

NOTICE OF MEETING

CABINET

**Tuesday, 21st January, 2020, 6.30 pm - Civic Centre, High Road,
Wood Green, N22 8LE**

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

Quorum: 4

1. **FILMING AT MEETINGS**

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

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

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

2. **APOLOGIES**

To receive any apologies for absence.

3. **URGENT BUSINESS**

The Chair will consider the admission of any late items of Urgent Business. (Late items of Urgent Business will be considered under the agenda item where they appear. New items of Urgent Business will be dealt with under Item 18 below. New items of exempt business will be dealt with at Item 23 below).

4. DECLARATIONS OF INTEREST

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

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

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

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

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

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

This agenda contains exempt items as set out at **Item [19]: Exclusion of the Press and Public**. No representations with regard to these have been received.

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

6. MINUTES (PAGES 1 - 44)

To confirm and sign the minutes of the meeting held on 10th of December 2019 as a correct record.

7. DEPUTATIONS/PETITIONS/QUESTIONS

To consider any requests received in accordance with Standing Orders.

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

Cabinet to consider the Scrutiny Reviews on Wards and further consider the response to the Scrutiny recommendations.

The Scrutiny Review to be introduced by Cllr das Neves Chair of the Overview and Scrutiny Committee.

Response to the Scrutiny recommendations – Cllr Charles Adje – Cabinet Member for Finance and Strategic Regeneration.

9. SCRUTINY PANEL REVIEW ON WARDS CORNER (PAGES 45 - 152)

[Report of the Director for Housing Regeneration and Planning. To be introduced by the Cabinet Member for Finance and Strategic Regeneration]

To note the Scrutiny Review on Wards Corner and to consider the Cabinet response to the recommendations.

10. WELCOME STRATEGY (PAGES 153 - 174)

[Report of the Director of Adults and Health. To be introduced by the Cabinet Member for Adults and Health.]

The report will set out the Council's strategic response to migration and integration building on its current approach.

11. REPORT ON THE COUNCIL'S HOUSING DELIVERY PROGRAMME (PAGES 175 - 192)

[Report of the Director for Housing, Regeneration and Planning. To be introduced by the Cabinet Member for Housing and Estate Renewal.]

The report will request Cabinet's approval for a number of sites in Haringey to enter the Council's delivery programme.

12. COUNCIL TAX PREMIUM ON LONG TERM EMPTY PROPERTIES (PAGES 193 - 198)

[Report of the Director of Finance. To be introduced by the Cabinet Member for Finance and Strategic Regeneration.]

To 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.

13. CONTRACT EXTENSION FOR HARINGEY YOUNG PEOPLE SEXUAL HEALTH AND WOMEN'S CONTRACEPTION SERVICE (PAGES 199 - 210)

[Report of the Interim Director of Public Health . To be introduced by the Cabinet Member for Adults and Health.]

The report will seek an extension of the option to send the existing contract as agreed by Cabinet for an additional 1+1 years for delivery of a dedicated Haringey young people sexual health and Women's contraception services. The total contract term inclusive of the 1+1 year option to extend is 5 years.

14. AWARD OF CONTRACT TO A POSITIVE BEHAVIOURAL SUPPORT (PBS) PROVIDER FROM PBS FRAMEWORK (PAGES 211 - 232)

[Report of the Director for Adults and Health. To be introduced by the Cabinet Member for Adults and Health.]

The report will seek agreement to the award of contract for a PBS provider to provide wrap around care and support to residents who will be living at 10 Linden Road and property management of the property.

15. ANNUAL LEASEHOLD SERVICE CHARGE - REVIEW OF MANAGEMENT FEE (PAGES 233 - 238)

[Report of the Director for Housing, Regeneration and Planning. To be introduced by the Cabinet Member for Housing and Estate Renewal.]

An update on the management, including the introduction of a further management band fee , which Cabinet will be asked to approve.

16. LOCAL GOVERNMENT OMBUDSMAN FINDING - NON KEY (PAGES 239 - 264)

[Report of the Assistant Director for Corporate Governance. To be introduced by the Cabinet Member for Corporate and Civic Services & Cabinet Member for Housing and Estate Renewal.]

To consider the report of the Local Government and Social Care Ombudsman in relation to Housing Benefit and Council Tax and confirm the actions that the Council has taken or has to take , under requirements of the Local Government Act 1974, Section 31(2) (as amended).

17. MINUTES OF OTHER BODIES (PAGES 265 - 270)

To note the minutes of the following:

Corporate Parenting Advisory Committee 15 October 2019.

18. NEW ITEMS OF URGENT BUSINESS

To consider any items admitted at Item 3 above.

19. EXCLUSION OF THE PRESS AND PUBLIC

Note from the Acting Democratic Services and Scrutiny Manager

Items 20, 21 to 22 allow for consideration of exempt information in relation to items 14,15 and 6.

TO RESOLVE

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:

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

20. AWARD OF CONTRACT TO A POSITIVE BEHAVIOURAL SUPPORT (PBS) PROVIDER FROM PBS FRAMEWORK (PAGES 271 - 274)

To consider exempt information pertaining to item 14.

21. ANNUAL LEASEHOLD SERVICE CHARGE - REVIEW OF MANAGEMENT FEE (PAGES 275 - 278)

To consider exempt information pertaining to item 15.

22. EXEMPT MINUTES (PAGES 279 - 286)

To agree the exempt minutes of cabinet held on the 10th of December 2019.

23. NEW ITEMS OF EXEMPT URGENT BUSINESS

To consider any items admitted at Item 3 above.

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Monday, 13 January 2020

MINUTES OF MEETING CABINET HELD ON TUESDAY, 10TH DECEMBER, 2019, 6.30PM

PRESENT:

Councillors: Joseph Ejiofor (Chair), Zena Brabazon (Vice-Chair), Charles Adje, Kaushika Amin, Mark Blake, Seema Chandwani, Emine Ibrahim and Sarah James

ALSO ATTENDING: Councillors: Dennison, das Neves, Stone, and Tucker.

99. FILMING AT MEETINGS

The Leader referred to the notice of filming at meetings and attendees noted this information. The meeting was not being broadcast live but was being recorded and would be made available on the Council's website.

100. APOLOGIES

There were apologies for absence from Councillors Bull and Hearn.

101. URGENT BUSINESS

The Leader advised the meeting that the Overview and Scrutiny Committee had decided at its meeting of the 3rd of December to refer the decision taken by Cabinet on 12th of November, on the Award of Contract for the provision of SEND Transport Transformation Consultancy Services back to Cabinet. The recommendations of Scrutiny would therefore be dealt with at Agenda item 7.

This was in accordance with the Call-in Procedure in the Council's Constitution (Part 4 Section H), which set out the 5 working day requirement for Cabinet to reconsider this decision before taking a final decision.

The Leader had also received a late deputation from Mrs Marta Garcia de la Vega which he had agreed to accept for consideration at this meeting as it related to this late item.

The Cabinet further agreed to vary the agenda to allow consideration of item 8, deputations, petitions and questions prior to item 7.

102. DECLARATIONS OF INTEREST

The Leader declared a disclosable pecuniary interest in item 11 as a garage licence holder and would recuse himself from the meeting for consideration of this item.

103. 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.

104. MINUTES

RESOLVED

To approve the Cabinet minutes for the 12th of November 2019 as an accurate record of the meeting.

105. DEPUTATIONS/PETITIONS/QUESTIONS

The Leader invited Mrs Marta Garcia de la Vega to come forward and make her representations to the meeting.

Mrs Marta Garcia de la Vega addressed the Cabinet as a parent, carer and founder representative of SendPACT a local parent group, working to support SEND families in the borough. She was speaking to oppose the agreement of the contract award for the provision of SEND Transport Transformation Consultancy Services at agenda item 7. She was also speaking from her experience as a parent carer and user of SEND transport. In Mrs Garcia de la Vega's view, prior to 2015, the SEND transport service had been working well in the borough but after the reforms to the SEND transport were taken forward in post 2015, that issues had been arising. Mrs Marta Garcia de la Vega felt that instead of reductions in the funding envelope for this service area, it needed more investment to support SEND children.

Mrs Garcia de la Vega spoke about the general lack of consultation with parents about changes to the SEND transport service and wanted evidence of this past consultation mentioned in the report. She questioned the potential impact of providing a gainshare for a private company for supporting this transport service and what this would mean for the provision. In her view this seemed to be a private business making profit from helping the Council make savings to the SEND transport service. The agreement of this contract implied this, which was worrying for her as SEND service user. She further questioned how a service can be improved by making a 20% cut in the budget.

She referred to the political beliefs of the Cabinet and to their local commitment to not privatising services and also to their vow to involve the community in their decision making. She asked that they uphold these principles and ensure that parents were consulted on changes to the SEND transport service and included in the matters that affect their children. Mrs Garcia de la Vega wanted her deputation to be considered as an intervention and reminder to uphold these principles and position.

In response to questions from Councillors, Chandwani, Ibrahim, Amin, and James, the deputation, Mrs Marta Garcia de la Vega, responded and advised the following:

- A new policy concerning SEND transport reforms had been drafted in late 2015 and been subject to consultation with parents who were not happy with the

draft as it did not reflect their experiences or struggles. A final policy was subsequently released not taking forward any of the parents' concerns previously raised. In 2016 there were many difficulties experienced with the SEND transport service and concerns expressed. The process for accessing transport changed in 2017 and now included a 10-page form for completion which was not easily completed and required many supporting documentation. This was only available online and not felt to be an inclusive way of submitting information to the Council. Many parents of SEND children did not have time to do this. Mrs Garcia de la Vega was further concerned about budget reductions and speculated whether this was the reason behind her son's special school reducing the number of buses available, from nine to seven.

- Mrs Garcia de la Vega advised that she had not been aware of the proposal to award a contract for the provision of SEND Transport Transformation Consultancy Services and was not consulted on this and had no evidence of this consultation to refer to. The SendPACT group had only been engaged with the Council's Fairness Commission and provided evidence related to SEND children's data. There had not been any consultation about the transport services involving her group which was active in the community and they had not seen any evidence to suggest that there had been a consultation.
- In response to the gainshare element of the contract, the deputation felt that the money that could potentially be accrued by the contractor, was better directed to the overall SEND service for use on therapies and access to support and respite care.
- There was a current lack of customer care for SEND parents using the service and there was no foreseeable change in the services being carried out. Children and parents were still waiting too long for improvements to take place and urgent improvements were needed.
- Transparent consultation was essential and Mrs Garcia de la Vega had met with the manager for SEND in July and this potential contract award was not mentioned. In the deputation's view, a robust consultation involved: holding events on this subject, compiling a report and involving parents and carers in the completion of these policies. The deputation remarked that having a widespread survey could help with this and the Send PACT group had experience of doing this. The Council could use the group to help organise the events and help join up parents, helping obtain a majority view on the changes for the service going forward. The group tried to reach as many parents as it could and were a good source of opinion and advice for the Council.
- The deputation wanted to see the contract stopped and the change process started again. It was accepted the need to assess efficiency but also include parents in the community on these exercises. The deputation was happy to meet and take this co – production process forward and advocated a committee dedicated for this task, involving parent's carers and professionals.
- The consequences of taking forward this key decision could be damaging to the rapport of the Council with parents.

- The draft SEND transport policy that had begun to be developed in 2015 related to helping independence and facilitating mobility. The current policy was suggesting parents were responsible for taking children to school but failed to indicate that SEND children are part of the eligible criteria and the Council is responsible for providing them with transport. It was worrying that this was not included.

The Leader asked the Cabinet Member for Children and Families to respond to the issues raised in the deputation.

The Cabinet Member thanked Mrs Garcia de la Vega for her representations, and added that the transport policy for 2015 is what the Council wanted to change and there was consensus for this, as well as a desire to improve services.

The Cabinet Member spoke about the evidence heard at the Scrutiny Panel meetings on the improvements required to SEND transport, emphasising that there were a difficult set of logistical circumstances to get right to ensure that this service runs smoothly and efficiently for parents and children. The company that had been successful in this bid had done this work in many authorities.

The Cabinet Member underlined that this was not a privatisation but bringing in a new organisational culture and better way of working for this service. There would be 4 levels of accountability so that the work of the preferred bidder was continually held to account and changes considered by stakeholders, including the Cabinet Member herself who would also sit on the steering group to have close interaction with parents and carers.

It was noted that SEND transport for children is governed by statutory guidance and the Council will always need to adhere to this statutory framework. The scoping review undertaken had shown that there was a need to improve this service. The scoping review had involved 50 parents and two special schools and apologies were provided by the Cabinet Member that Mrs Garcia de la Vega was not amongst those who had given their views and opinions about the current service.

The Director for Children's Service further thanked the deputation for her representations and added that the issues raised were making the case for change. The decision put forward to Cabinet was to enable this change with the support of the transformation partner with expertise in this area. There were many aspects of the SEND service that needed change and it was essential that the service was able to make these changes.

It was important to note that Children Services was passionate about making changes across the SEND service and SEND transport was only one aspect of the change required. The scoping review had indicated that SEND transport should be one of the initial priority areas explored and meetings had been held with parents, carers and schools to ascertain the aspects of this service that required attention.

It was not disputed that there were live issues with this service area, and there would be a four level assurance process including consultation with parents and carers, the

Cabinet Member and Officers, meeting the high level of co – production required to take these required improvements forward.

It was noted that 70% of the work of the transformation partner on SEND transport included improving efficiency of the service, not changing eligibility for transport access. The Council were currently paying £1 extra per mile than it needed for this service so there were savings that could be taken forward that do not adversely impact on the level of service.

The policy recommendations concerning SEND transport associated with the clarity of the service would progress through the 4 levels of assurance mentioned above so there would be a full co – production, consultation process taken forward.

The Cabinet Member further offered Mrs Marta Garcia de la Vega a meeting to talk through any further issues.

The Leader thanked Mrs Garcia De la Vega for her representations.

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

The Leader invited the Chair of Overview and Scrutiny to address the Cabinet and to report on the outcome of the Overview and Scrutiny Committee's consideration of the Cabinet's decision on the Award of Contract for the Provision of SEND Transport Transformation Consultancy Services on 12th November 2019.

The Cabinet noted that the Overview and Scrutiny Committee had considered each of the items raised in the call in form and heard evidence from officers, the Cabinet Member for Children and Families, parents of children with special educational needs as well as a head teacher of Lancastrian School. The Committee had further considered the officer response to each of the issues raised in the call in form and had discussion in the exempt part of the meeting. It was clear that the SEND service provision required attention and that there was a desire from families to participate in the decision making and involvement in co – production to improve the service.

The Overview and Scrutiny Committee did not find the decision to be outside the budgetary framework nor the policy framework and continued to refer the decision back to Cabinet for reconsideration along with some clear recommendations on how the work should take place with parents, carers and families.

The Cabinet considered the following Overview and Scrutiny recommendations and the Cabinet Member provided a response to each of the recommendations, which were all accepted and agreed.

Response to the recommendations made by the Overview & Scrutiny Committee

Recommendation 1: That Cabinet strengthens co-production in the

SEND transport transformation process prior to phase 1 of the contract

Agreed. It was further proposed that Cabinet receives assurance from the Lead Member and the Director of Children's Services that co-production is, and will continue to be, an essential element of decision making in regard to the identification and implementation of SEND Transport transformation Priorities.

Recommendation 2: That Cabinet follow best practice in good Governance in formulating the Steering Group referred to during the Meeting, and in doing so that it refer to parent and carer advocates and Respected co-production organisations.

Agreed. It was proposed Cabinet further receives assurance from the Lead Member and the Director of Children's Services that best practice in good governance has been and will continue to be followed in formulating the Steering Group. This was referred to during the meeting, along with its membership and leadership, which also refers to parent and carer advocates and respected co-production organisations. An Action going forward would be establishing the Reference group with access to respected coproduction organisations. The group will include parents, carer advocates. It was proposed Cabinet receive an assurance report at least annually from this group.

Recommendation 3: That Cabinet co-produce the terms of reference for The Steering Group and that the membership of the group follows best Practice examples.

This was agreed and the service would further support implementation, and further strengthen the recommendation by adding the co-produced expected ethos and behaviours of the group. It was further added that Cabinet receives assurance from the Lead Member and the Director of Children's Services that the terms of reference for the Steering Group will be co-produced with families and all relevant stakeholders. The service had started on this journey and the Cabinet Member thanked Mrs Leveson who has produced a good document to review at this first meeting of the steering group. The membership of the group would be inclusive and follow best practice examples. The Lead member would also be a member of the co-production group to consider, first-hand, the information at this meeting from parents and carers.

Recommendation 4: That Cabinet asks its chosen partner to sign up to An agreement or charter which clearly sets out the participation and role Of parents and carer representatives within the transformation process.

This was Agreed and proposed that the Cabinet receives assurance from the Lead Member and the Director of Children's Services that the chosen partner has signed up to an agreement or charter which clearly sets out the participation and role of parents and carer representatives and relevant partners within the transformation process.

Recommendation 5: That Cabinet acknowledge and understand that Parents should be seen as equals and given confidence that they will be Listened to.

This was further agreed and Cabinet will further acknowledge and understand that parents and carers should be seen as equals at all times and given confidence that they will be listened to.

Recommendation 6: That any decision on phase 2 of this contract Should fully involve parents, carers, and service users on the same basis as within the formulation of the Steering Group.

This was agreed. As detailed within the Cabinet report of 12th November 2019, it was Recommended that such a phase should be picked up only at the point where The Council are satisfied that our management and delivery of the SEND Transport Service is able to operate at the very highest level. However, this phase is not within the scope of the contract that providers were invited to tender for.

Assurance was further provided that these recommendations would be taken seriously and hoped that the response provided confidence that co – production activities would be taken forward with families and carers.

Before moving later to reconsideration of key decision 75 and 93, the Leader notified the meeting that he had been advised by Cabinet colleagues, prior to the meeting, of the need to reconsider the exempt information on these key decisions, included at item 29 on the agenda.

The Cabinet proceeded to agree considering exempt information at item 29, before making its final decision on the Award of Contract for the Provision of SEND Transport Transformation Consultancy Services. Cabinet further agreed to reconvene the meeting in public to advise its decision

The Deputy Monitoring officer further advised Cabinet Members that questions related to the exempt information on the contract or contractor should be taken forward in the exempt part of the meeting.

Questions on the public Cabinet report on the Award of Contract for the Provision of SEND Transport Transformation Consultancy Services, the Overview and Scrutiny report and Cabinet Member response to the OSC recommendations were put forward by Councillors: Amin, Ibrahim, Chandwani, Dennison, Stone and Tucker and the following information provided:

- When considering the issues raised in the call in, the Overview and Scrutiny Committee had taken forward a broader exploration of the decision making process for this proposed contract award for transforming SEND transport services. There was a clear sense provided that the relationship between the SEND service and parents was not where it should be and this issue was acknowledged in the report, stating that they should be more clearly included.
- Co – production was highlighted as a key area for improvement in the Overview and Scrutiny meeting and parents, carers had articulated that they had not been involved in this procurement decision. The Overview and Scrutiny Report also aimed to reflect that involvement and participation was important to

communities in the borough as an overall principle of decision making for Cabinet.

- The Chair of Overview and Scrutiny outlined that each of the issues raised in the call in form were individually referred to as well as the officer response to these issues. Where the issues raised in the call in form were of an exempt nature, these were also fully discussed in the exempt part of the meeting. It was noted that the specific Overview and Scrutiny recommendations did not relate to only the call in issues. The Committee considered all the call in issues and did not have any recommendations arising from them.
- It was confirmed that Overview and Scrutiny Committee had considered and agreed that the decision was within the budget and policy framework. There was a strong feeling that families had not felt engaged with in the SEND service and consulted with on the changes to the SEND transport service and this aspect of the decision making should be strengthened. It was found that there needed to be co – production at all levels.
- Both the Deputy Monitoring Officers further responded to a governance question indicating there was a free standing right for Overview and Scrutiny to refer a decision, which was found to be within the budget and policy framework, back to Cabinet or Council for reconsideration with additional recommendations.
- This was an invest to save budget proposal being taken forward by the Council and this project had been assessed as contributing to a reduction in the annual budget overspend without having an adverse impact on families because of changes to technology, travel routing along with the practical and organisational benefits it could provide. This was not a privatisation as there was no TUPE of staff but an external team with expertise commissioned to help coach and mentor existing staff to change the way the SEND transport services was run and provided. This was change-management and a process used many times in local government. The procurement process was within the legal framework for transport provision for SEND children. The scoping review was a separate contract and had no relation to the procurement exercise.
- The details concerning how the scoping review had been taken forward as well as the procurement contract award were set out in the Cabinet report for the 12th of November meeting attached. The Council had followed due diligence and conformed to every legal framework when taking forward both contract procedures. This was set out in the attached Cabinet report at section 5.1 and 5.2 which outlined that the tender was conducted via the Crown Commercial Services (CCS) Management Consultancy Framework 2, lot 1, which contained 275 suppliers. A shortlisting exercise was carried out, based on the Council's minimum requirements for the service, which narrowed the suppliers down to 57. All 57 suppliers were contacted with an invitation to submit an Expression of Interest, of which 11 suppliers expressed interest in bidding for the service. The competition was in accordance with the framework conditions and following the receipt of 11 Expressions of Interest, a single bid was received

that was independently evaluated by three Council officers in accordance with the pre-determined evaluation criteria and subsequently moderated with procurement colleagues. The contractor did not know that they were the only bidder as a competitive process. There had also been a vetting of the crown service contract commercial providers before the procurement process had been undertaken. When considering the market day rates for this contract provision, these were higher than those put forward by the contractor so officers were assured they had sourced value for money.

- In response to the issue of the gainshare reward, this was made active if savings have been made above the threshold agreed and there was a cap for when the gainshare was applicable. The Children's Service would also further assess how the SEND transport service had been transformed after two years. This was an incentive for the preferred provider to make the improvements continually, over two years, and the gainshare was also a one-off fee and no agreement to make these payments in perpetuity.
- With regards to any financial consequences to rejecting the service changes proposed by the company, the changes and transformation required to the SEND service were set out in full in the scoping review.
- If the Council chose not to award the contract to the recommended transformation partner and also not to otherwise proceed with the tender, then there were no financial consequences to the Council. However, it should be noted that the Council could not then go back out into the marketplace to tender for the same scope of activity. If the Council were to do so with the same, or largely similar specification, then the recommended transformation partner could seek compensation in regard to their costs in submitting the bid, and a sum reflecting the amount by which the transformation partner would be worse off.
- The contract will be awarded under the CCS framework RM6008 MCF2 Call Off terms and conditions. There are two circumstances whereby the Council could terminate a contract with a provider earlier than stipulated:

Failure to Perform - In instances such as material default, financial standing as defined in the terms the onus would be upon the Council to prove that the provider has not delivered outcomes in accordance with the agreed contract. In such instance, the Council would not be liable for compensation to be paid to the provider and if proven the Council may be able to recover costs for placing the contract and expenditure for the alternate arrangement during the period of the contract.

- **Termination without cause** - In such instance, the Council would be liable to reimburse the provider for proven losses as a direct result of the termination and for which the provider cannot seek compensation from other sources such as insurance. The provider has an obligation to mitigate its losses due to the termination.

The Council would have to have some specific justification under a contract provision to terminate the contract without risk of being in breach of contract.

- In response to a suggestion to publish a consultation report setting out the engagement with parents/carers, the Cabinet Member was clear that the scoping review for the SEND had engaged with 50 parents and the service had heard evidence from parents participating in the Scrutiny Review of SEND and fully comprehended the urgent improvements required to the SEND transport service. There were also many different ways of engagement that could be taken forward.
- The Cabinet Member further highlighted that there were many issues experienced by parents in accessing the service in September 2019 and complaints put forward to the Director and Cabinet Member. They had listened to parents and fully understood the current situation with transport services for SEND children and had felt they needed to respond effectively with a change management programme. This would be led with the parents and the implementation of this would be critical to this programme.
- The Cabinet Member continued to respond to the issue of consultation with parents on the proposed scoping review which included 50 parents and she apologised that the chair of SendPACT for not personally being consulted. Consideration was given to the evidence provided at scrutiny meetings considering the SEND review and a clear commitment was provided to working with parents throughout the process. There was a statutory legal framework that the preferred provider and Council would need to work within for the provision of SEND transport and these rights could not be transgressed. This contract award was about making operational improvements to help the service, included routing and organisation of the staffing, commissioning of the buses and training of staff.
- Officers further responded on comments made in relation to gainshare, noting that the current SEND transport service was costing £4.8m and the baseline savings was £635k. This was a 13% saving and not 20% as stated in the question and deputation. The recommended provider would need to progress through several levels of assurance and they did not have impunity from challenge. It was stressed that the required improvements, which was wanted by both parents and the Children's service, would have to be made in order to access this payment. The preferred provider had worked with 20 local authorities and information had been shared with Cabinet on the effectiveness of these working relationships.
- The contract prescribed the depth of experience required to undertake these transformation activities given the need for high performing travel operation for Haringey which is fit for purpose to meet SEND children's needs.

The Chair of Overview and Scrutiny closed this section of the meeting by recommending that the Cabinet kept in mind the community voice in their decision making.

Further to considering the exempt information at item 29, the Leader re – opened the meeting in public at 21.56.

The Leader firstly asked Cabinet to agree to the use of Council Standing Order 63 to suspend Council Standing Order 18 and allow the meeting to continue after 10pm.

This was unanimously agreed.

The Leader advised the meeting that following consideration of the report and recommendations from the Overview and Scrutiny Committee, representations from the Chair of the Overview and Scrutiny, Councillors, the deputation from Mrs Marta Garcia de la Vega and the responses by Officers and the Lead Cabinet Member to the issues raised, and on review of its original decision, Cabinet,

RESOLVED

1. To defer the final decision, Cabinet resolution 75 and exempt resolution 93 as set out in the public and exempt minutes for the 12th of November 2019.
2. That the taking of this decision return to Cabinet at a date during this financial year.
3. That Officers make further due diligence enquiries in regard to the expected service improvements by the proposed transformation partner.
4. That officers use that time to fully explore all options for the service transformation.

The above resolutions were subject to a vote with 6 in favour and 2 against.

