

## **MINUTES OF MEETING CABINET HELD ON Tuesday, 15th December, 2015 6.30**

### **PRESENT:**

**Councillors: Claire Kober (Chair), Jason Arthur, Ali Demirci, Joe Goldberg, Peter Morton, Alan Strickland and Ann Waters**

**ALSO ATTENDING: Councillors: Engert, Newton, Carter, Wright, and Bevan.**

### **130. APOLOGIES**

Apologies for absences were received from Councillor McNamara and Councillor Vanier.

### **131. URGENT BUSINESS**

There were no new items of late business. However, updated information in respect of agenda item 19 and 31, Information, Advice and Guidance contract award was tabled.

### **132. DECLARATIONS OF INTEREST**

In asking Members to declare any interests, the Leader, further referred to item 16[Tottenham Hotspur Football Club Stadium and Associated Development, Land Appropriation and Agreement] and asked Cabinet Members to consider, in the interests of openness and transparency and to avoid any allegations of bias or predetermination, to declare personal interests which were not prejudicial. This would cover for example season ticket holders or Cabinet Members who were a regular attender or supporter of either the football club or another 'Premiership' football club.

In response:

- Councillor Demirci declared a personal interest in item 16 as a lifelong Tottenham Hotspur supporter.
- Councillor Arthur declared a personal interest in item 16 as a red Membership card holder of Arsenal Football Club.

Councillor Morton declared a separate prejudicial interest in items 18, 19, 30 and 31 by virtue of his membership of the Bridge Renewal Trust Board and also because his partner worked for the Law Centre.

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

No representations were received.

#### **134. MINUTES**

The minutes of the Cabinet meeting held on the 10<sup>th</sup> November were agreed as an accurate record of the meeting.

#### **135. MATTERS REFERRED TO CABINET BY THE OVERVIEW AND SCRUTINY COMMITTEE**

Cabinet would be noting the following Scrutiny Reviews:

1. The Scrutiny Review of Finsbury Park Events
2. The Scrutiny Review of Council led Housing Development
3. The Scrutiny Review of Haringey Job Support Market

#### **136. SCRUTINY REVIEW OF FINSBURY PARK EVENTS**

Councillor Wright, Chair of the Overview and Scrutiny Committee and Chair of the Scrutiny Panel Review, considering the impact of the events policy in Finsbury Park, was invited by the Leader to introduce this report.

Councillor Wright outlined the thinking behind the terms of reference of the Scrutiny Review, the consideration given to the local concerns raised by residents following the recent Wireless Festival. This had further led the Scrutiny Panel to review the how the events policy was being implemented and exploring the mitigation measures in place to minimise the impact of the vents held in the Park on the local community. The Scrutiny Review Panel had spoken with a range of local residents, local stakeholders, partner's Councillors; MP's and received 700 hundred responses to an online questionnaire.

The Panel felt that there were further opportunities to mitigate impact of the events in the local community, especially around security and clear up of the events and put forward recommendations in accordance with this.

#### **RESOLVED**

1. To note the Finsbury Park Events Scrutiny Project final report, attached at Appendix 1; and
2. To note the recommendations contained in the final report set out at Appendix 2.

#### **137. CABINET RESPONSE TO SCRUTINY REVIEW ON FINSBURY PARK EVENTS**

The Leader introduced the Cabinet Response to the Scrutiny Review and welcomed the wide ranging set of recommendations which indicated a significant amount of work to be completed between now and the summer period, before events began.

In response to Councillor Engert's question on the number of attendees that triggered an increase in security at events and whether this was appropriate, it was noted that the Parks Service along with partners were taking forward a lessons learned exercise following each large event to ensure that required actions were immediately applied to the next event i.e. the lessons learned from the Wireless event in August was applied to the September event at the Park.

In response to Councillor Engert's question on the co-ordination between the Council and Islington Council to ensure that they did not have football matches or concerts at the Emirates stadium on the same day as events at Finsbury Park, it was noted that there were not major events in the Park during the summer holidays. There had been events on the same home match days at Arsenal but the start times had been organised to have less impact on the transport links and local area.

In response to Councillor Carter's question about the sale of tobacco at a pavilion in Finsbury Park and whether this was appropriate given the Council's responsibility for health. It was noted that for future events there would be smaller stalls. This would be a booth which was unmarked and without colourful advertising.

The Leader responded to Councillor Carter's wider point on the Council's responsibility for health with some good news that the Council would be leading and working with Islington Council on a government backed health devolution project which would be considering how local authorities can use existing and new policies to improve public health.

## **RESOLVED**

To agree the responses to the Overview and Scrutiny report recommendations (attached as Appendix 1).

## **138. SCRUTINY REVIEW OF HOUSING LED DEVELOPMENT**

Councillor Bevan introduced the Scrutiny Review, in the absence of Councillor Adje, and thanked Scrutiny Officers for their hard work in producing this report and recommendations. Councillor Bevan was also pleased, on behalf of the Panel, to see that most of the recommendations had been put forward for agreement by Cabinet. The Panel had particularly felt that the GLA could support the regeneration of the housing estates in the borough with funding but were realistic with their expectations around this. Councillor Bevan also referred to the following:

- recommendation 6, which advocated the Council joining the Local Government Development scheme
- the repatriation of the £380m for local government development
- and the importance of involving agencies that will eventually manage the new builds, in their design so they can ensure the new builds meet the principles of sound housing management.

## **RESOLVED**

1. To note the Council Led Development final report, attached at Appendix 1;
2. To note the recommendations contained in the final report.

### **139. CABINET RESPONSE TO SCRUTINY REVIEW OF HOUSING LED DEVELOPMENT**

Councillor Strickland introduced the Cabinet Response and thanked the Scrutiny Panel for their work on this Review. All the recommendations were put forward for agreement which was a sign of the appropriateness of the findings.

Councillor Strickland remarked on the Panel's recommendation on the management of assets and highlighted that the Development Vehicle will allow for this.

Councillor Strickland felt it was also a fair challenge to ask officers to further explore seeking EU funding for the refurbishment of Housing Estates and commended the Panel for their recommendations on specialist provision.

#### **RESOLVED**

To approve the responses to the recommendations set out in Appendix 1.

### **140. SCRUTINY REVIEW OF THE JOB SUPPORT MARKET**

Councillor Wright introduced this Scrutiny Review in the absence of the Scrutiny Review Chair, Councillor Bull. This Review had been undertaken in 2014 and had investigated the barriers into work.

