

MINUTES OF MEETING CABINET HELD ON TUESDAY, 21ST JANUARY, 2020, 6.30PM

PRESENT:

Councillors: Joseph Ejiofor (Chair), Charles Adje, Kaushika Amin, Mark Blake, Gideon Bull, Seema Chandwani, Kirsten Hearn, Emine Ibrahim and Sarah James

ALSO ATTENDING: Councillors: das Neves, Rice, Palmer, Gordon and Hare

128. FILMING AT MEETINGS

The Leader referred to the notice of filming at meetings and attendees noted this information.

129. APOLOGIES

Apologies for absence were received from Cllr Brabazon.

130. URGENT BUSINESS

There were no items of urgent business put forward.

131. DECLARATIONS OF INTEREST

Councillor Chandwani and Councillor Bull declared a personal and prejudicial interest in item 15, Annual leasehold Service Charge - Review of Management Fee as they were both leaseholders in the borough.

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

There were no representations received at the agenda publication stage in relation to the exempt items on the agenda.

133. MINUTES

To approve the Cabinet minutes for the 10th of December 2019 as an accurate record of the meeting.

134. DEPUTATIONS/PETITIONS/QUESTIONS

A deputation had been received from Mr Stuart McNamara and Mrs Victoria Alvarez in relation to item 9 of the Agenda – the Cabinet Response to the Scrutiny Panel Review on Wards Corner.

Ms Victoria Alvarez, representing the Latin Village, was invited by the Leader to put forward her deputation to Cabinet. Ms Alvarez was joined by Mr Patrick Rey.

Mr Rey introduced the deputation and spoke for the traders of Latin Village in his capacity as a leader of the campaign to Save the Latin Village.

Mr Rey expressed that the Housing and Regeneration Scrutiny Panel had listened to the voices of the traders at Wards Corner and had considered evidence over many months, deliberated and reached its conclusions carefully. The traders felt heard by the Scrutiny Panel and praised the Planning Officer, who reviewed whether Grainger had complied with Section 106 planning obligations when it was appointed the Market Operator, Quarterbridge. Citing the Planning Officer's report in which he wrote Grainger had breached the Section 106 agreement, Mr Rey queried why the draft response to the Scrutiny Panel claimed there was no breach.

The deputation asked Cabinet to fully consider and respond to the questions the traders had raised with action. Mr Rey claimed the proposed responses to the recommendations gave the traders no confidence that Cabinet had considered the concerns of the traders.

Mr Rey continued to praise the Scrutiny report and its contents. He claimed the Scrutiny process had allowed all parties to be tested and queried whether Cabinet accepted the facts found within the report.

Mr Rey sought for Cabinet to agree that Haringey had a responsibility to protect the market, its traders and the community it serves.

Mr Rey noted the Council and traders wanted a mutual future where the traders and Market were secure. However, they were not confident this would be realised with Mr Rey claiming there had been harassment by the Market Manager. He further claimed several traders faced eviction from the Market because of alleged breaches of their Market agreements with MAM.

Mr Rey questioned what precisely the draft response offered traders in terms of the future. He stated real commitment meant supporting traders now and fully committing to community involvement and oversight of the next Market facilitator. Cabinet were requested to support those commitments.

The deputation asked for round table discussions and for Cabinet to support the Community Plan that had been proposed. Cabinet were also asked to demand the dismissal of the current Market Operator and to engage in the recruitment process for this position.

Mr Rey closed by asking Cabinet to reconsider its response to the Scrutiny report and answer questions raised in the deputation.

Following the deputation, the Leader invited Cabinet Members to ask questions.

Councillor Bull queried whether there had been any conversations with the owners of the site, London Underground Limited, and what representations had been made to them. The deputation responded that they had tried for years to meet the owners of the site but had found initial difficulty in identifying who the owners were. They claimed that, following lengthy discussions with London Underground Limited, they were told they had been addressing the wrong department, which delayed discussions. Mr Rey further noted that once the current Market Operator took over in September 2015, the traders had asked TfL if they could take over the lease but were told that those who held the lease had a right to extend or renew it. He claimed that the traders were unaware that Grainger had been able to act as guarantor for MAM despite it working for Grainger, which the traders felt was unprofessional. The traders complained to TfL but Mr Rey claimed they said they had no involvement in the day to day management of the Market.

Councillor Bull further queried what direct representations the deputation had made to those responsible for the building and whether they had sought legal advice regarding the state of the building. The deputation responded by stating they had lawyers representing a group of the traders but claimed the main issue they faced was that this group of traders were not allowed to make investments in the Market. They further felt that the Market Operator were not allowing updates so that they could make a case to knock down the building. The deputation considered that the building could be invested in to improve it and highlighted its essentialness to the community. Mr Rey claimed that the traders had tried to speak with the previous Market Manager but had found him to be abusive. TfL had carried out investigations following this and had made the individual apologise to traders for inappropriate behaviour.

Councillor Hearn thanked the party for their deputation and queried whether they felt the existing facilities met the needs of traders and customers and whether they considered anything needed to change. The deputation responded by noting they had a Community Plan which had been agreed by the Council in its role as a Planning Authority. They accepted that the Market could have better facilities which was addressed in their Community Plan by utilising the empty space situated at the top and side of the Market. They claimed the Community Plan also addressed the needs of the customers and community at large.

Councillor Ibrahim questioned whether the deputation had discussed with TfL their proposed investments in the building to improve conditions or their concerns about the state of the building. The deputation claimed the Market was easy to operate and generated good revenues yet no investment was being made to the building. They claimed they were not able to invest to improve the building, cosmetically, and that this was the responsibility of the Market operator. They further claimed the Market Operator had failed to invest in the Market and the traders had approached TfL regarding this but were informed it was nothing to do with them, with a similar response received from the Council.

The deputation was joined by Mr Ben Beach who accepted the building required substantial investment. He claimed the problem was that the Market Operator had responsibility for the ground floor and TfL had allowed the building to be derelict for

over four decades, and so long as the roof and structure of the building were not invested in, any changes to the Market could only be cosmetic. The Community Plan sought to strip the building back to its core structure and rebuild it to allow the disused and inaccessible parts of the building to be redone. The redone upper floors would be able to be used by the community with any money generated reinvested to support the wider community. Regarding representations that had been made, he informed there had been numerous and substantial correspondence with TfL. There had further been correspondence with the Mayor of London's Office, Joanne McCartney. There had also been a direct approach for a meeting with James Murray and Heidi Alexander.

The Leader invited the Cabinet Member for Finance and Strategic Regeneration to respond to the deputation.

