

# **MINUTES OF THE MEETING OF THE CABINET HELD ON TUESDAY, 17TH OCTOBER, 2017, 6.30pm**

## **PRESENT:**

**Councillors: Claire Kober (Chair), Jason Arthur, Eugene Ayisi, Ali Demirci, Joe Goldberg, Alan Strickland, Bernice Vanier and Elin Weston**

**Also Present Councillors: Engert, Newton and Brabazon**

### **73. FILMING AT MEETINGS**

The Leader referred to agenda item 1, as shown on the agenda in respect of filming at meetings and Members noted this information.

### **74. APOLOGIES**

- Apologies for absence were received from Councillor Ahmet.
- Apologies for lateness were received from Councillor Goldberg.

### **75. URGENT BUSINESS**

The Leader had accepted, as late business, the comments of Regulatory Committee relating to items 12 and 13 on the agenda. This Committee had met on the 9<sup>th</sup> of October 2017, after publication of the Cabinet papers. Consideration of the Committee's comments was required to be in accordance with Part three of the Council constitution, section B, and paragraph D of the Constitution.

### **76. DECLARATIONS OF INTEREST**

There were no declarations of interest put forward.

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

There were no representations received.

### **78. MINUTES**

The minutes of the Cabinet held on the 12<sup>th</sup> of September 2017 were agreed as a correct record of the meeting.

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

There were no matters for consideration from the Overview and Scrutiny Committee.

## **80. DEPUTATIONS/PETITIONS/QUESTIONS**

### Deputation - Mr Paul Burnham - Haringey Defend Council Housing

Mr Burnham was invited by the Chair to put forward his deputation to the Cabinet.

The Deputation argued that the HDV had been given exemption from prioritising Right of Return due to the previous decisions made by Cabinet when agreeing the HDV [Haringey Development Vehicle] at the July meeting. They contended that these decisions discounted the Revised Estate Renewal and Rehousing Payments Policy. They asked for the policy to be revised in light of residents' concerns about: right to remain, providing replacement secure Council tenancies, no increase in rents and service charges, providing better homes for overcrowded tenants and ensuring that there were provisions made for existing tenants on regeneration schemes to be protected.

Mr Burnham further contended that the agreements made by Cabinet at the 3<sup>rd</sup> of July meeting on the HDV only allowed a single move and did not allow for the rehousing of Housing Association residents, making the commitments provided in the report worthless.

The Deputation did not trust the Council's commitment on Right of Return. They referred to the recent decision on Love Lane Estate where they felt the public consultation documentation indicated encouragement and support for existing tenants to move away to homes elsewhere. The Deputation argued that 70 % of secure tenants had left the Love Lane Estate and questioned the Council's commitment for existing residents to gain the benefit of regeneration.

The Deputation did not agree with the Council's stance of no estate ballots. They contended that the Equalities Impact Assessments, completed on regeneration associated decisions, had not addressed the issues that Council tenants and residents faced in a regeneration scheme. There were barriers to accessing homes, with lower to medium income families being priced out and unable to afford to rented homes on a regenerated estate. The deputation argued that no estate regeneration should be commenced until an Equalities Impact Assessment was completed which included mitigation on how local residents are able to stay on their estates and do not need to move away.

The Deputation asked the Cabinet to not agree the recommendations in the report but consider the deputation's representations and consider revised proposals.

The Cabinet Member for Housing, Regeneration and Planning thanked the Deputation for putting forward their views and responded as follows:

- There were no exemptions from the Revised Estate Rehousing and Payments Policy for HDV schemes. There had been a timing issue with the decision on the HDV and when the policy had had been published for consultation.

However, paragraph 4.1 clearly stated that the policy applied to all regeneration schemes, including HDV and Housing Association schemes where the Council decides it has a strategic interest and applies the policy. Right of Return was clearly set out as an absolute right for every tenant and resident leaseholder/freeholder in a regeneration scheme. Only tenants themselves could waive the right of return. The next iteration of HDV documentation would also communicate the wording in this policy.

- It was not only Haringey Council that had not agreed with a tenant ballot being taken forward on regeneration schemes, but a number of local government figures and Councils had expressed this view. The Mayor of London's draft Good Practice Guide to Estate Regeneration states that Councils should use a variety of methods to communicate and consult with residents on estate regeneration proposals. This is because estate regeneration affects different people in different ways over many years, so the methods of consultation need to reflect this complexity in a multiple-stage approach.
- The Cabinet Member referred to the EQIA at page 33 of the pack which advised that residents in protected groups were positively impacted by the policy, particularly women and BAME [Black and Ethnic Minority Groups]
- The Cabinet Member strongly rejected the claim that the policy was a sign of regeneration not working. The Revised Estate Rehousing and Payments Policy's essential aim was about supporting people and communities.
- The Cabinet Member highlighted that many other Councils only adhere to statutory requirements when taking forward regeneration schemes but the Council had gone beyond the minimum with its commitments on right to return, new homes at equivalent rents, keeping secure tenancy terms for secure tenants who move into assured tenancies, and providing a range of products such as equity loans to allow leaseholders to stay on or return to their housing estate. These commitments are not statutory requirements and it was clear that the Council is doing all it could to support tenants and leaseholders and working as best as it could to make sure that no existing residents are left worse off as a result of regeneration.