The Panel's objectives for this Review had been twofold:

- firstly to assess what barriers the long term unemployed faced in getting back in to work and how these could be overcome;
- And secondly, to see how those agencies that support unemployed people could work more effectively to support long term unemployed.

During the course of this work the Review met representatives from agencies working to support local unemployed people back in to work.

But it was clear that there is significant potential for these services to work together better for example:

- In the training that they offer to local people;
- The way that they support particular groups of long term unemployed (e.g. those with a criminal record, mental health problems)

The Panel undertook some in depth qualitative interviews and focus groups with local unemployed people and from this it was clear that many have multiple and complex needs which cannot be resolved through any one agency.

It was noted that qualitative data obtained from local long term unemployed was very informative and gave the Panel a real insight in to the challenges that they face in looking for work.

Analysis of this data revealed three priorities to help long term unemployed people back into work:

- The need to develop and expand work experience opportunities (to build confidence, benchmark their skills);
- The need to improve access to IT facilities and IT support (to help with job search activities);

- A more coordinated, coherent and accessible presentation of local job, skills and training opportunities which are available.

Collaboration was the key to responding to these priorities, to those local skills, expertise and resources are clearly aligned to help prioritise and tackle these and other issues.

The Panel made some important recommendations to help improve the coordination of support available to local unemployed people.

## **RESOLVED**

To note the recommendations of the Scrutiny Review.

### **141. CABINET RESPONSE TO SCRUTINY REVIEW OF JOB SUPPORT MARKET**

Councillor Goldberg welcomed the Scrutiny Review which read very well and spoke of the challenges faced by the borough in supporting employment. Some of the recommendations would be challenging to deliver and may be beyond the influence of the Council and its partners, but the Cabinet Member was fully committed to implementing them as fully as possible.

Councillor Goldberg also referred to the following: the new Siemens depot facility in Hornsey, the importance of supporting people with mental health issues back into work; having a good procurement strategy; supporting more people to get jobs in the care sector; ensuring fair conditions for people volunteering and undertaking work experience; the movement of HESP to Wood Green Library which put it appropriately with the Adult Learning Centre; and tackling youth unemployment.

## **RESOLVED**

To approve the responses to the recommendations of the Scrutiny Review into the Job Support Market.

### **142. DEPUTATIONS/PETITIONS/QUESTIONS**

Mr Kevin Duffy was invited to put forward his public question to the Cabinet which had been received in advance of the meeting and was in relation to the Scrutiny Review of Finsbury Park events.

Mr Duffy asked: Even in these straitened times, when council's have to make difficult decisions on cuts, can it ever be justifiable to promote and authorise events which cause harm to children, lead to increased crime levels and cause major upheaval and dislocation to local communities.

The Leader questioned Mr Duffy's comment about the harm to children caused by the Park events and asked for a specific expansion of this point via email and she would respond accordingly. In terms of the use of the Parks for events, the Council had chosen to raise income from use of the Parks to finance the upkeep and maintenance of the Parks instead of relinquishing management of parks. The choice by Members in Haringey was to have a policy which enables events at Parks whilst working hard to mitigate the impact on the community when events are held.

Mr Duffy was further invited to put forward the representations of Friends of Finsbury Park in a separate deputation. Mr Duffy welcomed the Scrutiny Review which had become necessary following the events held in the Park in the summer of 2015. He raised the following concerns:

- The Friends of Finsbury Park had not been consulted on the terms of reference of the Scrutiny Review.
- No consideration was given as to whether the events at Finsbury Park were viable or could be scaled down.
- The actions proposed to mitigate the impact of events at Finsbury Park would fail to be effective.
- Not enough consideration was being given to physical and environmental impact on the community, in particular vulnerable communities.
- Some residents did not have use of their gardens after the events
- Local residents were deprived of the Park use during the build up and aftermath of events.
- Controls in place to mitigate impact were being breached.
- Mr Duffy asked Cabinet to reconsider their ambitions for events at Finsbury Park.

The Leader asked the deputation party whether they were unhappy with the level of mitigation proposed to limit the impact on the local community when events take place or if their priority was for events at the park to desist.

In response the deputation party highlighted their understanding of the meaning behind the word 'mitigation', which had been frequently referred to by the Scrutiny Panel and questioned whether it was being appropriately applied by the Council to limit impact on communities. They questioned whether any course of mitigation could be successful given the scale of people attending large events that would reach 50,000 and their perceived occupation of the Finsbury Park for events. They felt that no amount of mitigation would mean Finsbury Park, was accessible to the local community when events were being held.

The deputation party asked the Council to work together with the group on a three year plan on a new events policy and look at creative ways to have income without the impact on local communities.

The Leader thanked the deputation for putting forward their representations. The Leader felt it was important to keep in mind that there had been events at Finsbury Park for over 20 years. The Council were working in a financial climate when there was little funding available to maintain Parks. However the Council recognised the value given to Parks by the entire borough and had taken forward an events policy to enable income from events to pay for the upkeep, improvement of Parks rather than relinquishing their management. The Council were keen to ensure that the mitigation of impact was to the highest standard. The Council would continue to work with the community through a constituted body to ensure that mitigation actions are strong and meet the needs of the community.

In response to the points raised on the loss of the Park to the community, the Council would aim to reduce this time.

## **143. THE COUNCIL'S DRAFT CAPITAL STRATEGY**

The Cabinet Member for Resources and Culture introduced the strategy which set out the basis which will underpin the Council's discussions about the need for assets and direct the approach for acquiring and maintaining operational assets. The strategy also set out the key

role that the Council's assets would play in delivering the Council's key priorities of regeneration, business growth, and growth in employment and housing growth.

It was noted that the strategy aligns with the Cabinet decision to seek a development partner to deliver investment and regeneration to the borough.

It was noted that the more detailed capital schemes will still come forward to Cabinet for approval.

In response to Councillor Engert's question on Member oversight of the Capital programme, it was noted that there would be strong oversight of the programme by the Cabinet and also through the Cabinet Member. Corporate Committee would also have a monitoring role through their responsibility for Treasury Management Strategy.

Agreed Councillor Engert is supplied with a written response to her questions on the viability of using capital receipts to fund a swimming pool in the Wood Green area and what the reduction will be in capital receipts if the council has to hand back to the treasury unused RTB receipts.

## **RESOLVED**

1. To approve the Council's Capital Strategy (Appendix 1).
2. To note the process for agreeing the detailed schemes to be included for approval as part of the Council's Capital Programme (Paragraph 6.8).

