to all other claimants.
- 1.2 There is a statutory obligation on the Council to consider, each financial year, whether to revise or replace its scheme.
- 1.3 This report sets out the recommendations for Haringey's Council Tax Reduction Scheme (CTRS) for 2016/17, taking into account the outcomes of an Equalities Impact Assessment (EQIA).
- 1.4 The Council must approve the final scheme by 31st January 2016 ready for implementation on the 1st April 2016. The purpose of this report is to seek approval from Cabinet to take the recommendations forward to Full Council at its meeting on 23rd November 2016. The recommended CTRS is a continuation of the current CTRS without revision or amendment.

2. Cabinet Member Introduction

- 2.1 The Council Tax Reduction Scheme was adopted due to the government's attack on Council Tax Benefit, which saw a 10% reduction in funding. From 2014 onwards, we have provided financial support for working age claimants up to 80.2% of council tax. To provide more than the levels currently set out, we would need to cut crucial services or dig into our reserves – a move which is financially unsustainable in the long term.
- 2.2 At this challenging time it's critical that the council provide support to those who

need it. We will continue to provide a support package that includes flexible, supportive payment arrangements, drop-in sessions where claimants can meet with dedicated officers to discuss payment and working in partnership with our voluntary organisations, such as the Haringey CAB.

3. Recommendations

It is recommended to Cabinet that the following recommendations are proposed to full Council for consideration:

- 3.1 Having taken into account the Equalities Impact Assessment at **Appendix B**, the Council resolve not to revise the Council Tax Reduction Scheme agreed for 2015/16 and to continue this scheme for 2016/17;
- 3.2 Accordingly, the scheme which is summarised in **Appendix A** and set out in full at **Appendix C** continues to be implemented for 2016/17. The principles of this are that:
 - (a) pensioners remain protected from any increase in the amount of Council Tax which they are liable to pay following the abolition of Council Tax Benefit (as prescribed by Central Government). Pensioners will continue to receive the same level of support for the payment of Council Tax as compared with 2012/2013 and the original Council Tax benefit.
 - (b) those in receipt of certain disability benefits are protected from any increase in the amount of Council Tax which they are liable to pay following the abolition of Council Tax Benefit. Those in receipt of certain disability benefits will continue to receive the same level of support for the payment of Council Tax as compared with 2012/2013 and the original Council Tax benefit.
 - (c) all remaining working age claimants not covered by (b) above will continue to have their Council Tax Support capped at 80.2% of Council Tax liability. In other words, working age claimants will continue to receive the same level of Council Tax Support as 2015/16, this amount representing a 19.8% reduction in the level of Council Tax Support available.
- 3.3 The Council is asked to give authority to the Chief Operating Officer and Head of Shared Services to take all appropriate steps to implement and administer the Scheme.

4. Reasons for decision

- 4.1 The recommendation to retain the current scheme continues to support the Government's initiative of work incentives and pays due regard to the challenging financial climate we are currently in.
- 4.2 In recognition of the vulnerable sectors of society, we have supportive measures in place. It is proposed that these continue into 2016/17. Maintaining the current scheme ensures that these protected claimants will not be further disadvantaged.

- 4.3 There remains a shortfall in collection. The Council relies on all Council Tax income to fund the services it provides.

5. Alternative Options Considered

- 5.1 In accordance with paragraph 5 of Schedule 1A to the Local Government Finance Act 1992 (the 1992 Act), each financial year the Council is required to consider whether to revise or replace its scheme. One option for the Council is to continue with the scheme in place for the current financial year. Another option is to revise the scheme, which may be done in a variety of ways, for example, the Council could choose to increase or decrease the amount of financial support available under the scheme. Options should be considered in the light of the knowledge gained during both the current year and the implementation of the scheme over previous years.
- 5.2 The options for changing the current scheme that have been considered are listed below. Some of these considerations were informed by the original consultation undertaken prior to adopting the 2013/14 scheme.
- Increase the level of financial support so all customers pay less
 - Decrease the level of financial support so all customers pay more
 - Absorb the full shortfall into the Council budget by providing financial support up to the level previously funded by Central Government as part of Council Tax Benefit.
 - Protect certain vulnerable groups in addition to those in receipt of certain disability benefits, these include but are not limited to:
 - Households with children
 - Households with a child under one
 - Households with a child under five
 - Households with more than three children
 - Households with a lone parent
 - Protect band A-C properties
 - Protect claimants on current maximum entitlement
 - Protect claimants who are working but on low income.
 - Protect claimants in receipt of Single Person's Discount
 - Increase Council Tax
- 5.3 A breakdown of these options with accompanying financial data is provided in **Appendix D**. Appendix D further sets out the potential advantages and disadvantages of each option together with rationale to explain why these alternative options have not been favoured at this time.
- 5.4 Having regard to the detailed points set out at Appendix D, it is recommended that none of these options for change are taken forward. This is because
- (i) Any option which would require the Council to increase levels of support for Council Tax payments would need to be directly funded by the Council and given the competing demands on the Council's limited budget, increasing support for Council Tax funding would require the Council to find reductions elsewhere, cut services, utilise reserves or increase Council Tax,