## **81. APPROVAL OF REVISED ESTATE RENEWAL REHOUSING AND PAYMENTS POLICY**

The Cabinet Member for Housing, Regeneration and Planning introduced the report which sought agreement, following public consultation, to a revised Estate Renewal Rehousing and Payments Policy. This policy included a set of commitments, attached at appendix 3, to residents whose properties will be demolished as part of a renewal scheme.

The Cabinet Member highlighted the following:

- More than 80% of tenants consulted on the policy had agreed with the commitments put forward.

- The commitments in the policy are the minimum offer to residents affected by a regeneration scheme. Where possible the Council, working with the HDV or other partners, would strive to go beyond the policy's requirements.
- Following the consultation, the Council recognised that the individual circumstances of some residents/leaseholders could lead to an inequitable or unfair outcome in some cases. An Estate Renewal Payments Discretionary Panel was therefore proposed as a body to consider these cases in line with the policy's general principles.

The Cabinet Member proposed that in Appendix 3 (proposed Policy), page 3 entitled The Council's Commitments to residents', the second bullet point and associated text should be amended as follows:

*"All tenants will have a guaranteed Right to Remain or Return on equivalent terms - This means that tenants will have: The right to move to, or return to, a replacement home in the new development should they wish to do so and that the new home will have".* The subsequent text in this section remained unchanged.

Given the high percentage of tenant support for the commitments and EQIA findings, the Cabinet Member proposed the revised Estate Renewal Rehousing and Payments Policy for adoption.

In response to questions from Councillor Engert and Councillor Brabazon the following was noted:

- Where a site in an estate was agreed for demolition that included a supported housing block / specialist accommodation, it may not be always be possible to rebuild the same specialist housing on the site. The proposed policy did reaffirm the offer of a Right to Return to the site, with appropriate floating support, or, if preferred, priority to move to the nearest appropriate specialist accommodation. It may also be the case that specialist supported housing is being built on a later phase of the scheme and access to this housing may also be possible. The Council were in agreement that it was important to provide replacement specialist supported homes, and it was a question of phasing and what works according to the care needs of the tenant.
- There was an existing Council Allocations Policy, applicable for all Council tenants who were under-occupying, which says they can retain a spare room when they voluntarily downsize, if they have 2 or more spare rooms. This policy is in place to encourage residents to downsize to make more homes available for families in the borough. However, on estate renewal schemes the Council is aiming to meet the needs of existing and new tenants on the estate. For example, if there are tenants living in an overcrowded home they would be eligible to get a larger home on a regeneration scheme. However, if an existing tenant on an estate renewal scheme was under-occupying, it would not be appropriate to offer an equal sized home because a key aim of regeneration schemes is to provide a better mix of homes, with more family homes to meet housing need in the borough. The Council did not want to exclude tenants on regeneration schemes from accessing the existing policy as this would still

allow them to downsize, but it is also important to make the most of the regeneration schemes to ensure the best use of the new homes to meet need.

- Service charges were already applied to all Homes for Haringey flats, Housing Association flats and to all other affordable flats. By law, landlords can only charge at the cost of the service being delivered and service charges are set according to what services are delivered to a block.
- As set out in the report, the commitments would apply to Council schemes where more than 20 homes would be demolished as well as estate renewal taken forward by the HDV. Therefore, the Member Agreement would need to reflect that and would be published when the decision is finalised.

*[Clerk's note – Councillor Goldberg, Cabinet Member for Economic Development, Social Inclusion & Sustainability entered the meeting]*

Subject to the slight changes to appendix 3, set out above by the Cabinet Member for Housing, Regeneration and Planning:

## **RESOLVED**

1. To note the Equalities Impact Assessment at Appendix 1.
2. To note the contents of the Consultation Report at Appendix 2.
3. To note the new commitments approved by Cabinet on 13 June 2017 as set out at paragraph 6.9.
4. To approve the proposal that the implementation date for rehousing priority/status on individual schemes be determined at a local level by the Director of Housing & Growth in consultation with the Cabinet Member for Housing, Regeneration and Planning, as set out in paragraph 6.23 in the attached report and in section 4.1 of the policy.
5. To approve the inclusion of a set of General Principles in the Policy, as set out in paragraph 6.24, in the report attached, and in section 3 of the policy, which governs how this policy should be implemented.
6. To approve the creation of an Estate Renewal & Rehousing Payments Discretion Panel, as set out in paras 6.25, in the attached report, and in section 3.2 of the report with delegated power to ensure these principles are applied appropriately on individual cases where the policy may otherwise create an unfair or inequitable outcome. Determining the membership and terms of reference of this panel be delegated to the Director of Housing & Growth in consultation with the Cabinet Member for Housing, Regeneration and Planning.
7. To approve the changes and clarifications to the draft policy following consultation, as set out in paras 6.21-6.41, in the attached report, in particular the limit on the value of the replacement property where an Equity Loan can be used at 6.39-41.

8. To approve the final Estate Renewal Rehousing and Payments Policy at Appendix 3.
9. Councillor Goldberg, Cabinet Member for Economic Development, Social Inclusion & Sustainability abstained as he was not present at the meeting during the discussion of this decision.

### **Reason for decisions**

The reason for recommendation 3.4 was to clarify when and how the policy will come into force and to ensure that the rehousing priority is managed so that households in early phases have realistic opportunities to move before further residents are given priority.