## **Reasons for decision**

In order to guide its capital investment priorities and provide the basis for investing in its assets the Council has developed a Capital Strategy. The strategy considers the external environment and the financial context within which the Council is operating in order to ensure that long term investment is based on a firm understanding of its priorities, needs and constraints.

## **Alternative options considered**

The Council could continue to determine and approve an annual capital programme based on its immediate needs; however this approach has been discounted as it will tend to prioritise those projects which can be developed quickly rather than those that support a more strategic view of the Council's needs. It will also potentially be limited by short term decisions on funding options which may not be the most effective approach.

There are a number of funding approaches that have also been considered ranging from restricting expenditure to the extent to which capital receipts can continue to be generated, to a longer term view based on leveraging additional external resources and anticipating revenue streams in support of borrowing. There is a need to keep under Review the balance between the Council's ambition and the risks associated with borrowing in an uncertain financial climate, but by taking a longer term view these risks can be smoothed over time. The Council's Medium Term Financial Strategy will continue to be updated with the on-going revenue effects of capital decisions.

## **144. HIGH ROAD WEST REGENERATION SCHEME**

The Cabinet Member for Housing and Regeneration introduced the report which proposed securing a development partner to work in partnership with the Council to deliver regeneration aspirations for the High Road West area. This was a milestone, in terms of the regeneration of the borough and the Cabinet Member thanked the lead officer for her hard work and dedication in bringing together the report and recommendations which had involved detailed

and close consultation with residents and businesses. The vision and aspiration for High Road West was now being put into plans and actions.

The key objectives of the procurement process would be finding a partner with a strong emphasis on: place making, high quality housing, providing public spaces and improving lives for residents. Cllr Strickland advised that, residents would continue to be heavily involved at the heart of the regeneration process going forward.

In response to Councillor Engert's question about potential business movement from High Road West area and loss of semi skilled jobs, it was noted that not every business would be relocated to a different area, there had already been discussions with businesses and some were happy to relocate, and some were using the opportunity to retire. The Council were ensuring that there would be a range of employment spaces at High Road West together with a wide range of job opportunities.

Cllr Strickland further advised that the types of jobs in this area will change and there will be larger jobs mix and lots of employment space.

Councillor Morton also welcomed the consideration being given to wellbeing in the place shaping criteria of the area.

## **RESOLVED**

1. To approve the High Road West objectives (para 6.18) which will inform the High Road West delivery and procurement objectives.
2. To note the business case (Appendix 1) setting out the preferred delivery approach for High Road West and gives delegated authority to the Director of Regeneration, Planning and Development, after consultation with the Cabinet Member for Housing and Regeneration to refine and finalise the delivery structure following the conclusion of the soft market testing exercise.
3. To agree to the commencement of a Competitive Dialogue Procedure under the Public Contracts Regulations to procure a commercial partner, to deliver the High Road West Regeneration Scheme.
4. To provide delegated Authority to the Director of Regeneration, Planning and Development, after consultation with the Cabinet Member for Housing and Regeneration to agree all documentation required to support the procurement process.
5. To provide delegated Authority to the Director of Regeneration, Planning and Development, after consultation with the Cabinet Member for Housing and Regeneration, 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.
6. To note the indicative phasing plan, which can be found at Appendix 2, and to agree to commence the re-housing process for phase 2 of the Love Lane Estate. This will require all secure Council tenants within phase 2 to be put on the housing register and awarded 'Band A' priority status for rehousing



## **Reasons for decision**

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.

Agreeing the business plan and initiating a procurement process to appoint a development partner, and thereby taking forward the delivery of the High Road West regeneration scheme in a timely and efficacious manner, will support the Council's objectives and delivery against these challenging economic and housing growth targets.

Agreeing to open up the second phase of the rehousing process will ensure that these residents' housing choices and options maximised and this in turn will support the expeditious delivery of the development and regeneration process.

## **Alternative options considered**

The potential alternative options are considered in detail in the business case attached as Appendix 1 and examined in the body of this report.

### **145. TOTTENHAM HOTSPUR FOOTBALL CLUB STADIUM AND ASSOCIATED DEVELOPMENT – LAND APPROPRIATION AND AGREEMENT.**

The Cabinet Member for Housing and Regeneration introduced the report which set out what will happen to properties which will be affected by 'Right to Light' if the planning application for the development of the Spurs Stadium is agreed by the Planning Sub-Committee on the 16<sup>th</sup> December 2015. The report included the consultation undertaken with affected properties and the reasons why the recommendations were coming forward which were to progress the development and also, in turn, the regeneration of this area.

Councillor Strickland referred to a letter received late in the afternoon of the 15<sup>th</sup> December from surveyors representing the owners of a number of high street properties. This was tabled for Cabinet Members to consider. In the letter they asserted that the Council was premature in its approach to this issue the effect of which, it was claimed, was to intervene in a commercial dispute and to reduce the amount of compensation payable where rights may be interfered with.

Councillor Strickland explained that officers had considered the letter which did not raise any new issues not already considered in the report before Members. Members were asked to appreciate that section 237 was a legal mechanism to protect the often competing interests of the various parties involved.

Councillor Strickland advised that, in the first instance, it preserves the entitlement to compensation which if not agreed is determined by an independent Tribunal. In the second instance it protects a developer's ability to carry out consented development. Finally it helps secure the Council's legitimate policy aspirations and growth agenda arising out of the London Plan targets.

In response to a question from Councillor Engert on the availability of affordable housing in the stadium development, it was noted that there were no affordable homes planned. There had been independent advice received from KPMG and viability advice by planning on this issue. This stadium development was not fundamentally a housing scheme.

In response to a second question, the Cabinet Member agreed that a fair and proportionate consideration had been given to human rights, in respect of properties right of light, and actions undertaken to meet this right were considered fair, hence a report coming forward to Cabinet.

It was noted that the cost of the surveyor set out in delegated actions report had been indemnified by Spurs.

The Director for Planning, Regeneration and Development also drew Councillor Engert's attention to paragraph 6.2.8 which referred to the development as a 'catalyst' for a set of wider regeneration initiatives which would deliver the mix and balance across North Tottenham area.