107. 2019/20 BUDGET UPDATE

The Cabinet Member for Finance and Strategic Regeneration introduced this report which provided an update on the Quarter 2 budget monitoring and sought approval for any budget changes required to respond to the changing financial scenario and the delivery of the MTFS.

The Cabinet Member was pleased to be able to report that the General Fund budget position and delivery of agreed savings was in a more robust position this financial year, and believed that this was due to the decisions taken when setting this year's budget which sought to ensure that these were set to be as realistic as possible within the overall available resource envelope.

The Cabinet Member noted that the final agreed 2019/20 Budget reflected a number of actions taken to de-risk the base budget position. This mainly focussed on addressing the budget pressures in the two People related services which had been significantly overspent in 2018/19. These actions were intended to provide greater

confidence of managing within the agreed budget as well as delivering agreed budget reduction proposals.

The Cabinet Member informed the GF revenue forecast of £5.2m overspend presented had remained stable at the level reported in Qtr1 and was significantly below the £15.9m reported in the same period in 2018/19 (which was before the application of budget contingencies of £6.6m in that year). This evidenced that the approach to setting the budget was sound and was having the intended consequence. Two of the most significant budget pressures driving the forecast overspend had been considered in the draft 2020/21 Budget/MTFS 2020-2025 proposals. Officers continued to focus on strategies to bring the in-year overspend down with the aim of achieving a balanced outturn by year end.

The Cabinet Member closed by drawing Member's attention to two final points. The first was the increased forecast DSG overspend now standing at £5.1m. This was a matter of real concern and pressure needed to be put on Government to recognise this issue and come forward with a sustainable solution. The second point was that there was a new appendix to the quarterly budget update reports which provided Members with a record of debt write-offs across the various debt fields.

In response to questions from Councillor Dennison, the following information was provided:

- Regarding the spending pressure on the housing General Fund and temporary accommodation, Officers forecast that the Council would receive enough flexible Housing Support Grant to continue to support this function through to next year. The Council had been taking action that would seek to ease pressure in future years, such as through the Community Benefit Society.
- Regarding the savings on Alexandra House which would not be achieved, Officers noted the original saving represented a wider savings across the estate.
- Regarding the High Road West Business, the Cabinet Member noted there were a number of conversations taking place, not only with the Council but with the GLA and Mayor of London. Talks were focusing on looking at increasing the number of social housing units provided within the scheme. Thus the delay to the scheme commencing was due to the Council seeking to ensure there was an adequate number of social homes provided by the scheme for its residents.
- Regarding debt write off detailed at Appendix 6, the Cabinet Member informed that the Council was looking to deal with these as soon as possible and would take all the necessary steps to reclaim what was owed to it. The 'ethical debt collection' was also highlighted as a means by which the Corporate Debt Team were promoting alternative payment solutions that would not only prevent constituents from falling into a cycle of debt, but also protect their ability to obtain Credit, therefore improving their Health and Wellbeing. Officers added that no organisation that had income activities on the scale of the Council would be able to operate without write offs as there would be inevitably be circumstances where writing off debts could not be avoided.
- The Cabinet Member had held discussions with Homes for Haringey to ensure they had the appropriate mechanisms in place to ensure arrears were dealt with.

RESOLVED

1. To note the forecast revenue outturn for the General Fund (GF), including savings pressures, of **£5.2m overspend** (£5.2m Qtr1) (Section 6, Table 1, and Appendix 1).
2. To note the net HRA forecast of **£0.4m underspend** (£0.2m Qtr1) (Section 6, Table 2, and Appendix 2).
3. To note the net DSG forecast of **£5.1m overspend** (£1.8m Qtr1), the actions being taken to seek to address this and the potential implications for the GF (Section 7 and Table 3).
4. To note the forecast budget savings position in 2019/20 which indicates that 10% (£1.295m) will not be achieved. (Section 8, Table 4 and Appendix 3). This is incorporated into the GF budget pressure in recommendation 3.1.
5. To approve the proposed budget adjustments, varmints and rephrasing to the capital programme as set out in table 5 and Appendix 4 and note the forecast expenditure of £249.4m in 2019/20 which equates to 82.9% of the revised capital budget (Section 9, Table 5 and Appendix 4).
6. To approve the revenue budget virements (Appendix 5).
7. To note the debt write-off approved since April 2019 (Appendix 6).

Reason for Decision

A strong financial management framework, including oversight by Members and senior management, is an essential part of delivering the Council's priorities and statutory duties.

Alternative Options Considered

The report of the management of the Council's financial resources is a key part of the role of the Director of Finance (Section 151 Officer) in helping members to exercise their role and no other options have therefore been considered.

108. 2020-21 BUDGET AND 2020-2025 MEDIUM TERM FINANCIAL STRATEGY REPORT

The Cabinet Member for Finance and Strategic Regeneration introduced this report which provided details of the draft proposed budget for 2020/21 and MTFS to 2024/25, including budget reductions, growth and capital proposals.

The Cabinet Member highlighted the proposals set out in this report contained the initial five-year Medium-Term Financial Strategy (MTFS) for 2020-2025 that would

provide a financial plan during this unprecedented period of uncertainty for Local Authority budgeting. This report still had a budget gap of £0.6m for 2020/21 and work would continue over the next two months to identify solutions to bridge this and in order for a legal, balanced budget to be presented to Cabinet in February 2020.

The Cabinet Member informed the budget monitoring reports presented this year highlighted the progress that had been made on stabilising budgets and confirms that the action taken in setting the 2019/20 Budget was appropriate. Whilst the Council were still forecasting an in year overspend at Quarter Two, the future impact of the main underlying pressures had been addressed as part of the 2020/21 Budget now proposed. The Council also taken advantage of making live budgeting decisions in year such as the approval of a suite of invest to save proposals in Children's services which were well underway and would contribute to better outcomes for our young people and their families.

The Cabinet Member noted last year's budget put in place additional funding for a number of priorities. The Council Tax Reduction Scheme (CTRS) was extended to a maximum of 100% for our least well-off families with children. This came into effect on 1st April 2019 and is proposed here to be continued for 2020/21. The 2019/20 Budget also provided ongoing investment into a school meals pilot and a youth services programme, a large portion of which had been used to fund the Summer Holiday Programme which offered more than 150 activities with 19,602 young people taking part.

The Cabinet Member highlighted that whilst resources continued to be limited, this Draft Budget proposed the introduction from April 2020 of London Living Wage (LLW) rates for Council contracted Homecare staff and also those working in Extra Care Sheltered Housing; additionally, an uplift had been applied to Social Care Direct Payments to individuals in line with LLW rates. Further, an additional sum had also been built in to provide ongoing extra capacity to increase apprenticeship numbers within the Council and across other organisations within the Borough.

The Cabinet Member updated that the £0.6m gap currently forecast for 2020/21 was a much-improved position to that presented a year ago when we still had £6.5m gap to resolve (£7.5m in 17/18). The Cabinet Member believed the Council was in a stronger position as a result of the significant work put into the last budget process to write off unachievable savings targets, improved savings delivery and aligning our resources more effectively to reflect the real pressures and growth felt in our two People services. It must also be recognised the impact that the additional funding included in the Spending Round 2019 announcement has had, particularly on next year's Budget.

The Cabinet Member recognised that it would become ever harder to find solutions to balance the budget while seeking to manage the impact on those with the greatest need of support. That was why the new budget reductions proposed in this report focus as much as possible on delivering efficiencies and service re-design or increasing income instead of service cuts.

The Cabinet Member highlighted that the capital strategy recognises the role that local investment had in changing our locality and the lives of our residents. The new proposals included within this report provided a number of examples as set out at page 81.

In closing, the Cabinet Member stated that the draft Budget proposed for the General Fund and HRA had been built on solid ground and directs the Council's resources to make the greatest difference to residents, businesses and other organisations operating in and with Haringey and move us closer to delivering the Borough Plan outcomes. The Cabinet Member was confident that between now and February, the Council could bridge the remaining General Fund gap.

Councillor James thanked the Cabinet Member for his work in introducing LLW for care workers.

In response to questions from Councillor Dennison, the following information was provided:

- The Cabinet Member stressed that the Council was not looking to cut services but redesign them in a way that promoted efficiency and created savings.
- Officers highlighted that the enhanced (LLW) rates would be implemented in conjunction with the introduction of alternative delivery models including electronic call monitoring, assistive technology, reablement and the associated changes to care plans. These changes were planned to make this programme cost neutral over a number of years except for the enhancement of Extra Care rates, where the cost cannot be mitigated down.
- Officers informed that there had been analysis carried out on what the likely demands on the adult services and the number of people who might need access to those services were in the coming years and cost predictions were made on the basis of those figures. The budget also reflected the current cost pressures the Adults Social Care service was facing.
- Regarding the budget reductions proposals outlined at table 7.5, Officers noted these figures reflected that services could be provided in alternative ways and by more cost-effective means.
- The Cabinet Member was confident that the savings proposed at table 7.5 could be achieved.
- Officers noted the actions proposed to achieve the Strategic Acquisitions budget reduction were not only savings driven.
- The Leader noted that with regard to Fortismere Secondary School's inclusion in Appendix 4 (Scheme Ref 115), no decision had been taken to move forward with any planned changes to the School.

RESOLVED

1. To note the initial General Fund revenue and capital budget proposals and financial planning assumptions set out in this report and note that they will be refined and updated after the final Local Government Finance Settlement is received in January 2020 and also to incorporate further budget changes as required;
2. To note the Draft General Fund 2020/21 Budget and MTFs (2020/21 to 2024/25) detailed in this report and Appendix 1;
3. To note the Draft budget reduction proposals summarised in Section 8 and Appendix 2;
4. To note the Draft General Fund Capital Programme for 2020/21 to 2024/25 as set out in Appendix 4;

5. To note the Draft Housing Revenue Account (HRA) revenue and Capital Programme proposals and HRA business plan as set out in Section 9;
6. To note the 2020/21 Draft Dedicated Schools Budget (DSB) and update on the DSG reserve position set out in section 10;
7. To note that the detailed proposals will be submitted to Overview and Scrutiny Committee / Panels in December 2019 and January 2020 for scrutiny and comments;
8. To agree to commence consultations with residents, businesses, partners, staff and other groups on the 2020/21 Budget and MTFS,
9. To note that an updated budget 2020/21 Budget and MTFS (2020/21 - 2024/25) will be put to Cabinet on 11th February 2020 to be recommended for approval to the Full Council meeting taking place on 24th February 2020.

Reason for decision

The Council has a statutory requirement to set a balanced budget for 2020/21 and this report forms a key part of the budget setting process by setting out the forecast funding and expenditure for that year. Additionally, in order to ensure the Council's finances for the medium term are maintained on a sound basis, this report also sets out the funding and expenditure assumptions for the following four years in the form of a Medium-Term Financial Strategy.

Alternative options considered

The Cabinet must consider how to deliver a balanced 2020/21 Budget and sustainable MTFS over the five-year period 2020/25, to be reviewed and ultimately adopted at the meeting of Full Council on 24th February 2020.

Clearly there are options available to achieve a balanced budget and the Council has developed the proposals contained in this report for determining levels of both income and service provision in this report. These take account of the Council's priorities, the extent of the estimated funding shortfall and the Council's overall financial position.

These proposals are subject to consultation both externally and through Overview and Scrutiny process and the outcomes of these will inform the final budget proposals.

109. FEES & CHARGES 2020-21

The Leader, Councillor Ejiolor, recused himself from the meeting following his earlier declaration of interest. [20.40] and the Deputy Leader took the chair.

The Cabinet Member for Finance and Strategic Regeneration introduced this report which provided details on the Fees & Charges that are proposed to be applied to services from the start of 2020/21.

The Cabinet Member emphasised that, as part of the Council's on-going financial planning, it was important to comply with the Council's policy to review our fees and charges, as a minimum annually, taking account of issues such as the general

economic climate, the Council's overall financial position and delivery of the objectives of the Borough Plan.

The Cabinet Member outlined that, taking all the relevant factors into account, the increases in fees and charges proposed in this report were appropriate, and therefore commended this report to the Cabinet.

In response to questions from Councillor Dennison, the following information was provided:

- Regarding whether the hire charge for Finsbury Park was enough to offset the disruption caused by large events, the Cabinet Member would liaise with the relevant Member responsible for the charge's companies paid to hire Finsbury Park to ensure that this was the case.
- Regarding whether the green charges in Appendix VII were reviewed, the Cabinet Member confirmed they were and that appropriate revisions to these charges were made.

RESOLVED

- a) To agree the proposed fees and charges to be levied by the Council with effect from 1 April 2020, unless otherwise stated, and as detailed in Section 8 and Appendices I – XIII taking into account the findings of equalities assessments as set out in section 10 of the report.
- b) To note that the Council's draft 2020/21 Budget and Medium Term Financial Strategy (MTFS) 2020/21-2024/25 assumes that the changes to Fees & Charges set out in this report are agreed.

Reasons for Decision

It is a requirement to review fees and charges as a minimum annually. The financial position of the Council supports the view that levels of fees and charges should be maximised where possible taking into account all relevant factors including the effect on service users and any consequent demand for services.

Alternative options considered

This report summarises the conclusions after consideration of a range of alternative approaches dependent on particular services and relevant factors. As such a range of alternative options ranging from no increase to differentiated rates of increases have been considered and reflected in this report.

110. LOCAL GOVERNMENT OMBUDSMAN FINDING -NON KEY

The Cabinet Member for Corporate and Civic Services introduced this report which requested Cabinet consider and respond to the Local Government Ombudsman finding with regard to Ms B – bankruptcy.

The Cabinet Member informed that the Ombudsman had made a report finding fault with the Council in relation to a complaint made by Ms B and had asked the Council to

take certain steps to remedy that fault. This report summarised the Ombudsman's report and the steps that have already been taken. It also proposed further steps to be taken by the Council in response to the report.

The Cabinet Member noted the service had apologised for the mistakes made and was determined to learn from them. Members were required to consider the Ombudsman's report (shown at Appendix 1) and the steps it was proposed to take in response with the Cabinet Member recommending that the findings, recommendations and compensation payments be approved.

In response to questions from Councillor Dennison, the Cabinet Member confirmed that to prevent an issue of this kind occurring again, the Council would be putting in place all the recommendations of the Local Government Ombudsman. Information would also be better shared between officers and the relevant Cabinet Member.

RESOLVED

1. To accept the findings and recommendations of the Ombudsman in the report dated 17th September 2019, as shown at Appendix 1.
2. To authorise officers' reduction of Ms B's debt by £3,400 as compensation, as set out in paragraphs 4.2 and 4.8 below.
3. To authorise officers to compensate Ms B by applying to annul her bankruptcy and paying the court and trustee costs of doing so up a value of £20,000, as set out in paragraph 4.6 below.
4. To adopt this report as the Council's formal response under s.31 Local Government Act 1974, to be communicated to the Ombudsman.
5. To adopt this report as the Cabinet's formal response as required by s.5A Local Government and Housing Act 1989, to be distributed to all members and the Monitoring Officer.

Reasons for Decision

Overview

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

- The Council's procedure was to consider bankruptcy only if there were sufficient assets to pay the debt and costs incurred.
- Ms B's property was mistakenly assessed as having sufficient equity to allow the Council's debts and costs to be recovered. However, there was in fact insufficient equity.
- Therefore, bankruptcy was pursued contrary to the Council's procedure.
- As part of good practice, the Council contacted the local authority where Ms B lives to ascertain any vulnerabilities Ms B might have. However, Ms B worked for her local authority and her colleagues were informed of her debt to the Council, causing her considerable professional embarrassment. The Council should have identified that Ms B worked for her local authority because this had been evident from her email signature.

- Ms B made a subject access request to the Council. The Information Commissioner has found that the Council did not respond promptly or provide all of the relevant information held.

The Ombudsman's findings are accepted. The service has apologised for the mistakes made and is determined to learn from them. Apologies have been given to Ms B, as set out at paragraph 36 of the Ombudsman's report. The Ombudsman has also recommended further ways the Council should try to remedy the mistakes for Ms B, and it is proposed that these are followed.

Recommendations

The Ombudsman has recommended that action be taken to remedy the injustice to Ms B. The recommendations are to:

- apply to annul the bankruptcy and pay the court and trustee costs to do this;
- make a financial payment of £3,000 to Ms B to reflect the distress she suffered because of the Council's decision to start bankruptcy proceedings;
- make a financial payment of £400 to Ms B to reflect the distress she suffered because of the Council's breaches of the Data Protection Act; and
- Write and send a letter to Ms B saying if it intends to recover the debt, the amount it is seeking to recover and how it is going to do this.

The Ombudsman has stated that the Council may offset the payments against the debt Ms B owes the Council.

Reasons

The Ombudsman's recommendations are considered to be appropriate for the following reasons.

The initial view of officers liaising with the Ombudsman was that the Council should not apply to annul Ms B's bankruptcy because Ms B continues to owe the Council money and bankruptcy was legally permissible. However, it is now recommended that the Council do so in accordance with the Ombudsman's recommendations. This is because the Council's pursuit of bankruptcy was contrary to its procedure at that time which was only to consider bankruptcy if there were sufficient assets to pay the debt and costs incurred (i.e. the full debt and costs incurred). Therefore, bankruptcy would not have been pursued if the equity in Ms B's property had been correctly calculated. The procedure has since been updated to provide that bankruptcy may be appropriate even if the Council cannot recover the entirety of its debt and costs.

Ms B should not be expected to pay costs that have arisen because of fault on the part of the Council and so the costs of applying to annul the bankruptcy should be paid by the Council. The Council has been informed that the trustee's costs will be under £15,000. The cost of applying to the court is estimated to be no more than £5,000.

The trustee in bankruptcy has informed the Council that it would not oppose an application to annul Ms B's bankruptcy. However, the final decision as to whether to annul Ms B's bankruptcy would be made by the court and is at the court's discretion.

It is appropriate to pay compensation to Ms B given the Ombudsman's findings of injustice. However, given that Ms B continues to owe a significant sum to the Council, it is also appropriate for such compensation to be offset against that debt. Ms B would otherwise receive £3,400 from the Council despite owing the Council more than £50,000. Therefore, in accordance with the Ombudsman's recommendations, it is proposed to compensate Ms B by reducing her debt by £3,400.

The Information Commissioner has found that the Council should have identified that Ms B was likely to still be an employee of her local authority and there was potential for disclosure of her personal data to colleagues who would not necessarily need to know about the Council's investigation. As set out in the Ombudsman's report, Ms B had written to the Council between December 2014 and July 2015 using her local authority work email account with a signature that set out her job title.

The Information Commissioner found that the Council responded to a subject access request from Ms B late and did not conduct an adequate search to ensure all information was provided to Ms B. Ms B had made a subject access request in mid-March 2018 and this was responded to by the Council on 4 June 2018. A subject access request should normally be complied with within 1 month, unless the request is particularly complex.

Action already taken

Two public notice advertisements were placed in newspapers: (i) the Enfield and Haringey Independent and (ii) the Ham and High, 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.

Officers have written to Ms B confirming that the outstanding debt has been reduced by £3,400 in accordance with the Ombudsman's recommendations.

Action it is proposed to take

It is proposed that the Council apply to annul the bankruptcy and pay the court and trustee costs of doing so.

Ms B would be informed of the effect on the recovery of the debt.

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 local authorities 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.

111. HARINGEY'S REDUCTION AND RECYCLING PLAN

The Cabinet Member for Neighbourhoods introduced Haringey's Reduction and Recycling Plan (RRP) for approval. Production of an RRP was a requirement of the Mayor of London's Environment Strategy and applied to all London boroughs

The Cabinet Member informed that London Boroughs had a statutory duty to act in general conformity with the London Environment Strategy prepared by the Mayor of London. The London Environment Plan required London boroughs to produce a Recycling and Reduction Plan (RRP) to set out how they each would contribute to the Mayor of London's Environment strategy targets and comply with minimum service standards. This was required to be submitted by 20th December 2019. The Council's submission was contained in the appendix to the report. Section 5 outlined the Mayor of London's Environment Strategy and its objectives. Section 4.1.4 of the report illustrated the Key Mayoral requirements and the Council's compliance, which included the Council complying with a weekly food waste collection; carrying out the collection of the six main dry materials; being on track to achieve 45% recycling rate by 2025.

The Cabinet Member noted that as well as agreeing this submission, Members were being asked to agree changes to the Borough Plan. Section 4.2 outlined those changes. As there could be changes to the Recycling and Reduction Plan based on feedback from the GLA, Members were being asked to delegate those changes to the Director of Neighbourhoods and Environments to implement. Possible changes were highlighted at section 4.3. However, the Council had preliminary feedback from the GLA which can be found in section 8. The Council was also conducting an external review of recycling, funded by the GLA, details of which can be seen in section 9.

The Cabinet Member highlighted that stage one of the review had been completed and stage was due to be completed in January 2020.

The Cabinet Member asked Member to agree the report and its recommendations, which sought Cabinet to:

- Submit the recycling and Reduction Plan to the GLA;
- Agree to amend the Borough Plan to update the reduction in households waste targets; and
- Delegate authority to the Director (in consultation with the Cabinet Member) to make changes to the Recycling and Reduction Plan if feedback from the GLA required it.

[The Leader took the Chair at 20.47]

In response to questions from Councillor Dennison, the following information was provided:

- Regarding the recycling rate dropping to 32.9%, the Cabinet Member noted stricter legislative requirements had come into force on what was acceptable to be recycled and, as a consequence, a large amount of the recycling by the Council had been rejected. The Council was looking at ways to promote the education of residents to only include from household waste recycling products which were acceptable to be recycled.
- Regarding fly tipping, the Cabinet Member stated there was no conclusive evidence to show this had increased overall and noted there were times during the year where fly tipping was more prevalent. Further, the Council was reducing the cost of bulky waste collection which would lessen the likelihood of such material being fly tipped.
- To increase garden waste collection, the Cabinet Member confirmed that the Council was going to inform this better to residents to ensure they were aware that the Council offered such a service, especially in areas of the borough where there was more garden space.

RESOLVED

1. To approve the RRP for submission to the Greater London Authority;
2. To Amend the Borough Plan targets to be consistent with the RRP; specifically, that the Borough Plan target to reduce annual residual waste per household to 494kg in 2022/23 is revised to 460kg.
3. To delegate authority to the Director of Environment & Neighbourhoods, in consultation with the Cabinet Member, to make changes as necessary to the Reduction & Recycling Plan following any further feedback from the Greater London Authority.

Reasons for decision

The recommendation to approve the RRP for submission to the Greater London Authority is based on the below points.

London boroughs have a statutory duty to act in general conformity with the London Environment Strategy prepared by the Mayor of London. The London Environment Plan requires London boroughs to produce a RRP to set out how they each will make a contribution to the Mayor of London's Environment Strategy targets and comply with minimum service standards. The Mayor expects RRP's to be submitted to him for approval by 20 December 2019.

The Mayor has provided a template for RRP's and this has been used for the proposed RRP at Appendix A. The draft plan reflects how the Mayor's policies, proposals and objectives will translate into action at the local level. It sets out the direction of travel that Haringey will take to contribute to those Strategy priorities and

objectives, taking into account guidance issued by the GLA, our current services and performance and wider benchmarking.

The RRP will therefore provide a robust framework for managing the borough's waste in an environmentally and financially sustainable way. It contains ambitious but achievable targets for the Council's recycling rate and associated measures, whilst recognising local circumstances.

A summary of the key requirements of the RRP's and Haringey's compliance is provided below.

Table 1: Summary of compliance with RRP requirements

Key requirements of Boroughs	Mayoral of	Does Haringey comply	Comments
All properties with kerbside recycling collections to receive a separate weekly food waste collection service		Yes. Residents currently present food and garden waste separately which is then mixed in the vehicle. From April 2020 operational changes will be made to keep the food and garden waste separate.	Haringey also provides weekly food for estates and high-rise properties with communal collections. We will work with landlords to expand uptake.
All properties to receive a collection of, at a minimum, the six main dry materials: glass, cans, paper, card, plastic bottles and mixed rigid plastics (pots, tubs and trays)		Yes	We will work to reduce the level of contamination in our recycling collections.
For London to achieve a 45 per cent recycling rate for household waste and a 50 per cent rate for all local authority-collected waste (LACW) by 2025.		Yes	Haringey's contribution toward the household rate target is modelled at 38% in line with modelling used for the Environment Strategy (and 33% for LACW). We have already committed to the household waste target in previous plans and this is consistent with contract targets.

The Mayor has commissioned Resource London (the partnership between the Mayor's waste advisory board and national body WRAP) to provide support and

challenge to boroughs in the RRP process. Through this support, consultants have been commissioned to carry out a review of Haringey's recycling performance and identify opportunities for improving rates. This review has completed its first stage and findings are detailed later in this report and have informed the final RRP submission to Cabinet. In addition to the detailed review GLA officers have also provided direct feedback on our draft RRP. This feedback is also addressed below.

To amend the Borough Plan targets to be consistent with the RRP, specifically that the Borough Plan target to reduce annual residual waste per household to 494kg in 2022/23 is revised to 460kg.

The RRP asks boroughs to set targets for a number of common performance measures including annual residual waste per household. The proposed new target for this measure has been arrived at through a more detailed modelling process. The existing target in the Borough Plan is based on a 1% reduction/year, resulting in a target for 2022/23 of 494kg whereas the RRP target is based on modelled tonnage scenarios that reach Haringey's 38% recycling target.

The target in the existing Borough Plan is less stretching and so this would represent an increased target. However, it is consistent with the overall action plan for reducing residual waste. Accordingly, it is proposed to amend the Borough Plan to match the Mayor and RRP targets.

To delegate authority to the Director of Environment and Neighbourhoods, in consultation with the Cabinet Member, to make changes as necessary to the RRP following any further feedback from the GLA.

The GLAs feedback on the draft RRP so far has been overwhelmingly positive (see paragraphs 8.1-8.3 below). However, the Council's RRP may need to take account of any further comments from the GLA or changes introduced by DEFRA. For example, we expect DEFRA to develop its plans to introduce a Deposit Return Scheme for drinks containers within the period of the RRP.

Consequently, authority is sought for the Director of Environment and Neighbourhoods to make any further necessary changes to the RRP in response to comments from the GLA.

Mayor of London's Environment Strategy

In May 2018 the Mayor published his London Environment Strategy. The Strategy sets out objectives, targets and policies for the effective management of London's municipal waste and to accelerate the transition to a circular economy.