The reason for recommendation 3.5 was to set out principles to provide guidance on how the policy should be applied.

The reason for recommendation 3.6 was to ensure that there are structures and processes in place to apply discretion in exceptional circumstances, to ensure fair and equitable outcomes.

The reasons for recommendation 3.7 are set out in paras 6.25-6.41, in the attached report.

### **Alternative options considered**

To retain the existing policy with no change. This was rejected because the current policy is, in effect, no more than a statement of the statutory minimums to which tenants and leaseholders are entitled. It sets out a general aim to achieve the outcomes set out in the draft revised policy, but makes no commitment to these. It leaves any commitments and any additional offers over and above the statutory minimum to be determined on a scheme by scheme basis. This is a legally defensible position but is not one that promotes confidence among residents and as such does little to garner resident support for these proposed estate renewal schemes.

To make the commitments in the proposed policy absolute and not allow individual schemes flexibility to raise the offer. This was rejected because there are some schemes where the circumstances of existing residents will require, and the financial viability will allow, an improved offer.

In the proposed policy, an Equity Loan of up to 40% is provided for those for whom this is not affordable, and Shared Ownership arrangements are offered with the first 40% rent free. Alternative financial arrangements were considered, as were a range of percentages for both the Equity Loan and Shared Ownership offers. Different respondents to the consultation argued for either higher or lower percentages. It was determined that the percentages on which the consultation was based should be retained, to effectively balance deliverability with a firm guarantee that there will be an option that is affordable to all leaseholders allowing them to return to or move to a new home on the estate.

## **82. CHOICE AND THIRD PARTY TOP-UP POLICY**

The Cabinet Member for Adult Social Care and Culture introduced the report which set out the obligations of the Council to ensuring that residents were given an appropriate choice of good quality care homes. The policy also put in place a framework to manage circumstances where residents choose to live in a costlier environment, and how they can use 'third party top-ups' to access their preferred choice.

The Cabinet Member outlined that this policy builds on existing practice and seeks to ensure that residents have a consistent experience in choosing a care home or other service. The policy also ensures that the Council was compliant with its obligations under the Care Act (2014)

### **RESOLVED**

1. To agree the approach for calculating service users' personal budgets as set out in paragraph 5.3 of the attached report.
2. To agree the third party top-up policy for accommodation based services attached as Appendix 1.

### **Reasons for decision**

The Care Act 2014 and The Care and Support and After-care (Choice of Accommodation) Regulations 2014 allows local authorities to apply third party top-up arrangements where service users/families choose accommodation-based services to meet identified needs which are more expensive than the local authority usually pays and exceeds the service user's personal budget. A third party top-up is an arrangement whereby a person known to a service user pays the difference between the cost of a service and their personal budget.

Currently, personal budgets are calculated based on the market rates of placements identified to meet individual needs. Haringey does not currently have a formal choice or third party top-up policy for accommodation-based services. This in practice means that fees paid for given placements varies widely. This fee variation is not always a reflection of differences in need or limits in supply, but in some cases may reflect service users and family members choosing particular placements that are of higher cost. This in effect leads to a higher personal budget than the assessed needs would require.

The Council does occasionally reach agreement with service users and their families for a 'third party top-up' where there is a difference between the care home a service user/family chooses to live in and their personal budget, based on the costs of a placement which meets their needs. However, this is not implemented consistently.

All of our North Central London neighbouring local authorities have a top-up policy. These are summarised in Annex 1 but the approach taken is largely consistent within each borough. In essence, where service users are presented with a choice of services which can meet their needs, but reject these in favour a more expensive option than their personal budget allows, then the service user must fund the difference between their preferred placement fee and their personal budget via a third party top-up.

In most instances within Haringey's neighbouring local authorities the difference between a service user's personal budget and the total cost of a service is funded via a third party top-up because a service user's income and savings is factored into the amount they pay on a weekly basis towards the cost of their care following a financial assessment. The service user cannot withhold a proportion of their income for the purpose of paying a top-up.

It is recommended in this report that a similar policy is introduced in Haringey. There are a number of variants to this broad approach dependent on how personal budgets are calculated which are summarised in an options appraisal below.

### **Alternative options considered**

Haringey had two principal options in relation to calculating service user's personal budgets and implementing a third-party top up policy. These were:

- a. To base the personal budget above which third party top-ups should apply on 'usual rates' based on a benchmarking of average costs to meet needs, to be up-rated on an annual basis. These usual rates could form the basis of a resource allocation system for personal budgets, which service user's top-up via a third party should they wish to purchase care and support in excess of the personal budget rate
- b. Personal budgets are calculated on a client-by-client basis, based on the average costs of provision that is identified by the commissioning team which can meet the assessed needs of service users. Should a service user or their family reject the choices presented to them by the commissioning team and express a preference for another, more expensive service, they will be required to make a third party top-up over the agreed personal budget.