The Cabinet Member for Finance and Strategic Regeneration thanked the representatives of the Latin Village for their deputation. In response to the questions and concerns raised, the Cabinet Member made the following points:

- The Council had always taken the welfare and concerns of the traders into consideration. The Council had set up the Wards Corner Policy Advisory Group, which was chaired by the Cabinet Member. There was also an independent consultant who had spoken to a number of key stakeholders. The Council empathised with the traders and set up these measures to ensure that their interests were considered.
- The Cabinet Member was aware the traders had raised a number of issues with TfL regarding the conduct of the Market manager and that they had apologised where they found fault.
- The Council was not the freeholder of the site but rather London Underground Limited was and the property was managed by TfL on behalf of LUL. They had a duty to ensure the building was safe and had a duty under health and safety requirements to deal with issues raised, which the Cabinet Member understood had been addressed.
- Regarding the Community Plan, the Cabinet Member noted it had received Planning approval on the basis that the traders engaged with the freeholder of the property, TfL. The Council would assist however it was able to.
- The report of the Policy Advisory Group was published on 17th January 2020 which was viewable online in English and Spanish.
- The Council had taken the concerns raised seriously and engaged with TfL. Further, an independent Market consultant had been brought into liaison with key stakeholders such as the traders and other interested parties.
- The Cabinet Member sought to reassure the traders that the Council was with them and would continue to work with them moving forwards. Ultimately, however, the traders would need to engage with TfL.

The Leader allowed Mr Rey to provide a short response to the Cabinet Member. Mr Rey claimed the Council had a compulsory purchase order on the site and requested they release the site so that they could freely talk to the landowner and carry out the Community Plan.

The Leader highlighted that the traders needed to have conversations with TfL. The Council would continue to look at making the Market in the long term sustainable and also continue its discussions with TfL, Grainger and traders. The Leader reminded the deputation that the building was owned by TfL and leased to MAM. The Leader noted MAM's contract to run the Market was due to run out in September 2020.

The Leader closed by thanking the party for their campaign.

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

The Leader advised the meeting that the Cabinet would consider the Scrutiny Review on Wards Corner which the Chair of Overview and Scrutiny would present and the Cabinet Member for Finance and Strategic Regeneration would present the Cabinet response to the Scrutiny recommendations.

136. SCRUTINY PANEL REVIEW ON WARDS CORNER - NON KEY

The Chair invited Councillor das Neves to introduce the Scrutiny Panel Review on Wards Corner.

Councillor das Neves addressed Cabinet and noted that the Overview and Scrutiny Committee had brought forward a review of Wards Corner which was the culmination of many months of work with 36 hours of evidence heard by the Housing and Regeneration Scrutiny Panel. The Chair of Overview and Scrutiny continued to articulate the 14 recommendations put forward by the Overview and Scrutiny Committee which were contained at pages 57 to 59 of the agenda pack.

The Leader invited the Cabinet to put forward questions to the Chair of Overview and Scrutiny. There were questions from Councillors: Bull, Chandwani and Ibrahim on the Scrutiny Review recommendations and the following responses were provided by Councillor das Neves with assistance from Councillor Ruth Gordon, who had been the Chair of Housing and Regeneration Scrutiny Panel in 2018/19 where the main evidence for the review had been gathered.

- With regards to the considerations behind recommendation 2 which sought a review of the Constitution, Part 4 Section G, Overview and Scrutiny Procedure Rules, and asserted that there should be a presumption of officer attendance at Scrutiny meetings, it was noted that the Housing and Regeneration Scrutiny Panel had not been able to hear first-hand evidence from the Town Centre Manager who was a fourth tier officer in the Council. The Cabinet noted that Officers below tier three could only attend Scrutiny meetings at the discretion of the Director. Therefore the Committee had added this recommendation for Standards Committee to consider changes to the Constitution. The Leader interjected to highlight that it was correct and important to adhere to the current rules of the Constitution. This document was clear on which Officers Scrutiny had right to question and which Officers were able to attend Scrutiny as part of their job description.

- In further follow up questions, Councillor Gordon, expressed that any proposed changes to the Constitution, on this aspect, would of course need to involve trade unions and this was set out in the recommendation. It was further clarified that this recommendation was included to highlight that there was discretion to allow this officer to attend which was not applied. Councillor Gordon outlined that the Scrutiny Panel had been receiving information at their evidence gathering meetings on the issues that had occurred at the Market Traders Steering Group meetings over an 18 month period and wanted to verify this with an officer present at these meetings. They further requested the notes of this meeting which were not forthcoming and still felt that it was appropriate for a fourth tier officer to attend and provide this information. The Leader interjected to emphasise that the Councillor was referring to a particular officer and this was inappropriate to do so in this meeting given this issue had already been raised in the Scrutiny review process. Therefore, it was inappropriate to raise this issue at this meeting and more appropriate for the Councillor to relate issues to the response to the recommendations of the Scrutiny review which was the decision at hand for the Cabinet.
- Taking account the previous exchange between the deputation and Cabinet Members, Cllr Gordon, advised that the Scrutiny Review of Wards Corner had been clear on who owned the land on the Wards Corner site and which parts the Market was situated within and had compiled their recommendations accordingly. There was confusion caused by the conflict of interest between the Market Facilitator and Market Manager role being taken forward by the same person. The Market Facilitator role was a key one, enshrined in the Section 106 responsibility. It was felt that this alleged conflict of interest should have been acknowledged in consideration of the Scrutiny recommendation and agreed given the Council's responsibility as a Planning Authority. It was further contended that it was the responsibility of the Council to monitor this Market Manager role and how it had been fulfilled. The Leader asked the AD for Planning to respond on this issue who agreed that ultimately the role of the Council was to monitor section 106 agreements. This point had been accepted and this conflict had been rectified with a change made to the Market Facilitator role.

The Cabinet Member for Finance and Strategic Regeneration formally responded to the Scrutiny review recommendations, thanking the Chair of Overview and Scrutiny for taking forward this review. The recommendations were welcomed and had been carefully considered. The response to each recommendation was set out in appendix 2 of the attached report.

The Cabinet Member outlined that the Council would seek to learn the lessons of the Scrutiny Review and improve its process for the Seven Sister's development. The Cabinet Member highlighted that the Wards Corner scheme will deliver 196 new homes, and a new commercial space with a vibrant Seven Sisters Market with the Latin village at its heart. This was a long standing scheme and the Development Agreement was reached in 2007. The Cabinet Member was fully aware of the different views expressed about the scheme, including at this meeting. As a Council, the Cabinet were committed to working with communities to ensure that regeneration and investment benefited communities and this had formed the basis of the community

wealth building ethos in the manifesto and was further outlined in Borough Plan. This had been the constant focus and the Cabinet Member who was working to ensure that the scheme was consistent with the Council priorities.

The Cabinet Member noted the significant protections in place for traders to continue trading whilst their new Market home was built and a package of financial measures to ensure that they can succeed as businesses when moving to their new home.

The Cabinet Member outlined that, in order to identify a way forward to secure buy in from key stakeholders, the Wards Corner Policy Advisory Group was established to identify a viable future management approach for the Market. As Chair of this group, the Cabinet Member had been working alongside Tottenham ward Councillors and an independent Market expert to review viable models for the future management of the Market. This group's work and report was previously alluded to in the responses to the deputation.

The Cabinet Member was pleased that the Policy Advisory Group report had been published on 17th of Jan which had been informed by an independent Market expert who had engaged with key stakeholders. The Cabinet Member was aware that one of the key stakeholders in disagreement with the Policy Advisory Group report findings was the Market asset management group. The report was self-explanatory and addressed a number of issues in the Scrutiny recommendations. The Cabinet Member continued to commend the response to the Scrutiny Review to Cabinet colleagues for adoption.