The Strategy's waste objectives are:

- Objective 7.1 - Drive resource efficiency to significantly reduce waste focusing on food waste and single use packaging;
- Objective 7.2 – Maximise recycling rates;
- Objective 7.3 - Reduce the environmental impact of waste activities (greenhouse gas emissions and air pollutants);

- Objective 7.4 - Maximise local waste sites and ensure London has sufficient infrastructure to manage all the waste it produces.

The two most prominent requirements of the Strategy concern the household recycling targets and minimum service levels for London:

- By 2025 London as a whole must recycle 45% of household waste and 50% of local authority collected waste (this includes all municipal waste collected by the Council, including from businesses, parks and fly tips). By 2030 these targets increase to 50% of household waste and 65% of local authority collected waste. These targets are to be delivered collectively by local authorities. The Mayor recognises that authorities will contribute differently to these targets.
- A minimum recycling collection service provision to be provided by all boroughs by 2020 incorporating the collection of the six key dry recycling materials (including pots, tubs and trays) for all properties and separate weekly food waste collections for all kerbside properties (and also flats where feasible).

Other targets are:

- To cut food waste and associated packaging waste by 50 per cent per person by 2030;
- To send zero biodegradable or recyclable waste to landfill by 2026;
- London to manage net 100 per cent of all the waste it produces by 2026.

The Mayor's recycling targets are predicated upon all London Boroughs having introduced residual waste restrictions. The guidance for completing the RRP encourages boroughs to set out how they will deliver a "Package of recycling and residual waste services or planned service changes which have reviewed household residual waste bin capacity, frequency of collections and side waste collections" or consult on such measures. Haringey complies fully as we have already introduced a boroughwide fortnightly residual waste collection from 'street level' properties. Reducing residual waste capacity incentivises residents to increase their reuse and recycling. Additionally, we tell residents in communications that all their waste has to fit in their bins to encourage good waste management. We have conducted surveys that show side waste is not something happening at scale in the borough. We will review this periodically to check our approach remains appropriate.

The London-wide 2025 target for household waste recycling target of 45% is underpinned by analysis produced by the national advisory body, the Waste and Resources Action programme (WRAP). Their modelling attempted to show the maximum contribution that London could make to the 50% national household waste recycling target. The study found that, with specified service changes/improvements applied in each London Borough in 2020, an overall recycling rate of 42% could be achieved by 2022 for London.

WRAP also modelled a 'business as usual' scenario to reflect the recycling rate that WRAP believed would be achieved on the current trajectory. The modelled (differential) recycling rates were published for each London borough in the supporting evidence for the London Environment Strategy.

The modelling took into account variants between boroughs such as waste contract requirements and renewals, housing stock type and joint borough working arrangements.

The service changes/improvements modelled to achieve the London-wide 42% household waste recycling rate are:

- a. Intervention for kerbside properties (street level) – Reduced residual collections, weekly separate food waste collection, adding all six dry materials to kerbside collections where not currently collected (glass, cans, paper, card, plastic bottles and household plastic packaging);
- b. Intervention for flats (high rise) - All high-rise properties receive, as a minimum, the collection of five main dry recyclable materials (glass, cans, paper, card and plastic bottles) with an expected 40 per cent performance increase.

This modelling showed for Haringey a resultant recycling rate of 38%, which is consistent with the targets in our waste contract. It should be noted that the original modelling contained errors for Haringey and predicted a higher potential rate. This has been acknowledged by the Mayor and WRAP.

In reviewing RRP, the Mayor has stated that he will take into account the following factors:

- contractual constraints that restrict the introduction of new services;
- the proportion of flats with lack of easily accessible and/or sufficient storage space for recycling;
- the proportion of rented accommodation (which can have an impact on participation in recycling services) and levels of deprivation; and
- the number of households with gardens (noting boroughs with fewer gardens produce less green waste for composting).

Recycling performance and benchmarking

In order to arrive at the services and activities in the RRP, initial data analysis and benchmarking has been undertaken, and key points detailed below.

Recycling performance has grown from very low levels in 2000 to the comprehensive collections of food and dry recycling for all street level and estate properties that we have today. Performance was 26% in 2011/12 and reached 37.4% in 2014/15 following the introduction of fortnightly residual waste collections in 2012/13.

The rate has since dropped (to 32.9% in 2017/18, the last year for which official statistics are available; data submitted to government for 2018/19 gives a rate of 30.2%, and 32.2% for quarter 1 of 19/20) due primarily to changes in the recycling market and relevant legislation that have led to much stricter controls on what can be accepted for recycling. We estimate these changes have had a 4% impact on the recycling rate compared to 2014/15.

Increasing the rate to its previous level and beyond requires significant investment in communications and compliance activities to increase uptake and correct use of services.

In complying with the Mayor's model we are already performing well against comparable boroughs. This is confirmed by benchmarking from the consultant's review.

Haringey's Reduction & Recycling Plan

The Mayor issued a template for RRP's which has been completed at Appendix A. The various sections of the RRP are explained below. Each section outlines key policy areas relating to the particular objective, core service provisions, behaviour change activities, with associated impact forecasts, and milestones to achieve targets (where appropriate). We have engaged with a range of internal and external stakeholders to complete our plan including North London Waste Authority and Veolia externally, and internally our Procurement, Planning and Carbon Management teams.

Key objectives of our plan are to:

- Increase the recycling rate to 38% by 2022 in line with the target set out in our waste contract and Borough Plan;
- Reduce fly-tipping and the deposit of waste on the streets, in line with our Fly Tipping Strategy;
- Grow the number of garden waste service users;
- Educate residents and businesses to reduce their waste and dispose of it properly;
- Halt the loss of any further tonnage from contamination through effective policies and procedures;
- Encourage more food waste recycling from all properties;
- Improve the management of waste from HMOs;
- Embed circular economy principles into the Council and our partners'/suppliers' operations;
- Engage with emerging national policy change to ensure the Council is optimally positioned.

The impact of future government policies such as extended producer responsibility, consistency in collections and deposit return schemes have not been taken into account in setting targets.

Waste reduction addresses the policy objective to drive resource efficiency and cut waste. In this section the following main areas have been set out:

- Fortnightly collections of residual waste from all kerbside properties have been in place since 2012/13;
- Active participation in the North London-wide Waste prevention programme coordinated by NLWA;
- Modelling of options to redesign waste collection services to drive efficiencies;
- Review of trade waste collection service;

- Encouraging behaviour change to reduce, reuse and recycle;
- Key policies to be confirmed as part of our Procurement Strategy 2020-2025.

Maximising recycling rates explains that the Mayor of London's minimum service standards are being met for the majority of households within Haringey. It further details:

- Delivering other recycling services, notably commercial waste and educational establishments;
- Testing ways to reduce the contamination of dry recycling and scaling up where shown to be cost effective;
- Maximising recycling from all streams including street cleansing arisings;
- Targeting low performance areas including on estates and kerbside food waste through innovative behaviour change approaches and communications;
- Maximising recycling from NLWA activities including public Reuse & Recycling Centres and the segregation of recycling from the bulky waste we collect.

Reducing the Council's environmental impact outlines:

- How and when HGV waste fleets will be ULEZ compliant;
- A new depot being constructed at Marsh Lane N17 with plans to construct to BREAMM 'very good' standard with 20 Electric vehicle charging points and photovoltaic and battery storage included on site;
- Current local configuration of disposal and bulking sites minimising emissions;
- Exploration of consolidated commercial waste collections;
- Results using the GLA's online tool to determine performance of new proposed waste service options against the Mayor's CO2 equivalent emissions performance standard (EPS) and carbon intensity floor (CIF).

The section of maximising local waste sites outlines:

- Contribution of the NLWA's network of Reuse and Recycling Centres (RRC) to our recycling rate, including the site at Western Road site in the centre of Haringey.
- Plans to develop a new covered RRC that can accept business waste, being developed by the NLWA as part of the wider redevelopment of the Edmonton EcoPark site.
- How the seven North London boroughs, in their capacity as planning authorities, have jointly designated sufficient sites for waste management to ensure the region is net 100% self-sufficient.

In summary, Haringey has a comprehensive waste and recycling service supported by a number of initiatives, which as a minimum is needed to maintain the current recycling rate, as well as working towards improving it. Details of these are included in the RRP to demonstrate the positive contribution that is already being made by the Council to London's environmental performance.

Initial GLA feedback

As part of the submission process for all boroughs, GLA officers provided an initial response to Haringey's draft RRP. This is overwhelmingly positive, referencing the delivery of the Mayor's minimum level of service for household recycling, with collections of the six main dry materials (paper, card, glass, tins, plastic bottles and mixed rigid plastic) as a minimum from all properties and separate weekly food waste from kerbside properties.

In addition it acknowledges:

- Our focus on contamination policies to boost recycling rates;
- Participation in national and regional communications campaigns;
- Activities focused on waste reduction and reuse in the community, including food waste, textiles and bulky waste events;
- Boosting participation in the garden waste collection service to increase recycling tonnages;
- Modelling options to redesign waste collection services to drive efficiencies;
- Offering recycling collections of the six main dry materials and separate food waste to non-domestic customers, including schools and businesses;
- Exploring consolidated commercial waste collections with local BIDs and business groups;
- Transitioning to low pollution fleets with 100% of waste fleet vehicles to be ULEZ compliant by 2020;
- Reference to the requirement for new developments to have suitable storage space for recycling.

The GLA also asked "Could the Council go further with its LACW recycling target (of 33%) to at least match the household waste recycling target (of 38%)?" This is the recycling performance measure for the entirety of the waste collected by Haringey Council (our current rate is 28.5%). This includes all business and other non-household waste including flytipping. We have less control over how much of this is recycled or composted in comparison with household waste (for this reason the traditional national performance indicator for recycling has always been based on household waste only).

The Mayor foresees reaching his higher targets for LACW (over household waste) through boroughs being able to drive up recycling from trade waste customers. However, in Haringey we have a relatively small share of the trade waste market in the borough through which to drive up LACW recycling levels. Additionally, we would have the challenge of achieving higher levels of recycling from flytips which would be extremely difficult. Over time our strategy will be to convert more flytipping into paid for trade waste, and encourage recycling of this waste where possible, but at present there is no detailed modelling currently available to quantify this. Accordingly, we have advised the GLA that we will not amend the target at this stage.

External Review of Recycling

As well as the high-level GLA feedback detailed above, the Mayor has also made support available to boroughs for preparation of their RRP through Resource London. Resource London is a partnership between the Mayor's London Waste and Advisory Board (LWARB) and the national advisory body, WRAP (Waste and Resource Action

Programme). Resource London is funding the support. This has taken the form of them jointly commissioning with Haringey an external review of the Council's approach to recycling, and opportunities for improving recycling rates. This is in the context of the drop in the recycling rate described above and the fact that our service closely matches the Mayor's optimal service configuration. Our plan presented here takes account of the external review recommendations. There is no suggestion that significant actions beyond the Mayor's model are being missed by Haringey.

The review, carried out by consultants Ricardo, began in September and includes:

- Analysis of existing data and information to enable benchmarking;
- Review of key policies and communications;
- Interviews with key staff;
- An operational review;
- Site visits – collection service and the Material Recovery Facility for separating dry recycling;
- Final report to be issued by end of January 2020.

A summary of the stage 1 review is below:

“Ricardo Energy & Environment has been commissioned by Resource London to conduct a waste and recycling service review for Haringey Council. The review is being conducted in two stages:

Stage 1: Service Review - A review of recycling rate performance over the last five years, identifying areas for improvement in line with the requirements of the Council's Reduction and Recycling Plan (RRP) submission to the GLA;

Stage 2: Improvement Plan and Commercial Waste Review - A more detailed review into selected areas including the performance of the commercial waste service to determine potential improvements, opportunities to drive efficiencies and generate additional revenue.

“The Stage 1 review work began in September and comprehensive review work has been carried out, including reviewing service performance data, meetings with various members of Council staff, observations of the recycling collection systems in action and a visit to the Materials Recovery Facility to which Haringey's mixed dry recycling is delivered. A key element of this stage of work has been to review Haringey's RRP and the Council's current suite of waste services within the context of the Mayor of London's Environment Strategy (LES) minimum service delivery level requirements, namely: -

- All properties with kerbside recycling collections to receive a separate weekly food waste collection service;
- All properties to receive a collection of, at a minimum, the six main dry materials, glass, cans, paper, card, plastic bottles and mixed rigid plastics (pots, tubs and trays); and
- For Councils to set reduction and recycling targets that 'should be stretching and recognise local circumstances' which will contribute to the Mayor's targets

of achieving a 45 per cent recycling rate for household waste by 2025 and a 50 per cent recycling rate for local authority collected waste (LACW) by 2025.

“The conclusions and recommendations from Stage 1 demonstrate that the Council’s recycling collection services and future plans for the separate treatment of food waste (currently mixed with garden waste) are in line with the requirements of the LES recycling collection service model. In addition, the review has confirmed key actions the Council is taking to improve dry recycling performance by tackling contamination levels. This and other initiatives such as increasing garden waste service uptake, will enable the Council to work towards the target commitments set out in the Council’s RRP.

“The Stage 2 work is due to completed by the end of January 2019.”

The GLA are happy for the RRP to be recommended to Cabinet in advance of the completion of the Stage 2 review. Based on initial feedback, the Stage 2 report is not expected to significantly alter Haringey’s RRP, rather strengthen the existing framework for actions to improve waste reduction and recycling.

Alternative options considered

The Council must submit an RRP to meet its statutory duty to be in general conformity with the Mayor of London's Environment Strategy. Failure to produce a RRP may lead to the Mayor using his powers to direct a Waste Authority in London where he considers that it is necessary for the purposes of the implementation of the municipal waste elements of the Environment Strategy. Therefore, the option of not submitting an RRP has not been considered further and is not recommended.

The RRP is expected to demonstrate an appropriate contribution to the Mayor’s London-wide targets. We are confident that we have proposed targets that are stretching and appropriate to our local circumstances. A plan with less ambitious targets would be liable to challenge from the Mayor. Therefore, an alternative RRP is not recommended.

112. APPOINTMENT OF DESIGN CONSULTANTS FOR BROADWATER FARM ESTATE

The Cabinet Member for Housing and Estate Renewal introduced this report which considered the appointment of a design team to deliver a range of projects on the Broadwater Farm estate, including the development of detailed designs for new homes.

The Cabinet Member noted that when Cabinet previously took the difficult decision to rehouse residents on the Broadwater Farm estate from Tang mere and Northolt blocks following safety concerns, it also committed to re-providing all homes lost through demolition with new Council homes at Council rents and the right of return. This report followed detailed work by officers to develop a comprehensive brief to appoint designers to support us in this ambition. Through this work the Council would

not only develop designs for high quality new homes on the estate but would bring forward proposals to enhance the public realm and maximise the value of existing community assets, such as the community and health centres.

The Cabinet informed that residents and the Council's partners would play a key role in this work taking forward an iterative design process, which would require their input from the start and through each design stage to achieve the right outcomes. This would ensure that the Council's plans have resident support which it has committed to put to the test through a resident ballot once plans are ready.

The Cabinet Member closed by extending thanks to members of the Broadwater Farm Residents' Association who provided resident input to officers when evaluating the tender submissions, despite having reservations prior.

In response to questions from Councillor Dennison, the following information was provided:

- The Cabinet Member confirmed the consultants had experience in handling projects of this scale and type.
- The Cabinet Member confirmed residents would play an ongoing role in the design process moving forward. Officers noted the architects selected had a proven track record of developing estates around the country and co-designing with residents.
- A like for like had been embedded in the contract to ensure there was the same minimum number of social housing provided at Tangmere and Northolt as before.

Further to considering exempt information at item 22,

RESOLVED

1. To approve the award of the contract for the Broadwater Farm Design Architects - Urban Design Framework to Bidder A for the maximum sum of £1,396,357.60, in accordance with the provisions of the Council's Contract Standing Order (CSO) 7.01 (B));
2. To authorise the issue of a Letter of Intent for an amount not to exceed 10% of the value of the contract;
3. To approve a contingency allowance in the amount set out in paragraph 2.1 of the exempt report delegates power to the Director of Housing, Regeneration and Planning to approve any necessary variations to the contract to accommodate unavoidable cost increases within the contingency allowance.

Reasons for decision

The appointment of the preferred bidder will enable the Council to progress with the delivery of new replacement homes for Tangmere and Northolt sites in accordance with Cabinet commitments made in November 2018.

Alongside the design of new homes, this decision will bring forward the development of a new urban design framework for the estate. The purpose of this framework is to

ensure that the design team considers the estate and surrounding areas a whole when developing designs. This means that:

New housing developments take account of the existing estate and estate infrastructure (such as existing roads and pedestrian footpaths etc).

Ground floor usage on the estate can be explored in more detail, with the possibility (subject to consultation) of infilling some areas to provide community amenity, additional homes, or commercial space.

A strategy for public realm enhancements on the estate can be brought forward to enhance the existing green spaces and connections to the park

Finally, the appointment will allow the Council to develop design briefs for three opportunity sites on the periphery of the estate. This aligns to the Council's commitment to develop a significant pipeline of new Council housing developments in this administration and beyond.

Alternative options considered

Doing nothing was not considered acceptable as the Council has made a commitment to build new homes on the estate.

Consideration was given to procuring architects for the detailed design of the Tangmere and Northolt blocks only and then procure the remaining work separately. However, this approach would miss the opportunity to consider the wider benefits of the new build, could fetter future opportunities and options and, in the longer term, could cost more in both time and money. As an example, when the wider Public Realm Strategy is considered, this could result in the replacement homes being on a different footprint to the existing blocks to maximise the impact of any improvements. For these reasons, a single procurement exercise was undertaken

113. ACQUISITION OF COMMERCIAL PROPERTY FOR THE PURPOSES OF BUSINESS SUPPORT IN THE BOROUGH

The Cabinet Member for Finance and Strategic Regeneration introduced this report which sought approval for the acquisition of a property located at 3 Shaftesbury Road, N18 1SW ("the Property"), to support the relocation of businesses situated within the High Road West regeneration area.

The Cabinet Member highlighted that the acquisition of this asset, as outlined in the report, demonstrated a strong commitment by the Council to respond to the needs of businesses and provides the opportunity for them to continue in the local area, supporting the local economy and employment. The Council was committed to working with residents and businesses in delivering High Road West and providing the new Council homes, library and learning centre, commercial and retail space, high quality public realm and community park and community benefits that were required in the area.

In response to questions from Councillor Dennison, the following information was provided:

- The Cabinet Member noted it was not for the Council to consult as to whether the businesses in the Peacock industrial estate agreed to the Council acquiring a site. It was for the Council to ensure that the necessary provisions were there to offer businesses in the area.
- The Cabinet Member recognised businesses would be affected by the proposed changes in the area and the Council was doing all it could to ensure that there were alternative locations to offer affected businesses.
- Regarding offering replacement premises on the same contractual terms, the Cabinet Member noted that would be a discussion between officers and the affected local businesses but would largely be dependent on what was available.

Further to considering exempt information at item 23,

RESOLVED

1. To agree the purchase of the freehold interest in the Property known as “3 Shaftesbury Road, N18 1SW” (and shown edged red on the plan in Appendix 1) for the purchase price [referred to in the exempt part of the report] to be held in the General Fund and agree a total sum (referred to in the exempt part of the report) for the acquisition from the Strategic Acquisitions Budget [this paragraph includes information in the exempt part of the report]
2. To give delegated authority to the Director of Housing, Regeneration and Planning after consultation with the Leader and the Cabinet Member for Finance and Strategic Regeneration, to agree the final contract for the acquisition of the Property.
3. To give delegated authority to the Director of Housing, Regeneration and Planning after consultation with the Leader and the Cabinet Member for Finance and Strategic Regeneration, to agree the disposal of the Property to any businesses affected by the High Road West scheme, on the basis of progressing the objectives of the scheme, including Heads of Terms and final contract for its disposal and any works and fees required to facilitate that disposal.

Reasons for decision

The Council owns approximately a third of the land within the High Road West masterplan area and needs to acquire the outstanding land currently in third party ownership to deliver the wider benefits of the Scheme. The Scheme will address issues of deprivation which affect many residents living in the Northumberland Park ward and north Tottenham more widely. The relocation of existing businesses is therefore a requirement for the land assembly process and ultimately to the success of the wider Scheme.

As set out on the Business Charter, the Council recognises the value of retaining the existing businesses and jobs in the vicinity in order to achieve a robust economic and employment portfolio. The Scheme will include a range of commercial space, which will be available for lease to many of the existing businesses which operate in the

area. However, the Council has committed to working with those that cannot be accommodated within the Scheme to identify suitable alternative premises.

Several businesses have communicated that retaining their freehold status is a key relocation requirement, particularly those on the Peacock Industrial Estate, located in the northern section of the masterplan area. There is currently substantial demand for industrial space in London and limited vacancy, and therefore businesses are finding it difficult to secure suitable premises in the surrounding area, particularly freehold land interests.

The acquisition of the Property offers an opportunity for the Council to purchase a suitable site and alter it to suit the individual needs of several local businesses within the Scheme area. The intention is that at least part of the site would be subsequently disposed of to one or more businesses affected by the High Road West scheme. This would respond to the desire by some landowners for freehold property, and extend the support offered by the Council to the local business community. Without Council intervention, it is less likely that businesses would be able to find property suitable for their individual needs, and preference for freehold tenure, within the local area.

While the intention is for the Property to act as a relocation opportunity for those businesses and to primarily support the objectives of the Scheme, the Property represents a strategic acquisition for the Council. Should businesses within the regeneration area not wish to relocate to the Property, the Council would retain the Property as part of its commercial portfolio, generating longer-term revenue income. This would be on an invest to save basis, seeking to intensify the property and furthering the objectives of the Borough Plan and emerging Economic Development Strategy. Property advice indicates that this scenario would result in a net positive financial position for the Council, therefore representing a good value for money investment.

Alternative options considered

Option 1 – Do not acquire the property

The Council has the option to not acquire the property. The Council would continue the land assembly process as set out in the Compulsory Purchase Order Indemnity Agreement (“CPOIA”), to facilitate the delivery of the Scheme. The CPOIA, signed by the Council and its development partner for the scheme, Lendlease, on 20th December 2017, stipulates that the Council secures all third-party land interests within the Scheme, by private treaty through negotiation if possible.

This would involve supporting businesses throughout the regeneration process, helping those who cannot be accommodated within the scheme to identify alternative sites. However, due to a low supply and high demand of industrial land, generally businesses may be unable to find suitable alternative premises without Council intervention and the Council would find it more difficult to support businesses as set out in the Business Charter.

114. ACQUISITION OF HOUSING PORTFOLIO

The Cabinet Member for Housing and Estate Renewal introduced this report which sought approval from Cabinet to acquire the freehold portfolio of properties in Barnet) and spend the sum specified in the exempt report on these homes.

The Cabinet Member was delighted that Haringey had the chance to acquire these homes which were mostly of family sized housing. They were good quality, they were for the most part family-sized and they would provide homeless households, or those needing supported housing, with somewhere to live that is safe, stable and well maintained – a place where individuals and families would have a better chance.

The Cabinet Member highlighted that if the acquisition were to be approved, these properties would be leased to the Haringey Community Benefit Society (the CBS) for a period of seven years to provide homes for homeless households or used to deliver supported housing for those with additional support needs.

The Cabinet Member closed by noting the report sought approval from Cabinet to acquire the properties and spend the sum specified in the exempt report on these homes.

Further to considering exempt information at item 24,

RESOLVED

1. To approve the purchase, for the price set out in the exempt part of the report, of the freehold interest in a portfolio of 92 properties from the Seller, for housing purposes and subject to satisfactory Legal and Strategic Property Unit due diligence processes, such as title checks, building condition surveys, servicing records and statutory compliance and agrees that the total sum to be spent on the purchase shall be the amount set out in the exempt part of the report.
2. To delegate authority to the Director of Housing, Regeneration and Planning, after consultation with the Director of Finance and the Lead Member for Housing and Estate Renewal, to agree the final terms of the acquisition.
3. To agree that these homes be leased to the CBS for a period of up to seven years unless the Director of Housing, Regeneration and Planning agrees their retention in Council stock for use as supported housing pursuant to 3.4.
4. To agree that officers investigate the feasibility of using a number of the homes as supported housing and delegates authority to the Director of Housing, Regeneration and Planning after consultation with the Director of Finance, the Director of Adults and Health, the Lead Member for Housing and the Lead Member for Adults and Health, on presentation of a business case to agree their use as such.

Reasons for decision

This acquisition represents an opportunity for the Council to secure 92 good-quality homes with a high proportion of family sized accommodation. These can be used to provide homeless households with temporary accommodation or long-term settled

homes but may also be used for residents with support needs, subject to completion of the appropriate business case.

The portfolio consists of 20 one-bedroom, 64 two-bedroom, 2 three-bedroom and 6 four-bedroom properties. Once acquired the properties will be leased to the CBS and allocated to households under a Nominations Agreement.

These homes will represent a substantial improvement in the accommodation available to homeless households because they are significantly better in terms of quality and location than much of the temporary accommodation these households currently live in.

The nature of the tenancy that will be offered is also an improvement in the longer-term on some of the current offer, which is often limited to a two-year private sector tenancy with potential rent increases at the end of the tenancy.

The biggest demand in temporary accommodation is for two and three-bedroom properties. This portfolio significantly helps meet this demand.

While financial viability of this purchase is based on the provision of accommodation to households currently in temporary accommodation, there is also significant demand for supported housing which is either in or close to Haringey, so that residents can access local support networks. Where a business case can be made to use some of these properties in this way, this purchase could also offer a much-needed opportunity to secure sustainable supported accommodation, which provides users with stable housing to support increased independence.

The proposal to lease these properties to the CBS means the properties could be let (by the CBS) at current Government-set Local Housing Allowance rates which are below average market rent. These would be eligible for Housing Benefit and more affordable to working tenants than much of their current accommodation. Using the properties to reduce the need for temporary accommodation would also reduce the financial burden on the General Fund, representing a year on year budget saving to the Council. Similarly, the provision of supported accommodation in or close to the borough is a cost-effective way to support residents who would otherwise require more intensive care and support through adult social care, also funded from the General Fund.