5.1 It is recommended that the Council implements a variant of option b. This is for the following reasons:

- Option b is a more adaptable approach to the specific needs and requirements of service users. Given the wide spectrum of needs of the client groups that access accommodation-based services, basing personal budget allocations on a resource allocation system may be problematic and more open to challenge.
- Option b will be more responsive to the capacity of the marketplace to meet people's needs and to the rates that they are able to provide a care package at based on individual need. This is more in line with the terms of the Care Act around 'sufficiency' of personal budgets, specifically:



*Clause 11.25 “consideration should... be given to local market intelligence and costs of local quality provision to ensure that the personal budget reflects local market conditions and that appropriate care that meets needs can be obtained for the amount specified in the budget”*

- Option a would be complex to administer and to determine the resource allocation system. Rates would have to be set for each client group, and would be challenging to develop in a way sensitive to fluctuations in individual need.

It was recommended that a variant of option b be implemented based on the following principles:

- The Council should set personal budgets based on quoted costs of meeting individual need and outcomes.
- The average fees used to determine service user's personal budgets should be calculated based on the average of the two least expensive offers from suppliers which meet outcomes on a case-by-case basis. More expensive offers should be discounted to ensure that the Council makes placements based on achieving user outcomes and best value.
- Where only one offer is received below the Council's 'price banding' for older people's residential and nursing placements (agreed across North Central London), then the Council will base the personal budget on the price which falls within the banding, should the service user/family reject this arrangement.

### **83. CARE LEAVERS (COUNCIL TAX) RELIEF SCHEME**

The Cabinet Member for Finance and Health introduced the report which sought approval for the Council to exercise its discretionary powers and to provide, from the 1<sup>st</sup> of April 2018, 100% Council tax discount to care leavers that reside in the borough until their 25<sup>th</sup> birthday.

This proposal builds on the study by the Children's' society which recommends Council's provide as much support as possible to care leavers who are particularly vulnerable to Council tax debt. This proposal would create a new Council tax class and there would be a 100% discount in line with the Council's Corporate parenting responsibility.

The Cabinet Member for Children and Families spoke in support of the recommendations and felt that the Cabinet should be proud to adopt this new policy. It was important for the Council to do all it could to help care leavers sustain their future by building their own lives.

### **RESOLVED**

1. That for the purposes of reducing Council tax, the Council should agree to the creation of a new class of Council tax charge payers to be known as 'Care Leavers';
2. That the Council exercises its discretionary power to provide 100% Council tax discount to 'Care Leavers' that reside in Haringey until their 25<sup>th</sup> birthday;

3. To agree the Care Leavers (Council Tax) Relief Scheme policy;
4. To agree that from 1<sup>st</sup> April 2018, reduction to care leavers Council tax liability, should be applied in line with the Haringey Care Leavers Relief Scheme policy as set out in Appendix 1 of this report; and
5. To agree to the amendments to the “Policy for the Award of Discretionary Reductions in Council Tax Liability...” attached at Appendix 2.

### **Reason for Decision**

Haringey Council now has responsibility for Council tax benefit following the Government's decision to transfer responsibility to local authorities in April 2013.

Outside the CTRS, the Council has discretionary powers to reduce Council tax liability in individual cases, under section 13A(1)(c) of the Local Government Finance Act 1992. These powers have been used to create a discretionary Council tax discount policy that allows the Council tax charge for residents facing financial hardship to receive relief. However, this policy is not specific to the needs of care leavers which the CLRS seeks to address.

A report by the Children's Society shows that care leavers who are looked after by a local authority rather than their parents are amongst the most vulnerable groups in society and are more likely to be behind with Council tax payment.

The Children's Commissioner for England has written to the Leader of the Council to make the case for exempting care leavers from payment of Council tax as part of the Council's parenting responsibility and as a means of helping this group of young adults to get the best start in life.

The Council takes its parenting responsibility toward care leavers seriously and, where possible, the Council is prepared to intervene in order to ensure that care leavers are not disadvantaged compared to their peers.

### **Alternative options considered**

The Council could choose to do nothing or chose to support care leavers in other ways and therefore not use its discretionary powers to provide Council tax charge relief to care leavers in the borough. However, the Council as a corporate parent is expected to ensure where possible that care leavers under its care are not disadvantaged compared to their peers.

The Council could have opted to exclude care leavers from other boroughs from the relief scheme and limit the benefit to Haringey care leavers only. However, this would have raised issues of equal treatment of care leavers and also the proposal would have fallen short of the recommendation made by the Children's Society and the Children's Commissioner for England.

The scheme has been designed to offer 100% discount to care leavers. Instead, the discount available could have been restricted to 80.2%. However, a partial discount would not completely eradicate the possibility that care leavers will accumulate Council tax debt. Also, the indications are that the cost of collecting the reduced Council tax amount may exceed the residual amount to be collected.

#### **84. HARINGEY'S DRAFT TRANSPORT STRATEGY FOR CONSULTATION**

The Leader introduced the report which invited comments on the draft Transport Strategy and also sought agreement to consult on the draft strategy in October 2017.

Taking account, the comments of the Regulatory Committee, contained in the tabled pack:

##### **RESOLVED**

To approve the draft Haringey Transport Strategy, attached at appendix 1, for public consultation.

##### **Reason for decision**

The Transport Strategy was needed to ensure clarity around the Council's strategy and priorities for managing the local transport network and to support the delivery of corporate priorities for growth and regeneration as well as improving health and environmental quality.

The absence of a Strategy runs the risk of decisions about investment in transport being made in an uncoordinated manner.