Further to a request from the Chair of Overview and Scrutiny, the Cabinet Member for Finance and Strategic Regeneration further referred to appendix 2 of the Cabinet response to the Scrutiny review and articulated whether each of the 14 Scrutiny recommendations had been agreed, partially agreed or not agreed.

The Leader invited questions on the Cabinet response to the Scrutiny Review from Councillor Gordon who expressed her disappointment that only 3 of the 14 recommendations had been accepted and 3 partially agreed with 8 not agreed. She felt that there was insufficient acknowledgement that the Scrutiny Panel had found that the Council was adopting an incorrect legal position which, in her view, had led to the CPO enquiry in 2017 also having an assumption that the section 106 conditions were not operable or enforceable. Cllr Gordon contended that the Section 106 was deemed not in operation for a long time and this position had only changed during the Scrutiny review in March 2019 when there was an acknowledgement by Legal services that the Section 106 was now operative. The Panel sought to discover the timing of this change in position and did not receive a response during the review.

Cllr Gordon further impressed on the Cabinet to reconsider and approve recommendation 13, acknowledging the support for the traders expressed by Cabinet Members outside of the meeting on social media. This recommendation was simply asking for discussions to take place. She advised that the developer themselves had written to authors of the community plan, acknowledging that this had received planning permission. Whilst Grainger had indicated in their letter that this was not a viable plan, they had offered to meet with the proponents to see which elements could

be incorporated into their own development plan. Cllr Gordon felt that this was a good opportunity for the Council to facilitate this engagement.

Cllr Gordon referred to the long standing relationship between the Council and Grainger and continued to advocate that recommendation 13, which sought agreement to a task force made up of community groups working with Grainger to develop their ideas and co-ordinate any combined solution, be agreed. Also that the Council engage with the community and traders to find a way forward.

The Cabinet Member responded, taking account of the disruptions emanating from the Council public gallery, emphasising the respectful collaborative approach needed by all parties to continue dialogue on the development of the Wards Corner site. The Cabinet Member welcomed the participation of the traders in establishing a viable model for the management and maintenance of the future Market. The Policy Advisory Group had made recommendations relating to this. The Cabinet Member advised that this was the forum where these matters can be discussed. The Cabinet Member was also pleased that Grainger had said that they were willing to engage and the Policy Advisory Group was again the place for these conversations to take place.

There were continual loud disruptions in the gallery area, deterring Cabinet Members and Councillors speaking. The Leader provided a warning for the disturbance to cease otherwise the Cabinet would need to adjourn and convene the meeting in private. The disturbance continued and the Leader called again for the disturbance to cease. The Leader called for a third time for the disturbance to cease.

As the disturbance continued in the gallery, the Leader referred to his right as Chair of the meeting to use his discretion to move straight to the recommendations in the report which would be considered without any further questions. The Leader apologised to attendees and stated that he had wanted to take further questions from members but this had not been made possible due to the frequent and sustained disturbances in the public gallery, objecting to the responses provided and report. To ensure an orderly meeting, it was necessary to move to the recommendations of the report in hand.

The Leader referred to Cabinet Procedure rule 2.7 contained in the Constitution at part 4, section F, which allowed members of the Council to only speak at the invitation of the Chair. [This invitation was no longer in place.] The Leader asked Cabinet colleagues to consider the recommendations set out at paragraphs 3.1 and 3.2 of page 46 of the report pack.

RESOLVED

1. To note the recommendations of the Overview and Scrutiny Committee and the Housing and Regeneration Scrutiny panel attached at appendix 1.
2. To agree the response to these recommendations attached at appendix 2.

137. WELCOME STRATEGY

The Cabinet Member for Adults and Health introduced this report which set out the Council's strategic response to migration and integration building on its current approach.

The Cabinet Member was pleased to present the Welcome Strategy and paid special thanks to the community voluntary sector organisations who participated in the process. The Council would be working with them to set up a Board and to create an action plan that could then be monitored to measure progress.

The Cabinet Member closed by stating that, despite the uncertainty for migrants entering into the borough, the Council wished to send a message that it, and the borough, welcomed new migrants and wanted to work with them. There already existed the Connected Community Project and the Welcome Strategy was the next step.

The Leader invited Councillors to ask questions on this report. Councillor Palmer placed on record her dissatisfaction with not being able to ask questions in relation to item 9.

In response to questions from Councillor Palmer and das Neves, the following information was provided:

- The Cabinet Member confirmed that the review of the current practices in how the Council supported migrant residents would include all the agencies that enforced migration law within the borough.
- Regarding the timescale of that review, the Cabinet Member informed that, given its comprehensive coverage, it would take time to complete. For that reason, it was considered necessary to have a Welcome Advisory Board which the Cabinet Member envisaged would be cross party and noted the Liberal Democrats had co-sponsored the Welcome Strategy motion at Full Council in November 2018. The Council had already begun to talk with community monitoring organisations about membership of the Board. The Board would be looking at: what were the Council's priorities; what should be worked on; and any medium to long term goals. An overarching issue for migrants had been the United Kingdom's expected exit from the European Union which had created uncertainty. The Council needed to develop an approach that was flexible and able to react to any changes as and when required.
- The Cabinet Member was not able to provide the complete list of organisations that the Council had so far worked with regarding the Welcome Strategy but would arrange for that information to be made available.
- The Cabinet Member confirmed there had been a round table meeting organised through the Selby Centre which was attended by over 50 individuals from different organisations. There had also been separate smaller meetings with different organisations looking at migration issues such as cases where migrants had no recourse of public funds and issues surrounding settled status

for European migrants. Draft versions of the strategy had been circulated to various organisations and community groups who had in turn provided input and subsequent revisions were made. To further embed the work of the community into the work of the Welcome Strategy, the Welcome Advisory Board was set up to ensure that their contributions would continue.

- Regarding the involvement of the wider community, the Cabinet Member noted there had been input provided from the Polish, Turkish, Irish, Black and African Caribbean communities.
- The Cabinet Member invited Councillors to provide information on any communities or organisations they considered might wish to be involved in the Welcome Strategy, if they were not already.

RESOLVED

To approve the Welcome Strategy at Appendix 1, which requires stakeholders to co-produce an Action Plan to be approved by Cabinet.

Reasons for decision

Haringey Council is committed to building a borough where strong families, strong networks and strong communities nurture all residents to live well and achieve their potential. In November 2018, Full Council adopted a motion to publicly reaffirm this commitment, in particular to migrant communities and those fleeing conflict abroad.

The Welcome Strategy represents a step towards the fulfilment of the commitment expressed in the motion. It provides a framework and approach for taking developing and taking forward activity across partners to ensure that Haringey can continue to be a borough where migrant communities are able to settle and thrive, and where strong communities get on well together.

Alternative options considered

Do Nothing

The Welcome Strategy would not be adopted. This would compromise the capacity of the Council, partners, and the community to take forward action that supports migrant communities in Haringey to settle and thrive in the borough. It would also mean that the Council would not fulfil the commitment of the November 2018 Full Council motion referenced above. It is not mandatory to have a Welcome Strategy. However, not having one would fail to signal the Council's intent and commitment on this issue.