Further to considering the report and tabled letter Cabinet:

## **RESOLVED**

To agree the following, subject to the THFC's revised planning application for the NDP (HGY/2015/3000) securing a positive resolution to grant planning approval on the 16<sup>th</sup> December 2015:

1. To acquire the freehold interest in the THFC Site, pursuant to Section 227 of the Act for planning purposes;
2. To dispose of the THFC Site to Meldene Limited (a THFC company) pursuant to Section 233 of the Act;
3. Resolves that it is the intention of the Council that its resolutions under Sections 227 and 233 are intended to attract the application not only of Section 237, but also any replacement, whether Clause 137 of the Housing and Planning Bill (as enacted) or otherwise;
4. That the terms of the acquisition and the disposal for the THFC Site shall be based on the Heads of Terms ("the Heads of Terms") attached at Appendix 2 (exempt) of this report;
5. To give delegated authority to the Director of Regeneration, Planning and Development in consultation with the Assistant Directors of Corporate Property & Major Projects and Corporate Governance to agree any variation to the Heads of Terms;
6. To give delegated authority to the Director of Regeneration, Planning and Development and the Chief Operating Officer to agree the compensation from THFC in relation to Council owned properties that have their freehold right of light infringed by the revised NDP; and
7. To give delegated authority to the Assistant Director of Corporate Property & Major Projects in consultation with the Assistant Director of Corporate Governance to agree the deed of release for these properties.

## **Reasons for decision**

The overarching rationale for supporting all of the recommendations above is that the Council wishes to support and facilitate the delivery of the revised NDP scheme, which as mentioned above, will bring significant public benefits, act as a catalyst for wider regenerative change and will deliver the objectives for north Tottenham as set out in the SRF and the AAP. If the Council were to not agree these recommendations, the revised NDP scheme will be at risk of injunction and will not be able to secure the necessary funding.

The key reason for supporting the acquisition and disposal of the site, recommendations (i) and (ii), is that it will facilitate the delivery of the revised NDP scheme contributing to the economic and social well being of the area. The development is strongly in the public interest and without such acquisition and disposal neither THFC nor anyone else can or will carry out the development. The detail consideration and rationale for both recommendations (i) and (ii) which will have the effect of engaging Section 237 is set out in paragraphs 6.12 - 6.48 of this report.

The reason for recommendation (iii) is that the Housing and Planning Bill is currently progressing through Parliament. This contains Clause 137 which will (if enacted) lead to the repeal of Section 237 and its replacement with a similar provision making available Section 237 powers to a wider number of public bodies. It is anticipated that transitional provisions will also be enacted to “save” any resolutions made in order to give effect to Section 237. But it is felt that the Council should resolve that its resolutions under Sections 227 and 233 are intended to attract the application not only of Section 237 but also any replacement whether Clause 137 or otherwise.

The reason for supporting recommendations (iv) and (v) are that the Council will need to have agreed terms for the disposal of the THFC Site. Without agreed terms, the acquisition and disposal of the site could not go ahead.

The reason for supporting recommendation (vi) is that the Council is entitled to compensation for the infringement of its rights of light by the revised NDP in respect of its properties. Clearly, the Council would not wish to threaten the delivery of the development through seeking an injunction. Accordingly, Officers have sought independent rights of light advice and are finalising negotiations on the level of compensation the Council is entitled.

## **Alternative options considered**

Officers have considered not acquiring the THFC Site for planning purposes. The implication of this option is that the revised NDP will be at significant risk of injunction to stop the development from being carried out.

Historically, developers of tall buildings have been able to avoid injunctions by reaching agreements with affected neighbours for the release of their rights of light upon the payment of compensation.

When it was not possible to resolve claims by negotiation, the courts use their discretion to award damages instead of an injunction based on compulsory purchase compensation principles where:

- The interference was small;
- It could be estimated in money;
- It could be adequately compensated by a small payment; and

- An injunction would be oppressive.

However, recent case law, in particular a 2010 case relating to a development in Leeds, has re-affirmed that an injunction remains the primary remedy for any party whose rights of light will be infringed by a proposed development.

The effect of this court decision is that it has become significantly more difficult to reach negotiated agreements with affected owners of rights to light.

In turn, this has made it much more difficult for developers to secure development finance as funders require all injunctable rights to light to have been released through appropriated negotiated agreements before they will provide funding.

The revised NDP will help facilitate the wider regeneration objectives set out in the SRF and meet the site requirements defined within the AAP. Consequently, Officers believe that removing the risk of injunction and any detrimental impact injunction would have on the funding required to deliver the revised NDP is the only option. Officers therefore, recommend that the Cabinet agree the recommendations above.

#### **146. DESIGNATION OF CROUCH END NEIGHBOURHOOD FORUM AND NEIGHBOURHOOD AREA**

The Cabinet Member for Planning introduced the report which set out the application for the designation of the Crouch End Neighbourhood Area and Neighbourhood Forum under the provision of the Localism Act 2011 and supporting Neighbourhood Planning (General) Regulations 2012 (as amended).

The Cabinet Member welcomed the report and noted the considerable work to achieve this designation undertaken by the Forum. The designation of the area had been carefully scrutinised to make sure it met the requirements of the Localism Act 2011 and the application had been subject to a 6 week consultation process.

The Cabinet Member for Planning was looking forward to working with the Forum in future.

#### **RESOLVED**

1. To note and agree the responses to the consultation on the applications for the Crouch End Neighbourhood Area and Neighbourhood Forum, as set out in Appendix A.
2. To note and agree that pursuant to Section 61G and 61I of the Town and Country Planning Act 1990 to designate the Crouch End Neighbourhood Area, as set out in Appendices B and C.
3. To agree that pursuant to section 61F of the Town and Country Planning Act 1990 to designate the Crouch End Neighbourhood Forum, as set out in the Appendices D and E.

#### **Reasons for decision**

Local authorities have a 'Duty to support' the neighbourhood planning process and the decision to designate or to not designate the Neighbourhood Area and Neighbourhood Forum is a requirement under the legislation.

#### **Alternative options considered**

No alternative options. Local authorities are required to facilitate the Neighbourhood Planning process.

### **147. STRATEGIC PARTNER (VOLUNTARY AND COMMUNITY)**

Councillor Morton exited the meeting at this item.

The Leader introduced the report which set out the outcome of an open tender process for the award of a contract to be the Council's Strategic Partner for the Voluntary and Community Sector (VCS).

This tender was a reflection both of the Borough's commitment to enabling and working alongside a vibrant, inclusive and self sufficient VCS and of its changing relationship with the sector in Haringey.