The freehold acquisition of the properties would mean that the Council would not be charged any ground rent by a third-party freeholder. It would also ensure in the long term that all property and assets would remain within Council control. The nature of the portfolio provides the Council with a range of exit strategies at the end of the seven-year lease, in addition to bringing them into use as Council tenancies. These include potential changes to the tenure of the properties and/or disposing of all or part of the portfolio at the end of the seven-year period to ensure the viability of the homes in the HRA.

The acquisition of this portfolio also provides the Council with an opportunity to use its retained Right to Buy (RTB) receipts to acquire homes to use as social housing. Such receipts could otherwise become repayable to the Ministry of Housing, Communities

and Local Government (MHCLG) if they are not spent within the statutory timescales. The Council's RTB receipts are not being used to fund new build properties, because they cannot be used in conjunction with the Greater London Authority (GLA) grant secured for this programme.

Alternative options considered

Not completing the contract to acquire the properties: This option was rejected because of the quality of the portfolio. They are excellent quality homes which the Seller is bringing up to a good standard comparable to the Council's Decent Homes plus standard. They also provide a good mix of family homes in locations close to public transport and local shops and facilities.

115. ACQUISITION OF THE HOMES AT 1A ASHLEY GARDENS

The Cabinet Member for Housing and Estate Renewal introduced this report which sought approval for the acquisition from Berkeley Square Developments ARS Limited ("BSD") of the freehold interest of a block of flats to be known as 1A Ashley Gardens.

The Cabinet Member noted 1A Ashley Gardens would provide 104 high quality new Council homes at Council rents by May 2022.

Further to considering exempt information at item 25,

RESOLVED

1. To approve the acquisition of the freehold of the property known as 1A Ashley Gardens, Tottenham Hale (shown edged red on the plan attached as Appendix 1) from Berkeley Square Developments ARS Limited for a sum of [EXEMPT], subject to a Red Book valuation and final Heads of Terms. The acquisition will comprise of the development of 108 new build homes, of which 104 will be Council homes for Council rent, plus two commercial units. Four homes and the two non-residential units will be leased back to BSD on 999-year leases. There are nine car spaces also included as part of the proposed package. The acquisition will be based on the draft Heads of Terms (subject to the final version) attached at Appendix 2. The total costs for the acquisition are [EXEMPT] which include SDLT and legal and property costs as set out in the Finance comments at section 8 of this report.
2. To delegate authority to agree the final Heads of Terms and the final documentation, including the Development Agreement, to the Director of Housing, Planning and Regeneration after consultation with the Cabinet Member for Housing and Estate Renewal and the Cabinet Member for Finance and Strategic Regeneration, and with advice from the Director of Finance and the Assistant Director for Corporate Governance

Reasons for decision

The freehold acquisition of the 1A Ashley Gardens site will allow the Council to secure the rapid delivery of Council homes at Council rents.

This responds to local aspirations to see an increase in the number of new social rented homes delivered. By delivering ten per cent of the Borough Plan target of one thousand Council homes at Council rents by May 2022, it helps meet a key commitment of the Administration. It also delivers an improved mix of affordable housing within the scheme and in Tottenham Hale, which better meets the needs of local people.

Alternative options considered

Not to acquire the homes. This would require Berkeley Square Developments ARS Limited (BSD) to dispose of the homes to a Private Registered Provider on the basis of the current consented scheme which comprises 64 Shared Ownership homes and 33 homes at London Affordable Rent. This option was dismissed for three reasons:

- The borough would lose 64 homes for social rent because they would be sold on a Shared Ownership basis as per current planning permission.
- If the Council does not acquire these properties, the developer may delay the delivery of this scheme significantly until it could dispose to a registered provider.
- The Council would lose the benefit of having negotiated a revised mix that includes a reduction in one-bedroom flats and an increase in family-sized two- and three-bedroom homes. This is a need for those within the borough on the Housing Register.

Acquiring the 33 rented homes and 64 Shared Ownership homes as approved by the Planning Authority. This option was dismissed because it would not allow the Council to address as effectively the urgent need for more affordable rented accommodation; and the Council would need to remodel to achieve the desired mix of housing size. It would also adversely affect progress towards meeting the Council's target of delivering 1,000 new Council homes by 2022.

116. AMENDMENT OF RIGHT TO BUY FUNDING AGREEMENT WITH NEWLON HOUSING TRUST FOR DELIVERY OF AFFORDABLE RENTED HOUSING

The Cabinet Member for Housing and Estate Renewal introduced this report which sought authority to enter into a Deed of Variation based on the draft heads of terms agreed in a proposed Letter from the Council to Newlon set out in Appendix B, enabling the £6.5m RTB funding to be spent on the Ferry Lane garage site and the Monument Way site, and/or other sites in the borough which will result in the delivery of the affordable housing

The Cabinet Member noted the Council's Borough Plan included objectives to increase the supply of new affordable housing, which was also reflected in our Housing Strategy. The Council had now put in place a direct delivery programme to work towards building 1,000 new Council homes at Council rents by 2022. This represents a positive use of current RTB receipts, which we would no longer choose to allocate to delivery by external partners, as was done in March 2016. However, the amendment of that Original Funding Agreement will ensure that those funds are spent within the borough of Haringey and not returned to Government.

The Cabinet Member closed by noting the Council was demonstrating its commitment to the development of new, high-quality affordable rented homes for local people.

In response to questions from Councillor Brabazon, the following information was provided:

- The Cabinet Member confirmed the Ferry Lane garage site was located on Ferry Lane near Hale Wharf.
- Regarding the Monument Way development, the Cabinet Member recognised there were concerns around this.
- Officers noted retention of resources in the borough was key and so the Council had been working with the housing association Newlon to other areas of spend towards the delivery of affordable housing, and to refine estimates of spend at the Monument Way site up to the end of the 2019/20 financial year. Consequently, it was identified that significant spend was incurred towards the acquisition of the Ferry Lane Garage Site, which was intended to deliver affordable housing in due course. The Council's main objective was to ensure that any money was not returned to the GLA but rather utilised in the borough where possible.
- The Cabinet Member noted discussions had been made regarding the housing mix on the proposed new site. Officers added that the Cabinet Member had requested that a provision for larger units be included in the Funding Agreement, in order to minimise or avoid one bed units where possible.

Further to considering exempt information at item 26,

RESOLVED

1. To agree the reallocation of the £6.5m RTB funding from use solely on the Monument Way site, to also include use on the Ferry Lane garage site and any other sites, and for the provision of 54 affordable rented homes to be provided on other sites (including Monument Way site, Ferry Lane garage site and other sites in the borough) as set out in paragraph 6.4 of this report, and for the Council to enter into a Deed of Variation based on the draft heads of terms contained in a proposed Letter from the Council to Newlon attached at Appendix B to vary the Original Funding Agreement, dated 21st December 2017, with Newlon Housing Trust, to give effect to the recommendation
2. To give delegated authority to the Director of Housing, Regeneration and Planning after consultation with the Director of Finance and the Assistant Director of Corporate Governance to agree the final Heads of Terms and the final terms of the Deed of Variation, and to agree any further reallocation of any part of the £6.5m funding to best enable the delivery of 54 affordable-rented units.

Reasons for decision

Under the terms of current arrangements under the Local Government Act 2003, local authorities are required to spend retained Right to Buy receipts within three years, and for the receipts to fund no more than 30% of total development costs. Where a local

authority is unable to spend receipts within three years they have to be returned to the MHCLG, together with interest of 4% above base rate.

In March 2016, Cabinet decided to allocate up to £5m RTB funding to Newlon. The Council did not have a direct delivery programme in place at that time, and therefore chose to work closely with housing associations in order to ensure that RTB funds were retained within the borough. Through a further Cabinet Member decision in October 2017, and a Leader's Decision in January 2018, this was increased to £6.5m, due to an increase in units and an increase in costs, respectively.

On 21st December 2017, the Original Funding Agreement was entered into and £6.5m of RTB funding was released to Newlon. The Original Funding Agreement contained a milestone condition requiring Newlon to commence on site by 30th September 2018. Also on 21st December 2017, Newlon had also satisfied the conditions of the Agreement for Lease, which allowed the Council to grant the 250-year Lease of the Monument Way site to Newlon. The Lease was subject to a legal charge in favour of the Council as security for the £6.5m RTB funding provided to Newlon. The Original Funding Agreement allows the release of the legal charge over the Lease once Newlon has delivered the 54 units of affordable rent.

The reason for the delay is the need to deliver significant infrastructural works, including the realignment of Fairbanks Road in order to release developable land within the Chesnut Estate. It has also had to be delivered within a challenging environment, with construction logistics coordinated between a number of developments around Tottenham Hale simultaneously.

The Ferry Lane Garage site is owned by Newlon and is a designated site in the Tottenham Area Action Plan (AAP). It is part of the Hale Wharf site designation, but it is outside the boundary of a development which is being delivered on site currently. The AAP recommends 'appropriate development of the garage site', enabling better access to and use of The Paddock, a local underused green space. It is currently designated as Green Belt land, but the AAP notes that consideration would be given to previous developments on the site. It is therefore considered appropriate for the delivery of new housing, including affordable homes, subject to Green Belt guidance in the National Planning Policy Framework.

Due to delays at the Monument Way site, and in order to minimise the risk of returning the £6.5m RTB funding to MHCLG, it is recommended that the existing funding agreement is varied to allow for the £6.5m RTB funding to be reallocated and applied to multiple sites within the borough.

Alternative options considered

An alternative option is to not amend the Original Funding Agreement and for the Council to clawback the £6.5m from Newlon. However, this would mean that the Council is unable to identify sufficient qualifying spend before March 2018, and the Council would be required to repay these funds to MHCLG, with additional interest at 4% above base rate.

117. ACQUISITION OF A FORMER NHS PROPERTY IN BURGOYNE ROAD, WOOD GREEN

The Cabinet Member for Finance and Strategic Regeneration introduced this report which set out the basis of the proposal to acquire the NHS building in Burgoyne Road and the feasibility work required to set up the proposed use as a refuge facility for survivors of domestic abuse.

The Cabinet Member was delighted to present this report which offered an opportunity for the Council to acquire a building from a local NHS Trust, which was currently unused, in order to create a refuge facility for survivors of domestic abuse and so to better meet local needs. The model of refuge provision proposed here was progressive and would change the local response to women escaping domestic abuse over time.

It was noted that though being described as being in Wood Green, the property concerned was located on Harringay Ladder near the railway stations.

The Cabinet Member claimed the acquisition would be a fantastic addition to the borough and thanked officers for their work in bringing about this acquisition to Cabinet.

In response to questions from Councillor Chandwani, the following information was provided:

- The Cabinet Member confirmed the building would have security built into the design.

Further to considering exempt information at item 27,

RESOLVED

1. To agree the acquisition of the freehold interest in the property known as the former NHS Clinic, Burgoyne Road, Wood Green (as shown edged in red on the plan in Appendix A) from the Barnet Enfield and Haringey Mental Health National Health Service Trust for the purposes set out in section 6. of this report and for a sum set out in Part B of the report plus estimated costs of acquisition set out in Part B of the report.
2. To note that following a period of options appraisal, cost and development planning, a further report will be brought back to Cabinet for approval of the final business case for the site. This will include a plan which will include detailed designs, capital and revenue costs for the preferred option and a funding, delivery and operation strategy.

Reasons for decision

The Council are in a position to acquire the freehold of the building from the NHS Trust prior to the property being marketed for sale in the open market. A price has

been agreed on the basis that the price represents best consideration to the NHS. Should the Council withdraw then the site is likely to be marketed on the open market.

The acquisition of the property will enable the Council to take forward the proposal to refurbish or develop the site for a new facility to provide a refuge facility for survivors of domestic abuse. This will bring a currently vacant NHS building into use for an important Council service need supporting the Council's current Borough Plan needs.

Alternative options considered

The alternative is not to acquire the freehold interest in the property. This would forfeit the opportunity to provide a much needed refuge facility for survivors of domestic abuse at this site.

118. NEW ITEMS OF URGENT BUSINESS

None

119. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

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.

120. APPOINTMENT OF DESIGN CONSULTANTS FOR BROADWATER FARM ESTATE

As per the exempt minutes and item 112.

121. ACQUISITION OF COMMERCIAL PROPERTY FOR THE PURPOSES OF BUSINESS SUPPORT IN THE BOROUGH

As per the exempt minutes and item 113.

122. ACQUISITION OF HOUSING PORTFOLIO

As per the exempt minutes and item 114.

123. ACQUISITION OF THE HOMES AT 1A ASHLEY GARDENS

As per the exempt minutes and item 115.

124. AMENDMENT OF RIGHT TO BUY FUNDING AGREEMENT WITH NEWLON HOUSING TRUST FOR DELIVERY OF AFFORDABLE RENTED HOUSING

As per the exempt minutes and item 116.

125. ACQUISITION OF A FORMER NHS PROPERTY IN BURGOYNE ROAD, WOOD GREEN

As per the exempt minutes and item 117.

126. EXEMPT MINUTES

To approve the exempt minutes of the meeting held on the 12th November 2019.

127. NEW ITEMS OF EXEMPT URGENT BUSINESS

As per item 106 and the exempt minutes.

CHAIR: Councillor Joseph Ejiofor

Signed by Chair

Date

Report for: Cabinet – 21st January 2020

Report Title: **Wards Corner – Response to the Overview and Scrutiny and the Housing and Regeneration Scrutiny Panel Recommendations**

CLG Lead: Dan Hawthorn, Director – Housing, Regeneration and Planning

Report Authors: Peter O'Brien, AD of Regeneration and Economic Development
Toussainte Reba, Head of Area Regeneration (South Tottenham)

Contact No: x1219

1. Describe the issue under consideration

- 1.1. The report sets out the proposed Cabinet response to the recommendations of the Overview and Scrutiny Committee (OSC) and the Housing and Regeneration Scrutiny Panel (HRSP) on the Wards Corner Development – attached as Appendix 1 to this report.

2. Cabinet Member Introduction (Cllr Adje, Cabinet Member for Strategic Regeneration and Finance)

- 2.1. I welcome the recommendations by the Overview and Scrutiny Committee (OSC) and the Housing and Regeneration Scrutiny Panel (HRSP) on the Wards Corner Development.
- 2.2. The 14 recommendations put forward by Scrutiny have been carefully considered and responses to these are outlined in Appendix 2 of this report. They include how the Council can learn the lessons from the scrutiny review and improve its processes with regards to this much talked about development.
- 2.3. The Wards Corner scheme will deliver 196 new homes and a new commercial space with a vibrant Seven Sisters Market, including the Latin village, at its heart. This is a longstanding scheme; the Development Agreement was first signed in 2007, and I understand the different views that have been expressed.
- 2.4. As a council, we are committed to working with our communities so that regeneration and investment benefits our communities – this has been our constant focus and I have been working to ensure that the scheme is consistent with this Council's priorities.
- 2.5. There are significant protections in place for traders to ensure that they can continue trading while their new home is built, and a package of financial measures designed to maximise their chances to succeed into the future.
-

- 2.6. And in order to identify a way forward that could secure buy-in from stakeholders, the Wards Corner Policy Advisory Group has been established to identify a viable future management approach for the market. As Chair, I have been working alongside a number of Tottenham Ward Councillors and an independent market expert to review viable models for the future management of the market in its temporary location at Apex House (whilst the new market is built) and in its new permanent location in the redeveloped Wards Corner.
- 2.7. I am pleased that this work has engaged with the majority of permitted traders as well as Grainger, the Mayor of London and TfL in an effort to balance the needs and interests of the key stakeholders and recommend a sustainable solution to this ongoing concern. It is expected that a final report of this Group will be issued in January.

3. Recommendations

Members are asked:

- 3.1. To consider the recommendations of the Overview and Scrutiny Committee (OSC) and the Housing and Regeneration Scrutiny Panel (HRSP) attached as Appendix 1.
- 3.2. To agree the response to these recommendations attached at Appendix 2.

4. Reasons for decision

- 4.1. On 15th October 2019, Overview and Scrutiny Committee met to approve the recommendations of the scrutiny review of the Wards Corner Development.
- 4.2. In its work which contributed to the report, the Housing, Regeneration and Scrutiny Panel held a number of evidence gathering sessions and took evidence from Council officers and key stakeholders (A total of thirteen sessions were held between 6th February 2019 and 9th May 2019). The HRSP then made a number of recommendations, which were adopted by Overview and Scrutiny Committee at its meeting on 15th October 2019.

5. Alternative options considered

- 5.1. None.

6. Background information

The Wards Corner Scheme

- 6.1. The Wards Corner site is located on the western side of Tottenham High Road and comprises 227 - 259 High Road, 709 – 723 Seven Sisters Road, 1a – 11 West Green Road and 8 – 30 Suffield Road, which are all 2/3 storey Victorian residential and commercial properties. The site includes the former Wards Corner Department Store which is situated partially above the Seven Sisters Victoria Line Underground Station and tunnels.

- 6.2. The Bridge New Deal for Communities and the Council selected Grainger as its development partner to bring forward proposals for the redevelopment of the Wards Corner Site in July 2004. In August 2007 Grainger entered into a Development Agreement (varied in January 2015) with the Council, which set out the form of development required at Wards Corner and regulated the relationship between the parties.
- 6.3. In July 2012, the Council granted planning permission to Grainger for the Wards Corner Regeneration Project. At the same time the Council entered into a section 106 Agreement with Grainger in connection with the planning permission (varied in July 2017). The planning approved scheme is for a mixed-use development including new retail and leisure space, a re-provided Seven Sisters Market and 196 new homes.
- 6.4. On 10th November 2015 Cabinet approved the use of compulsory purchase powers to acquire the property interests required for the Wards Corner Regeneration Project in order to facilitate the delivery of the development. Following a Public Inquiry, the Compulsory Purchase Order (CPO) was confirmed by the Secretary of State (SoS) in January 2019. The High Court on 10th October 2019 dismissed a statutory challenge brought by the Appellants of the SoS's decision to confirm the CPO
- 6.5. On 6th December 2019 an application was filed directly by the Appellants at the Court of Appeal requesting permission to lodge an appeal against the High Court judgement. Both the SoS as the First Respondent and the Council as Interested Party have filed statements outlining why permission to appeal should be refused on the 17th and 19th December 2019 respectively.
- 6.6. The Council's position on Wards Corner is driven by the following key factors:
- A genuine commitment to securing the future of the Seven Sisters Market including the Latin Village.
 - The redevelopment of the Wards Corner site is embedded in the council's planning policies (Tottenham AAP: Policy SS5)
 - The Council has a limited land interest in this area (c.10%) and entered into a Development Agreement (DA) with Grainger in 2007 with a variation in 2015 to facilitate delivery of new homes, employment space and other benefits across the wider site.
 - The Council has no ownership of the buildings that currently house the Seven Sisters Market – this is owned by London Underground Limited (LUL) and managed by Transport for London (TfL). It is subject to its own separate Development Agreement between Grainger and TfL. This land ownership accounts for c.28% of the development area.
 - Grainger owns c.57% of the land at Wards Corner and with the two DAs in place with the Council and with TfL controls c.95% of the development site.
 - The building that houses the Seven Sisters Market is managed and operated by Market Asset Management Seven Sisters Limited (MAM) under a 5-year lease from TfL. The Council has no management or operational involvement in the Seven Sisters Market.

- The Council is in a Development Agreement (DA) with Grainger for the development of this site. The DA does not allow the Council to 'buy out' either fully or partially the property interests already acquired by Grainger.
- Driven by key issues identified through the CPO Inquiry, the Council entered into a variation of the s106 agreement with Grainger in 2017 with increased provisions for the current permitted traders including the following key provisions:
 - Temporary market to be located at Apex House
 - Free relocation to all traders who hold a valid licence from the market operator and who are trading in the market at the time when Grainger serves notice on the Council that the market will close (at least 6 months' prior notice will be provided)
 - All traders who are in the temporary market will be provided with 6 months prior notice of the closure of the temporary market and the opening of the new market
 - All traders who have been trading continuously in the temporary market for 3 months before Grainger submit details of the new market to the Council, will be offered a stall in the new market
 - The first three months in the temporary market will be rent free
 - In the new market, the licence fees for the first 18 months will be at a 30% discount against the agreed licence fee
 - Licence fees shall increase 2% per year for the duration of the temporary market and the first 30 months of the new market.
- The Wards Corner scheme is expected to deliver 196 new homes, 3693m² of commercial space, a new and improved market hall for the Seven Sisters indoor market and significant public realm improvements.

The Overview and Scrutiny Committee Review

- 6.7. Under its agreed terms of reference, the HRSP can assist the Council in developing or updating local policies to improve local service provision. In this context, the Overview and Scrutiny Committee agreed at its meeting on 19th November 2018 the scoping document for a review of the Wards Corner Regeneration project by the HRSP. The rationale for the review that was included in the scoping document said that it had been:

“15 years since the process to regenerate the Wards Corner site began, without a satisfactory outcome being achieved. The Panel believes that a scrutiny review that takes into account the historical context on this deadlocked issue will enhance the potential for the Council to bring about the best possible outcome for local residents, traders and for meeting the Council’s objectives”.

7. Contribution to Strategic Outcomes

- 7.1. The Wards Corner Development will deliver 196 new high quality homes, 3693m² of commercial space, a new and improved market hall for Seven Sisters Market and significant public realm improvements.

- 7.2. The recommendations and responses made will contribute to the successful delivery of the Wards Corner Regeneration proposals, which will contribute to achieving the priorities of the Borough Plan, and in particular Priority 1 (Housing) and Priority 4 (Economy), as well as to the more detailed expression of these ambitions in The Tottenham Area Action Plan (AAP) and Tottenham Strategic Regeneration Framework (SRF).

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

Finance

- 8.1. The recommendation to consider the recommendations of the Overview and Scrutiny Committee and the Housing Regeneration Scrutiny Panel in itself does not give rise to any financial implications.
- 8.2. Appendix two is the recommended response to the recommendations of the Overview and Scrutiny Committee and the Housing Regeneration Scrutiny Panel. These recommendations, if agreed, do not give rise to any financial implications for the Council.

Procurement

- 8.3. Strategic Procurement notes the contents of this report; however, comments are not applicable in relation to any of the individual recommendations.

Legal

- 8.4. The Assistant Director of Corporate Governance has been consulted on the content of this report. Legal advice has been given and incorporated into the Response attached at Appendix 2 of this report.

Equality

- 8.5. The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
 - Advance equality of opportunity between people who share those protected characteristics and people who do not
 - Foster good relations between people who share those characteristics and people who do not
- 8.6. The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

- 8.7. This report sets out the proposed Cabinet response to the recommendations of the Overview and Scrutiny Committee (OSC) and the Housing and Regeneration Scrutiny Panel (HRSP) on the Wards Corner Development. These include three recommendations (5, 6 and 7) relating to the monitoring and enforcement of Section 106 conditions which make specific reference to the council's Public Sector Equality Duty.
- 8.8. Cabinet will have due regard for the need to achieve the three aims of the Public Sector Equality Duty in developing its response to the review. Haringey Council will equally have due regard for the need to achieve the three aims of the Public Sector Equality Duty in the full course of any implementation of any of the Scrutiny Panel's recommendations.

9. Use of Appendices

Appendix 1: Wards Corner Regeneration Project – Scrutiny Review Report (including Appendices)

Appendix 2: Responses to recommendations

10. Local Government (Access to Information) Act 1985

- 10.1. Minutes of the Overview and Scrutiny Committee meeting held on 15th October 2019 are available at www.haringey.gov.uk.
- 10.2. A large amount of information about the Wards Corner Regeneration project is available on a dedicated website at www.haringey.gov.uk/wards-corner.

Scrutiny Review – Wards Corner

A Review by the Overview & Scrutiny Committee (2019/20) and the Housing & Regeneration Scrutiny Panel (2018/19)	
Panel Membership – Overview & Scrutiny Committee 2019/20	Cllr Lucia das Neves (Chair)
	Cllr Pippa Connor
	Cllr Erdal Dogan
	Cllr Adam Jogee
	Mark Chapman (Co-opted member)
	Luci Davin (Co-opted member)
	Yvonne Denny (Co-opted member)
Panel Membership – Housing & Regeneration Scrutiny Panel 2018/19	Cllr Ruth Gordon (Chair)
	Cllr Dawn Barnes
	Cllr Isidoros Diakides
	Cllr Bob Hare
	Cllr Yvonne Say
	Cllr Daniel Stone
	Cllr Sarah Williams

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1. Chair's Foreword

Cllr Lucia das Neves

Chair of Overview and Scrutiny

This report is the culmination of many months of work on the part of officers and elected members, drawing on some 36 hours of evidence heard from a range of parties involved in Wards Corner.

The members of the Housing and Regeneration Scrutiny Panel who heard this evidence have been responsible for the drafting of this report. They have found the evidence at times emotionally demanding.

To avoid misunderstanding or the raising of expectations, we should remind the reader and parties concerned that this report does not represent the views of the council, but is instead a set of views created by a group of elected councillors based on the evidence they heard, as are all scrutiny reviews.

We welcome comments and feedback at all times and will discuss any issues raised when the report is received for discussion at our overview and scrutiny committee meeting.

One of the key pillars of scrutiny is giving voice to the community, especially when other avenues have failed. It is also our duty to open up the opportunity for learning. We believe this report provides for both of these.

Cllr Ruth Gordon

Chair Housing and Regeneration Scrutiny Panel 2018-2019.

The issue of how neglected areas of our cities are regenerated has long been a controversial topic in London and indeed in cities across the world. Debate has raged about how to make positive change that meets the objectives of public authorities but protects all that is valued in the existing fabric of the local community.

The decision to review the Seven Sisters development took into account the lengthy and ongoing expressions of public concern, the intervention of the United Nations Special Rapporteur and investigations carried out by TfL into the management of the market. A number of representations were received at scrutiny public consultation exercises and via direct deputation to the Panel. The Panel thought it necessary to consider these issues within their historical context and attempt to recommend actions that would contribute to a positive outcome.

The Housing and Regeneration Scrutiny Panel initiated the review under the framework provided by the Centre for Public Scrutiny guidance. This rests on four principles, namely: providing constructive “critical friend” challenge; amplifying the voices and concerns of the public; being led by independent people and driving improvement in public services. The guidance deems good scrutiny is about ensuring “the publication, proactively, of information relating to services and decisions to allow local people, and others, to hold policy makers and decision-makers to account”. It was on the basis of these principles and guidance that the Panel mapped out its rationale for the review and formulated its terms of reference.