138. REPORT ON THE COUNCIL'S HOUSING DELIVERY PROGRAMME

The Cabinet Member for Housing and Estate Renewal introduced the report which sought approval to include nine Council-owned sites in the Council housing delivery programme in order that their feasibility and capacity for the delivery of new Council homes can be determined.

The Cabinet Member referred to the relatively restricted levels of Government grant for building Council homes, and the need for the Council to make the best use of land

owned by the Council to support this programme. The identified sites would support the Council's initial programme to deliver a thousand new homes by 2022 and would also enable putting in place a pipeline of sites to support a long-term sustainable programme of Council house building. The Cabinet Member advised that this type of action would become a core part of what the Council did to support the required increases in housing needed to further help the 10,000 households on the Council's waiting list for a decent affordable home.

In response to questions from Councillors: Chandwani, Palmer, das Neves, Gordon and Cllr Rice the following information was provided by the Cabinet Member for Housing and Estate Renewal:

- In relation to the sites used by community organisations, set out at paragraph 6.10, there was previous awareness of their potential addition to the Council's housing development programme. There had been ongoing conversations, over a number of years, before this programme had been initiated and an understanding of their potential for housing site development. The Cabinet Member could not comment on the enthusiasm of the community organisation related site holders for these potential decisions but had no reason to believe that they were not aware and informed of the potential progress with these sites.
- In relation to consultation, it was important to note that this report initiated the start of the engagement and consultation process with stakeholders and the community. The Cabinet Member gave assurance that this was being undertaken in an open and transparent manner to avoid misunderstandings and ensure residents and community stakeholders were continually aware and involved in plans. This report initiated the conversation with stakeholders and councillors and set out to the public that the Council would be starting consultations.
- The Cabinet Member explained that, where sites already contained housing, this factor would be included in the feasibility work completed. If it was found that the site was suitable for housing development, there would then still be further consultation with residents and stakeholders. Overall, any decisions relating to demolition would require a section 105 consultation and if it involved building a large number of new homes, then there would need to be an estate ballot.
- The Cabinet Member was aware that that some ward councillors had not received an email about a meeting on the sites contained in the report but this had been rectified and invites had been sent to councillors in all wards affected since publication of the report. The Cabinet Member was keen to enable councillors and residents to receive information at the same time and was making this available at an early stage.
- The Cabinet Member highlighted that one of the sites listed at section 6.10 of the report, Reynardson Court, was subject to a previous consultation in 2014

and would need to have renewed consultation. It was not felt prudent to base a future feasibility study on consultation information obtained 6 years ago.

- The Cabinet Member appreciated the comments on Reyanardson Court and the issue that this block had not received decent homes works in the past. She reiterated that it was important to restart the conversation about the site and had asked to be sent a briefing on this particular block. Correspondence should now have been received by ward councillors about meeting with the Cabinet Member in relation to this site.
- In response to concerns about the lack of trust that residents in this court had about plans for their homes, the Cabinet Member assured councillors that she was genuine about the use of the word 'potential' and any housing development had to be with the agreement of residents. The consultation process which had been followed in the 2014 consultation had indicated overwhelming support for additional homes but there was a need to consider the questions asked at the time of the consultation to help ensure the information was current and reflected the current resident's views and opinions.
- In relation to Decent Homes works, although 85% of the Council housing stock met Decent Homes standards, Reynardson Court was in the group of sites which had yet to receive these works.
- It was clarified that appendix 1, which contained the plans of additional sites, included existing properties within the red line. This was to convey the area on which the developments could take place but did not mean any of the sites in the red line area would necessarily be demolished.
- In response to the concerns of residents at Reynardson Court about the plans for their homes, the report was clear that the decision being taken, at this meeting, was to consult on the potential sites for addition to the housing delivery programme. In response to the question on demolition of this block, there was no decision in the report on this issue. The Cabinet Member apologised to residents if the report had been misinterpreted. However, she did not believe there to be anything in the report to suggest that the current housing in this site was indicated for demolition. The report was clear that this is just the first of 3 decision making stages and was just agreeing to go ahead with initial engagement, feasibility study and further consultation. Therefore, residents and councillors would be involved in two of the three stages. The Cabinet Member reiterated that the Cabinet could not legally take a decision, at this meeting, to demolish the court in the absence of a s105 consultation.
- With regards to the financing of the additional sites for the Council's Housing Delivery Programme, the February 2019/20 budget report included an expansive Housing Revenue Account business plan which responded to the housing aspirations of the administration. This Business Plan had been further revised and included in the draft budget report considered by Cabinet in December and included resourcing for these additional sites. The final budget report in February would further contain this information.

RESOLVED

1. To agree to add the nine Council-owned sites listed in paragraph 6.9 and shown in Appendix 1 to the Council's housing development programme in order that their feasibility and capacity for the delivery of new Council homes can be determined.
2. To note that the potential costs of carrying out the preparatory work up to a Planning Application for each individual site are expected to be within the delegated authority of the Director of Housing, Regeneration and Planning, although the cumulative costs of all these sites would be in excess of this.
3. To agree to delegate authority to the Director of Housing, Regeneration and Planning, in consultation with Director of Finance, to approve the costs of progressing these nine sites to Planning Application, except where the costs on any individual site exceed the existing delegated authority of the Director.
4. To note that this is the first of three stages at which Members can take formal decisions in relation to each site in the programme. If any one of these sites is determined to be suitable for housing development, the next stage of formal Member oversight would be at the Planning Sub Committee. Finally, if planning is consented, a detailed report would be brought back to Cabinet for a decision on whether to commit finances to housing development or acquisition on the site.

Reasons for decisions

The Council is committed to delivering a thousand new Council homes at Council rents by May 2022 and this decision is an essential next step in achieving this aim.

The sites listed in paragraph 6.9 have been identified as potentially suitable sites on which to build new Council homes. It is provisionally estimated that these sites may have the potential to deliver up to 380 homes. Each site listed has undergone initial assessment of its potential suitability and capacity for housing development. In order to assess that suitability and capacity further, a range of work now needs to be undertaken in relation to each site. In some cases, this will require the engagement of external contractors.

Alternative options considered

Not to assess these sites for their development potential

The Council has no statutory duty to develop these sites. However, the Council's has set as its top priority the aim to deliver 1,000 new Council homes by May 2022, and to develop a pipeline of schemes beyond that. It is provisionally estimated that these sites may have potential to deliver up to 380 homes. To exclude them from the development programme would therefore significantly undermine this core ambition, so this option was rejected.

To rely solely on purchasing affordable homes available under s106 agreements, rather than the Council building out its own sites, or to postpone identifying new sites until new funding is announced

The former option would not be acceptable, as purchasing homes from developers, rather than the Council building them itself, means that controls over quality, cost and certainty of delivery are weakened and the new homes would not always be additional affordable homes for the borough. The second option was not pursued because waiting to identify further sites until there is more funding announced could result in the Council not being in a position to put forward a credible bid, which may result in a significantly smaller share of the available funding than it was awarded in the current GLA funding round.