The Council had not commissioned a strategic partner before and the partnership between the Council and the successful bidder would have a strong role to play in delivering the Council's strategic priorities as set out in the Corporate Plan 2015-18 - *Building a Stronger Haringey Together*. It was also key to delivering the VCS commissioning framework, agreed by Cabinet in July 2015.

#### **RESOLVED**

1. That Cabinet, in accordance with CSO 9.06.1(d), approves the award of a contract for Strategic Partner services to the preferred bidder - The Bridge Renewal Trust and Moracle Foundation
2. That the contract is awarded for a period of three years for a value of £450,000 with the option to extend for a further one year for an additional value of £150,000.

#### **Reasons for decision**

This decision was important in terms of ensuring development and continuity of the VCS in Haringey.

The recommendations as outlined above in 3.1 and 3.2 are based on the provider who scored the highest on a most economically advantageous (MEAT) basis and therefore would offer the best value to the Council in terms of quality and price.

#### **Alternative options considered**

The option of extending the existing contract was not considered as there is a need for a new contract to reflect a changing relationship with the sector and not available as the contract has previously been extended.

Four further suppliers were considered as part of the procurement process. The scores for these bidders are presented later in this report (Section 6.6).

The option to 'do nothing' was explored and evaluated as not viable. This option would not have provided a suitable or sustainable platform which will continue to deliver the support needed by the VCS for the foreseeable future.

In addition to the above, failure to provide the interventions would have an adverse impact on delivery of the Corporate Plan and efficiency savings in the longer term.

## **148. INFORMATION, ADVICE AND GUIDANCE CONTRACT AWARD**

Councillor Morton remained absent for this item following his earlier declaration of interest.

The Leader introduced the report which detailed the outcome of an open tender process for the award of contracts to provide Information, Advice and Guidance (IAG) Services. New contracts would be awarded in 4 lots.

Cabinet noted that effective IAG plays a vital role in prevention and early intervention and the reduction of health inequalities, as well as promoting self-help and empowerment, with a number of other benefits to residents of Haringey.

The Leader further referred to an addendum which had been tabled and set out the amended titles of the four lots of contracts which were being put forward. Cabinet were also asked to note at page 487, section 6.11, the Total scores out of 1000 points for Haringey Citizen's Advice Bureau should read 883 instead of 888.

The Leader referred to a question from Councillor Vanier which had been put forward prior to the meeting. Cabinet noted that as part of this contract award, the Haringey Law Centre would no longer be commissioned by the Council to provide legal advice and representation to Haringey residents and Councillor Vanier was asking how these needs will be met under the new contract.

The Leader advised that the proposed new service, Haringey Citizens Advice Bureau had arrangements with legal firms to provide pro bono legal advice on a range of matters including education, housing, employment, litigation, immigration and family law. This was an integral part of the new service which will ensure Haringey residents continue to receive high quality legal advice and support when they need it.

### **RESOLVED**

1. That, in accordance with CSO 9.06.1(d), to approve the award of contracts covering all 4 lots for Information, Advice and Guidance (IAG) Services to Haringey Citizen's Advice Bureau.
2. That for each of the 4 lots, the contract be awarded for a period of three years for a total value of £2,364,000 with the option to extend for a further one year for an additional value of £788,000.

### **Reasons for decision**

The specification for the new IAG service has been significantly reshaped in order to ensure that it meets the Council's strategic objectives, fits with other resident focused services and strengthens individual and community capacity to access information, advice and guidance directly. This decision is important to ensure continuity of the delivery of information, advice and guidance, albeit through a redesigned service, in Haringey and to ensure compliance with statutory requirements placed on the Council.

The recommendations as outlined above in 3.1 and 3.2 are based on the provider who scored the highest on a most economically advantageous (MEAT) basis and therefore would offer the best value to the Council in terms of quality and price.

As a result of the procurement exercise, which was carried out in accordance with the Procurement Code of Practice, it is now recommended that the successful tenderer be awarded a contract as outlined in 3.1 – 3.2 in accordance with CSO 9.06.1(d).

### **Alternative options considered**

The option of extending the existing contract was not available as the existing contracts with three providers had previously been extended and Haringey's Corporate Plan 2015-18 required a broader service to be commissioned.

A further option of bringing the service back in-house was also considered. However, the voluntary and community sector in Haringey has a strong track record of successfully delivering information, advice and guidance in a number of local settings and remain best placed to deliver a service like this in future.

The option to 'do nothing' was explored and evaluated as not viable. This option would not have provided a suitable or sustainable platform on which to provide IAG in Haringey.

Three further suppliers were considered as part of the procurement process across all 4 lots. The scores for these bidders in relation to each lot are presented in this report (Section 6.11).

In addition to the above, failure to provide the interventions would have an adverse impact on delivery of the Corporate Plan and efficiency savings in the longer term.

## **149. LONDON SEXUAL HEALTH TRANSFORMATION PROGRAMME - PROCUREMENT PROCESS**

Councillor Morton returned to the meeting.

The Cabinet Member for Health and Wellbeing introduced the report which set out the re commissioning of a modernised network of sexual health services able to meet London's challenging sexual health issues.

### **RESOLVED**

1. To approve the Council's participation in a London wide procurement for a web-based system to include a 'front-end' portal joined up partner notification and home/self-sampling, to be led by one Council on behalf of the Councils in the LSHTP.
2. To approve the Council's participation in a sub-regional procurement strategy for re-procurement of a contract for GUM and CaSH services. Participating Councils in the

sub region include Barnet, Camden, City of London, Haringey, Hackney, Enfield and Islington.

3. To note that the Leader has agreed to take responsibility for approving the awards of the contract for the web-based system to be procured in accordance with paragraph 3.1 and of the contract for GUM and CaSH services to be procured in accordance with paragraph 3.2.
4. To note that the Leader has agreed to take responsibility for approving the new collaborative commissioning model for the Council to participate in London-wide cross charging once this has been developed in accordance with the proposals in paragraphs 4.11 of this report.
5. To note the progress made in developing options for the future commissioning and procurement of GUM and CaSH services and the named inclusion of the Council in the Prior Indicative Notice (PIN) and Official Journal of European Union Notice (OJEU) for procurement of these services at the sub regional level as part of the strategy referred to in paragraph 3.2.
6. To approve an extension of the Council's current contract with Whittington Health NHS Trust for provision of an integrated GUM and CaSH service to residents of the borough for a further 18 months from 1st April 2016 until 30th September 2017 subject to an option for the Council to terminate the contract after 31<sup>st</sup> March 2017 on 1 month's notice. The contract value for the period of extension will be pro rated based on a full year rate of £2,582,000.