##### **Alternative Options considered**

The Council could rely on the Mayor of London's Transport Strategy and the North London sub-regional Transport Plan to provide the Strategy and priorities locally. However, while Haringey shares many of the same transport challenges as the rest of London and the sub-region, these higher level strategies and plans fail to recognise variations in approach based upon local context, and therein, the weight to be afforded to the realisation of specific objectives and priorities.

#### **85. COMMUNITY INFRASTRUCTURE LEVY DRAFT CHARGING SCHEDULE & PLANNING OBLIGATIONS SPD UPDATE**

The Cabinet Member for Housing, Regeneration and Planning introduced the report which provided a summary of the comments received in the consultation on the CIL [Community Infrastructure Levy]. The report further sought agreement to: consultation on the Planning Obligations SPD, the CIL governance arrangements, and a new revised Regulation 123 List.

The Cabinet Member for Housing, Regeneration and Planning highlighted:

- That seeking agreement to consultation on the Planning obligations SPD, would strengthen the Council's position on obtaining more funding for affordable housing for the borough. This exercise would also help to formalise the Council's approach on viability assessments and to enable a firmer approach, in respect of affordable housing numbers, with developers at the planning application stage. The SPD would also support ensuring new developments meet their zero carbon commitments and include the addition of affordable workspace clauses.
- Cabinet previously agreed consultation on the CIL and this was carried out between March and May 2017. This considered increases in the CIL rates to maximise the benefits of regeneration activities. In the consultation an important issue had been raised which had not been detected by the Scrutiny Panel which had previously undertaken a review of CIL. This was the fact that, for outline applications the Council had already granted, the new CIL rate will be applicable to the subsequent reserved matters applications. In these circumstances, the LPA has determined the application based upon a balance of obligations and viability predicated on a CIL liability rate of £15m<sup>2</sup>. The imposition of a change in CIL to £130m<sup>2</sup> would have a significant detrimental impact on delivering these regeneration schemes and the levels of affordable housing negotiated. Evidence indicated that the increase should take place in Jan 2019 so in the medium to longer term the Council can obtain the CIL return and in the more immediate term continue to preserve the affordable housing already negotiated.
- The revised 123 list which sets out what the CIL would be spent on was important to update, to ensure it reflected the priorities of the Council.

In response to a question from Councillor Engert, the following information was noted:

There was no association between the lower CIL rate in Tottenham and the High Road West Scheme agreements. The Housing Zone was also currently running at 40% affordable housing. This was a complex scheme and involved multiple landowners. The Cabinet Member with officers were working hard to get buy in from these landowners to build a new area with a new health centre and new housing.

The Cabinet Member drew Cabinet's attention to the recommendations at 3.3 and clarified that the reference to paragraph 5.16 should be 6.16 and the reference to paragraph 5.13 and paragraph 5.15 should read 6.13 and 6.15. The Cabinet Member further clarified that Appendix B was attached at pages 209 to 222 and that appendix C was attached at pages 223 to 275.

Taking account of the changes to paragraph 3.3 outlined above and further to considering the Regulatory comments set out in the tabled pack:

## **RESOLVED**

1. That Cabinet note the findings of the PDCS consultation (at Appendix A).

2. That Cabinet agree to defer consultation on the Draft Charging Schedule (DCS), until such time as its publication will not put known development within Tottenham Hale at viability risk.
3. That Cabinet to adopt the revised Regulation 123 List (Para 6.16) and the governance arrangements for the spending both the strategic (Para 6.13) and neighbourhood (Para 6.14 – 6.15) portions of CIL for inclusion in the existing CIL Charging Schedule (at Appendix B).
4. That Cabinet approve publication of the Draft Revised Planning Obligations Supplementary Planning Document (provided at Appendix C) for public consultation in accordance with the Haringey Statement of Community Involvement.

### **Reason for Decision**

As the Council has been collecting CIL since November 2014, it is necessary that it put in place clear governance arrangements for spending both the neighbourhood and strategic portions of CIL monies.

Having been subject to consultation, the revised Regulation 123 List will help provide clarity about the types of infrastructure the Council will consider eligible for funding through the strategic portion of CIL.

The revised Planning Obligations Supplementary Planning Document (SPD) will give greater clarity to the Council's priorities for the collection of Section 106 planning contributions.

### **Alternative options considered**

The Council has had regard to legal advice in regard to whether the proposed PDCS was likely to be found sound at Examination in Public, and whether it would have a significant adverse impact on emerging developments in the Tottenham Hale area. The conclusion of this is that it could indeed have a prejudicial impact on development with existing outline consents, and consequentially the CIL charging schedule is recommended to be delayed. More details on the legal opinion are included at Paragraphs 5.6 – 5.10.

## **86. TRANSFER OF LAURELS LEASE TO BRIDGE RENEWAL TRUST**

The Cabinet Member for Corporate Resources introduced the report which sought approval to the transfer of the Laurels building to the Bridge Renewal Trust. This proposed decision represented an important point in carrying forward the legacy of the NDC. Over the last 8 years the Bridge Renewal Trust have demonstrated that they are a strong and sustainable voluntary and community organisation well equipped to put into effect the original intentions of the NDC and to ensure a continued contribution to

the health and wellbeing of the borough. The transfer of the Laurels building would safeguard its future as an integrated healthcare centre, support the delivery of the NDC legacy and ensure that this valuable asset remains available for community use, benefiting local residents directly.