139. COUNCIL TAX PREMIUM ON LONG TERM EMPTY PROPERTIES

The Cabinet Member for Finance and Strategic Regeneration introduced the report which requested Cabinet recommend that Full Council agrees to increase the Council Tax Premium on Properties empty for more than five years in 2020 and 10 years in 2021.

The Cabinet Member detailed that the Administration's manifesto was clear that it was committed to redistributing the burden of Council Tax. This included exploring and evaluating the scope of the existing discretionary reliefs the Council provided in the borough to ensure that it was targeting support at those residents in particular need.

The Cabinet Member noted that, since 2013, Councils had been given the discretionary power to charge a premium on dwellings deemed to be 'long-term empty', i.e. properties which have been unoccupied and substantially unfurnished for at least two years. After implementing the last permissible change from 1 April 2019, the amount of Council Tax premium for such properties is currently 100%, so that the payer was liable to pay a total 200% Council Tax. The legislation again had recently been changed to give Councils the power to increase the premium on 1 April 2020 from 100% to 200% on properties empty for more than 5 years with a further increase on 1 April 2021 from 200% to 300% for properties empty for more than 10 years.

The Cabinet Member informed that some of the Council's neighbouring boroughs, such as LB Enfield, LB Islington and LB Barnet currently charged the maximum existing premium of 100% (as did this Council) and were also considering increasing this following the change in legislation. Therefore, the proposal was likely to mean Haringey is aligned with its neighbouring boroughs. In this financial context, the Cabinet Member proposed it was correct to increase the premium payable on long-term empty properties.

The Cabinet Member closed by noting the proposal would create additional income for the Council and contribute to the delivery of vital services and support for the most vulnerable residents.

In response to a question emanating from a Freedom of Information request concerning the number of homes within the borough which were considered long term empty, the Cabinet Member invited Councillor Palmer to provide further details of that request and would look into the matter. The Cabinet Member assured that the Council did collect tax premium on any long-term empty properties.

RESOLVED

That the Cabinet recommends to Full Council:

1. Increasing the premium charged on long-term empty dwellings, empty for more than 5 years, from 100% to 200% this would take effect from 1 April 2020.
2. That from 1 April 2021 there is a further increase from 200% to 300% for properties empty for more than 10 years.

Reasons for Decision

Since 2013, Councils have been given the discretionary power to charge a premium on dwellings deemed to be 'long-term empty', i.e. properties which have been unoccupied and substantially unfurnished for at least two years. After implementing the last permissible change from 1 April 2019, the amount of Council Tax premium for such properties is currently 100%, so that the payer is liable to pay a total 200% Council Tax.

The legislation again has recently been changed to give Councils the power to increase the premium on 1 April 2020 from 100% to 200% on properties empty for more than 5 years with a further increase on 1 April 2021 from 200% to 300% for properties empty for more than 10 years.

Increasing the premium has the potential to bring in additional income which would support the Council's Medium Term Financial Strategy and help mitigate its funding pressures.

Some of the Council's neighbouring boroughs, such as LB Enfield, LB Islington and LB Barnet currently charge the maximum existing premium of 100% (as does this Council) and are also considering increasing this following the change in legislation. Therefore, the proposal is likely to mean Haringey is aligned with its neighbouring boroughs.

It is recognised that Council Tax payers who are liable to pay the premium are unlikely to be making full use of Council services whilst the property is long-term empty. Council Tax is not charged, however, on the basis that every payer will use every service and Council services do not stop or reduce in cost when a property becomes long-term empty.

In addition, an increased premium may encourage residents to bring long-term empty properties back into use. There is shortage of housing in the area and so there is potential for long-term empty dwellings to be put to better use if used to increase the available housing. This would in turn reduce the pressure on housing stock.

Some properties are exempt from the premium by statute and this will not change:

- A property which would be the sole/main residence of a person but which is empty while that person resides in accommodation provided by the Ministry of Defence by reason of their employment (e.g. service personnel posted away from home).
- A dwelling forming part of a single property, where other parts of the property are used as a sole or main residence.

The Council will continue to have the means to reduce or eliminate Council Tax liability, for example to cater for cases of exceptional hardship.

Alternative Options Considered

Not increasing the premium to 200% from 1 April 2020 for properties empty over 5 years and/ or not increasing the premium from 1 April 2021 to 300% for properties empty over 10 years

The Council could choose not to extend the premium and leave it at 100%, or to increase the premium from 1 April 2020 to more than 100% but less than 200% for properties empty over 5 years.

The Council could choose not to increase the premium to 300% from 1 April 2021 for properties empty over 10 years, or to increase the premium to more than 200% but less than 300% for properties empty over 10 years.

These alternatives are not proposed because the Council is under significant financial pressure to deliver a sustainable Medium Term Financial Strategy. Increasing the Council Tax premium from 1 April 2020 to 200% for properties empty over 5 years and from 1 April 2021 to 300% for properties empty over 10 years would generate additional income for the Council.

In addition, increasing the premium to the maximum may encourage residents to bring long-term empty properties back into use which could in turn lead to an increase in available housing.

Removing or reducing the existing premium

The Council could choose to remove or reduce the existing premium.

This is not proposed because the Council is under significant financial pressure to deliver a sustainable Medium Term Financial Strategy. Removing or reducing the Council Tax premium would reduce the Council's income.

In addition, removing or reducing the premium may reduce the incentive for residents to bring long-term empty properties back into use.

140. CONTRACT EXTENSION FOR HARINGEY YOUNG PEOPLE SEXUAL HEALTH AND WOMEN'S CONTRACEPTION SERVICE

The Cabinet Member for Adults and Health introduced this report which sought agreement from Cabinet to extend the existing Haringey Community Sexual Health services - Young People and Long Acting Reversible Contraception contract to Central and North West London NHS Foundation Trust. It sought to provide a community sexual health service focusing on young people's sexual and reproductive

health, comprising health promotion, testing and treatment for sexually transmitted infections (STIs) and access to contraception. The service also provided open access to Long Acting Reversible Contraception (LARC) methods for women of all age groups.

The Cabinet Member highlighted that patient feedback from young people on the local dedicated service had been very positive. With 96% of patients attending the service responding that they were extremely likely or likely to recommend the service to someone, who needed similar care or treatment and 99% saying that the treatment and care they received was very good and also helped them achieve what mattered to them.

The Cabinet Member closed by noting that, given the positive performance indicators and feedback from the Council that these services had been operating successfully, the Cabinet Member was pleased to recommend that Cabinet extend the contract.

In response to a question from Councillor Palmer, Officers noted there were a range of different services available to all service users, including specialist providers for the Trans community. Councillor Palmer welcomed this but also noted it was important to engage with members of the Trans community to ensure inclusivity by asking what services were right for them.

RESOLVED

To agree to the extension of the contract to CNWL for the provision of Community Sexual Health services - Young People and Long Acting Reversible Contraception (LARC). As allowed under Contract Standing Orders 10.2.1 (b) for a period of up to 2 years from 3rd July 2020 to 2nd July 2022. The maximum value of the 2-year extension is £2,000,000, with a maximum contract value of £5,046,939 for the life of the contract.