Identification of the site for regeneration dates to 2002 and the Panel heard that since that time residents, traders and community groups had campaigned against the plans. The Council’s decision to grant planning permission to Grainger was quashed by the Court of Appeal in 2010 on the basis that the Authority had not discharged its duty under section 71 of the Race Relations Act. (This Act was superseded by the Equality Act 2010).

A revised planning application from Grainger received consent from Haringey’s Planning Committee in 2012. This enshrined safeguards in relation to equalities obligations to ensure the continuation of what had become known as the Latin Market. These safeguards made provision for a Community Engagement Strategy which included diversity monitoring and the appointment of a Market Facilitator to “work with traders and market employees, promote their interests, and give support and advice”. Panel members viewed this set of obligations as innovative and should have been the means by which community cohesion was improved. The task of reviewing the regeneration scheme needed to include an examination of the checks and balances provided for by the S106 and the related statutory

protections of the Authority's Public Sector Equalities Duties. The Panel also needed to consider whether the associated monitoring and implementation had been robust.

The Panel noted that the Market Facilitator, Quarterbridge, was appointed by Grainger in May 2016. Market Asset Management (MAM) had been leasing the market from TfL since September 2015 and had responsibility for overall management of the market and issuing licences to stall holders and so had a commercial relationship with the traders. The Market Facilitator role on the other hand was to advocate on behalf of the traders. The ownership of both of these companies rests in the same hands and both roles were undertaken by the same person. This represented a conflict of interest which ended when Quarterbridge stepped down as Facilitator in November 2018.

The Panel noted that the breakdown of relations between traders and the Market Operator/Facilitator was apparent from October 2016. This was expressed at the first of 21 meetings of the Market Steering Group which were attended by an officer of the Council. The Panel was concerned that traders' complaints were not acted upon in a timely manner by the Council and signaled to the planning authority that the S106 obligations may be in danger of being breached.

The Panel noted that the Inspector during the CPO Public Inquiry (in July 2017) made the assumption that the S106 was operative. The Panel found that the Council's Legal Services officers were working under the assumption up until September 2018 that the S106 obligations relating to the Market Facilitator were not operative or enforceable. The Council's Deputy Monitoring Officer changed the legal position in March 2019 to state that the obligations relating to the Market Facilitator in the S106 were "now" operative.

The Panel concluded that shortcomings were apparent and that having achieved agreement on a comprehensive S106 the Council had fallen short in ensuring that the letter and spirit of the S106 was carried out.

When the review process began the Council had a Development Agreement in place with Grainger plc and the Council had approved the use of its compulsory purchase powers to facilitate site assembly. At the time of starting the scrutiny review the Secretary of State's confirmation of the CPO following the Public Inquiry had not been received. This was to happen during the course of the review and CPO notices were issued to interested parties at the market in a way that caused concern to the panel members.

The rationale underpinning the Scrutiny Review also included consideration of the competing aspirations for the site between the developer's plans and a community coalition that had submitted a rival planning application. The Panel has made recommendations that

suggest alternative ways forward and hopes that the Executive can energetically pursue a solution that will lead to the satisfaction of all stakeholders.

The Seven Sisters development site lies at the south-eastern gateway into Tottenham and Panel members believe that the Latin market should be seen by Haringey Council as a valuable asset to the borough's cultural heritage. It was the view of the Panel that the aspirations within the Council's Borough Plan allows for policy that builds on the cultural hub already in existence and that through close collaboration with the traders, local residents and the Latin American community it would be possible to promote and enhance a Latin Quarter in Tottenham. In the opinion of the Panel, regeneration in South Tottenham should be viewed through the prism of this cultural heartland to ensure that the development is sympathetic to and builds from this starting point.

The Panel wishes to express its appreciation to all the witnesses who provided evidence. The Panel's thanks extends to the organisations who agreed to take part including Grainger plc, Market Asset Management, TfL, Tottenham Civic Society, Save Britain's Heritage, academics from the University of Leeds and Brunel Law School and the Wards Corner Community Coalition as well as Cabinet members and senior council officers. In particular, the Panel wishes to express its sincere gratitude to those witnesses who came from the local community, former residents from the site and the traders, all of whom articulated their concerns with clarity. Panel members were made aware of the distress and anxiety that is caused when a section of the community feels it has not been listened to and hopes that the review process has lived up to the aspirations expressed in the statutory guidance that provides for the voice of the public to be amplified.

Last but by no means least, I would like to express my sincere and heartfelt thanks to all the members of the Panel who have offered insightful and reflective contributions throughout the process. I am confident that the report represents the collective opinion of the Panel. I am particularly grateful for the encouragement and support I have personally received throughout the course of leading this review. I would also like to express my grateful thanks to the Scrutiny officer, Dominic O'Brien, who has worked tirelessly not only to facilitate meetings but to accommodate endless questions and requests for calls on his time. The Panel hopes that the Cabinet will now consider the report's findings carefully and respond positively to its recommendations.

2. Recommendations

Steering Group	
1	<p>The Council should negotiate with its development partner Grainger to revise the terms of reference for the Market Traders Steering Group to cover the following:</p> <ul style="list-style-type: none"> • Democratic elections of trader representatives. • Appointment of Independent Chair [acceptable to the trader representatives]. • Role of the Council's Town Centre manager to be clearly defined. • Regularised reporting arrangements between the Steering Group and the Council to allow any relevant issues where the Council has a regulatory role to be communicated promptly to appropriate departments and service areas. • The agenda items, minutes and actions arising from meetings of the steering group to be shared with senior managers at the Council.
2	<p>The Standards Committee to review Part Four (Rules of Procedure), Section G (Overview & Scrutiny Procedure Rules), and the section under which officers are expected to provide evidence in Scrutiny Reviews. The presumption should be that officers should be expected to provide evidence to Scrutiny Reviews unless there are strong reasons for refusal. In reviewing this section, the opinion of the trade unions should be sought to ensure the protection of staff at all levels of the organisation.</p>
Market facilitator role	
3	<p>The Council should ensure that the ongoing investigation into the compliance with the section 106 obligations should include the following:</p> <ul style="list-style-type: none"> • How the conflict of interest between the market facilitator role and market operator role, when they were the same person, could not have been recognised earlier. • What due diligence had been undertaken in the appointment of the Market Facilitator. • What checks and balances were in place to ensure that the Market Facilitator is acting fairly, independently and in the interests of the traders as outlined in the S106 conditions. • When the S106 obligations commenced and what the causal factors were in their becoming operational. • To identify any procedural failings in the prescribed six-monthly reporting arrangements for the section 106 agreement and take action if the report back obligation is incomplete. • To publicly clarify the position on the section 106 agreement, given the Panel heard evidence suggesting there had been a breach.

	<ul style="list-style-type: none"> • How a failure to monitor the S106 agreement occurred and could continue for so long while breaches of the S106 agreement were repeatedly reported. • How failure to monitor the S106 agreement had an impact on the council's public sector equalities obligations. • The investigation should analyse the impact of this, what remedies may be available and establish measures to ensure that there is no repetition in future. <p>The conclusions should be submitted to the Secretary of State for Housing, Communities and Local Government.</p>
4	Any replacement market facilitator should be genuinely independent and hold the confidence of all parties. The Council, should request Grainger to appoint an independent, qualified market facilitator. This needs to be done in full consultation with the traders. It is essential that adequate due diligence is carried out ahead of any appointment.
Section 106 Agreement	
5	The Council Planning department should carry out a review of how all S106 conditions are monitored and enforced. In particular, with regard to people who share protected characteristics under S149 of the Equality Act. The public needs to be confident that the monitoring and enforcement of such conditions are rigorous, robust, and pursued in the interests of residents and that these procedures are transparent.
6	The Council should take the necessary steps to assure itself that in monitoring, reviewing and enforcing its Section 106 planning obligations, it pays due regard to its Public Sector Equality Duty. The cabinet should further ensure that these steps are taken within a reasonable period of time.
7	The Panel noted that there could be a perception of a conflict of interest between the Planning and Regeneration departments and recommends providing a separation of the two services in order to provide for clearer understanding.
Market maintenance	
8	The Council, in its regulatory health and safety role should work with TfL, Grainger and any other stakeholders to draw up a plan of action to address all outstanding and ongoing maintenance work at Seven Sisters Market in order to secure a working environment which complies with all regulations.
Evictions	
9	In light of the disturbing allegations the Panel heard in the evidence sessions from former housing association residents, we recommend that the council explore the lessons that could be learned from working with housing associations to rehouse vulnerable residents.

United Nations interventions	
10	The Panel strongly recommends that the Cabinet make a public statement in response to the Special Procedure reports from the UN, covering all the issues raised, in relation to Wards Corner.
Future options for the Wards Corner site	
11	In light of the change in emphasis towards the provision of social housing, at both local and regional levels, the Panel recommends that the Council should explore the feasibility and cost benefits of all approaches for a full or partial buy-out of interests at the Seven Sisters market and whole site
12	The Council should set up a task force to work with West Green Road/Seven Sisters Development Trust, Save Latin Village and Wards Corner CIC & relevant community groups to develop their ideas for a partnership and a plan. This will encompass all the obligations of the Council's Public Sector Equality Duty consider establishment of social housing on the site and explore the feasibility and desirability of retention of the heritage characteristics of the existing buildings.
13	If the above recommendation is not accepted, the taskforce should work with Grainger and relevant community groups such as West Green Road/Seven Sisters Development Trust, Save Latin Village and Wards Corner CIC to develop their ideas, and co-ordinate any combined solution. Any such solution should meet the obligations of the S106, take account of the many changing economic and political circumstances since 2012, include a social/affordable housing element and embrace the aspirations of the wider community in relation to the cultural heritage of the built environment.
14	The Regeneration department should ascertain and publish details on the amount of public money, including grants, which have been allocated to this development. This report should include reasons funds were allocated, the source and purpose of the funding and establish the amounts spent, what it was spent on, and how much remains.

BACKGROUND INFORMATION

3. Historical Context and Background to the Review

- 3.1 The Wards Corner regeneration project, near Seven Sisters underground station in Tottenham Green ward, is intended to deliver 196 new homes and around 40,000 sq. ft. of new retail space as part of Haringey Council's Tottenham Area Action Plan (AAP)¹ with Grainger plc selected as the development partner. There are currently a significant number of retail units on the site including an indoor market that hosts around 40 businesses of mainly Latin American origin. These businesses have been offered a temporary space to use while the redevelopment goes ahead in Apex House, a new building located opposite the current market site which was part of a separate recent redevelopment carried out by Grainger. The temporary market is intended to operate until a new market space is built in the redeveloped space, but the majority of traders spoken to have said that this will be disruptive and that they will be unable to afford higher levels of rent in the new development. There were seven traders spoken to in favour of the development but that have still expressed concerns about the maintenance issues at the market. Local campaigners, including the Wards Corner Community Coalition (WCCC), local businesses and many local residents have been opposing the redevelopment for some years. Formal objections to the proposed Wards Corner CPO were considered at the Public Inquiry in July 2017.
- 3.2 Plans for regeneration of the site date back to 2002, with planning permission for the site first granted in 2008 and then planning permission for a revised application granted in 2012. A Compulsory Purchase Order (CPO) was issued by Haringey Council in September 2016 to enable the acquisition of the remaining properties required for Grainger to go ahead with the redevelopment. Objections to the CPO led to the establishment of a Public Local Inquiry heard by a Planning Inspector which was held in July 2017. The Planning Inspector recommended that the CPO should go ahead and, in January 2019, the Secretary of State for Housing, Communities and Local Government (MHCLG) confirmed the Planning Inspector's recommendation. In April 2019, a claim was lodged in the High Court bringing a case for a Statutory Review of the Secretary of State's decision to confirm the CPO. The case was dismissed in the High Court in October 2019.

¹ The Tottenham AAP was adopted in July 2017. Prior to this, the Wards Corner site was subject to different planning policies.

3.3 At its meeting on 19th November 2018, the Overview and Scrutiny Committee agreed the scoping document for a Review of the Wards Corner regeneration proposals by the Housing and Regeneration Scrutiny Panel².

3.4 The rationale for the Review that was included in the scoping document said that it had been:

“15 years since the process to regenerate the Wards Corner site began, without a satisfactory outcome being achieved. The Panel believes that a scrutiny review that takes into account the historical context on this deadlocked issue will enhance the potential for the Council to bring about the best possible outcome for local residents, traders and for meeting the Council’s objectives.

Concerns have been raised by local residents, traders and civic organisations about various aspects of the current plan for the development of the market. Given the long passage of time, including over seven years since the most recent planning application was granted, the Panel considered that the existing agreement must therefore be reviewed to consider what other factors have come into play since then and whether this represents the best option for local residents. In particular, questions over whether alternative options were adequately considered and whether current arrangements are legally compliant have been raised. The Panel also wished to assess whether the Council’s responsibilities in respect of the S106 agreement for Wards Corner have been monitored sufficiently and whether any of the parties concerned are, or have been, in breach of obligations under the agreement. The Panel’s intention was therefore to consider evidence from a broad range of witnesses and then make recommendations to Cabinet.”³

Methodology

3.5 The Housing and Regeneration Scrutiny Panel began the Review by organising a site visit to Seven Sisters Market which was facilitated by one of the market traders and a prominent campaigner against the redevelopment of the site. This took place on 3rd December 2018 with all seven members of the Panel in attendance. Panel Members visited many of the units at the market, speaking to the market traders about their issues and concerns.

3.6 A number of oral evidence sessions were then organised to enable a wide range of stakeholders to speak directly to the Panel. A total of thirteen sessions were held between 6th February 2019 and 9th May 2019. A full list of witnesses who attended

² Item 29, Overview & Scrutiny Committee, 19th Nov 2018

<http://www.minutes.haringey.gov.uk/jelListDocuments.aspx?CId=128&MId=8679&Ver=4>

³ Scrutiny Review on the Wards Corner regeneration – Draft Scope and Terms of Reference (2018/19)

<http://www.minutes.haringey.gov.uk/documents/s105008/HR%20-%20project%20scoping%20draft.pdf>

evidence sessions are provided in this report as **Appendix 1**. The Panel also received several written submissions.

Panel Membership

- 3.7 The membership of the Overview & Scrutiny Committee was changed following a meeting of Annual Full Council on 20th May 2019⁴. Membership of the four scrutiny Panels, including that of the Housing & Regeneration Scrutiny Panel, were then changed following a meeting of the Overview & Scrutiny Committee on 3rd June 2019⁵.
- 3.8 In order to conclude the Scrutiny Review on Wards Corner it was agreed, at the meeting of the Overview & Scrutiny Committee on 3rd June 2019, that the Review would be transferred from the workplan of the Housing & Regeneration Scrutiny Panel to that of the Overview & Scrutiny Committee.⁶ The conclusion of the review, including the drawing up of recommendations, was then overseen by the Overview & Scrutiny Committee in consultation with the previous (2018/19) membership of the Housing & Regeneration Scrutiny Panel. The OSC was of the view that the report should be led by the evidence and those that heard it on the original Panel.
- 3.9 The membership of the Housing & Regeneration Scrutiny Panel that conducted the site visit in December 2018 and oversaw all evidence sessions between February 2019 and May 2019 was:
- Cllr Ruth Gordon (Chair)
 - Cllr Dawn Barnes
 - Cllr Isidoros Diakides
 - Cllr Bob Hare
 - Cllr Yvonne Say
 - Cllr Daniel Stone
 - Cllr Sarah Williams
- 3.10 The membership of the Overview & Scrutiny Committee for 2019/20 that oversaw the completion of the Review from June 2019 onwards was⁷:
- Cllr Lucia das Neves (Chair)
 - Cllr Pippa Connor

⁴ Item 11, Annual Full Council, 20th May 2019 <http://www.minutes.haringey.gov.uk/ieListDocuments.aspx?CId=143&MId=9145&Ver=4>

⁵ Item 20, Overview & Scrutiny Committee, 3rd June 2019
<http://www.minutes.haringey.gov.uk/ieListDocuments.aspx?CId=128&MId=9102&Ver=4>

⁶ Item 27, Overview & Scrutiny Committee, 3rd June 2019
<http://www.minutes.haringey.gov.uk/ieListDocuments.aspx?CId=128&MId=9102&Ver=4>

⁷ Cllr Khaled Moyeed is also a member of the Overview & Scrutiny Committee but recused himself from all meetings relating to Wards Corner having declared an interest. See item 4 of the minutes of the Housing & Regeneration Scrutiny Panel meeting on 10th June 2019 for more details: <http://www.minutes.haringey.gov.uk/ieListDocuments.aspx?CId=754&MId=9119&Ver=4>

- Cllr Erdal Dogan
- Cllr Adam Jogee
- Mark Chapman (Co-opted member)
- Luci Davin (Co-opted member)
- Yvonne Denny (Co-opted member)

4. Terms of reference

4.1 The terms of reference for the Review were:

- 1) To better understand the historical context of the proposed redevelopment, to re-examine the development plan and consider any alternative options in order to establish what outcomes would be in the best interests of the local community, represent best value and ensure that the Council is in full compliance with all of its obligations.
- 2) To seek clarification and assurance that the Council and its development partners are fully meeting equalities duties and responsibilities in respect of the future development at Wards Corner and any interim arrangements.
- 3) To provide the Cabinet with evidence-based recommendations that seek to improve the current day to day management of the market, consider the future development of the market and ensure ongoing improved relations between the Council, the local community, market traders and development partners.

5. Chronology

5.1 The timeline of the key events relating to this Scrutiny Review are provided below. More detailed timelines on specific issues are provided elsewhere in the report where necessary.

Key events timeline

Date	Event
2002	The site is identified for mixed-use regeneration through the Tottenham High Road Regeneration Strategy and becomes a key site being progressed by the former Bridge New Deal for Communities initiative.
July 2004	The Bridge New Deal for Communities and the Council selected Grainger plc as a development partner to bring forward proposals for the redevelopment of the Wards Corner Site.
Feb 2007	Grainger plc formed a Special Purpose Vehicle company to deliver the Wards Corner redevelopment known as Grainger Seven Sisters Limited (Grainger SSL).

Aug 2007	Grainger SSL enter into a Development Agreement with the Council.
Dec 2008	Grainger SSL is granted planning permission for the redevelopment.
June 2010	The decision to grant planning permission is quashed by the Court of Appeal on the basis that the Planning Committee had not fully discharged its duty under section 71 of the Race Relations Act 1976.
August 2011	Following the Court of Appeal's decision, the application for planning permission was redetermined by the Council's planning committee and it was refused.
July 2012	Grainger SSL is granted planning permission for the redevelopment with a revised version of the application. This was subject to a judicial review.
July 2012	Section 106 agreement is signed.
Oct 2012	Haringey Council announces the appointment of Quarterbridge Project Management to design the new market and to help traders move to the Temporary Market.
August 2013	Following the judicial review, the High Court ruled out any further appeal of the planning decision.
April 2014	Planning permission is granted to the Wards Corner Community Coalition (WCCC) for its alternative Community Plan which related to the former Wards Corner department store building only.
Jan 2015	The Development Agreement is varied through a Supplemental Agreement. A separate CPO Indemnity Agreement is also entered into.
Sep 2015	Market Asset Management (Seven Sisters) is assigned the lease for Seven Sisters Market.
Nov 2015	The Council's Cabinet approved the use of its CPO powers to acquire the property interests required to facilitate the delivery of the development.
May 2016	Quarterbridge Project Management Ltd is appointed by Grainger to the role of Market Facilitator.
Sep 2016	The Council makes the Compulsory Purchase Order (CPO) to acquire the land required for the redevelopment scheme.
Oct 2016	First meeting of the Seven Sisters Market Traders Steering Group takes place.
April 2017	TfL publishes the report of its first investigation into Market Asset Management's (MAM) role as market operator.
April 2017	Planning permission for the WCCC's alternative Community Plan expires.
July 2017	Public Inquiry on the CPO is held.
July 2017	Deed of Variation to the existing S106 agreement is completed.
July 2017	Letter sent from Special Rapporteurs of the United Nations Human Rights

	Committee to HM Government and to Grainger.
Aug 2018	Bindmans LLP writes to Haringey Council to request an assessment of Grainger's compliance with its S106 obligations.
Sep 2018	Haringey Council responds to Bindmans LLP to say that most S106 obligations are not yet active.
Oct 2018	<p>TfL publishes the report of its second investigation into MAM's role as market operator.</p> <p>Letter sent to TfL from the Cabinet Member for Strategic Regeneration on behalf of the council, in response to traders concerns and to ask for more information and an independent investigation.</p> <p>TfL provided the council with a copy of its second SSM investigation report. The investigation report in October 2018 concluded that there was no evidence that MAM's action had been unfair or in breach of any contractual relationships that were in place with the traders. In recognition of the need to improve relations, MAM recruited additional staff of Latin American origin with whom the traders could better communicate in their first language.</p>
Nov 2018	<p>On the 19th of November 2018 there was a meeting held between Grainger, the Council, TfL and the GLA where the Council agreed the following actions with Grainger:</p> <ul style="list-style-type: none"> • appointment of a new independent market facilitator to replace Quarterbridge, • appointment of Spanish speaking mediator, maintaining a Spanish translator on the steering group, • working with the MAM to increase the frequency of the all traders meeting to progress health and safety issues and repairs that are most important to traders so that these issues can be separated from and enable the future of the market discussions to take place at the Steering group. <p>Quarterbridge Project Management Ltd resigns from the role of Market Facilitator.</p>
Dec 2018	A number of traders resign from the Steering Group. Grainger announces its intention to replace the market facilitator.
Jan 2019	The Secretary of State for Communities and Local Government confirms the approval of the CPO.
Feb 2019	The Head of Area Regeneration and Assistant Director of Regeneration met with Grainger - purpose of the meeting was to re-iterate /discuss the importance of the appointment of an independent Market Facilitator, Independent mediator and the need to hold regular management meetings.

	All trader meeting held on operational and management issues.
Mar 2019	Haringey Council writes to Bindmans LLP to acknowledge that the obligations at paragraph 2.1 of schedule 3 of the deed of variation in relation to the section 106 agreement are active. Grainger organised two sessions to visit the temporary market at Apex House.
Apr 2019	Notice is given of a legal challenge by way of a Statutory Review of the Secretary of State's decision to confirm the CPO.
May 2019	Planning Department of Haringey Council opens investigation into the way that the S106 agreement was applied.

6. Background to Key Issues

The site

6.1 The site is a portion of land with a size of around 0.65 hectares comprising of 227-259 High Road, 709-723 Seven Sisters Road, 1a-11 West Green Road and 8-30 Suffield Road. It is situated in Tottenham Green ward and is next to Seven Sisters underground station.

FIGURE A: Site map



- 1 – 721-723 Seven Sisters Road (DEMOLISHED)
- 2 – 717-719 Seven Sisters Road (retail)
- 3 - 715 Seven Sisters Road (retail)
- 4 - 713 Seven Sisters Road (retail)
- 5 - 711 Seven Sisters Road (retail)
- 6 - 709 Seven Sisters (retail)
- 7 – 2 & 2a Suffield Road (DEMOLISHED)
- 8 – 4-6 Suffield Road (DEMOLISHED)
- 9 – 8 Suffield Road (residential)
- 10 – 10 Suffield Road (residential)
- 11 – 12 Suffield Road (residential)
- 12 – 14 Suffield Road (residential)
- 13 – 16 Suffield Road (residential)
- 14 – 18 Suffield Road (residential)
- 15 – 20 Suffield Road (residential)
- 16 – 22 Suffield Road (residential)
- 17 – 24 Suffield Road (residential)
- 18 – 26 Suffield Road (residential)
- 19 – 28 Suffield Road (residential)
- 20 – 30 Suffield Road (residential)
- 21 – Parking area
- 22 – 9-11 West Green Road (retail)
- 23 – 3-7 West Green Road (retail)
- 24 – 1 West Green Road (retail)
- 25 - 1a-1b West Green Road (retail)
- 26 – 255-259 High Road
- 27 – 251-253 High Road (DEMOLISHED)
- 28 – 227-249 High Road (Seven Sisters Market and Wards Corner building)

6.2 The block of buildings that form the site face out onto the four roads that surround it:

- To the east is the main High Road frontage directly opposite the entrances to Seven Sisters underground station. The main section is 227-249 High Road represented by plot 28 on the map which was previously the Wards Department Store. At the south of this plot is a disused three-storey corner building (See PICTURE 1). The main section of the plot, which runs from 231-243 High Road, is the Seven Sisters Market main premises with retail units facing onto the road and several entrances to the indoor market behind these. At the north of the plot are more terraced properties at 245-249 High Road with retail units on the ground floor. Most of the upper floors of plot 28 are vacant. Other buildings on this side of the site have been demolished (plot 27) leaving an empty space and there are other terraced buildings (plot 26) which comprise of retail units on the ground floor and a mix of retail, residential and other uses on the upper floors.
- To the north the terraced buildings on West Green Road (plots 22 to 25) comprise of retail units on the ground floor and a mix of retail, residential and other uses on the upper floors.
- To the west the terraced buildings on Suffield Road (plots 9 to 20) are residential properties. Entrances to the parking area (plot 21) are also accessible from here. Some buildings have been demolished (plots 7 and 8) with the space now used mainly for parking.
- To the south the terraced buildings on Seven Sisters Road (plots 2 to 6) comprise of retail units on the ground floor and a mix of retail, residential and other uses on the upper floors. Some buildings have been demolished (plot 1) leaving an empty space.
- On the opposite site of Seven Sisters Road is Apex House, the newly developed building which has the ground floor earmarked for use as the temporary market site.

PICTURE 1: The vacant three-storey Corner building



- 6.3 As can be seen from the site ownership map below **(FIGURE B)**, as of August 2018, Grainger plc had already acquired the freehold for a large proportion of the site with most of the rest owned by the London Borough of Haringey and London Underground Limited (LUL).
- 6.4 A representative of Grainger PLC confirmed to the Panel that, the company has binding legal agreements in place to acquire the freehold interests held by Haringey Council and LUL, and only 5% of the freehold interests (three terraced houses on Suffield Road) are outside of their control. In addition to this there are six leaseholds interests located within properties where Grainger owns the freehold. The CPO powers are required for Grainger to acquire these three freehold interests and six leasehold interests.