- (ii) Any option which would require the Council to increase levels of support for particular groups of people could have a disproportionate impact on some claimant groups over others,
- (iii) In addition, the majority of the options do not support the Central Government initiative of encouraging people back to work
- (iv) The Council do not consider that it is appropriate to increase Council Tax.

5.5 In his Summer budget in July 2015, the Chancellor of the Exchequer announced a range of reforms to the national welfare budget, aimed at reducing the cost of welfare to the government. This includes freezing benefit rates, restricting backdating rules, reductions in Tax Credits, reduction of the Benefit Cap, and curbs on the number of children that support can be provided for. Some of these changes are effective from April 2016, others will be implemented later. It is not proposed to revise the Council Tax Reduction Scheme for 2016/17, as the government has not yet given any information regarding the possible financial effect of these changes. We will monitor the effect of these changes in the 2016/17 year. It is possible that we may seek to revise our scheme for 2017/18, to consider these changes.

5.6 The Council also recognises that one further option to be considered in the future is to undertake a more comprehensive overhaul of the scheme so that Council Tax Support falls under Council Tax legislation as a discount, similar to the existing Single Person Discount. This may make administration more straight forward. However, the Council is not proposing to undertake such an overhaul at this stage, nor does it consider that this is an option for the 2016/17 scheme. If a decision is made to take forward consideration of this possibility for the future (i.e. from 2017/18 onwards), then depending on the nature of the changes, consultation and financial modelling to identify implications to the Council Tax Band may need to take place, in addition to full consultation on any changes to Scheme itself.

6. Background Information

6.1 As part of the Government's Welfare Reform Act, Council Tax Benefit was abolished and replaced with a Local Council Tax Reduction Scheme from 1 April 2013, with a reduced level of Government funding.

6.2 Haringey's Council Tax Reduction Scheme (CTRS) broadly mirrors Council Tax Benefit in terms of it being a means tested level of support with the same rules and parameters around eligibility and deductions. However, as the overall level of funding available to the Council to support Council Tax payments was reduced, it was not possible to maintain the scheme exactly as it was without the Council having to make up the shortfall in funding in other ways (for example cutting services, utilising reserves or increasing Council Tax or a combination of these options). The Council adopted a scheme whereby all non-protected claimants of working age (i.e. all claimants other than pensioners or those in receipt of certain disability benefits) had to pay something towards their Council Tax.

6.3 Central Government prescribed that pensioners were automatically protected from any changes to Council Tax Benefit and following consultation with Haringey

residents and interested groups in the autumn of 2012 the Council chose to extend this protection to those in receipt of certain disability benefits.

- 6.4 Following financial modelling looking at claimant volumes, the number of pensioners in the area and anticipated collection figures, it was decided to pass on the £3.8m shortfall represented by the cut in funding from Central Government, across all non-protected working age claimants by reducing the maximum level of support from 100% to 80.2%.
- 6.5 The following table shows the financial situation for the 2014/15 scheme, the last year for which we have a full years data. We also show the current year amount billed to residents and the collection so far this year, and it is expected to be broadly similar to 2014/15. Collection levels achieved 86% in 2015/16, though it had been anticipated since the inception of CTRS that collection levels would be significantly lower:

2014/15 scheme:

Total amount billed	£6,200,297
Actual sum collected (86%)	<u>£5,314,341-</u>
Variance	£885,956