Reasons for decision

In 2015/16, as part of the wider London sexual health transformation Programme, London Borough of Haringey initiated a review of locally commissioned services to scope their viability and effectiveness and ensure they were designed to meet the changing sexual health needs of local residents.

To gather a better understanding of the sexual and reproductive health needs of the Haringey population, the Council completed an Equality Impact Assessment (EQIA) and commissioned 'Haringey Public Voice' (Healthwatch) to conduct a survey on user experience relating to the existing services and to collate feedback on future models of service provision. The results showed that;

- A significant number of Haringey residents (primarily <25years and women) chose to access contraception and sexual health/sexual reproductive health (CaSH/SRH) services 'in area' in Haringey as opposed to choosing to go 'out of area' compared to neighbouring boroughs¹. (EQIA - London Sexual health transformation Programme 2015). Out of a total of 17,400 attendances into CaSH services by Haringey residents in 2015/16 – 13600 attendances (78%)

- were through the locally commissioned service and 3800 attendances were 'out of area' (22%) (GUMCAD 2015/16).
- The Healthwatch survey demonstrated the importance of having a local service for current local users. The findings identified that;
 - The demographic data for the age group of those participating in the survey largely belonged to the 18-24 age group. The majority were female 72%, males 15%, transgender 1% and 12% providing no response.
 - Out of the range of multiple questions asked relating to service model, quality and delivery, the most frequently selected factor overall when it came to reasons for using the service was how close the clinic was to the patient's home. (Haringey Public Voice Survey 2016)

Following the findings from the EQIA and Healthwatch survey, in September 2016 the Council undertook a full procurement exercise for a dedicated young people sexual health and women's contraception service, inviting bids through the open Market. As a result of the procurement exercise, which was carried out in accordance with the Council's Contract Standing Orders and the Procurement Code of Practice. The Council awarded the contract to CNWL for an initial period of 3 years with the option to extend for a further 2 years, subject to satisfactory performance and delivery of the contractual KPI's by the successful tenderer (CNWL) as outlined in section 3 (above) in accordance with CSO 10.2.1 (b).

Alternative options considered

Prior to going out to Market, the Public Health team (as part of a scoping exercise) explored providing this service through the North Central London (NCL) sub regional tender process.

However, it was decided that as the NCL Genitor-Urinary Medicine (GUM) contract would be based on a full clinical tariff and located outside Haringey this was not financially viable nor conducive to the needs of the service's target audience i.e. young people and women. Instead, it was deemed more suitable to embed the service alongside the existing dedicated 'step change' community providers in Haringey to ensure a seamless pathway and collaborative approach towards young people and women's health and wellbeing in the borough.

This decision was further strengthened by the equality impact assessment conducted via Healthwatch which identified that a large proportion of young people (under 25 years) and women preferred to access local services (see section 13 'Equalities' for further information).

The Council has decided against retendering at this stage and is opting to extend because since tendering, there has been no new Market entrant that might offer a more cost effective service. From an access point of view, we are still in a position where we would not be able to merge the Haringey clinic into clinics in Islington and Camden and disrupting a relatively new service to vulnerable young people by changing providers would be detrimental and wasteful of resources.

141. AWARD OF CONTRACT TO A POSITIVE BEHAVIOURAL SUPPORT (PBS) PROVIDER FROM PBS FRAMEWORK

The Cabinet Member for Adults and Health introduced this report which sought agreement to the award of contract for a PBS provider to provide wrap around care and support to residents who would be living at 10 Linden Road and property management of the property.

The Cabinet Member was delighted to present this report, which marked the closing phase of the project to bring Linden House back into use. This project offered four Haringey residents with very complex needs the opportunity to live as independently as possible in a building designed to meet their needs with a service which would be flexed as required.

The Cabinet Member closed by noting that, whilst building works on the premises continue apace, there had been a focus on working with the four identified residents and their families to support them to make a successful transition to their new homes. The award of contract to the successful bidder would make this transition a reality over the coming weeks.

In response to a question from the Leader, the Cabinet Member confirmed that, where other individuals in long term care sought to live more independently, this contract would significantly assist in providing them with that transformative opportunity

Further to considering exempt information at item 20,

RESOLVED

1. To approve the award of a 'Call-Off' contract to deliver PBS Service to successful tenderer (identified in the exempt report) for a period of (4) four years with an option to extend for further period/periods of up to 12 months years, commencing from 1st April 2020 to at the maximum cost of £7,000,000 (inclusive of LLW).
2. To approve variation of hourly rate increase for PBS Keyworker to bring in line with LLW inclusive rates. The current and new proposed hourly rates are set out in Appendix 2 - Part B (exempt information) of this report.

Reasons for decision

All five framework participants were invited to tender. The tenderers' proposals were evaluated using a 50% quality and 50% price weighting and, on this basis, the recommended Provider is deemed to be the most economically advantageous tender representing the best value option to deliver the required service.

Alternative options considered

An option not to proceed was considered but rejected on the grounds that there is a pressing need for local provision for this cohort of vulnerable people.

The needs of the people who will live at Linden Road are highly complex and they will each have spent considerable periods of time in long stay Assessment and Treatment Units in hospitals. In light of this, the future care and support offer must be able to meet their individual needs and to respond to their highly challenging and

individualised behaviours. Positive Behaviour Support (PBS) is a person-centred approach to supporting people who display or are at risk of displaying behaviours which challenge. It involves understanding the reasons for the behaviour and considering the person as a whole - including their life history, physical health and emotional needs – to implement ways of supporting them. It focuses on creating physical and social environments that are supportive and capable of meeting people's needs, and teaching people new skills to replace the behaviours which challenge. The PBS approach will support service users who present 'challenging behaviours' to live in a community setting. It was felt that using a PBS model would improve life outcomes for our most highly vulnerable service users with Learning Disabilities and autism, those who display behaviour that challenges and those with mental health condition

It was considered that there are two options for delivering this specialist provision: a PBS provider from the Council's existing framework or an in-house service, also delivering to a PBS model.

An options appraisal was completed to consider how best the service should be provided. It was recognised that in-house services can give the Council greater control over the care that is provided, delivering improvements, minimising risks and balancing cost and quality requirements against the available budget (although quality is not necessarily guaranteed through an in-house model). However, the Council has no recent track record in delivering this type of service successfully and it was also recognised that transitioning this cohort of service users to Linden House will be challenging especially for those who have been inpatients in an acute setting for a long period of time.

Seeking the delivery through the Positive Behaviour Support Framework from an external provider was selected as the optimal way to meet the needs of this cohort both at the outset and over time as it allows for a high level of care (with high staff numbers) when service users first move into Linden Road and start to deal with the new and different environment of a supported living setting.

The Positive Behaviour Support model gives the flexibility to step down service users' package of care over time. The payment model for a PBS provider on the Framework is outcomes related; 80% of flat weekly fee will be paid monthly in arrears based on sustainment of placement and remaining 20% of flat weekly fee will be paid pro-rata, quarterly in arrears linked to delivery of basket of outcomes. When services are sourced using the PBS Framework agreement, 15% of the Care and Support costs will be paid by the Big Lottery, Commissioning Better Outcomes Fund.