FIGURE B: Site Ownership map (as of August 2018)



Wards Corner site - Past, current and future uses of buildings

6.5 Though the site as a whole includes a number of retail and residential properties facing onto all four of the roads surrounding it, the focus of much of the debate over the proposed redevelopment has been over the future of the former Ward’s Department Store buildings which runs from 227 to 249 High Road (Plot 28 on **FIGURE A**). This comprises of the row of former terraced housing which makes up

the main frontage of this section of the High Road and the three-storey building on the corner of the High Road and Seven Sisters Road (227 High Road and 275 Seven Sisters Road). According to the Wards Corner Community Coalition (WCCC) the original residential brick terraces were built in around 1885 while the three-storey corner building was added in the early 1900s.

- 6.6 The Ward's Department Store closed down in 1972 and the corner building has remained derelict ever since. However, the ground floor of the other part of the site, comprising of 231-243 and 249a High Road, has been occupied and operational as Seven Sisters Market since the 1980s.
- 6.7 The freehold to the Wards Corner buildings is owned by LUL, as they acquired it as part of the construction of the Victoria Line, and is managed by Transport for London. Large sections of transport infrastructure, including parts of the ticket office and concourse of Seven Sisters underground station along with parts of the platforms and tunnels themselves are situated directly beneath the Wards Corner site. The main entrances to the station itself is via two stairways located on the High Road directly in front of the entrances to Seven Sisters Market. There is also a further entrance to the station accessed from Seven Sisters Road.
- 6.8 The buildings now used as the Market were originally leased by LUL in 1984 at which point, according to TfL, it was a "*derelict structural shell without any service supplies, shopfronts or internal fixtures*".⁸ The Market was then developed and established. Jill Oakley held the lease from October 2005 until September 2015 when she sold it, by way of assignment, to Market Asset Management Seven Sisters Ltd (MAM). MAM now owns the title to all the existing trader licences and also to the Tenant improvements including service intakes, sub-mains distribution, heating and ventilation, lighting and fire alarms, etc. TfL says that, as of October 2018, the Market building is understood to comprise of 61 single-storey lock-up kiosks (though many of these have been combined to form larger units) which are let by MAM to 38 traders. The Council is not party to the contractual arrangement between LUL and MAM and the Market Traders.
- 6.9 TfL provided the Panel with a timeline of the leasing history of the Market buildings. MAM became leaseholder in September 2015.
- 6.10 The Wards Corner site was originally identified for mixed-use regeneration through the Tottenham High Road Regeneration Strategy in 2002. It then became one of the key sites being progressed by the former Bridge New Deal for Communities which was, at the time, a multi-agency regeneration partnership programme focused on

⁸ p.1, TfL's second investigation report into Seven Sisters Market (Oct 2018)

the South Tottenham and Seven Sisters area. Haringey Council selected Grainger plc as the preferred development partner for the regeneration project in 2004 and Grainger then proceeded to start the process of acquiring the land within the site.

- 6.11 The Development Agreement between Haringey Council and Grainger for the redevelopment of the site was formally entered into in August 2007. Planning permission was granted to Grainger in December 2008 but, following a legal challenge, this was later quashed by the Court of Appeal on the grounds that the Planning Committee had not fully discharged its duty under section 71 of the Race Relations Act 1976.
- 6.12 Planning permission for a revised scheme was granted in July 2012. This was also subject to a legal challenge but was rejected by the Court of Appeal in August 2013. At an evidence session of the Panel, a representative of Grainger described the main benefits of the regeneration scheme as being:
- 196 new homes that he described as being “homes available to rent at sensible prices”, typically on long leases of three to five years. Under current market conditions this would mean rent levels would be approximately £1,300 per month for a 1-bedroom flat and £1,800 per month for a 2-bedroom flat. This equates to around 40% of the average salary of the target market.
 - 40,000 sq. ft. of retail space including a new space for Seven Sisters market, six retail spaces for local independent retailers on West Green Road and some retail spaces on the High Road intended for High Street chains.⁹
- 6.13 The maximum height of the new development would be the equivalent of 8 storeys on the High Road and Seven Sisters Road, 7 storeys on West Green Road and 5 storeys on Suffield Road. The proposed height is lower in the central part of the High Road section as it is necessary to reduce the loading on top of the underground station infrastructure below.

PICTURE 2: Impression of completed regeneration of site

⁹ Oral Evidence given by Senior Development Manager, Grainger to a session of the Housing & Regeneration Scrutiny Panel, 27th March 2019



The Section 106 Agreement

6.14 A Section 106 (S106) agreement was entered into between Haringey Council and Grainger in July 2012. This imposed various requirements on the developer including:

- for existing traders to be offered a lease or licence in the new market and for a temporary market to be established to accommodate the traders while the new market is being constructed
- for a Market Facilitator to be appointed to work with traders, promote their interests, and give support and advice
- to implement a Community Engagement Strategy, including diversity monitoring

6.15 A range of new provisions were then added to the S106 through a Deed of Variation in July 2017 including:

- that the temporary market be located at Apex House
- free relocation for the traders to the temporary and new markets (including removal costs, expenses and fit-out costs)
- three months of free rent for traders at the temporary market and a 30% reduction on licence fees for the first 18 months at the new market
- that Grainger ensures that the move to the temporary market is advertised to raise awareness

6.16 The terms of the S106 agreement specify that all those trading in the market at the time when Grainger serves notice on Haringey Council that the market will be closed

(which will be at least 6 months in advance), and have been trading continuously for the 3 months preceding the notice being served, would qualify for the move to the temporary market and the new market.

- 6.17 The requirement in the S106 agreement for a Market Facilitator led to the appointment of Quarterbridge Project Management Ltd to this role by Grainger in May 2016. A Director of Quarterbridge, also became a Director of Market Asset Management (Seven Sisters) Ltd which has been the Market Operator since September 2015. The Director of Quarterbridge Project Management informed the Panel that the company is *"an entirely independent professional consultancy and advisor to many Market authorities"* and that Market Asset Management (Seven Sisters) Ltd is *"the owner of the business known as 'Seven Sisters Market'"* which *"manages the business through on-site staff acting in accordance with industry best practice."* The Panel acknowledges the distinction between the two companies and the description of these companies functions as set out above but also believes that it is important to note that the two companies share Directors. For the avoidance of doubt, this report refers throughout to the role played by the Director of Quarterbridge Project Management Ltd as that of "market facilitator", and to the role played by the Director of Market Asset Management (Seven Sisters) Ltd as that of "market operator" as these were their main functions as commonly understood by the range of witnesses that gave evidence to the Panel.
- 6.18 The S106 agreement required Grainger to produce a Community Engagement Strategy which was published in February 2016. Grainger included an initiative within the strategy to start a new Steering Group as a mechanism for dialogue between the market traders, Grainger and Quarterbridge/MAM. The Steering Group was later established with its inaugural meeting taking place in October 2016. A total of 21 meetings of the Steering Group took place between October 2016 and December 2018.

Apex House – Temporary Market site

- 6.19 The location for the temporary market was identified as the lower floors of Apex House, a former Council office building recently purchased by Grainger on the other side of Seven Sisters Road from the existing market. The building was demolished and a new mixed use development is being constructed with 222 housing units and commercial space on the lower floors. The Panel understands that the temporary market space in Apex House would be ready for traders to move into by the summer of 2020 and that traders would then occupy the temporary market for around two and a half years before being moved to the new market on the redeveloped Wards Corner site.

Compulsory Purchase Order (CPO)

- 6.20 In November 2015, Haringey Council’s Cabinet agreed to make a Compulsory Purchase Order (CPO) to assist in assembling the land needed to implement the Wards Corner development for the properties that Grainger had been unable to acquire by private agreement. In September 2016, the CPO order was made and submitted to the Secretary of State for Communities and Local Government. An extended period for the receipt of objections to the CPO was held until 28th October 2016 and a total of 164 objections were received.
- 6.21 An inquiry on the CPO Order was then held by the Planning Inspectorate which opened on 11th July 2017 and concluded on 27th July 2017. The inquiry was overseen by planning inspector John Felgate who reported his conclusions to the Secretary of State for Communities and Local Government in January 2018¹⁰.
- 6.22 The Panel notes that within the Planning Inspectors report, key areas were highlighted.¹¹ The positive factors cited included that the proposed scheme would *“positively advance the area’s economic, social and environmental well-being”* and would *“act as a catalyst for renewal elsewhere around Seven Sisters and in adjoining area throughout South Tottenham”*¹² which is needed in the public interest.
- 6.23 However, the report also concluded that *“the remaining residential occupiers at up to 14 properties within the Order site would lose their homes, and thus suffer a serious interference with their rights under Article 8 [of the Human Rights Act] to respect for private and family life”* and that the acquisition of the freehold and leasehold interest would be *“an interference with those owners’ Article 1 rights to the peaceful enjoyment of their possessions”*.¹³
- 6.24 The Market Traders were not judged to suffer any interference with their rights under Article 8, mainly because in terms of their private and family lives, the social interactions that occur at their place of work are likely to be secondary to those that take place at home.¹⁴ They were not judged to have their Article 1 rights interfered

¹⁰ CPO Report to the Secretary of State for Communities and Local Government, The Planning Inspectorate (Jan 2018)

https://www.haringey.gov.uk/sites/haringeygovuk/files/inspectors_report_wards_corner_cpo_redacted.pdf

¹¹ p.66, paragraph 381, CPO Report to the Secretary of State for Communities and Local Government, Wards Corner Regeneration Project CPO 2016 (The Planning Inspectorate, Jan 2018)

¹² p.65, paragraphs 376-377, CPO Report to the Secretary of State for Communities and Local Government, Wards Corner Regeneration Project CPO 2016 (The Planning Inspectorate, Jan 2018)

¹³ p.65, paragraphs 376-377, CPO Report to the Secretary of State for Communities and Local Government, Wards Corner Regeneration Project CPO 2016 (The Planning Inspectorate, Jan 2018)

¹⁴ p.61, paragraphs 352, CPO Report to the Secretary of State for Communities and Local Government, Wards Corner Regeneration Project CPO 2016 (The Planning Inspectorate, Jan 2018)

with as their licences are terminable at short notice and that the CPO does not seek the power to acquire any licences because no such power is necessary.¹⁵

- 6.25 The report also addressed the issue of minority rights under international law, specifically Article 27 of the International Covenant on Civil and Political Rights which covers the right for ethnic and other minority groups to practice their own culture, language and religion. It concluded that if the existing market is able to perform a role as a social and cultural hub, there seems to be no reason why the same role could not also be played by the new one. The loss of one particular venue cannot be equated with a general prohibition of culture and traditions.¹⁶
- 6.26 Overall the report concluded that, taking all factors into account, *“whilst any infringement of human rights is a matter for regret, in this case the public benefits accruing from the Order scheme are substantial enough to outweigh the loss of private rights. As such, the infringement would be proportionate to the public benefits, and thus would be justified. I conclude that a compelling case for the confirmation of the Order, in the public interest, has been demonstrated.”*¹⁷
- 6.27 While the CPO inquiry was held in July 2017, the Secretary of State for Housing, Communities and Local Government did not confirm the CPO¹⁸ until 23 Jan 2019. An appeal period ran for six weeks from 27th February 2019 to 10th April 2019 during which time a legal challenge was made by way of a Statutory Review of the Secretary of State’s decision in the High Court. The CPO will not be implemented until the courts have made a decision on this.

Market traders’ complaints

- 6.28 Many of the market traders and other members of the local community have been campaigning to express their concerns not just about the plans for the redevelopment of the market but also regarding a range of complaints about the alleged conduct of the market facilitator/market operator. In their evidence they shared these complaints and have also included issues concerning unfair increases in utilities charges, problems with maintenance of the communal areas of the current market and the ineffective nature of the Steering Group.

¹⁵ p.62, paragraphs 355, CPO Report to the Secretary of State for Communities and Local Government, Wards Corner Regeneration Project CPO 2016 (The Planning Inspectorate, Jan 2018)

¹⁶ p.64, paragraphs 370-371, CPO Report to the Secretary of State for Communities and Local Government, Wards Corner Regeneration Project CPO 2016 (The Planning Inspectorate, Jan 2018)

¹⁷ p.66, paragraphs 381-382, CPO Report to the Secretary of State for Communities and Local Government, Wards Corner Regeneration Project CPO 2016 (The Planning Inspectorate, Jan 2018)

¹⁸ CPO decision letter (MHCLG, 23rd Jan 2019) https://www.haringey.gov.uk/sites/haringeygovuk/files/190123_decision_letter.pdf

EVIDENCE RECEIVED

7. The Section 106 Agreement

Original planning permission (2008)

7.1 Planning permission for the Wards Corner redevelopment was originally granted in December 2008. However, this was later quashed following an application for a judicial review of Haringey Council's decision. The application was made by Janet Harris, a local resident and community activist who was involved with the establishment of the Tottenham Civic Society.

7.2 The application for judicial review was initially considered by a Deputy High Court Judge in July 2009 who rejected the application. However, following an appeal, the Court of Appeal reversed the Deputy High Court Judge's decision and quashed the planning permission in May 2010 on the grounds that the Planning Committee had not fully discharged its duty under section 71 of the Race Relations Act 1976.

7.3 Section 71 of the Race Relations Act 1976 states:

Without prejudice to their obligation to comply with any other provision of this Act, it shall be the duty of every local authority to make appropriate arrangements with a view to securing that their various functions are carried out with due regard to the need—

- to eliminate unlawful racial discrimination; and
- to promote equality of opportunity, and good relations, between persons of different racial groups.¹⁹

7.4 Section 71 of the Race Relations Act 1976 was subsequently replaced by Section 149 of the Equality Act 2010, subsection 1 of which states:

A public authority must, in the exercise of its functions, have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.²⁰

¹⁹ Race Relations Act 1976, Section 71 <http://www.legislation.gov.uk/ukpga/1976/74/enacted>

²⁰ Equality Act 2010, Section 149 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

- 7.5 The decision of the Court of Appeal in May 2010, given by Lord Justice Pill, included the following conclusions:

“I am satisfied that, on the material before the council, there was sufficient potential impact on equality of opportunity between persons of different racial groups, and on good relations between such groups, to require that the impact of the decision on those aspects of social and economic life be considered ...

I have come to the conclusion that the section 71(1) duty was not discharged by the council when granting this planning permission ... The council policies to which reference has been made may be admirable in terms of proposing assistance for ethnic minority communities, and it can be assumed that they are, but they do not address specifically the requirements imposed upon the council by section 71(1).”

Not only is there no reference to section 71 in the report to committee, or in the deliberations of the committee, but the required ‘due regard’ for the need to “promote equality of opportunity and good relations between persons of different racial groups” is not demonstrated in the decision making process.”²¹

- 7.6 The Panel heard that the Harris v LBH (2010) case precipitated the inclusion of S106 conditions on the developer Grainger when the revised application for planning permission was made and granted in 2012. These conditions were designed specifically to meet the requirements of the Equality Act 2010 and their inclusion ensured that the Planning Committee at that time was able to assent to the application. The Panel understands that several equality impact assessments had been commissioned by both Grainger and the Council at the time.

Planning permission for revised scheme (2012)

- 7.7 On 25th June 2012, Haringey Council’s Planning Sub Committee resolved to grant planning permission for a revised Wards Corner planning application subject to a number of conditions including a Section 106 agreement. The S106 agreement, which was subsequently entered into by Haringey Council and Grainger on 11th July 2012 specified the following provisions²²:
- the developer to use reasonable endeavours to enter into a lease with a market operator, for the provision of the new market;
 - a right for existing traders to be offered a lease or licence in the new market;
 - consultation with the traders over the new market’s layout;

²¹ The full judgement can be found at: <http://www.bailii.org/ew/cases/EWCA/Civ/2010/703.html>

²² This is a summary of the main provisions as set out in the Planning Inspector’s CPO Report. p.8, paragraph 39, CPO Report to the Secretary of State for Communities and Local Government, Wards Corner Regeneration Project CPO 2016 (The Planning Inspectorate, Jan 2018)

- consultation with the London Mayor over the terms of the market operator's lease;
- a temporary market to be established, and existing traders to be offered a stall in it, with a 3-month rent-free period;
- the appointment of a Market Facilitator to work with traders and market employees, promote their interests, and give support and advice;
- marketing and letting of the retail units in West Green Road to focus on independent traders; with a right for the Council to approve any non-local tenants, and controls on the amalgamation of units;
- marketing of the residential units to be targeted initially at local residents;
- the developer to implement a community engagement strategy, including diversity monitoring; and
- job and training opportunities within the development to be made available to Haringey residents; contractors and suppliers to be chosen from local businesses where possible.

Deed of Variation (2017)

7.8 On 25th July 2017, at a time when the CPO Public Inquiry was open and hearing evidence²³, a Deed of Variation to the existing S106 agreement from July 2012 was completed between Haringey Council and Grainger. The main new provisions, which were added to the provisions of the existing S106 agreement, were²⁴:

- the temporary market to be located in the commercial space on the ground and mezzanine floors of the Apex House redevelopment scheme;
- a requirement for the Market Facilitator to advertise the temporary and new markets to the public;
- a requirement to consult traders about the location of the unit offered to them;
- a guarantee that the size of unit offered in the temporary market will be no less than 90% of the trader's existing licensed unit;
- a scale of licence fees, ranging from £35 per square foot for mezzanine units, and £65 or £75 for zones B and A, to £80 for catering uses; such fees to be fixed for the duration of the temporary market (after the 3-month rent-free period);

²³ The London Borough of Haringey (Wards Corner Regeneration Project) Compulsory Purchase Order 2016 Public Inquiry was held between 11th July 2017 and 27th July 2017.

²⁴ This is a summary of the main provisions as set out in the Planning Inspector's CPO Report. p.8, paragraph 40, CPO Report to the Secretary of State for Communities and Local Government, Wards Corner Regeneration Project CPO 2016 (The Planning Inspectorate, Jan 2018)

- the same licence fee to apply at the new market, subject to an initial 30% discount for the first 18-months, then reverting to the full licence fee until the end of month 30;
- thereafter, the licence fee to increase by no more than 2% per annum;
- free relocation, including the costs of removal, fitting out and replacement of non-demountable fixtures and fittings;
- an obligation to set future licence fees at a level to attract and promote local independent traders;
- a commitment that the temporary market will stay open until the new market is ready for occupation;
- a guarantee that once the new market is open, the temporary market will cease to operate; and
- provision for a financial contribution to affordable housing (off-site), if the developer's profit on costs exceeds 20%.

Requirement to appoint Market Facilitator

7.9 A key element of the S106 agreement that the Scrutiny Panel has focused on during the course of its Review is the provisions which require the appointment of a Market Facilitator to work with traders and market employees, promote their interests, and give support and advice. The specific clause in the original S106 agreement in 2012 appears at section 24, which relates to the Temporary Market, under Schedule 4, which specifies the Developer's Covenants²⁵:

To appoint a Market Facilitator to work with the Traders in order to:

- identify a location for the Temporary Market with the borough of Haringey (or such other location as may be agreed in writing with the Council);
- promote the interests of Spanish-speaking Traders in the Temporary Market;
- provide appropriate business support and advice to all Traders with the objective of maximising the number of Traders and other independent local traders who elect to trade from the temporary market and return to the New Market Area;
- assist Traders in continuing to trade from the Market for so long as it is open for trading purposes; and
- assist individuals working at the Market to find suitable alternative employment in the event that they decide not to relocate to the Temporary Market and/or the New Market Area.

²⁵ Paragraph 24.3, Schedule 4 (Developer's Covenants), S106 agreement on the Wards Corner site, 11th July 2012

7.10 A location for the Temporary Market was subsequently identified as the ground floor of the nearby new development at Apex House. Grainger appointed Quarterbridge as the market facilitator in May 2016. The provisions of the S106 agreement were subsequently amended by the Deed of Variation in July 2017 and appears in section 2 (with the heading 'Market Facilitator and Temporary Market') of 'Schedule 3 – Variation'²⁶:

To procure that the Market Facilitator works with the Traders in order to:

- promote the interests of non-English speaking Traders in the Temporary Market and the New Market Area;
- provide appropriate business support and advice to
 - i) all Traders;
 - ii) all other persons working at the Market
 - iii) such other local independent traders who may express an interest in trading from the Temporary Market and the New Market Area;
- assist Traders in continuing to trade from the Market and the Temporary Market for so long as the Market and the Temporary Market respectively are open for trading purposes;
- advertise the proposed relocation from the Market to the Temporary Market and from the Temporary Market to the New Market Area (as the case may be) so as to raise awareness about the proposed location and opening of the Temporary Market and the New Market Area, respectively;
- advertise the Temporary Market and the New Market Area once each facility has been opened to the public; and
- assist individuals working at the Market to find suitable alternative employment in the event that they decide not to relocate to the Temporary Market and/or the New Market Area (as the case may be).

Terms of the move to the temporary market and the new market

7.11 In May 2016, planning permission was granted to redevelop Apex House, a former Haringey Council premises located opposite the Wards Corner site on the other side of Seven Sisters Road. This was for a mixed use housing and retail development including 163 new homes (39% of which are categorised as affordable) along with space on the lower floors of the new building for a temporary market space for the Seven Sisters traders. Construction work is underway and is expected to be completed by summer 2020.

7.12 Grainger told the Panel in March 2019 that the temporary market space in Apex House would be ready for traders to move into by the summer of 2020 while the

²⁶ Paragraph 2.1, Schedule 3 (Variation), Deed of Variation to the S106 agreement on the Wards Corner site, 25th July 2017

new market is being built. It was anticipated that traders would then occupy the temporary market for around two and a half years before being moved back to the new market on the redeveloped Wards Corner site.²⁷

- 7.13 The Planning Inspector's report on the CPO has summarised the expected terms of the move, including rent levels, to the temporary and new markets as follows:

"Traders would be guaranteed the right to transfer to the temporary and new markets and continue trading, on favourable terms. Those terms include a rent-free period, a discounted period, a fixed-rent period, and a cap on any increases for a further period beyond that. In total, traders would benefit from these favourable terms for around 5 years, giving them sufficient certainty to be able to plan their businesses for some time ahead. In addition, traders would be fully compensated for their relocation expenses, utilising a fund of £284,000 made available by the London Mayor for this purpose. Alternatively, traders not wishing to transfer would receive a release sum. Traders would also have 6 months' notice of the closure of the existing and temporary markets, and 3 months to decide their response. All traders, whether transferring or not, would receive advice and assistance from a Market Facilitator. Traders need only have been operating in the existing market for 3 months to qualify for all these benefits.

The rent levels and discounts have been designed to ensure that they will be affordable to existing traders, taking account of comparable rent levels in other local markets. Based on Mr Saunders' figures [this refers to independent market expert Gary Saunders of Saunders Markets Limited who gave evidence to the CPO inquiry], it is argued that no existing trader is likely to face an increase of more than 33% over a 5-year period. In the longer term, it is argued that it will always be in the market operator's interest to keep rents affordable, and to set rent levels so as to retain existing traders, and the S.106 requires the operator to seek to attract and promote independent traders from the local area."²⁸

- 7.14 The S106 agreement requires Grainger to consult each trader about the proposed location of their unit at least two months prior to the move and to have regard to any reasonable representation but Grainger and/or the Market Operator retain the discretion to allocate the units. There will be units available on the ground floor and also on a mezzanine floor above. Some traders suggested that if all units are not located on the same level it would cause issues because the businesses rely on each other for the flow of customers in the market. Grainger's response was that the units on the mezzanine floor will be rented at significantly cheaper levels than those on

²⁷ Written evidence to the Panel from Grainger, March 2019

²⁸ p.20, paragraphs 106-107, CPO Report to the Secretary of State for Communities and Local Government, Wards Corner Regeneration Project CPO 2016 (The Planning Inspectorate, Jan 2018)

the ground floor and so some traders may prefer that option. Grainger confirmed that all traders will be on the same level when they return to the permanent market.²⁹

7.15 The S106 agreement also requires that the size of the unit offered in the temporary market will be no less than 90% of the trader's existing licensed unit. However, in determining the size of units, the mezzanines installed by the traders at the current market are to be disregarded. The Panel heard that at an all traders meeting organised by Grainger on 12th February 2019, some of the traders expressed the view it would be important to them to have "attic areas" in the temporary market as they do now. They were told they would only be *"provided with units which are the same size as the area they currently pay rent on i.e. the ground floor space of their current units."*³⁰

7.16 When asked about this, the Director of MAM, told an evidence session of the Panel that the mezzanine levels at the existing market have been built by the traders and they are not permitted under building regulations for anything other than storage. It was suggested that some were used unlawfully by traders as sub-lettings in order to subsidise their rent on the ground floor or as office space. The Market Operator said that he could not endorse these spaces being used for anything other than storage as other uses could constitute a fire risk. There was no requirement for these spaces to be re-provided in the temporary market. When questioned, the market operator did say that he would be happy to find provision for storage space for the traders in the temporary market and that this would be included in the rental agreement with no additional charge³¹. Traders reported to the Panel that they understood there would be additional charge for storage. It was also noted that VAT would be applied in the temporary and new market, which does not currently apply on the existing site.

8. Steering Group

8.1 In recent years perhaps the most significant mechanism for dialogue between the market traders, Grainger and Quarterbridge/MAM has been the Market Traders Steering Group. Throughout the evidence sessions that the Panel held, the Steering Group has frequently been referred to in the context of the S106 Agreement. The Steering Group is not specifically referred to in the S106 agreement, rather it was an initiative proposed by the developer as part of a wider Community Engagement Strategy that is itself a requirement of the S106 agreement.