2015/16 scheme (as at 5 October 2015):

Total amount billed	£5,603,942
Actual sum collected (53%)	<u>£2,985,833-</u>
Variance	£2,618,109

NB. residents in receipt of Council Tax Support April 2015: 29,953

- 6.6 The number of residents claiming a Council Tax Reduction was 29,953 in April 2015. The figure as at 5 October 2015 was 28,933.
- 6.7 Support has been put in place for those claimants who had never previously had to make a payment towards their Council Tax, this includes:
- Supportive and flexible payment arrangements
 - Drop-in days at our Customer Service Centres where dedicated officers are available to discuss cases and make payment arrangements
 - Promotion of other support available
 - Signposting to third sector agencies such as the Quaker Social Action Group, Moneywise and the CAB.
- 6.8 Collection levels have been higher than initially anticipated, but still fall short of the rate necessary to bear the loss in grant, against the original Council Tax Benefit subsidy. Current year collection is anticipated to at least match last year, however is not expected to achieve the target collection rate for Council Tax. For this reason, the scheme is proposed to continue for another year, as the Council still faces a net loss in funds.

- 6.9 Now that we have the required data from the operation of the scheme from the current year (2015/16) and historically from 2014/15 and 2013/2014, to conduct a full and considered review, we are proposing that the scheme continues for 2016/17 without change. This decision reflects the work conducted as part of the original design of the 2013/14 scheme which takes into account the following factors:
- Consideration of a range of issues including the Government's "Statement of Intent" issued in May 2012, the Local Government Finance Act 2012 and regulations and guidance issued by the Government relating to work incentives.
 - Consideration of the outcomes of the consultation exercise from 2012.
 - Consideration of an equalities impact assessment
 - Consideration of the reduction in funding for the Scheme and the impact on collection rates for Council Tax.
- 6.10 The considerations listed above remain. There has been a slow but steady decrease in the numbers of people in receipt of Council Tax Reduction. This could indicate that the support provided to assist people into work has had some effect. In addition, the number of complaints and appeals against the CTRS is minimal, indicating that people are accepting that the current scheme is not unreasonable. The Equalities Impact Assessment has addressed the issues that may affect some customers, and we have strong options in place to assist those who are struggling to pay. The Council's financial position is challenging, and Council funding is under extreme pressure. We have not managed to fully collect the deficit in former funding, and remain under pressure to continue to improve collection.
- 6.11 A new scheme is required to be in place by the 31 January 2016, approved by Full Council and taking into account the results of an equality impact assessment.
- 6.12 The report proposes a continuation of the current Council Tax Reduction Scheme which includes the application method, entitlement criteria, ways to appeal, how to deal with changes of circumstances and notification styles.
- 6.13 The Scheme will continue to be run by Haringey Council and remains separate from the Department of Work and Pension's (DWP) Housing Benefit awards (including Universal Credit when this is introduced).

7. Contribution to Strategic Outcomes

- 7.1 This recommendation links to the Council's priority to "drive growth and employment from which everyone can benefit". We will link to our desired outcomes looking to achieve a fair and equal borough, to work with our communities, to work in partnership, with customer focus and value for money.

8. Statutory Officer Comments

Comments of the Chief Financial Officer and Financial Implications

- 8.1 The need for Local Authorities to move to a local council tax reduction scheme (CTRS) was met by a reduction in central government funding to support the

Scheme. For 2013/14 this equated to circa 10%. This CTRS funding also changed from a specific, designated grant to be one included within a general (non specific) , Revenue Support Grant (RSG). This lost the direct link between the cost of running the CTRS and the central government support provided and more importantly, hid the true extent of the continuing CTRS funding decreases within the downward trajectory of RSG generally. As such, it is important that Members view the points raised in this report, not in isolation, but alongside the Council's overall funding position and the ever growing contribution that local taxation will inevitably have to make to this.