### **Reasons for decision**

Approval was being sought on the recommendations outlined in 3.1-3.5 across all 28 LAs participating in the LSHTP. They have been agreed by both the LSHTP board chaired by Mike Cooke, Chief Executive of Camden Council and the London Association of Directors of Public Health.

Haringey residents have high rates of sexually transmitted infections and although now reducing have had high rates of teenage pregnancy. This suggests that, although costly, sexual health services for Haringey residents need to be more effective. The Council wants to support residents to make healthy choices and to have better sexual and reproductive health.

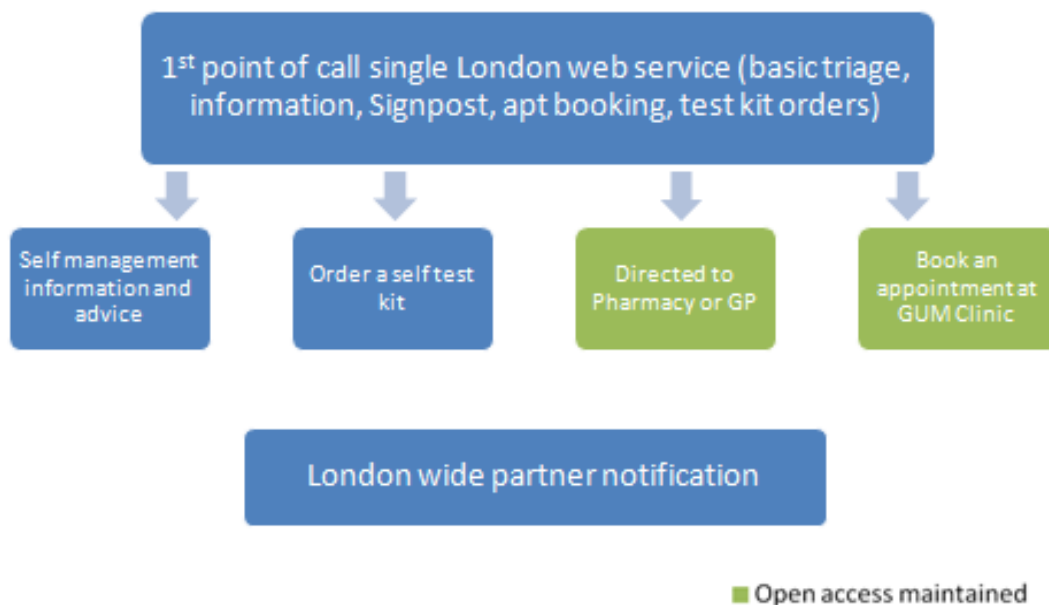
The LSHTP recommendations are underpinned by a business case, which demonstrates the imperative to transform the commissioning of sexual health services in London, rather than just gradual transformation or making no change. The business case is based on a detailed needs assessment, a survey completed by 24 provider NHS Hospital Trusts, provider interviews, 8 workshops, and a survey of 1,377 service users. In addition work was completed in three sub groups of the LSHTP board exploring clinical requirements, financial benefits/models and procurement strategies. Haringey Council officers are participating at every level of the LSHTP from sub groups to the programme board.



Paragraphs 4.5 to 4.11 below identify the reasons for the recommendations relating to *procuring a web based front end* for London; participating in a *north central London sub regional procurement*; *delegating authority for progressing the commissioning of relevant services* and finally continuing to *cross charge* for activity within the LSHTP 28 boroughs;

Web based front end Commissioning a web based innovation will allow Londoners to explore on line, different sexual health service options and if the requirement is for a clinic, make an online appointment, see Figure 1. The results of a customer survey suggest, given better options, 15% of clinic users will opt to switch to a non clinic based service i.e. order a home testing kit or find a local pharmacy. The advantages of procuring this service on a London wide basis includes being able to offer extensive choice of London clinics, cost advantage from scale and will enable a high profile marketing strategy to persuade customers to switch from telephone to on line booking.

**Figure 1 – web based system as a process**



**North central London sub regional procurement of GUM and CaSH services** The London LAs are proposing a sub regional model of commissioning which networks across the capital. The rationale for this is outlined below and highlights a balance between the ability to procure local services to meet residents' needs with a higher degree of cost and quality control obtained through larger contracts, thus gaining economies of scale.

***Benefits*** - The sub region model creates the opportunity to co-commission local services with partner LAs and to be able to influence services in other sub regions where Haringey residents go for services. The aim is to have consistency across London.

There are significant benefits for providers in operating across a larger sub regional network in terms of best use of estates, economies of scale for service overheads and the offer of a work environment that would be attractive to high quality clinical staff.

LAs too would achieve economies of scale on back office and transactional costs.

**Delegating authority** In terms of delegated authority it is recognised that it would not be timely for all 28 LAs across the sub regions to return to their Cabinets for award of contracts

within the sub regions. The schedule for contracts starting in April 2017, when the existing agreements expire, is already ambitious and must be kept to if providers are to be given sufficient time to execute the new contracts.

**Cross charging** - Residents will continue to be free to access GUM services across London. The aim is that Haringey will be invoiced by each provider across London for these services at the same price agreed for the host sub region, i.e. there will be a single price negotiated for the whole of London by each sub region based on a standard service design. With external legal support, Commissioners will identify and develop a new collaborative commissioning model to facilitate cross charging in this way across London that minimises bureaucracy, as further explained in this report and particularly in paragraphs 6.22 to 6.25.

### **Alternative options considered**

Officers across the 28 boroughs have Reviewed 3 main options for commissioning the sexual health services.

- Option 1: Do nothing. Current system remains unchanged.
- Option 2 (described in section 4): Develop a network system based on 4 sub regions.
- Option 3: LAs to focus on the development of a local service model that includes GUM reducing dependence on central London services.

**Option 1: The current system remains unchanged** - Under this option Councils would continue with the current arrangements and undertake any redesign and procurement activity as locally determined. The main advantage of this model is that it does not create any change in provision for residents and the additional commissioning time entailed by Option 2.

The key disadvantage of this option is that it will not improve access for residents who are now experiencing long waiting times at GUM clinics and inflexibility around opening times. For commissioners there would be no shift in the challenging position of negotiating price and quality annually with multiple NHS Trusts. These Trusts are well aware that they hold a powerful negotiating position with LAs outside of their host area and often hold a non negotiation position.