²⁹ Notes provided by Incite Strategic Communications of a full traders meeting, 12th February 2019

³⁰ Notes provided by Incite Strategic Communications of a full traders meeting, 12th February 2019

³¹ Oral evidence given by market operator to a session of the Housing & Regeneration Scrutiny Panel, 28th March 2019

8.2 Clause 21.1 of Schedule 4 (Developer's Covenants) of the original S106 agreement from 2012 requires the following:

"No later than twelve months after the Unconditional Date or three months after the Council resolves to make a compulsory purchase order to facilitate the carrying out of the Development (whichever is the later), to submit a community engagement strategy to the Council for approval PROVIDED THAT such strategy shall demonstrate how the Developer will deal with the following matters:

- a) regular diversity monitoring regarding the impact of the Development on affected third parties (in concert with the approved Baseline Study and updates to it);
- b) reporting on the engagement process and how representations from third party stakeholders will be taken into account; and
- c) any further mitigation measures (including a programme for implementation) that are identified as a result of the ongoing monitoring and are both necessary and directly related to the Development."³²

8.3 Grainger published its Seven Sisters Community Engagement Strategy³³ in February 2016 which set out its approach to satisfying the above requirements. In particular, it sets out proposed engagement activities for four specific identified groups:

- Property owners/lessees and tenants
- Market traders
- Community stakeholders
- Wider community engagement

8.4 The section relating to property owners/lessees and tenants centred around the ongoing negotiations to acquire the land required to go ahead with the development. This included commitments to continue engaging with affected parties through written correspondence, the offer of individual meetings, door-knocking, telephone calls and drop-in events and to provide assistance in finding alternative premises for those requiring it.

8.5 The section relating to community stakeholders included commitments to maintain ongoing contact and provide updates to various community groups such as local residents' associations.

8.6 The section relating to wider community engagement included commitments to host public events at key stages of the project and to provide information about the

³² Paragraph 21.1, Schedule 4 (Developer's Covenants), S106 agreement on the Wards Corner site, 11th July 2012

³³ Seven Sisters Community Engagement Strategy: <http://bailey.persona-pi.com/Public-Inquiries/seven-sisters/core-docs/cd4/cd4-35.pdf>

project in key community venues in the immediate area including at the Seven Sisters Market and at the nearby Marcus Garvey Library.

8.7 The section relating to the market traders included specific commitments on how the developer would work with the market facilitator to engage with and support the traders. The market facilitator had already been appointed at the time that the Community Engagement Strategy was published and the requirements of the market facilitator role had been outlined in Clause 24.3 of Schedule 4 of the S106 agreement. In addition to the existing requirements of Clause 24.3, the Community Engagement Strategy also committed to the following activities.

- Have an initial meeting with market traders on the progress of the project and next steps.
- Set up a Market Traders Steering Group to meet regularly.
- Set up an onsite consultation surgery managed by the market facilitator and attended by Grainger to provide traders with the opportunity to speak about their business and options for the future.
- Provide regular updates via memo, email, the Steering Group and the market facilitator.
- Provide general information for market traders on a page of the Seven Sisters Regeneration project website.

8.8 Grainger's Community Engagement Strategy was submitted to Haringey Council together with a Diversity Monitoring Baseline Study³⁴ and both were approved in March 2017. However, the Market Traders Steering Group had already been established and started meeting some months before this. The first of 21 meetings of the Steering Group was held in October 2016 with the last meeting held in December 2018. The Panel heard from the Regeneration team at Haringey Council that the Council believed that these requirements of the S106 were not yet in force but that nevertheless, the establishment of the Steering Group was still seen as a good thing to do in terms of community engagement.

8.9 The Panel was told by a representative of Grainger that in previous years the engagement with traders had been in the form of large 'all trader' meetings at the market and that the aim of the Steering Group was therefore to establish a better mechanism for talking to traders.³⁵

8.10 The membership of the group was specified as being the market facilitator, representatives from Seven Sisters Indoor Market, Haringey Council and Grainger.

³⁴ Diversity Monitoring – Baseline Study, Seven Sisters Indoor Market, *Grainger* (March 2017) https://www.haringey.gov.uk/sites/haringeygovuk/files/seven_sisters_baseline_study.pdf

³⁵ Oral evidence given by the Senior Development Manager, Grainger to a session of the Housing & Regeneration Scrutiny Panel, 27th March 2019

Local Ward Councillors were also invited to the meetings although this happened on only one occasion when Cllr Isidoros Diakides (who is also a member of the Housing & Regeneration Scrutiny Panel) attended a meeting in April 2017.

8.11 At the first meeting the six Steering Group members representing the market traders were:

- Mosen Khanjary
- Lita Alvarado
- Nicholas Amayo
- Chan Baker
- Farhad Zarei
- Ben Nyerende

8.12 The meeting was also attended by:

- A representative of Grainger PLC
- A representative of MAM
- Town Centre Manager (Haringey Council)
- A representative of GL Hearn - a property consultancy company which supported Grainger with communication and engagement activities.

8.13 The Grainger representative told the Panel that he chaired the meetings, though this was “by default” as there were no other volunteers for this role from the other Steering Group members.³⁶

8.14 At the inaugural Steering Group meeting in October 2016, the Panel heard that the Market Traders present gave all attendees a letter listing complaints in connection with MAM’s management of the market and related maintenance and relationship concerns. Concerns were also expressed at the meeting that there were no Colombian traders on the Steering Group. Following consultation with traders at a drop-in event in November 2016, two Colombian traders, Marta Hinestroza and Martha Gilraldo were appointed to the Steering Group bringing the trader representation to eight members. Nicholas Amayo, who was one of the six original members of the Group, wrote to the Grainger representative in January 2017 on behalf of himself and other Steering Group members to complain that their own preferred candidate, Victoria Alvarez, had not been selected and that the selection process had not been fair or transparent. The Panel was told that the Grainger representative responded that the two traders selected had been nominated by the majority of traders and that, while it was unfortunate that these selections were not the same preference as that of the Steering Group members, it would not be

³⁶ Oral evidence given by Senior Development Manager, Grainger to a session of the Housing & Regeneration Scrutiny Panel, 27th March 2019

possible to accommodate Victoria Alvarez as well as the Group was already larger than originally intended. But, some months later, after one of the Steering Group members was failing to attend the meetings on a regular basis, it was determined that a new member should be elected to take their place. At this point Victoria Alvarez was elected and became a member of the Steering Group.

8.15 The purpose of the Steering Group was originally described as being *“to identify a location for the Temporary Market; discuss the relocation process/logistics, input into the internal layout and operations of the Temporary and New Markets.”* However, at the first meeting of the Steering Group, traders expressed the view that issues of market management and maintenance should also be included within the remit of the group on the basis that these needed to be resolved first before the traders could move forward to discuss plans for the future. This was agreed and the terms of reference for the group amended to reflect this. In effect this meant that Steering Group members had determined that they would engage through this forum with the market operator (on issues relating to market maintenance) in addition to his role as market facilitator (on issues relating to the market relocation).

8.16 The Panel heard that the amended terms of reference for the Steering Group specified that the aims of the group would be:

- Establish a conducive relationship between Grainger and representatives of the market.
- Provide an opportunity for representatives of the market traders to collectively input into the temporary relocation process on behalf of **all** market traders in Seven Sisters Indoor Market.
- Provide representatives of the market traders with an opportunity to collectively agree and input into the design and layout of the new market on behalf of **all** market traders in an open and transparent forum.
- Report on progress of the Seven Sisters Regeneration project by Grainger to market representatives and consult on relevant market related issues as appropriate.
- Provide an opportunity for representatives of the market traders to discuss management and maintenance issues with market management.³⁷

8.17 Concerns raised about market management and maintenance at the Steering Group included the condition of the customer toilets, pest control, heating, parking, a leaking roof and anti-social behaviour in the service yard to the rear of the market.

³⁷ Future of Seven Sisters Market Steering Group, updated terms of reference (version obtained by the Panel is dated 15th Oct 2017)

- 8.18 In his evidence to the Scrutiny Panel, Nicholas Amayo, who had been a member of the Steering Group from the outset, said that he believed the Steering Group had been flawed from its inception as it failed to advocate for or support the needs of traders. Therefore, failed to meet most of its original stated aims and objectives.
- 8.19 The market operator in his submission to the Panel that it *“has been and remains an extremely useful forum to discuss and consult with Traders on general progress of the development, how the CPO and legal programmes affects them, the protection and concessions offered by the S106 and the design and specification of the new Market.”*³⁸
- 8.20 The Panel also received photographic evidence of traders calling for a vote of no confidence at a lobby of a Steering Group meeting held on 1st November 2018.
- 8.21 Written evidence was submitted to the Panel in the form of a letter from Save Latin Village & Wards Corner to the Senior Development Manager of Grainger, regarding the Seven Sisters Market Steering Group, dated 6th December 2018. It stated: *“We did not attend the last meeting of the steering group on November 1st which with us being five of the seven traders nominated to sit on the steering group as representatives of the traders at the market was a clear and unambiguous demonstration of our lack of confidence in the steering group.”* The letter reported that a protest of 150 people had taken place outside the Steering Group meeting venue and called for the disbandment of the Steering Group *“until a more representative replacement can be put in place that actually fulfils the legal requirements of the developer and gives meaningful voice to the vast majority of traders that have no confidence in the current structure.”*³⁹
- 8.22 The Panel also received a copy of the letter in response to this from Grainger dated 9th January 2019. The letter reiterated the Steering Group’s objectives, which includes the provision for *“representatives of the market traders to discuss management and maintenance issues with market management”*, and stated that *“to allow management and maintenance issues to be discussed away from the Steering Group, we have asked [MAM] to hold meetings with traders, in the market, on a more regular basis.”* The rationale for this was that the extent to which management and maintenance issues were dominating the discussions at the Steering Group was preventing the discussion of the way ahead with the move to the temporary market and new permanent market. Traders told the Panel that the Steering Group had not resolved concerns about the alleged conduct of the Market Facilitator. The letter responded to the allegations about his conduct. The Letter said

³⁸ Written evidence to the Panel from Market Facilitator March 26th 2019

³⁹ Letter from ‘Save Latin Village & Wards Corner’ to Grainger, 6th Dec 2018

that they had “monitored the outcome of TfL’s investigation but consider disputes between traders and Market facilitator to be precisely that. It is not Grainger’s role, or that of the Steering Group to act as the dispute resolution body in relation to these issues.”⁴⁰

- 8.23 This evidence suggested to the Panel that relations between the traders on the Steering Group and the Market Facilitator had irredeemably broken down. Some of these concerns were shared by the Assistant Director for Regeneration, in his evidence to the Panel in which he said that officers were aware of concerns about operational issues dominating discussions at the Steering Group and that meetings could at times have an intense atmosphere with anger on both sides⁴¹. Without the full confidence of all participants. The Panel drew the conclusion that the Steering Group is unable to fulfil its stated purpose in its current form.
- 8.24 Despite assertions that there was division between traders as to the best way forward, all 14 traders that the Panel spoke to provided evidence that the Steering Group was not fit for purpose. The traders said that complaints had been raised at the Steering Group, at which a Council officer had always been present, but that complaints had gone unheeded.
- 8.25 The evidence provided by the Cabinet Member for Strategic Regeneration and Leader of the Council left the Panel under the impression that there was differing knowledge in the Council about the S106 obligations that related to the Steering Group and how they are to be executed in order to fulfil the Planning Authority responsibilities.
- 8.26 Panel members felt that, given the consistent representations concerning the running of the market and their nature, it may have helped improve relations between the Council and the Latin American community (a group with specific protected characteristics) had senior officers visited the market to speak first hand to traders. It was noted that Steering Group meetings took place away from the market, usually at the College of Haringey, Enfield and North East London (CONEL). The main officer of the Council in contact with the traders was the Town Centre manager who was a member of the Steering Group. The Panel was not able to ascertain whether the Town Centre Manager had visited the Market site in any formal capacity.
- 8.27 The Panel also felt that oversight of S106 agreements could be improved by ensuring that local Councillors are fully aware of terms of the S106 agreements that are active

⁴⁰ Letter from, Senior Development Manager, Grainger to Save Latin Village & Wards Corner, 9th January 2019

⁴¹ Oral evidence given by AD for Regeneration, Haringey Council to a session of the Housing & Regeneration Scrutiny Panel, 8th May 2019

in their ward. Panel Members felt that the online planning portal was difficult to navigate and that most Members would not automatically be aware of S106 agreements in their area. It would therefore be preferable if the terms of new S106 agreements were sent to the Councillors for the relevant ward.

Town Centre Manager

- 8.28 The Panel was not able to question the Town Centre Manager, who had been Haringey Council's representative at all 21 of the Steering Group meetings. The reason given for this was that the Council's Constitution only enables Scrutiny Panels to require officers at third tier or above to attend evidence sessions but the Town Centre Manager role is below this at the fourth tier level. Though officers below third tier are permitted to attend, this can only happen at the discretion of their Director and the request to speak to the Town Centre Manager was declined. The reason given was the relevant information could be obtained in writing or via senior officers without the need for a more junior officer to attend an evidence session.
- 8.29 The relevant section of the Council's Constitution reads:

“Power to require Members and officers to give account

(i) The Overview and Scrutiny Committee and Scrutiny Review Panels may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions (Scrutiny Review Panels will keep to issues that fall within their terms of reference). As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet, the Head of Paid Service and/or any senior officer (at second or third tier), and chief officers of the local National Health Service to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;*
- (b) the extent to which the actions taken implement Council policy (or NHS policy, where appropriate); and*
- (c) their performance.*

It is the duty of those persons to attend if so required. At the discretion of their Director, council officers below third tier may attend, usually accompanied by a senior manager. At the discretion of the relevant Chief Executive, other NHS officers may also attend overview and scrutiny meetings.”⁴²

⁴² London Borough of Haringey Constitution, Part Four (Rules of Procedure), Section G (Overview & Scrutiny Procedure Rules), Paragraph 13.3 (i) <http://www.minutes.haringey.gov.uk/ieListDocuments.aspx?Cid=873&Mid=7972&info=1&MD=Constitution>

- 8.30 The Panel felt strongly that the Scrutiny Review would have benefited enormously by speaking directly to the Town Centre Manager to closely understand the council's observations of how the traders' complaints had been taken forward.
- 8.31 The Panel tried to establish how and when the Town Centre Manager had communicated concerns about the operation of the Steering Group to senior officers. However, the Panel understands that this happened predominantly through informal conversations rather than any formal reporting mechanism. No direct officer reports from Haringey's Town Centre Manager were available to the Panel. This is particularly relevant as it would have helped to inform the Panel's inquiries on when Council officers had become aware of the difficulties in the relationship between traders and the Market Facilitator.
- 8.32 The Panel sought further clarity about the chronology of when the Council was aware that the functioning of the Steering Group and the relationship between the traders and the Market Facilitator was not working as it should and that further action would therefore be required in order to properly implement the S106 agreement. The Deputy Monitoring Officer's letter to Bindmans LLP, dated 22nd March 2019, stated that:
- "when colleagues replied previously they were of the view that the arrangement [with the Market Facilitator] was working well. However, since that time colleagues have become aware of complaints with regard to the operation of the Market Facilitator."*⁴³
- 8.33 The reference to *"when colleagues replied previously"* presumably includes the letter from Haringey Council's Legal Services to Bindmans LLP, dated 3rd September 2018, which stated that:
- "The Council has received minutes of the steering group meetings, which your clients attend. These show that the Market continues to operate successfully and that the Traders are continuing to receive assistance from the Market Facilitator to enable them to trade from the Market."*⁴⁴
- 8.34 However, a detailed letter from Bindmans Solicitors, predating this, listing a series of complaints including those against the Market Facilitator, had been sent to the Leader of the Council and copied to the Head of Development Management and Planning Enforcement, on 15th August 2018.⁴⁵

⁴³ Letter from Haringey Council Legal Services to Bindmans LLP, 22nd March 2019

⁴⁴ Letter from Haringey Council Legal Services to Bindmans LLP, 3rd September 2018

⁴⁵ Letter from Bindmans LLP to Leader of Haringey Council, 15th August 2018

- 8.35 The Assistant Director for Planning, whose Department is responsible for the enforcement of the S106 agreement, told the Panel that she regretted not realising early enough that there was a problem with the market facilitator role and that it would have been better if she had been alerted to this by the Regeneration department. She said that, in her Planning role, it had been necessary for her to keep separate from the CPO inquiry but the unfortunate part about that was that she didn't become aware of the issues around the market facilitator role. She acknowledged that it would therefore be necessary to reflect on how the departments maintain this separation while enabling a flow of information on matters like this where appropriate.
- 8.36 Elements of the S106 had been developed specifically to address any detrimental impact of the Seven Sisters development on market traders with protected characteristics. The Steering Group was a vehicle intended to deliver part of those protections described in the S106. As such any breakdown of relationships, which the Panel believes were apparent from the inaugural meeting of the Steering Group, should have been brought to the attention of the Planning department of the Council.

Recommendation 1: The Council should negotiate with its development partner Grainger to revise the terms of reference for the Market Traders Steering Group to cover the following:

- **Democratic elections of trader representatives.**
- **Appointment of Independent Chair [acceptable to the trader representatives].**
- **Role of the Council's Town Centre manager to be clearly defined.**
- **Regularised reporting arrangements between the Steering Group and the Council to allow any relevant issues where the Council has a regulatory role to be communicated promptly to appropriate departments and service areas.**
- **The agenda items, minutes and actions arising from meetings of the steering group to be shared with senior managers at the Council.**

Recommendation 2: The Standards Committee to review Part Four (Rules of Procedure), Section G (Overview & Scrutiny Procedure Rules), and the section under which officers are expected to provide evidence in Scrutiny Reviews. The presumption should be that officers should be expected to provide evidence to Scrutiny Reviews unless there are strong reasons for refusal. In reviewing this section, the opinion of the trade unions should be sought to ensure the protection of staff at all levels of the organisation.

9. Market Facilitator Role

- 9.1 As noted earlier in this report, the Market Facilitator role was a requirement of the S106 Agreement entered into in July 2012. This had followed the Court of Appeal decision to quash the planning permission for the scheme that was initially granted in 2008 on the basis that Haringey Council's duty under section 71 of the Race Relations Act 1976 had not been discharged by the council when granting this planning permission.
- 9.2 The S106 agreement requires the developer to appoint *"a Market Facilitator to work with traders and market employees, promote their interests, and give support and advice."* As noted in Section 9 of this report, the S106 agreement and the subsequent 2017 Deed of Variation also require the Market Facilitator to:
- assist the Traders in continuing to trade from the Market and Temporary Market for so long as they are open;
 - advertise the proposed relocations to the Temporary Market and then the New Market; and
 - assist individuals working at the market to find suitable alternative employment should they decide not to relocate.
- 9.3 The Panel understands that Quarterbridge Project Management Ltd was appointed to the role of Market Facilitator in May 2016 and resigned from this role in November 2018.
- 9.4 Shortly after the original S106 agreement was entered into in July 2012, Quarterbridge became involved with the regeneration project on a consultancy basis⁴⁶. An article on Haringey Council's website, dated 16 October 2012, announced *"Specialist Support for Seven Sisters Market"* and stated that *"Grainger plc and Haringey Council have appointed Quarterbridge Project Management to work with existing traders to design the new Market Hall and help with the temporary relocation whilst the Seven Sisters Regeneration project is underway."*⁴⁷
- 9.5 In the minutes of the first and second Steering Group meetings, advise the market operator's position which was made clear that, having invested a considerable amount of money in buying the market, his objective was to improve and add value to the market in order to be able to increase rents and obtain a better return. There was a desire to help and encourage the traders to develop and improve their individual businesses as this would help his business. There were a significant number of 'legacy issues' and inherited problems including a range of health and safety issues and that some traders were not complying with the estate

⁴⁶ This appointment is not to be confused with the appointment of Quarterbridge Project Management to the role of Market Facilitator which took place in May 2016.

⁴⁷ Specialist Support for Seven Sisters Market, 16th October 2012 <https://www.haringey.gov.uk/news/specialist-support-seven-sisters-market>

management rules or with some statutory obligations. That breaches included unauthorised sub-lettings, unauthorised sales and unauthorised alterations to the building which placed him commercially at risk and the other tenants at risk with regards to health and safety issues. His view was that a robust approach was therefore required from him as market operator to resolving health and safety issues within the market but he did not accept that this amounted to intimidation.⁴⁸ In evidence to the Panel, the market operator contended that the necessary actions taken by him to remedy breaches of statutory legislation, including health and safety risks, became a root cause in some instances of complaints from market traders who regarded such actions to be unwelcome.

- 9.6 In evidence submitted to the Panel, the Market Operator/Facilitator stated that the Market Facilitator appointment was funded by Grainger and that Quarterbridge Project Management *“undertook a series of exercises including attendance at Trader Steering Group meetings, confidential one-to-one interviews with all Traders to determine their business needs, a referencing exercise to identify S.106 relocation entitlement, liaison with lawyers to ensure that CPO notices and subsequent public inquiry notices and information were correctly served, collection of anonymised rental and other tenancy information for the independent expert appointed to advise the public inquiry, and finally data collation of ethnicity and employment creation to discharge the Equalities Impact Assessment required by the planning consent.”*⁴⁹
- 9.7 The Panel heard evidence that in relation to the business support element of the role, the Market Operator/ Facilitator said that Quarterbridge Project Management *“organised and hosted a series of individual and collective Business Development workshops which offered Traders access to free business support e.g. for Income Tax and VAT registration, access to business funding sources and advice on incorporation, food hygiene training and online promotional training in partnership with the National College for digital skills in Tottenham”*.⁵⁰
- 9.8 The Panel was told that since the formation of the Steering Group, one-to-one sessions with traders had been offered with the market facilitator, and separately with the Council’s Tottenham Town Centre Manager, to discuss individual traders’ business support needs. However, as of April 2019, none had been taken up. Grainger also informed the Panel that, as part of their engagement approach, they had held one-to-one meetings with traders in addition to whole market meetings held within the Market in order to discuss the progress of various projects.⁵¹ In 2018, MAM had offered to run a business support programme with organised sessions at

⁴⁸ Minutes of meetings of Seven Sisters Market Traders Steering Group, 27th Oct 2016 & 24th Nov 2016

⁴⁹ Written evidence to the Panel from market operator/Facilitator, 27th August 2019

⁵⁰ Written evidence to the Panel from Market Facilitator, 27th August 2019

⁵¹ Written evidence to the Panel from Grainger, March 2019

the market and at CONEL, but attendance was low. Traders were offered the opportunity to promote their business online through the Seven Sisters Market website but again take up was low.⁵²

- 9.9 It was also noted that in addition to the business support offered, the Tottenham Town Centre Manager had provided the contact details of the Tottenham Green Market Operator and encouraged traders who sell food and produce to contact her for a pitch every Sunday (when the market is currently closed). However, this offer had not been taken up.⁵³
- 9.10 The Panel were made aware of alleged incidents between the market operator and the traders which led to two investigations conducted by TfL in its role as owner of the market buildings. The Panel considered the allegations against the market operator should have been enough to initiate a separate investigation by Haringey Council into whether there had been a breach of the S106 conditions at that time by Quarterbridge (given the overlap between Quarterbridge and MAM). One of the traders put forward these complaints to both TfL and the Equalities and Human Rights Commission who subsequently wrote to TfL. At this time, evidence to the Scrutiny Panel strongly suggested that no action has been taken by the Council despite complaints being raised at the Market Traders Steering Group meetings. The Council in its Planning Authority role did not receive any complaints alleging that the Section 106 obligations had been breached until receipt of Bindman's letter of the 15th August 2018. At this point the Council's legal advice was that the Section 106 obligations were not in operation.
- 9.11 In a written submission to the Panel, the market operator states that these allegations are repeated *"even following two inquiries by TfL which acknowledged an apology for inappropriate language at a public meeting. Since then [MAM] has continued to develop an Action Plan with TfL to improve the Market."*⁵⁴
- 9.12 The Panel was concerned that the Market Facilitator was formally a consultant to the developer and that the same person, under a different corporate identity became the market operator with a commercial interest in the market. This conflict of interest should have been foreseen by both the developer and the Council. The conflict was only latterly recognised in the autumn of 2018, after the scrutiny review had commenced, when it was announced that the facilitator would be stepping down from the role. Participants within the market Steering Group gave evidence that numerous complaints had been raised at the Steering Group about the market facilitator/market operator but did not feel that their complaints had been

⁵² Written evidence to the Panel from the Housing, Regeneration & Planning Department, Haringey Council, April 2019

⁵³ Written evidence to the Panel from the Housing, Regeneration & Planning Department, Haringey Council, April 2019

⁵⁴ Written evidence to the Panel from 26th March 2019

acknowledged or answered by either the developer or the Council who had a representative on the Steering Group.

- 9.13 The Panel believes that this conflict of interest should have been anticipated and that the Facilitator role enshrined in the S106 agreement could not and should not have been provided for by a person who had a material and commercial interest in the management of the market. The Panel believes that this inherent conflict of interests should have been apparent to the developer and the Council at the Steering Group meetings from the outset.
- 9.14 TfL's second investigation report dated 12 October 2018 concluded that there was no evidence that MAM's action had been unfair or in breach of any contractual relationships that were in place with the traders. In recognition of the need to improve relations, MAM took action to recruit additional staff and employ staff of Latin American origin with whom the traders could better communicate in their first language.
- 9.15 On 19th November 2018 a meeting was held between Grainger, the Council, TfL and the GLA where the Council agreed the following actions with Grainger:
- appointment of a new independent market facilitator to replace Quarterbridge,
 - appointment of Spanish speaking mediator, maintaining a Spanish translator on the steering group,
 - working with the MAM to increase the frequency of the all traders meeting to progress health and safety issues and repairs that are most important to traders so that these issues can be separated from and enable the future of the market discussions to take place at the Steering group.
- 9.16 Notwithstanding the Council's current investigation of the compliance of section 106 obligations related to Wards Corner, the Panel viewed the resignation of Quarterbridge to be an acknowledgment that the conflict of interest between the roles of Market Operator and Market Facilitator was untenable. Quarterbridge maintained that its resignation did not represent tacit acknowledgment that a conflict of interest existed, only that some traders were unhappy with the arrangement. Quarterbridge also contended that it had followed the requirements of the S106 agreement to the letter and followed the overriding principle that the role of market facilitator was to act in the best interests of all traders in the market. However, the absence of a genuinely independent Market Facilitator, resulting from the conflict of interest referred to above, has, in the view of the Panel, left the market traders without an advocate to mediate with Grainger, TfL or the Council. It is the Panel's understanding that, at the time of writing, no new facilitator is in place and that a Facilitator has not been in situ since November 2018.

9.17 The Scrutiny Panel was made aware that the developer Grainger act as a guarantor, pursuant to which it offers a financial guarantee to MAM's obligations under its lease, including any repairs that are required to be carried out at the end of its lease.