- 8.2 As noted in section 5, increasing support for CTRS, in the current climate of diminishing external finances and growing budgetary pressures generally, would necessitate the Council to find spend reductions elsewhere, cut services, utilise reserves or increase Council Tax. Sound financial governance demands that reserves should only be used (or set aside) to meet specific or unforeseen future liabilities, not used as part of on-going in-year funding. These are a one-off, finite source of funding and their use to underpin an on-going revenue shortfall is not sustainable or appropriate. After reserves are exhausted, the underlying shortfall would still be there to be met ultimately by service reductions. The use of reserves to meet the on going funding support required for any extension to the CTRS, is therefore not sustainable on indeed advisable.
- 8.3 Paragraph 5.6 discusses the potential to overhaul the scheme so that it falls under Council Tax legislation as a discount, similar to the existing Single Person Discount, which could make administration more straight-forward, removing the reliance on a more resource intensive means tested assessment scheme. With fewer resources for the Council overall, a simpler scheme could be beneficial and cost effective. This would require consultation as well as revisions to the existing IT systems, procedures and staff training. At this stage the Council is not being asked to make a decision on this and further consideration will be given to this option in the future.
- 8.4 Whilst the authority in February 2015 agreed a balanced Medium Term Financial Plan covering the years 2015/16 -2018/19, this was based on the successful delivery of significant transformation and service remodelling and at period 5, the 2015/16 forecast budget outturn is for a significant overspend. Overall, based on the data available and in the light of the on-going funding austerity, the Chief Finance Officer recommends that no changes are made to the scheme for 2016/17.

Comments of the Assistant Director of Corporate Governance and Legal Implications

- 8.5 As set out in section 13A(2) of the Local Government Finance Act 1992, the Council as billing authority must make a localised Council Tax Reduction Scheme in accordance with Schedule 1A to the Act. Each financial year the Council must consider whether to revise its scheme, or to replace it with another scheme. The Council must make any revision to its scheme, or any replacement scheme, no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect.

- 8.6 This report recommends no revisions to the Scheme currently in place for 2015/16, which was itself a continuation of the Scheme approved for 2014/15, and accordingly that the same Scheme continues to be implemented for the year 2016/17. The Council is not required to conduct a consultation in circumstances where it is not proposing to make any changes to its scheme.
- 8.7 The Council must ensure that it has due regard to its Public Sector Equality Duty under the Equality Act 2010 in considering whether to revise its scheme and must therefore conduct a full Equality Impact Assessment in order to inform the final proposals. The extent of the duty on the Council, under the Equality Act 2010, is set out in **Appendix E** to this report.
- 8.8 Members must take into account the full Equality Impact Assessment included at **Appendix B** to the report, giving particular consideration to section 3 of the assessment, the impacts identified therein and the proposals made to reduce or mitigate them. The assessment includes consideration of the duties to mitigate child poverty, prevent homelessness and the armed forces covenant, in line with the Government's requirement to consider the impact of the CTRS on vulnerable groups.
- 8.9 The Act allows the Government to make regulations about the prescribed requirements for schemes. Any scheme that the Council adopts must comply with the latest regulations.

Equality and Community Cohesion Comments

- 8.10 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
 - advance equality of opportunity between people who share those protected characteristics and people who do not;
 - foster good relations between people who share those characteristics and people who do not.
- 8.11 Council Tax Reduction Scheme claimants are amongst some of the most vulnerable residents in the borough. An EqIA has therefore been completed outlining the impact for those claiming under the scheme and proposed actions to mitigate any negative impact associated with the scheme.
- 8.12 The report recommends retaining the existing Council Tax Reduction scheme meaning that there will be no changes for existing claimants. Pensioners and disabled claimants will continue to be eligible for the full discount supporting the aims of the scheme to protect the most vulnerable from financial hardship. The EqIA sets out the mitigating actions we have put in place to reduce hardship for working age claimants and those with dependents. This includes:
- Extending the payment period and/or reducing payment amounts where claimants are facing particular difficulties

- Signposting claimants to appropriate support and advice services such as employment and skills training programmes to assist them out of financial difficulty

8.13 We will continue to monitor the impact of this policy in particular in light of future welfare reform changes and are undertaking analysis of the effect of welfare reform and debt on our community to enable us to better support residents in financial difficulties.