## **RESOLVED**

1. To approve the disposal of the 125-year head lease in ground and first floors premises at 250-266 St Ann's Road London N15 known as the Laurels Healthy Living Centre to the Bridge Renewal Trust for the sum of £1.00 (subject to the consent of the Secretary of State and Circle 33 Homes Ltd).
2. To give delegated authority to the Strategic Director for Regeneration, Planning and Development to agree the final terms of the disposal.
3. To note that the Council will continue to be able to nominate two representatives, one Councillor and one officer, onto the Board of the Bridge Renewal Trust.

## **Reasons for decision**

The Council has a leasehold interest in the property known as 250-266 St Ann's Road, London, N15 ("Laurels"). The transfer of the 125-year lease of the Laurels from the Council to the Trust as the NDC's successor body was always intended in order to secure the legacy of the NDC for local residents. The transfer was considered in 2009 but was not taken forward at that time since the successor body was untested and it was too early for the Council to realistically assess its capacity to successfully own and manage the asset. The 10-year funding agreement was put in place at that time specifically to allow the Trust to develop and to have the opportunity to demonstrate their longer term sustainability and reach. It is considered that the Trust have now established themselves as both a key community organisation in the borough and as a viable voluntary sector operation and, with a strong board and management, have demonstrated that they have the capacity to own and manage the asset and deliver the NDC legacy.

This decision is needed now as there are less than four years left to run on the Funding Agreement. Audit stipulations require any capital investment to be depreciated over the lifetime of the Funding Agreement. The very short depreciation period hinders the Trust from making long term decisions which would improve and expand health service provision and realise the NDC's original vision – which the Trust maintains - of a holistic healthy living centre with a range of services. This includes bids to external funding agencies for capital investment. Examples of work that are required imminently include improvements to configure internal space on the ground floor to deliver a healthy living pharmacy to meet NHS England requirements.

The Trust have also been affected by the high annual depreciation costs as a result of the short funding agreement. In 2013-2014, the Trust invested £136,000 to refurbish parts of the underused Laurels ground floor space to create two modern therapies and consulting rooms. These facilities are currently used to provide popular and affordable complementary therapies including podiatry, osteopathy and deep tissue massage. In line with relevant audit stipulations, this substantial capital investment has had to be

depreciated over the lifetime of the funding agreement. This short depreciation period has greatly burdened the Trust with higher than necessary annual depreciation costs which have negatively impacted on its ability to fundraise.

The transfer of the Laurels will enable business planning and provide long term financial stability as it will enable the Trust to develop new and innovative means of creating lasting change in the local neighbourhood in particular and Haringey in general. It will empower the Trust and local residents to achieve better management of the asset and to enable long term funding of capital projects and planned maintenance. Crucially, long term ownership will also help the Trust attract external grants and other funding as investors have confidence in the long term future of the organisation.

Finally, the transfer – which has been anticipated since the initial legacy plans for the NDC were drawn up – will ensure that this valuable asset remains available for community use, benefiting local residents directly.

### **Alternative options considered**

- a) **Do nothing** – doing nothing for now and waiting until March 2019, 2 years before the funding agreement is due to expire, has been considered and discounted due to the financial impact that the remaining period is having on the Trust's ability to invest and undertake much needed capital improvement works and more widely to invest and plan for future service delivery.
- b) **As is but with new, longer funding agreement** – this has been considered, however the NDC was designed with the intention of providing a legacy and for this to be delivered by a successor organisation, in this instance the Trust. The Council have been holding the asset in trust until it could assess whether the organisation had the capacity to own and manage the asset and deliver the legacy.

## **87. WITHDRAWAL OF SUBSIDY FOR MEALS ON WHEELS**

The Cabinet Member for Adult Social Care and Culture introduced the report which outlined the outcome of the consultation on the proposed withdrawal of the meals on wheels' subsidy. The report recommended the withdrawal of the subsidy for the meals on wheels' scheme and also considered the mitigations that would be put in place to support users following withdrawal of the subsidy.

The Leader and Cabinet Member for Adult Social Care and Culture responded to questions from Councillor Engert and Cllr Ejiofor. The following information was noted.

- The saving had been delayed as alternative savings had been identified to fill the temporary gap, but the savings to the base budget were still required.
- All the 110 users would receive an assessment review and support plan to ensure they were supported to get the best alternative option for delivery of their meals.

## **RESOLVED**

1. To take into account the detailed feedback of the consultation undertaken with users of the Meals on Wheels service, as set out in appendices 1 and 2 of this report.
2. To take into account the equality impact assessment of the proposals on the protected groups, i.e. service users, and the proposed mitigations in appendix 3.
3. To approve the withdrawal of the subsidy for the Meals on Wheels service.
4. To approve the future service arrangement with the Council acting as a facilitator and navigator and helping service users to decide which community alternatives meal options available they want to take up.

### **Reasons for decision**

In delivering the Corporate Plan, the Council aims to enable all adults to lead healthy, long and fulfilling lives through a strong emphasis on promoting independence, personalisation and choice and control. There is no statutory requirement for local authorities to fund the costs of food or meals directly and a significant proportion of other Councils have withdrawn from delivering or subsidising a meals service over the past five years or so.