The PBS model will be delivered by a highly skilled workforce and it is built in through the contract that Haringey staff will benefit from direct input to their skills development. This will include training, sharing of best practice, shadowing both management and practice and building strategies and skills to deliver this model of care and support. Such an approach is aimed at ensuring that Haringey's directly employed staff are in a better position to carry out such specialist and highly challenging work in the future.

The opportunity to pass on and develop in-house skills is reflected in the approach undertaken here to commission this service for a fixed period, when it is planned that users will enjoy Linden Road as their home for the rest of their lives and will therefore

have care and support needs too for their lifetimes. This supports the option for an in-house service to be developed.

142. ANNUAL LEASEHOLD SERVICE CHARGE - REVIEW OF MANAGEMENT FEE

[The Cabinet Member for Neighbourhoods and the Cabinet Member for Local Investment and Economic Growth, recused themselves from the meeting following their earlier declarations of interest – 20.37]

The Cabinet Member for Housing and Estate Renewal introduced this report which provided an update on the management, including the introduction of a further management band fee, which Cabinet were asked to approve.

The Cabinet Member noted that administration was committed to providing high quality services and to ensuring that, where these were paid for by residents, all charges were fair and equitable and there were no unjustifiable unintended impacts of charging policy. As part of this the Council had been reviewing areas where existing charges may fail to meet that test.

The Cabinet Member highlighted there was a change to the banding of leaseholder charges in 2019/20, to reflect the costs of a new cleaning and inspection service. This had significant impacts on some leaseholders, in particular those in converted street properties, who were just under 10% of leaseholders and faced an increase of over £100 per year. The Cabinet Member considered that the scale of increase in charges those leaseholders faced was inequitable and placed an unfair proportion of the burden of these new charges on this group. Therefore, a new charging band was being proposed, specifically for these properties, to eliminate that inequity.

The Cabinet Member emphasised that this re-banding did not affect the level of overall service charges for leaseholders as a whole but sought to spread these costs more equitably. As a result, the three quarters of leaseholders who live on estates would now face a small increase of around £2 per year in their charges, while those who faced a manifestly unfair increase in their charges will have far more reasonable bills.

The Leader noted that the change to the service charge was expected to benefit the vast majority of tenants, with over 1,200 leaseholders seeing a decrease in their bills.

Further to consideration of exempt information at item 21,

RESOLVED

1. To approve the introduction of an additional fourth band of leasehold management fee for converted street properties as set out in paragraphs 6.8 to 6.14.
2. To note the proposed management fee charge for each of the four bands as set out at the final column of the table at 6.13

Reasons for decision

A new band of leasehold management fee will ensure that the charges paid by leaseholders for the management of their homes better reflect the service they receive. It will also ensure that service charges are reasonable and reflect the requirements of section 19 of the Landlord and Tenant Act 1985.

Alternative options considered

A flat rate management fee: This would mean that one fee is applied to all leaseholders irrespective of the type of service received. Although some landlords use this mechanism, it would not be appropriate to implement a flat rate management fee because this would not reflect the different costs of managing different types of property owned by the Council

A percentage of total service charge: This was the method for calculating fees used by the Council prior to 2004/05. In 2004/05, a review of the management fee was carried out, which recommended that this method should be changed to a two band system (later revised to three). It would not be appropriate to revert to this method since it would lead to those properties which receive expensive services having an excessively high management fee.

Not to make any change: This option was rejected because it would fail to deal with the perceived unfairness of the charges currently being levied on leaseholders in converted street properties.

143. LOCAL GOVERNMENT OMBUDSMAN FINDING - NON KEY

[The Cabinet Member for Neighbourhoods and the Cabinet Member for Local Investment and Economic Growth returned to the meeting – 20.44.]

The Cabinet Member for Corporate and Civic Services and Cabinet Member for Housing and Estate Renewal jointly introduced this report. Cabinet were informed that the Ombudsman had made a report finding fault with the Council in relation to a complaint made by Ms X and had asked the Council to take certain steps to remedy that fault. The complaint related to the way the Council dealt with her housing benefit and subsequent homelessness. This report summarised the Ombudsman's report and the steps that had been taken to date. It also proposed further steps to be taken by the Council in response to the report.

The Cabinet Member for Corporate and Civic Services informed Cabinet that she had requested the Council carry out random checks every three or four months to make sure that people were following the correct procedures.

The Cabinet Member for Housing and Estate Renewal drew Cabinet's attention to the compensation payments recommended by the Ombudsman to Ms X. The Cabinet Member noted that since May 2018, there had been a significant improvement in the service, specifically in benefit calculations.

In response to a question from Councillor James, Officers confirmed that lessons had been learnt and that the Council had carried out a number of checks, as per the Ombudsman recommendations. The Council had sampled 154 cases and found only 1 minor error in a case. The Council was also doing thorough checks and would be

going through the full caseload of over 2,000 cases before 31st March 2020 to ensure all was as it should be.

RESOLVED

1. To accept the findings and recommendations of the Ombudsman in the report shown at Appendix 1.
2. To authorise officers' compensatory payments to Ms X totalling £5,587.94, as set out in paragraphs 4.7 and 4.10 below.
3. To adopt this report as the Council's formal response under s.31 Local Government Act 1974, to be communicated to the Ombudsman.
4. To adopt this report as the Cabinet's formal response as required by s.5A Local Government and Housing Act 1989, for distribution to all members and the Monitoring Officer.

Reasons for Decision

Overview

The Ombudsman's report is dated 7th October 2019 but was not published until 7th January 2020. This is because publication was delayed due to purdah around the general election held on 12th December 2019.

As set out in the Ombudsman's report, Ms X has been found to have suffered injustices as a result of faults on behalf of the Council. In summary:

- Ms X's housing benefit was calculated incorrectly and communicated to her landlord, leading to Ms X feeling pressured to leave the property.
- Ms X was also not immediately offered alternative accommodation on the basis of priority need or protection for her possessions that required storage, leading to her being placed in unsuitable accommodation for approximately 6 months and having to pay for storage of her property.

The Ombudsman has recommended that action be taken to remedy this. In essence, the recommendations seek to:

- Compensate Ms X and ensure her case is now being dealt with appropriately.
- Ensure that any similar past faults are identified and remedied.
- Ensure the fault is not repeated in the future.

The Ombudsman's findings are accepted. The service is sorry for the mistakes made and is determined to learn from them. An apology has been given to Ms X, as set out at paragraph 4.10 below and the Council is seeking to remedy the mistake for Ms X by following the Ombudsman's recommendations. Officers are also reviewing all similar cases in order to ensure that any similar mistakes in other cases are identified and corrected.

The Ombudsman's recommendations are considered to be appropriate because:

- The Council must ensure Ms X's case is now being dealt with appropriately in order to comply with its legal obligations in respect of housing.
- It is right to offer compensation to Ms X given the Ombudsman's findings of injustice.
- The Council must identify both the errors that led to these faults and any similar past faults in order to remedy them and ensure it is now complying with its legal duties towards other service users. This will help prevent any similar injustices occurring in the future.