Head of Procurement Comments

8.14 There are no procurement requirements at this stage of the proposal.

9. Planned Use of Appendices for Final Report

- Appendix A – Summary of Scheme Rules
- Appendix B – Equalities Impact Assessment
- Appendix C – Haringey Council Tax Reduction Scheme
- Appendix D – Breakdown of Options Considered
- Appendix E – Equality Act 2010 – The Public Sector Equality Duty

10. Local Government (Access to Information) Act 1985

10.1 N/A

Appendix A – Summary of Scheme Rules

Class of Persons

It is proposed that eligibility under the Scheme continues to use the previous Council Tax Benefit rules, including the change agreed for the current scheme that the maximum amount of capital that a working age claimant may hold in capital/savings before becoming ineligible for council tax support is £10,000.

Class of Reduction

It is proposed that council tax support continue to be calculated as a means tested discount as defined by original Council Tax Benefit rules except for the below changes as previously agreed:

- Payments are reduced to all working age claimants by 19.8% with the exception of those persons in receipt of the following:
 - Attendance Allowance (including Constant AA)
 - Personal Independence Payment (PIP)
 - Severe Disablement Allowance (including Exceptionally SDA)
 - Long Term Rate Incapacity Benefit
 - Mobility Allowance/Supplement
 - Working Tax Credits – Disability element

- Where entitlement to council tax support is less than £1 per week it will no longer be granted.

Discretionary Reductions under Section 13A (1) (c)

In addition and separate to any reduction calculated as part of the Scheme, this provision provides an Authority with the discretion to reduce a Council Tax Bill to zero, a similar power to that which existed previously.

MINUTES OF THE CABINET MEMBER SIGNING
MONDAY, 26 OCTOBER 2015

Present: Cllr Alan Strickland, Cabinet Member for Housing and Regeneration

In Attendance: Claire Drummond - Commissioning Manager, Housing Related
 Support Team
 Philip Slawther - Principal Committee Coordinator

MINUTE NO.	SUBJECT/DECISION	ACTION BY
HSP101.	<p>FILMING AT MEETINGS</p> <p>The Cabinet Member referred those present to agenda item 1 as shown on the agenda in respect of filming at this meeting and asked that those present reviewed and noted the information contained therein.</p>	
HSP102.	<p>URGENT BUSINESS</p> <p>None.</p>	
HSP103.	<p>AWARD OF HOUSING RELATED SUPPORT CONTRACT - HOUSING FIRST- INTENSIVE FLOATING SUPPORT</p> <p>The Cabinet Member considered a report which sought approval to agree the award of contract to provide a Housing First Intensive Floating Support Service, in line with Contract Standing Order (CSO)9.06.1(d).</p> <p>RESOLVED:</p> <p>That the contract to the successful tenderer, St Mungo's Community Housing Association Limited be awarded in accordance with Contract Standing Order (CSO) 9.06.1(d), for an initial term of 3 years for a contract value of £551,670 with an option to extend for a further period of up to two years for a value of £367,780.</p>	
HSP104.	<p>NEW ITEMS OF URGENT BUSINESS</p> <p>N/A</p>	

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MINUTES OF THE CABINET MEMBER SIGNING
THURSDAY, 29 OCTOBER 2015

Present: Cllr Ann Waters, Cabinet Member for Children and Families.

In Attendance: Eveleen Riordan – Interim Joint Head of Education Services
Anton Francic - Interim Joint Assistant Director, Schools and Learning
Philip Slawther – Principal Committee Coordinator

MINUTE NO.	SUBJECT/DECISION	ACTION BY
HSP105.	<p>FILMING AT MEETINGS</p> <p>The Cabinet Member referred those present to agenda Item 1 as shown on the agenda in respect of filming at this meeting and asked that those present reviewed and noted the information contained therein.</p>	
HSP106.	<p>URGENT BUSINESS</p> <p>None.</p>	
HSP107.	<p>PROPOSED ADMISSION ARRANGEMENTS 2017/2018</p> <p>The Cabinet Member considered a report that sought approval to consult on the proposed admission arrangements for entry to school in the academic year 2017/2018 for Haringey’s community and voluntary controlled nursery, infant, junior, primary, secondary and sixth form settings. The report proposed a change to the sibling oversubscription criterion for primary admissions arrangements. The report also sought Cabinet Member agreement to consult on the proposed In-Year Fair Access Protocol (IYFAP) for the coming year.</p> <p>The Cabinet Member noted that the consultation would take place from 13th November to 31st December, which was a change to the dates given in the report (6th November to 18 December). The Cabinet Member noted that the change did not present any issues in relation to compliance with the School Admissions Code 2014 or with meeting Cabinet deadlines for next January/February.</p> <p>The Cabinet Member was advised that a representation had been received around removing the specific admission date for the sibling oversubscription criterion and that the representation would be considered as part of the consultation process. A subsequent report to Cabinet in February 2015 would provide an analysis of all representations received and would set out recommendations based on the responses received to the consultation.</p>	