The current arrangements for meals on wheels, where a subsidy is paid by the Council towards the cost of each meal delivered through a contract with an external supplier, are taken up by approximately 110 users at any one time. This is a significant reduction from the 300 users accessing the service in 2010 reflecting changing user preferences and habits.

There has been no increase in client contributions to the service since 2012/13 and the contribution has only increased by 20p per meal from £3.20 to £3.40 since 2010. However, as the volume of meals has decreased the cost of the meals has increased each year with a standard meal now costing £7.60. The Council now contributes at least £4.20 as subsidy towards the cost, costing the Council over £140,000 each year.

The responses to the consultation demonstrate that the vast majority of users disagreed with the proposal to withdraw the subsidy and highly value the current subsidised meals on wheels' service. However, half of respondents indicated that they would be able to afford to pay more than the current contribution level with 39% indicating that they would be able to afford the full cost of available hot meal delivery options. The service is one of many provisions available to residents with support and care needs and not able to prepare food for themselves in Haringey and only a limited number of people benefit from the existing service, however it is recognised that the recommendations would result in an increase in the cost of a hot meal delivery service.

The proposals would strengthen the Council's statutory role to ensure access to a meal and to act as a facilitator and navigator, helping the individual to decide which meals



option of the community alternatives available they want to take up. The proposals set out in this paper enable the Council to make savings and to build a more sustainable community offer to more residents, as part of offering choice to residents in need of support to access a daily hot meal. The Council does not intend to promote one option but to ensure a number of ways of accessing a regular hot meal are in place and to work with users to make the choice which best meets their needs. For existing users of the service the Council will support each individual to choose the most suitable alternative option and ensure that we continue to meet the assessed needs and outcomes.

### **Alternative options considered**

Continuing with the current arrangements has been considered but rejected as the payment of the subsidy is not sustainable and only a limited number of users benefit from a hot meal. In addition, neither the Care Act nor preceding legislation require meals to be subsidised or the cost of food to be met by the Council. Haringey Council is the only borough in North Central London which still offers a subsidised Meals on Wheels service. Islington, Camden and Enfield ended their direct provision of Meals on Wheels services in 2011 and Barnet in 2015.

Consideration was given to withdrawing the subsidy whilst not building and signposting community based alternatives. This, however, was rejected as the development of a strong, community offer supports the wider Priority 2 objectives of choice, control and independence and meets the wider Council aspirations to build a stronger community in the borough.

## **88. WOOD GREEN BUSINESS IMPROVEMENT DISTRICT (BID)**

The Cabinet Member for Economic Development, Social Inclusion and Sustainability introduced the report which set out the proposal to set up a Business Improvement District (BID) in Wood Green. This was an initiative developed and led by businesses in Wood Green, aimed at revitalising Wood Green Town Centre. This decision had come about as result of the success of other BIDs in London. If it succeeded in achieving its proposed objectives, it would make a positive contribution to business growth in Haringey and as such be an integral part of the wider Wood Green Regeneration Programme. BIDs across the UK had been proven to be useful vehicles to bring about improvements to struggling business districts. A BID in Wood Green would be a statement of intent that the local authority was supporting local businesses in their endeavour to improve their businesses.

There was a healthy level of appetite and support for a BID amongst Businesses in Wood Green.

As per 'Business Improvement Districts (England) Regulations 2004' the Council was obliged to respond to the request of the BID proposer- Wood Green BID Steering Group and support them in their attempt to set up the BID. As the Council occupies premises as a ratepayer in the proposed BID area, it would also be entitled to vote.

Membership of a BID in Wood Green would allow businesses to come together and forge a strong partnership, collective voice and influence the development of the area and benefit from joint investment and procurement exercises.

In response to a question from Councillor Engert, it was noted that the BID was a first step to support businesses in Wood Green. The basic partnership led services such as responding to crime and anti-social behaviour, and improved cleanliness were not being fully delivered as Partners had also incurred government reductions in funding. The Wood Green BID would be owned and led by local businesses, addressing issues and concerns as well as creating opportunities for cost saving and capacity building exercises.

The Cabinet Member outlined that business have to be comfortable with the BID and feel that it allows them to be able respond to changing circumstances in Wood Green. If a more fully pedestrianised area was wanted by residents and businesses, then this could be taken forward. However, the decision, before Cabinet was to agree the consultation on the BID, and this type of decision making could come forward much later, once the BID was established and working.

## **RESOLVED**

1. To endorse the Wood Green BID Proposals, formally submitted by the Wood Green BID Steering Group in accordance with the BID Legislation.
2. To note that the Wood Green BID Proposals do not conflict with any formally adopted or published policies of the Council.
3. To instruct the Returning Officer to hold a BID Ballot in relation to the Wood Green BID Proposals aiming to hold the ballot on 1<sup>st</sup> March 2018.
4. To agree to delegate authority to the Director of Regeneration to vote 'yes' on behalf of the Council in the Wood Green BID Ballot, as a non-domestic ratepayer of Council-owned properties in the proposed Wood Green BID area.
5. In the event that the outcome of the BID ballot is in favour of the Wood Green BID, Cabinet agreed to delegate authority to the Director of Regeneration to make decisions on behalf of the Council in connection with, and during, the process of the setting up of the Wood Green BID, including authority to finalise two agreements (a Baseline Agreement for the Provision of Standard Services and an Operating Agreement) with the BID Company regarding the operation of the BID, ( in consultation with Assistant Director of Corporate Governance)

## **Reasons for decision**

A BID is a defined area within which businesses pay a levy in order to fund projects and improvements (typically related to safety/security, cleansing and environmental measures) within the district's boundaries. There are 53 BIDs in London but currently no BIDs in Haringey. Only two Metropolitan Town Centres in London do not have BIDs, Wood Green and Shepherds Bush (which has an enhanced management agreement with Westfield).