The Ombudsman's recommendations

The Council should apologise to Ms X for the distress caused.

The Council should pay Ms X within 1 month of the report:

- £1,000 for the distress caused by denying her chance to appeal its housing benefit decision in October 2017, its initial miscalculation and for, without authority, informing her landlord that she was over £8,000 in debt with the Council;
- £1,300 to recognise she was in unsuitable accommodation from the end of November 2017 to the end of May 2018, while she was actively seeking help from the Council or while the Council should have kept her case open; and
- £500 for storage costs she incurred when she had to leave her rented property. Or, if Ms X can provide receipts for storage costs and for any furniture or possessions she had to dispose of, reimburse her for any loss she can evidence.

The Council should submit Ms X's case to the first-tier tribunal if she still wants this to be done.

The Council should within 3 months of the report:

- Review the case to investigate why it made calculation errors and report the detailed findings to the Ombudsman.
- Audit cases where the Council calculated overpayments and applied the two-child restriction between July 2017 and March 2018 and report the findings to the Ombudsman. Where mistakes were made, it should correct those mistakes. If the audit reveals the Council calculated incorrectly in a majority of cases, it should complete a further review of all cases during that period or consider what other steps it should take to detect and remedy any systemic fault. The Council should inform us of any steps it has taken and explain why it considered its actions are proportionate and appropriate.

Action already taken

Officers have apologised to Ms X for the distress caused and made compensatory payments to Ms X totalling £5,587.94. This sum represents:

- £1,000 for the distress caused by denying her chance to appeal the Council's housing benefit decision in October 2017, its initial miscalculation and for, without authority, informing her landlord that she was over £8,000 in debt with the Council;

- £1,300 to recognise she was in unsuitable accommodation from the end of November 2017 to the end of May 2018, while she was actively seeking help from the Council or while the Council should have kept her case open; and
- £3,287.94 for storage costs and loss of possessions incurred when Ms X had to leave her rented property. Ms X has evidenced these costs and items.

Ms X wished to pursue her appeal and so officers referred Ms X's case to the First-tier Tribunal in the summer of 2019. The First-tier Tribunal has since determined the appeal. The appeal was upheld but it was found that the Council has since correctly assessed Ms X's housing benefit entitlement.

A review of Ms X's case concluded that:

- The Council's housing service was going through significant changes at the time as a result of preparation for and implementation of the Homelessness Reduction Act 2017 from 4th April 2018. As part of those changes, there was a large number of new and inexperienced staff in the service. Different teams were responsible for progressing each step for a case and so cases were transferred between different teams accordingly. Three separate officers may have been involved.
- Ms X was not immediately offered alternative accommodation because it was recorded that she was living with her mother and this was not followed up or checked again with Ms X as it should have been.
- It had previously been identified that the use of multiple teams in the housing service could lead to difficulties in communication and service users falling between the gaps. Therefore, since 3rd April 2018, service users have been allocated a Housing Needs Officer; a single point of contact who is accountable for managing the case throughout the assessment period.
- Her housing benefit entitlement was calculated incorrectly because the Council did not:
 - apply the 'underlying entitlement' rule as it was obliged to do. (I.e. it did not deduct from the overpayment the amount Ms X would have been entitled to if the Council had known the facts of the case throughout and had been notified of all changes of circumstances on time.)
 - provide an allowance for Ms X's third child because it considered the two-child restriction applied. (This restriction applied to children born after 6th April 2017 but Ms X's children were born prior to that date.)
- There was a delay in applying the underlying entitlement rule because the requisite information was not provided until February 2018 and, due to backlogs, it was not processed until April 2018.
- An allowance was not provided for Ms X's third child because, although the child was born before 6th April 2017, his birth was notified to the Council after 6th April 2017. Regrettably, it was not recognised that the child's date of birth pre-dated 6th April 2017 and this meant that the two child restriction did not apply.
- The backlog has now been eliminated as the new staff brought on prior to April 2018 now have significantly more experience and the new system has been in place for nearly two years.

- Staff have been reminded both of the general procedures and policies and the specific rules regarding the two child restriction. This will help ensure staff are aware of what they should be looking for in similar cases in the future.

Officers have audited 54 randomly selected housing benefit cases where the Council calculated overpayments and applied the two-child restriction between July 2017 and March 2018. The findings have been duly reported to the Ombudsman. The results showed that an error was made in one of the cases, resulting in an under rather than overpayment to the relevant claimant. This has been corrected and the claimant's entitlement has been re-calculated so as to award the correct sum. The claimant has been notified and the amount of the underpayment paid to their bank account.

The service was audited by Mazars in March 2019 and was concluded with a finding of 'substantial assurance'. The performance is in the top quartile of London boroughs.

Two public notice advertisements were placed in newspapers: (i) the Enfield and Haringey Independent on 8th January 2020 and (ii) the Ham and High on 9th January 2020, stating that copies of the Ombudsman's report were available to inspect by the public at the Council's offices for a period of three weeks.

Action it is proposed to take

The Ombudsman report recommended a review of all cases only if the audited revealed the Council calculated incorrectly in a majority of cases. Although the audit has shown an incorrect calculation in only one case, officers are nevertheless keen to ensure the correct action has been taken. Therefore, officers are currently undertaking a further review of all 2,056 housing benefit cases where the Council calculated overpayments and applied the two-child restriction between July 2017 and March 2018. Any mistakes that are identified will be corrected. This is expected to be completed by 31st March 2020 and the results will be reported to the Ombudsman.

All cases with households with more than two dependent children will also be reviewed on a monthly basis for a further three months in April, May and June 2020, to ensure any similar errors are identified and corrected promptly.

Views of senior officers

The Monitoring Officer has consulted with the Chief Executive and Chief Finance Officer, and they agree with the recommendations within this report.

Alternative Options Considered

The Ombudsman cannot force the Council to follow its recommendations, but local authorities generally do follow them.

If the Ombudsman is not satisfied with the Council's response, he will make a further report explaining this and making recommendations. He can also require the Council to make a public statement about the matter.

Therefore, Cabinet could choose to reject any of the recommendations made by the Ombudsman.

However, this alternative is not recommended because the Ombudsman's recommendations represent an appropriate remedy for the reasons set out above.

144. MINUTES OF OTHER BODIES

RESOLVED

To note the minutes of the Corporate Parenting Advisory Committee meeting held on the 15th of October 2019.

145. NEW ITEMS OF URGENT BUSINESS

None

146. EXCLUSION OF THE PRESS AND PUBLIC

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

147. AWARD OF CONTRACT TO A POSITIVE BEHAVIOURAL SUPPORT (PBS) PROVIDER FROM PBS FRAMEWORK

As per item 141.

148. ANNUAL LEASEHOLD SERVICE CHARGE - REVIEW OF MANAGEMENT FEE

As per item 142.

[Cllr Bull and Cllr Chandwani recused themselves from the exempt proceedings]

149. EXEMPT MINUTES

To approve the exempt minutes of the meeting held on the 10th December 2019.

150. NEW ITEMS OF EXEMPT URGENT BUSINESS

None

CHAIR: Councillor Joseph Ejiofor

Signed by Chair

Date