**MINUTES OF THE CABINET MEMBER SIGNING
THURSDAY, 29 OCTOBER 2015**

	<p>RESOLVED</p> <ul style="list-style-type: none"> I. That the proposed admission arrangements, including in year arrangements, for the academic year 2017/18 be agreed for public consultation; II. That the proposed In-Year Fair Access Protocol, which if agreed at Cabinet in February 2016 would be used from March 2016, be agreed for public consultation; III. That the co-ordinated scheme as set out in Appendices 2 and 3 of the report be published on the Haringey website on 1 January 2016; IV. That the proposed changes to the Council's primary school admission arrangements for the academic year 2017/18 as set out paragraphs 6.9 – 6.22 of the report, be noted; V. That the consultation on the proposed admission arrangements be noted as taking place between 13th November to 31st December 2015; VI. That following the consultation a report be taken to Cabinet on 9th February 2016, summarising the representations received from the consultation and recommending the final admission arrangements and the In-Year Fair Access Protocol.. 	
HSP108.	<p>NEW ITEMS OF URGENT BUSINESS</p> <p>N/A</p>	

Report for: Cabinet 10 November 2015

Item number: 22

Title: Delegated Decisions and Significant Actions

Report authorised by : Nick Walkley, Chief Executive

Bernie Ryan AD Corporate Governance

Lead Officer: Ayshe Simsek

Ward(s) affected: Non applicable

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

1. Describe the issue under consideration

To inform the Cabinet of delegated decisions and significant actions taken by Directors.

The report details by number and type decisions taken by Directors under delegated powers. Significant actions (decisions involving expenditure of more than £100,000) taken during the same period are also detailed.

2. Cabinet Member Introduction

Not applicable

3. Recommendations

That the report be noted.

4. Reasons for decision

Part Three, Section E of the Constitution – Responsibility for Functions, Scheme of Delegations to Officers - contains an obligation on officers to keep Members properly informed of activity arising within the scope of these delegations, and to ensure a proper record of such activity is kept and available to Members and the public in accordance with legislation. Therefore, each Director must ensure that there is a system in place within his/her business unit which records any decisions made under delegated powers.

Paragraph 3.03 of the scheme requires that Regular reports (monthly or as near as possible) shall be presented to the Cabinet Meeting, in the case of executive functions, and to the responsible Member body, in the case of non executive functions, recording the number and type of all decisions taken under officers' delegated powers. Decisions of particular significance shall be reported individually.

Paragraph 3.04 of the scheme goes on to state that a decision of “particular significance”, to be reported individually by officers, shall mean a matter not within the scope of a decision previously agreed at Member level which falls within one or both of the following:

- (a) It is a spending or saving of £100,000 or more, or
- (b) It is significant or sensitive for any other reason and the Director and Cabinet Member have agreed to report it.

5. Alternative options considered

Not applicable

6. Background information

To inform the Cabinet of delegated decisions and significant actions taken by Directors.

The report details by number and type decisions taken by Directors under delegated powers. Significant actions) decisions involving expenditure of more than £100,000) taken during the same period are also detailed.

Officer Delegated decisions are published on the following web page <http://www.minutes.haringey.gov.uk/mgDelegatedDecisions.aspx?bcr=1>

7. Contribution to strategic outcomes

Apart from being a constitutional requirement, the recording and publishing of executive and non executive officer delegated decisions is in line with the Council’s transparency agenda.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Where appropriate these are contained in the individual delegations.

9. Use of Appendices

The appendices to the report set out by number and type decisions taken by Directors under delegated powers. Significant actions (Decisions involving expenditure of more than £100,000) taken during the same period are also detailed.

10. Local Government (Access to Information) Act 1985

Background Papers

The following background papers were used in the preparation of this report;

Delegated Decisions and Significant Action Forms

Those marked with ♦ contain exempt information and are not available for public inspection.