Businesses on Wood Green High Road have for some time been very concerned about the image of Wood Green and the associated crime, grime and the retail offer. Wood Green has tremendous strengths but also significant opportunities to improve. It is classified by the Greater London Authority (GLA) as a Metropolitan Town Centre, but is ranked as one of the worst performing on a number of measures (quantity of comparison retail, ratio of comparison to convenience, quantum of office, quality and quantum of amenity and leisure).

Consultation with businesses during the BID Feasibility Study undertaken in 2016 demonstrated that a BID in Wood Green had the potential to improve the experience, marketing and viability of Wood Green and thereby enhance the economic growth of the area and outcomes for residents. It was also considered that membership of a BID in Wood Green will allow businesses to come together and have a strong voice in the area's future as it undergoes significant transformation following the delivery of the Wood Green Area Action Plan (AAP) and Investment Framework.

The BID Proposer has drawn up a document, The BID Proposals (Appendix1), which will set out the services to be provided and the size and the scope of the Business Improvement District. It also sets out who is liable for the levy, the amount of levy to be collected and how it is calculated. The BID proposals include:

- I. A statement on what services the BID intend to provide
- II. Who will provide them (i.e. the BID company)
- III. Who will be liable to pay the levy and how the levy will be calculated
- IV. Any relief to be given to any specific class of occupiers
- V. Whether any (and which) of the bid arrangements may be altered without an alteration ballot
- VI. The duration of the BID arrangements (the BID Term)
- VII. When the BID arrangement comes into force
- VIII. A map of and list of streets in the geographical area covered by the BID Proposals
- IX. A schedule of the existing baseline services provided by the relevant public authority

Council officers are confident that the BID proposer has supplied the above information in the BID Proposal document shown in Appendix 1 and that this document complies with the BID regulations

In accordance with Regulation 3(2) of the Bid Regulations, on 30th June 2017 the Chair of the Wood Green BID Steering Group, (set up as a sub group of the Wood Green Business Forum to oversee and coordinate the establishment of a BID in Wood Green) the BID Proposer served 84 days' notice on the Council and the Secretary of State, of the Steering Group's intention to request the Council as billing authority to put BID Proposals to a ballot.

Under the BID Regulations, the Council has a duty to receive BID Proposals as part of the process leading to a ballot. The Council has a role in ensuring compliance and has the power under the BID Regulations to veto a BID proposal after ballot where it believes the BID proposals:

- (i) are likely to materially conflict with any of the Council's formal policies;

- (ii) place an inequitable and significantly disproportionate financial burden on any class of non-domestic ratepayer as a result of manipulation of the BID area or BID levy.

The recommendations are in support of the Wood Green BID Proposal as it is considered to:

- (i) conform to all requirements of the BID Regulations;
- (ii) provide leverage of additional resource for the regeneration and improvement of the Wood Green area.

Council officers have studied the BID proposal and are of the opinion that it does not conflict with any of the Council's formal policies and it does not place any disproportionate financial burden on any class of non-domestic rate payers as the result of the proposed BID area or the levy rate.

### **Alternative options considered**

Officers have been exploring the opportunity for BIDs in the borough since 2014. Wood Green and Tottenham have been considered as well as other local town centres and industrial estates. This is further detailed in the background section. Currently Wood Green is the only Town Centre in the borough considered to have the potential to be a BID.

Should the Council vote not to support the BID Proposal, it would risk:

- (i) Losing the opportunity for potential investment in Wood Green of between £300,000 and £600,000 per annum over five years, to be raised from the BID levy and through accessing external sources of funding and in-kind support to be used by the BID Company which, working with the Council, could support the promotion and regeneration of the Wood Green;
- (ii) Losing the opportunity for attracting additional leverage and match funding; and
- (iii) Damaging business relationships and causing the dis-engagement of local businesses from working in partnership with each other and with the Council for the regeneration of the area.

## **89. MINUTES OF OTHER BODIES**

### **RESOLVED**

To note the minutes of the following:

Leader's Signing on the 31<sup>st</sup> of August 2017

Cabinet Signing on 5 September 2017

Leader's Signing on 18 September 2017

Cabinet Member Signing on 26<sup>th</sup> September 2017

## **90. SIGNIFICANT AND DELEGATED ACTIONS**

**RESOLVED**

To note the significant and delegated actions taken by Directors in September.

**91. NEW ITEMS OF URGENT BUSINESS**

None

**92. 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 paragraph, 3 and 5 , Part 1, schedule 12A of the Local Government Act 1972.

**93. EXEMPT CABINET MINUTES**

**RESOLVED**

To agree as an accurate record the exempt minutes of the meeting held on the 12<sup>th</sup> of September 2017.

**94. NEW ITEMS OF EXEMPT URGENT BUSINESS**

There were no new items of exempt business to consider.

CHAIR: Councillor Claire Kober

Signed by Chair .....

Date .....