The current situation is financially unsustainable. Growth in activity and costs in GUM provision could mean Councils having to make savings to other key public health services to fund statutory open access services.

**Option 3: LAs to focus on development of a local service model reducing dependence on central London services** - In this model LAs would continue to agree GUM services for their own area. The individual LAs could work together via a 28 borough wide sexual health cross charging network arrangement to ensure there is a forum where common issues can be addressed. Benefits include enhanced local control and potentially greater scope to reshape local service provision away from central London and less complex collaborative arrangements than in Option 2. Where this option falls short is because of the movement of residents across London and the risk of LAs acting 'out of sync' with each other on price or allowing their local GUM providers to introduce additional capacity, thus pulling in more business into that high price clinic. In addition this option will reduce the scope for individual commissioners to drive the change and efficiencies offered within option 2.

**Risks** – A full risk assessment exists at both LSHTP board and within the sub region. Key issues are highlighted below:

The key risks to achievement of timescales are linked to the complexity of partnership working and scale of change required across London under the recommendation. Some of this is mitigated by having LA Cabinets agree to delegate authority.

The new model will require 'channel shift' for some customers to a greater on- line offer, this may be challenging particularly for those who are not used to on line booking. There will be a proactive communication strategy to support customers with this change.

The LSHTP does aim to reduce capacity in GUM clinics and this is likely to lead to service changes as people are directed to community or enhanced GUM clinics.

The savings forecasted are dependent on some new form of tariff and this must stretch beyond north central London sub region.

## **150. AWARD OF CONTRACT FOR SUBSTANCE MISUSE PEER SUPPORT SERVICE**

The Cabinet Member for Health and Wellbeing introduced the report which detailed the outcome of an open tender process for the award of a contract to provide an adult peer support service to residents with a substance misuse problem .The recommended organisation was based in Tottenham and had significant experience in delivering this support.

### **RESOLVED**

To approve the award of contract to Bringing Unity Back Into the Community (BUBIC) in accordance with Contract Standing Order (CSO) 9.06.1(d), for an initial term of 3 years for a value of £498, 489.00 with an option to extend for a period of up to a further 2 years for an additional value making a total of £838,950.00 over the maximum 5 years.

### **Reasons for decision**

The recommendations as outlined in 3.1 are based on those providers who scored the highest MEAT scores and therefore would offer the best value to the Council in terms of quality and price. The quality component of this tender was 55% and the price 45%.

As a result of the procurement exercise, which was carried out in accordance with the Procurement Code of Practice, it is now recommended that the successful tenderer be awarded a contract as outlined in 3.1 in accordance with CSO 9.06.1(d).

### **Alternative options considered**

The option to not have a substance misuse peer led service in Haringey was considered and not found to be feasible for the following reasons;

The need for substance misuse services is high, the Haringey Joint Strategic Needs Assessment (JSNA) highlights that drug use in Haringey is more prevalent and problematic than the national average.

Getting prevention messages and help to the right people in Haringey is challenging, crack and heroin use is illegal and often linked to criminal activity. Drug use is stigmatised and drug users often do not know about services, this is particularly true of crack cocaine users. A peer led service has been able to reach into the community in a way that traditional services don't.

This service was set up to specifically target Haringey's black and ethnic minority (BME) crack using residents living in more deprived areas of Haringey; this has been successful with 69% of those currently using being BME crack users.

Service Review from service users and local providers suggests that not having a peer led service would impact on the current success of Haringey's treatment system, currently it performs in the top quartile nationally.

Consultation with Community Safety partners demonstrated that there was no other service in Haringey able to access drug dealing hotspots to try to disrupt dealing through a community engagement approach.

## **151. AWARD OF CONTRACT FOR THE PROVISION OF AN INTEGRATED HEALTH IMPROVEMENT (WELLNESS) SERVICE**

The Cabinet Member for Health and Wellbeing introduced the report which set out the open tender process for the award of a contract to provide an integrated lifestyle behaviour change programme, 'Live Well, Be Well', for Haringey residents aged 18 and over. The new integrated programme brings together: Stop Smoking Services, community NHS Health Checks, Health Trainers & Health Champions, Weight Management and aspects of physical activity programmes. These services were formerly commissioned separately.

### **RESOLVED**

1. To approve the award of the contract for the integrated lifestyle behaviour change programme, 'Live Well, Be Well' for Haringey adults to Reed Momenta the successful tenderer in accordance with Contract Standing Order (CSO) 9.06.1(d).
2. That the contract is awarded for a period of three years from 1 April 2016 for a value of £1,500,000, with an option to extend for a further period or periods of up to two years, for an additional value of up to £1,000,000 for the full two further years.

### **Reasons for Decision**

This decision has been informed by the level of health need identified through the Haringey Joint Strategic Needs Assessment, evidence of what interventions work to address the need and recognition of the Council's strategic aim to reduce inequalities, (see paragraphs 6.4 & 6.5 below and the attached Equalities Impact Assessment in appendix 4).

The recommendations as outlined above in 3.1 and 3.2 are based on the provider that scored the highest on a most economically advantageous (MEAT) basis and therefore would offer the best value to the Council in terms of quality and price.

As a result of the procurement exercise, which was carried out in accordance with the Procurement Code of Practice, it is now recommended that the successful tenderer be awarded a contract as outlined in 3.1 – 3.2 in accordance with CSO 9.06.1(d).

### **Alternative options considered**

The option to continue with the existing model of commissioning and resourcing the four individual health improvement services was considered. However, given the reduction in the Council's budget of approximately £70m over the next three years, this was not considered to be the most cost-effective approach.

Evidence from several local authorities across the UK demonstrates a move towards the commissioning of integrated behaviour change programmes, which are also known as 'wellness' services. The main benefits of integration have been shown to include: a) easier access - an all-in-one service with a range of support available via one access point and one provider/consortium makes it easier for residents to access help and b) health gains can be maximised by addressing multiple risk factors together, either simultaneously or sequentially<sup>1,2,3</sup> c) more cost-effective. An economic case for prevention, with examples of smoking and physical activity, is illustrated in figure 1, Appendix 2.

In order to retain the good practice achieved to date we looked at evidence of effectiveness from integrated lifestyle behaviour change programmes across the UK. A model which would retain aspects of all four programmes into a new integrated model of delivery for Haringey residents was decided upon. This can be seen at Appendix 1.