The background papers are located at River Park House, 225 High Road, Wood Green, London N22 8HQ.

To inspect them or to discuss this report further, please contact Ayshe Simsek on 020 8489 2929.

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(Public Health)

Significant decisions - Delegated Action - For Reporting to Cabinet on 10th November 2015

◆ denotes background papers are Exempt.

No	Date approved by Director	Title	Decision
1.			

Delegated Action

Type	Number
The Director of Public Health approved the award of contract for the production of short on line videos and printed leaflets promoting young people's health and wellbeing – approved 14 th October 2015	1
The Director of Public Health has awarded the contract for the design, development, and implementation of the MECC e-learning programme, for use by Council staff, and employees of partner organisations, to Health Educators Network Ltd, in the sum of £30,000 for the period 1 November 2015 - 31 October 2016 – 14 th October 2015	2
The Director of Public Health has awarded a contract to the School Health Education Unit (SHEU), for the delivery of a school based health survey. The exact cost of delivering this contract is still to be established, as it will depend on the school take-up, however it will be in the region of be £5,000-10,000 – 14 th October 2015	3
The Director of Public Health has awarded the contract to Face Front Inclusive Theatre, for the delivery of a theatre based programme in schools. The cost of delivering this contract will be £20, 000 over two years – 14 th October 2015	4
The Director of Public Health has approved the procurement of the home sampling programme for Haringey public health in line with the local 'step change' programme at a cost of £25,470 over three years (£8,490 per year) – 28 th October 2015	5

Director of Public Health - Signature Date28 Oct 2015.....



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DIRECTORATE OF REGENERATION, PLANNING AND DEVELOPMENT

Significant decisions - Delegated Action 2015/2016 – October 2015

◆ denotes background papers are Exempt.

No	Date approved by Director	Title	Decision
1. ◆	15.10.15	Request for approval to award a contract as allowed under CSO 9.06.01.c. North Tottenham THI HLF Project – Lead Consultant	Award of the Lead Consultant contract to Frankham Consultancy Group for a total of £321,171. Dan Hawthorn (Assistant Director of Regeneration)
2. ◆	27.10.15	Acquisition of properties under the Council's Right to Buy acquisition programme	Purchase of property known as 8 Pagin House as part of the Council's Right to Buy acquisition programme in the sum of £275,000.
3. ◆	27.10.15	Tottenham Hale – Meanwhile Uses and Station Works at Tottenham Hale	The Director of Regeneration, Planning and Development has delegated authority under Part 3 Section E (section 2) of the Constitution to authorise the disposal of land if the value is less than £500,000.
Delegated Action			
Type	Project	Value	Number
Approval for award of contract under CSO ◆	High Road West Due Diligence Consultants (Infrastructure) Lyn Garner 02.10.15	£76,355	
Approval for award of contract under CSO ◆	High Road West Due Diligence Consultants (Technical) Lyn Garner 02.10.15	£43,350	
Request to waive CSO 8.03 and 9.01 as allowed under CSO 10.01.1b	Tall Buildings and Views Study of the Haringey Local Plan Lyn Garner 12.10.15	£51,095	
Request for approval to award a contract as allowed under CSO 9.06 ◆	North Tottenham THI HLF Project – Quantity Surveyor Dan Hawthorn 15.10.15	£16,350	
Request for implementation of CSO 10.01.2 ◆	Appointment of Financial Advisors, Northumberland Development Project (Grant Thornton) Lyn Garner 29.10.15	£25,000 (total cost to be met by THFC)	

Submission authorised by:

Lyn Garner 

Director of Regeneration, Planning and Development

Date: 29.10.2015

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Chief Operations Officer

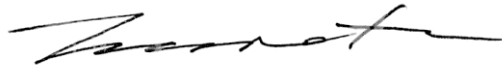
Significant decisions - Delegated Action - For Reporting to Cabinet on 10th November 2015

◆ Denotes background papers are Exempt.

No	Date approved by Director	Title	Decision
1.	08.09.15	Haringey Race & Equality Council (HREC)	One off payment grant of 80K agreed on the 8 th September 2015

Delegated Action	
Type	Number

SLT Officer Signature



Date

26.10.15

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of the Local Government Act 1972.

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