## **152. MAJOR CAPITAL WORKS FRAMEWORK MINI COMPETITION**

The Cabinet Member for Housing and Regeneration introduced the report which put forward the appointment of contractors to deliver vital housing work over the next two years. This would be providing essential improvements to the homes of Council residents, including upgrades to kitchens, bathrooms, roofs, windows and door entry systems.

### **RESOLVED**

1. That the Council enters under seal a Deed of Variation with respect to the Major Capital Works Framework Agreement Pricing Models and the Constructor Partners tender price submission under mini competition.
  2. That the award of call off contracts to the two Constructor Partners named below and based on the Most Economically Advantageous Tender to deliver the Housing Capital Programme (Phase 9 2016- 2017) and Phase 10 (2017 – 2018) be approved.
  3. That the 1<sup>st</sup> and 2<sup>nd</sup> ranked Constructor Partners following the mini competition tender evaluation Wates Living Space and Keepmoat Regeneration ( Apollo) Limited ranked 1<sup>st</sup> and 2<sup>nd</sup> respectively be appointed to deliver the Phase 9 and Phase 10 Housing Capital Programmes.
-

4. That the successful CPs be awarded specific Phase 9 packages of work on the following basis and based on specific contract areas and budget allocations and the approval of the individual Agreed Maximum Price (AMP) for the contracts let under the Major Capital Works Framework mini competition for the Phase 9 and Phase 10 programme years up to a total value of £50.0m

#### **Phase 9 (2016-2017)**

- North Tottenham Contract Area Package 1 NT9 with budget allocation of £5.5m
  - Borough Wide Contract Area Package 2 Internal K&B programme with budget allocation of £4.0m
  - Noel Park Estate Phase 2 Contract Area Package 3 with budget allocation of £5.0m
5. That all work package programmes be delivered on a traditional site set up basis and delivered through the SCMG supply chain model.
  6. That the allocation of the Phase 9 Package 1 and Package 2 to the Constructor Partners ranked 1<sup>st</sup> following evaluation with a total budget allocation of £9.5m
  7. The allocation of the Phase 9 Package 3 to the Constructor Partners ranked 2<sup>nd</sup> following evaluation with a budget allocation of £5.0m.
  8. The allocation of all of the Phase 9 Packages 1 , 2 and 3 to the Constructor Partners ranked 1<sup>st</sup> following evaluation.

#### **Phase 10 (2017-2018)**

9. That the allocation of the Phase 10 programme of work packages be on the basis of the Constructor Partners ranked 1<sup>st</sup> and 2<sup>nd</sup> following the tender evaluation with the two appointed CPs each awarded packages with a total value of between £13m and £16m. Detailed programme information was not yet available for Phase 10.

#### **Reasons for decision**

To allow the Framework agreement to be varied under a Deed of Variation and the mini competition tender process to be undertaken between the four Framework Constructor Partners.

Homes for Haringey considered the option of not entering into a Deed of Variation and undertaking the mini competition process based on the original ITT Framework pricing models as unattainable as the Constructor Partners could not sustain the same level of tendered

Preliminaries from their original tender prices due to market conditions and increased construction costs and require the Framework Agreement to be varied with regards to this specific clause under the Deed of Variation

A decision is required in order that the Housing Capital Programme of

works can be delivered. The delivery of the Housing Capital Programme is a central element to the Council's Asset Management Strategy and the best method of delivering the programme and achieving the best value for money to the Council is via the allocation of the Phase 9 and Phase 10 programme of works following the mini competition tender process and evaluation.

The call off contracts under the Framework Agreement will ensure that the remaining Housing Capital Programmes of work 2016/2018 will be delivered on target.

Undertaking the mini tender process between the four existing Framework Constructor Partners will promote greater efficiencies and competition based on current market conditions

### **Alternative options considered**

Homes for Haringey as part of their procurement strategy for the delivery of the Year 9 (2016-2017) and Year 10 (2017-2018) of the Major Capital Works programme considered the option of maintaining the framework agreement clause with respect to pricing and that the Preliminaries, OH&P % as submitted by the Constructor Partners as part of the original ITT tender procurement process would be fixed in line with the Framework Pricing models.

Homes for Haringey considered this option as unattainable as the Constructor Partners could not sustain the same level of tendered Preliminaries from their original tender prices due to market conditions and increased construction costs and require the Framework Agreement to be varied with regards to this specific clause under the Deed of Variation

Consideration was also given to allocating the Phase 9 and Phase 10 programmes of work to the two existing Framework Constructor Partners currently delivering the Housing Capital Programmes under a Direct Award provision but this was considered to be in breach of the Procurement Regulations and carried the risk of challenge from the other two Constructor Partners held in reserve.

## **153. MINUTES OF OTHER BODIES**

To note the minutes of the Cabinet Member signings on the 29<sup>th</sup> October 2015 & 2<sup>nd</sup> of November 2015.

## **154. SIGNIFICANT AND DELEGATED ACTIONS**

To note the delegated actions taken by Directors during November.

## **155. NEW ITEMS OF URGENT BUSINESS**

There were no new items of urgent business.

## **156. EXCLUSION OF THE PRESS AND PUBLIC**

## **RESOLVED**

That the press and public be excluded from the remainder of the meeting as the items below contain exempt information, as defined under paragraphs 1,2 and 3, Part 1, schedule 12A of the Local Government Act 1972

### **157. HIGH ROAD WEST REGENERATION SCHEME**

As per minute 144.

### **158. TOTTENHAM HOTSPUR FOOTBALL CLUB STADIUM AND ASSOCIATED DEVELOPMENT – LAND APPROPRIATION AND AGREEMENT.**

As per minute 145.

### **159. STRATEGIC PARTNER (VOLUNTARY AND COMMUNITY)**

As per minute 147. Councillor Morton absented himself for this item following his earlier declaration of interest.

### **160. INFORMATION, ADVICE AND GUIDANCE CONTRACT AWARD**

As per minute 148. Councillor Morton absented himself for this item following his earlier declaration of interest.

### **161. AWARD OF CONTRACT FOR THE PROVISION OF AN INTEGRATED HEALTH IMPROVEMENT (WELLNESS) SERVICE**

As per minute 151.

### **162. MAJOR CAPITAL WORKS FRAMEWORK MINI COMPETITION**

As per minute 152.

### **163. NEW ITEMS OF EXEMPT URGENT BUSINESS**

None

CHAIR: Councillor Claire Kober

Signed by Chair .....

Date .....