9.18 The Panel noted that Paragraph 24.5 of Schedule 4 of the S106 agreement required the developer to provide the Council with regular reports on the measures that have been taken in relation to Paragraph 24 of the S106 (on the move to the Temporary Market and the appointment of a Market Facilitator). The relevant section of the S106 reads:

*"To provide the Council with a report every six (6) months specifying the measures that have been taken pursuant to Paragraph 24 of this Schedule PROVIDED THAT the first report shall be sent to the Council no later than twelve (12) months after the grant of the Planning Permission and this process shall continue until the sixth (6th) anniversary of the grant of the Planning Permission."*⁵⁵

9.19 Although Paragraph 24.5 of the S106 agreement was subsequently replaced with different obligations by the 2017 Deed of Variation and had not been specifically discussed as part of the oral evidence sessions, the Panel took the view that it was important to ensure that this requirement had been fully complied with.

Recommendation 3: The Council should ensure that the ongoing investigation into the compliance with the section 106 obligations should include the following:

- **How the conflict of interest between the market facilitator role and market operator role, when they were the same person, could not have been recognised earlier.**
- **What due diligence had been undertaken in the appointment of the Market Facilitator.**
- **What checks and balances were in place to ensure that the Market Facilitator is acting fairly, independently and in the interests of the traders as outlined in the S106 conditions.**
- **When the S106 obligations commenced and what the causal factors were in their becoming operational.**
- **To identify any procedural failings in the prescribed six-monthly reporting arrangements for the section 106 agreement and take action if the report back obligation is incomplete.**
- **To publicly clarify the position on the section 106 agreement, given the Panel heard evidence suggesting there had been a breach.**

⁵⁵ Paragraph 24.5, Schedule 4 (Developer's Covenants), S106 agreement on the Wards Corner site, 11th July 2012

- How a failure to monitor the S106 agreement occurred and could continue for so long while breaches of the S106 agreement were repeatedly reported.
- How failure to monitor the S106 agreement had an impact on the council's public sector equalities obligations.
- The investigation should analyse the impact of this, what remedies may be available and establish measures to ensure that there is no repetition in future.

The conclusions should be submitted to the Secretary of State for Housing, Communities and Local Government.

Recommendation 4: Any replacement market facilitator should be genuinely independent and hold the confidence of all parties. The Council, should request Grainger to appoint an independent, qualified market facilitator. This needs to be done in full consultation with the traders. It is essential that adequate due diligence is carried out ahead of any appointment.

10. Enforcement of S106 Agreement

Bindmans correspondence

- 10.1 On 15th August 2018, Bindmans LLP, the solicitors representing some of the traders, wrote to Haringey Council with a detailed list of complaints about the conduct of Quarterbridge/MAM and requesting that Haringey Council should:
- undertake an assessment of the extent to which Grainger has complied with its S106 obligations;
 - provide information about the monitoring of the compliance with the S106 obligations;
 - confirm that it accepts that Section 149 of the Equalities Act 2010 is engaged by that assessment.⁵⁶
- 10.2 On 3rd September 2018, Haringey Council's Legal Services department wrote to Bindmans LLP to advise that:
- Most of the obligations in the S106 agreement (the 2017 Deed of Variation) only become operative at the earliest on Commencement of the Development which had not yet occurred.
 - The only items that arguably not subject to the Commencement of the Development were paragraphs 2.1 (b) (i) and (ii) and (c). These are the obligations to provide business support/advice to the traders and to assist them in continuing to trade from the existing market.

⁵⁶ Letter from Bindmans LLP to Haringey Council, 15th August 2018

- However, the beginning of paragraph 2.1 requires the Developer to *“procure that the Market Facilitator works with the Traders”*. It is not an absolute obligation on the Developer to guarantee compliance and the Council cannot enforce the obligations directly against the Market Facilitator.
- The final part of paragraph 2.1 makes clear each obligation is for the objective of maximising the number of traders who elect to trade from the Temporary Market and the New Market.
- Aside from these points the Council does not have evidence of non-compliance of the S106 agreement.

10.3 While the Haringey Council letter asserted that most of the S106 conditions did not yet apply, it also concluded that there was no evidence to show any non-compliance. To support this claim, the letter states that, *“the Council has received minutes of the Steering Group meetings, which your clients attend. These show that the market continues to operate successfully and that the traders are continuing to receive assistance from the market facilitator to enable them to trade from the market.”*⁵⁷

10.4 In evidence provided to the Panel in February 2019, Bindmans described the Council’s response in the September 2018 letter as a *“comprehensive abdication of responsibility by the Council for oversight of Grainger’s actions, those of its agents (Quarterbridge and MAM) or, in turn, for the Market’s future.”* Bindmans also provided the Panel with a letter that it had sent to Haringey Council on 21st January 2019 alleging maladministration on the part of the Council for failing to investigate Grainger’s alleged breaches of the provisions of the S106 agreement which had been designed to protect the rights of the traders.⁵⁸

10.5 On 22nd March 2019, Haringey Council’s Assistant Head of Legal Services responded in writing to Bindmans’ letter of 21st January 2019 explaining that the Council’s position was now:

- That it was *“accepted that the obligations under paragraph 2.1 of Schedule 3 or the Deed of Variation are now in fact operative”* meaning that Grainger is obliged to provide business advice/support to traders and to assist traders in continuing to trade from the market while it is open.
- That Section 149 of the Equalities Act 2010 does apply to the Council when monitoring compliance with the S106 agreement.
- That the Council has requested that Grainger change the Market Facilitator and that Grainger had agreed to this and written to traders in December 2018 signalling this intention.

⁵⁷ Letter from Haringey Council to Bindmans LLP, 3rd September 2018

⁵⁸ Letter from Bindmans LLP to Haringey Council, 21st January 2019

- That the Council intends to undertake a review of the market facilitator operation and, after this, intends to take all reasonable steps to ensure that all S106 obligations are complied with.
- That in the opinion of the Council, the case for maladministration has not been made out.⁵⁹

10.6 The Panel understands that the reason that the Council's position had changed was that the legal department had decided to review the position by getting another person to look at it in detail. As a consequence of that, the decision was made that the original position taken, as set out in the Council's letter in September 2018, had not been the appropriate one.

10.7 The Assistant Director for Planning advised the Panel had become aware of complaints about the market facilitator in 2018 which was after the Deed of Variation had been agreed in July 2017. She had, before Bindmans letter of 15 August 2018, taken steps to monitor the S106 through requesting minutes of the steering group and had sought updates from the regeneration team and from the developer once she became aware that there were issues. In hindsight however, the Planning department could have been more active in being aware of the issues with the steering group and it would have been better if the S106 had been worded to enable the Council to have some say in the appointment process for the market facilitator. She said that she regrets not being aware that there was a problem with the market facilitator role at an earlier stage. She had not been involved with the CPO inquiry (except for the Deed of Variation) as it was necessary as AD for Planning to stay separate from that but one consequence of that is that she was not always aware of some of the problems. It would therefore be necessary to reflect as a Directorate on how to keep appropriately separate where necessary but also to maintain a flow of relevant information. She also pointed out that there is an overlap with TfL on some of these issues as it is TfL's market and they had conducted their own investigations into these matters.

10.8 The Assistant Director of Regeneration at Haringey Council, acknowledged to the Panel that, based on the legal advice, the Regeneration team did not believe that the provisions of the S106 were operative and that they did not therefore have the powers to take any enforcement action. However, despite operating on the misunderstanding that the Council did not have these tools available, The Assistant Director for Regeneration emphasised that this did not mean that no action was taken at all. Progress was sought through continuing dialogue, for example through the engagement of the Town Centre Manager with Quarterbridge/MAM and the

⁵⁹ Letter from Haringey Council to Bindmans LLP, 22nd March 2019

market traders via the Steering Group.⁶⁰ Panel members queried why senior officers did not question the erroneous advice sooner and why there did not appear to be suitable processes and procedures in place to pick up on this problem at an earlier stage.

- 10.9 Panel members are confident that the S106 obligations attached to Grainger's planning permission in relation to the Market Facilitator role had been triggered and that the Community Engagement Strategy referenced above was the response to that requirement. The Community Engagement Strategy clearly states that a Market Facilitator had been appointed⁶¹; that a comprehensive engagement strategy was anticipated and that the Steering Group is set up as a means of engaging with the traders with the Council being a party to the Group. Panel members are concerned that ongoing monitoring of the S106 obligations has not been adequate or robust.
- 10.10 The Panel noted that the covering letter to the Planning Inspector's report on the CPO inquiry on Wards Corner had emphasised the importance of the safeguards within S106 agreement. The letter from Jan 2019, signed by the Senior Planning Manager with the authority of the Secretary of State for Housing, Communities and Local Government, stated that: *"while the safeguards in the varied S106 agreement do not provide a cast iron guarantee that the new permanent market will be provided, or retained in perpetuity, nor that all existing traders will be able to, or wish to continue trading, he agrees with the Inspector ... that the Order scheme makes reasonable provision for the retention and continued operation of the Seven Sisters Market."*⁶²
- 10.11 The Planning Inspector's report itself stated that *"the Order scheme seeks to mitigate these difficulties for Traders, through the S106 package. Amongst other things, this includes the provision of the temporary market, the existing traders' right to a stall, relocation costs, discounted and controlled rents for an initial period, one-to-one support through a facilitator, and consultation over detailed matters like the internal layout and individual stall positions. These measures are proposed specifically to help smooth the transition. They do not go as far as those proposed by the Traders themselves, that does not mean that they would not be effective in helping the Traders to manage this process. Through these S.106 provisions, it seems to me that the Order scheme would minimize any residual disadvantage suffered by the Traders, and would include reasonable steps to meet their needs, thus advancing equality of opportunity."*⁶³ This view had clearly been predicated on the understanding that the

⁶⁰ Oral evidence given by AD Regeneration to a session of the Housing & Regeneration Scrutiny Panel, 11th April 2019

⁶¹ Page 6, Seven Sisters Regeneration, Grainger Seven Sisters Ltd (Feb 2016)

⁶² Paragraph 15, Letter from Senior Planning Manager, Ministry of Housing, Communities & Local Government to Haringey Council, 23rd January 2019 https://www.haringey.gov.uk/sites/haringeygovuk/files/190123_decision_letter.pdf

⁶³ p.63, paragraph 361, CPO Report to the Secretary of State for Communities and Local Government, Wards Corner Regeneration Project CPO 2016 (The Planning Inspectorate, Jan 2018)

S106 was in operation. The Planning Inspector's report notes that "*A Market Facilitator has already been appointed*"⁶⁴. However, it was not until March 2019 that Haringey Council's Legal Services confirmed that key parts of the S106 agreement relating to the Market Facilitator obligations were "now in fact operative" contrary to previous advice. The previous lack of acknowledgement and enforcement of these elements of the S106 agreement meant that Traders had not been benefitting from the protection provided by these measures.

S106 correspondence timeline

15th Aug 2018	Letter from Bindmans LLP to Leader of the Council with list of complaints about the conduct of Quarterbridge/MAM and requesting that the Council should assess Graingers' compliance with the S106 agreement.
3rd Sep 2018	Letter from Haringey Council's Legal Services to Bindmans LLP advising that the Council had no evidence of non-compliance with the S106 agreement and that most of the obligations of the S106 agreement were not yet operative in any event.
4th Sep 2018	Letter from Bindmans LLP to Haringey Council's Legal Services requesting clarification on a number of points including whether an assessment on Graingers' compliance with the S106 agreement has been carried out.
22nd Sep 2018	Letter from Haringey Council's Legal Services to Bindmans LLP reiterating the same position from the letter of 3 rd Sep 2018 and confirming that no assessment had been carried out.
17th Jan 2019	Letter from Bindmans LLP to Haringey Council's Legal Services alleging maladministration on the part of the Council for failing to investigate assess Grainger's alleged breaches of the provisions of the S106 agreement.
21st Jan 2019	Letter from Bindmans LLP to Haringey Council's Legal Services asking for information about the involvement of Legal Services in the Housing & Regeneration Scrutiny Panel's forthcoming Scrutiny Review on Wards Corner.
22nd Mar 2019	Letter from Haringey Council's Legal Services to Bindmans LLP accepting that the Market Facilitator obligations in paragraph 2.1 of Schedule 3 of the Deed of Variation are now active, stating that the case for maladministration has not been made and that a representative of Legal Services would be attending evidence sessions of the Scrutiny Review.

⁶⁴ p.23, paragraph 120, CPO Report to the Secretary of State for Communities and Local Government, Wards Corner Regeneration Project CPO 2016 (The Planning Inspectorate, Jan 2018)

10.12 The Assistant Director for Planning, gave evidence to the Panel on 2nd May 2019 about the S106 agreement. She confirmed that she was not involved in the drafting of the September 2018 letters from Haringey's Legal Services department. Her understanding was that when the letter from Bindmans was received in January 2019, the monitoring officer undertook a review of the Council's position. While it was felt that there was a case for the position which had been taken in September 2018, it was concluded that, on balance, the provisions of the S106 agreement were operative. In her view it was not unreasonable to have taken the original approach in September 2018 because it is not usual for there to be an obligation before a development actually starts and because normally there would be a 'trigger' that makes the obligations active. However, the S106 agreement refers to the purpose of the market facilitator being to help traders to move to the new market. It wasn't therefore intended to arise independently from the development but the market facilitator had been appointed anyway before the development was underway. Therefore as the market facilitator required by the S106 agreement was in place regardless of whether the provisions of the S106 were active or not, the conversation in her view ought to be more about how well this function operated rather than whether or not the provisions should have been in place.

Monitoring of S106 agreement

10.13 The Panel asked about the appointment of the market facilitator, the Assistant Director for Planning confirmed that the Planning department was in the process of undertaking a review of the market facilitator operation and whether all S106 obligations have been complied with. The Council had asked Grainger in the meantime to halt the process for the appointment of a new market facilitator until this review has been concluded. If the S106 obligations have not been fully complied with then the remedy to that would be to advise on how the market facilitator role should operate in future which the Council would then have a responsibility to monitor in future.

10.14 The Panel is clear that the Council has the power to enforce the existing S106 agreement. The Panel is also clear that the Council's latest legal opinion is that the terms of the S106 agreement relating to the market facilitator are operative. The Panel believes that it is up to the Council's Planning Authority to ensure that the S106 is acted upon.

Public Sector Equality Duty

10.15 The Public Sector Equality Duty was introduced by the Equality Act 2010 and was developed in order to harmonise the equality duties and to extend it across the nine

protected characteristics⁶⁵. Section 149 of the Equality Act 2010 specifies that those subject to the equality duty, which includes local authorities, must in the exercise of their functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.⁶⁶

10.16 The Equality Act also specifies that advancing equality involves having due regard to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.⁶⁷

10.17 The obligations within the S106 agreement, which were designed to deliver the Council's Public Sector Equalities duties, were not considered active by the Council's Legal Services as evidenced in their letter of 3rd September 2018. However, the Council's subsequent letter of 22nd March 2019 accepted that the Market Facilitator obligations of the Section 106 agreement were "*now in fact operative*" and also accepted that the Public Sector Equality Duty contained in S149 of the Equality Act applies to the Council when monitoring compliance with S106 agreements. The Panel remains concerned that the use of the word "now" is non-specific and does not explain at what point in time the Council considers the S106 to have become operable.

10.18 The Council's letter of 22nd March 2019 states: "*As you know, the market facilitator was appointed in November 2017, and when colleagues replied previously they were of the view that the arrangement was working well. However, since that time colleagues have become aware of complaints with regard to the operation of the market facilitator. The Council subsequently requested that Grainger change the*

⁶⁵ List of protected characteristics, Equality and Human Rights Commission: <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>

⁶⁶ Section 149 (1), Equality Act 2010: <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

⁶⁷ Section 149 (3), Equality Act 2010: <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

market facilitator and that an independent mediator be appointed. I understand that Grainger agreed to these measures and wrote to the traders in December 2018 signaling this intention.”

10.19 The Panel noted a factual inconsistency in this paragraph. The Market Facilitator has confirmed that he was appointed in May 2016 and not November 2017, an 18-month difference. The Market Traders that gave evidence to the Panel expressed dissatisfaction with the effectiveness of the facilitator role at the first meeting of the Steering Group, which took place in October 2016 in the presence of a Council officer. Yet the Council’s letter of 22nd March 2019 had stated that “when colleagues replied previously [referring to the letter of 3rd September 2018] they were of the view that the arrangement was working well”.

10.20 The Council’s letter of 22nd March 2019 states the intention of the Council to review the market facilitator operation and ensure that obligations under S106 are complied with. The Panel noted that at the time of writing the investigation has not concluded and that the facilitator role remains vacant. As this role is central to the delivery of the S106 protections, the Panel was concerned to note this further delay.

10.21 The Panel is concerned that the Council has not enforced the provisions contained within the Section 106 agreement that were designed to protect the market traders and that the Council has not fulfilled its Public Sector Equality Duty.

10.22 This is because the Section 106 specifically requires:

- The appointment of a Market Facilitator to *“work with traders and market employees, promote their interests, and give support and advice”*, and
- Through the Community Engagement Strategy, the establishment of a Steering Group as a mechanism to enable dialogue between the market traders, Grainger and Quarterbridge/MAM.

10.23 However, despite the presence of these requirements in the S106 agreement, the Council:

- Failed to individually investigate complaints about the Steering Group which were raised as early as 2016.
- Failed to establish the conflict of interest between the market operator and market facilitator roles being held by the same person and the consequent difficulties in the market facilitator adequately promoting the interest of the market traders as required by the S106 agreement.
- Failed to investigate the concerns about the enforcement of the S106 agreement and a request for an investigation as raised by Bindmans solicitors in their letter of August 2018, instead asserting in September 2018 that the

S106 conditions were not in force and not acknowledging that this assertion was incorrect until March 2019.

10.24 The Market Traders are regarded as having protected characteristics, by virtue of race, under the Equalities Act. The Panel believes that the Council did not have due regard to its Public Sector Equalities Duty when dealing with complaints about alleged breaches of the S106 agreement.

Recommendation 5: The Council Planning department should carry out a review of how all S106 conditions are monitored and enforced. In particular, with regard to people who share protected characteristics under S149 of the Equality Act. The public needs to be confident that the monitoring and enforcement of such conditions are rigorous, robust, and pursued in the interests of residents and that these procedures are transparent.

Recommendation 6: The Council should take the necessary steps to assure itself that in monitoring, reviewing and enforcing its Section 106 planning obligations, it pays due regard to its Public Sector Equality Duty. The cabinet should further ensure that these steps are taken within a reasonable period of time.

Recommendation 7: The Panel noted that there could be a perception of a conflict of interest between the Planning and Regeneration departments and recommends providing a separation of the two services in order to provide for clearer understanding.

11. Maintenance Issues at Seven Sisters Market

11.1 The Panel heard extensive evidence from a broad selection of traders, including some traders who are supportive of the Grainger plan, that the market management falls well below their expectations and this was seen as a source of recurrent conflict between traders and the management of the market. All traders who gave evidence said that they had raised issues of security, cleanliness, pest control, and anti-social behaviour, the lack of a repairs regime, electricity outages and other issues. These were raised individually with the Market Operator/Facilitator at Steering Group meetings and with the Council's representative at the Steering Group. The Panel heard that these problems had been raised repeatedly by trader representatives on the Steering Group to no satisfactory conclusion. The Panel heard that the issues listed above impacted detrimentally on their businesses.

11.2 During a site visit to Seven Sisters Market on 3rd December 2018, Panel members observed the following:

- Lack of signage indicating the presence of an indoor market
- Lack of advertising on the outside of the building

- Lack of clarity for the main entrance
- Inadequate toilet facilities
- Trip hazards and poor quality flooring in customer aisles
- Generally grubby appearance of the communal areas
- Trip hazard by the rear exit to the goods loading area to the rear
- Absence of security and inadequate locks
- Lack of adequate lighting and trip hazards to the rear of the building
- Badly maintained drains
- Foul smells emitting from drains
- Overflowing commercial waste containers
- Rubbish strewn over the rear yard likely to attract vermin

11.3 Written evidence was received by the Panel to show that the Cabinet Member for Finance and Strategic Regeneration had responded to concerns from market traders and local residents regarding health and safety at Seven Sisters Market. The Cabinet Member wrote to TfL on 18th October 2018 to raise these concerns noting that the Council's Environmental Health team had carried out a visit to the market on 25th September 2018 and that inspection officers had raised concerns with fire safety at the site due to the layout, construction and management of the common areas.⁶⁸ The market operator subsequently submitted written material outlining fire safety procedures that apply to the market

11.4 Grainger's representative acknowledged to the Panel that he has *"heard much discussion around the quality of flooring, leaking roofs, damaged toilets, poor ventilation, power outages and anti-social behaviour outside and inside the market"*⁶⁹ but saw this as the concern of MAM. He further suggested that MAM's *"focus on repairs has often concerned fire and electrical safety ahead of cosmetic issues"*.

11.5 The Panel believes that ongoing poor maintenance and poor security at the existing market runs the risk of reducing market footfall and impacting on the turnover and profits of the existing market traders. If this situation is allowed to continue unchanged it has the potential to render meaningless the provisions of the S106 deed of variation designed to ensure a future viable Latin Market.

Recommendation 8: The Council, in its regulatory health and safety role should work with TfL, Grainger and any other stakeholders to draw up a plan of action to address all

⁶⁸ Letter from cabinet member for strategic regeneration to Graham Craig, 18th October 2018

⁶⁹ Oral evidence given by Senior Development Manager, Grainger to a session of the Housing & Regeneration Scrutiny Panel, 27th March 2019

outstanding and ongoing maintenance work at Seven Sisters Market in order to secure a working environment which complies with all regulations.

12. Eviction of Housing Association Tenants

- 12.1 A number of housing association properties were situated within the redevelopment site and the Panel heard from three residents who had been evicted as a consequence of Grainger acquiring the properties.
- 12.2 The properties concerned were 30 Suffield Road, a terraced property operating as an HMO (house in multiple occupation) comprising of three separate rooms, and 255-259 High Road which comprised of six flats. These were owned by Circle 33 Housing (a housing association which has since become part of Clarion Housing following a merger) and were sold to Grainger in December 2016.
- 12.3 Circle 33 Housing had appointed Irish Causeway Housing Association in 2009 to manage the properties. The Panel understands that Circle 33 Housing had informed all occupying tenants in January 2016 of the impending future sale of the properties to Grainger. All but three tenants were subsequently rehoused or had managed to find alternative accommodation themselves.
- 12.4 The Panel spoke to all three of these former tenants. Tenant A, who had been living in one of the properties for seven years on a rolling six-month contract, informed the Panel that they had been evicted in October 2016 and claimed that they were only made aware of the eviction less than two weeks beforehand. Tenant A said that the only offers of alternative accommodation received were in shared accommodation which they did not feel to be safe enough to accept. Tenant A informed the Panel they had ended up sleeping rough and that this period of homelessness had exacerbated their existing long-standing mental health problems.⁷⁰
- 12.5 In response, the Council told the Panel that Tenant A had received at least four offers of alternative accommodation, all of which he declined which left Circle 33 with no option but to evict them. The eviction had taken place in October 2016. The Council's rehousing team had actively assisted Tenant A to find alternative accommodation from October 2017.⁷¹
- 12.6 Tenant B said that they had also been living in one of the properties for a number of years and said that they had received an eviction letter in August 2016. Tenant B said that they had only been offered shared accommodation as an alternative, despite

⁷⁰ Oral evidence from Tenant A to a session of the Housing & Regeneration Scrutiny Panel, 26th March 2019

⁷¹ Written evidence to the Panel from the Housing, Regeneration & Planning Department, Haringey Council, June 2019

the fact that the Circle 33 property that they occupied was a self-contained flat, and that this would be at a significantly more expensive rent. Tenant B also explained that they had difficulty getting access to their belongings after the locks to the property were changed.⁷²

- 12.7 In response, the Council told the Panel that their rehousing team had been in regular contact with Tenant B until February 2018 when they had been advised to apply to the Council's housing register. There had been no further contact since that date.⁷³
- 12.8 Tenant C told that Panel that they had also received an eviction notice in August 2016. The tenant was evicted by bailiffs in September 2016 along with their two small children, one of whom suffers from cerebral palsy. Tenant C said that their possessions were placed in the street and that they had no help with moving their belongings. Tenant C was then placed in a hostel and was then moved to Enfield.⁷⁴
- 12.9 In response, the Council told the Panel that the former tenant had been temporarily rehoused at one of the Council's hostels for two nights after which they were moved to temporary accommodation in Enfield borough. An officer had been allocated to assist the former tenant with finding alternative accommodation after this but the Panel was told that this is likely to involve an offer of accommodation in the private sector due to the high demand for social housing. The Council also said that it cannot guarantee how long it will be until the former tenant is rehoused.⁷⁵
- 12.10 The Panel was disturbed by the treatment of Housing Association tenants during their eviction prior to the acquisition of properties.

Recommendation 9: In light of the disturbing allegations the Panel heard in the evidence sessions from former housing association residents, we recommend that the council explore the lessons that could be learned from working with housing associations to rehouse vulnerable residents.

13. Distribution of CPO Notices

- 13.1 The Secretary of State's decision to confirm the CPO was received by Haringey Council on 23rd January 2019. This is a statutory process and there was a requirement to distribute notices of this decision to affected parties. On 27th February 2019 the notification confirming 'The London Borough of Haringey (Wards Corner Regeneration Project) Compulsory Purchase Order 2016' was distributed by

⁷² Oral evidence from Tenant B to a session of the Housing & Regeneration Scrutiny Panel, 26th March 2019

⁷³ Written evidence to the Panel from the Housing, Regeneration & Planning Department, Haringey Council, June 2019

⁷⁴ Oral evidence from Tenant C to a session of the Housing & Regeneration Scrutiny Panel, 26th March 2019

⁷⁵ Written evidence to the Panel from the Housing, Regeneration & Planning Department, Haringey Council, June 2019

the Market Operator to all businesses and properties affected by the Compulsory Purchase Order (CPO). This notified all parties potentially affected of the Secretary of State's decision to confirm the CPO, including the market traders.

- 13.2 Given the history of complaints some traders considered this action to be highly inappropriate and insensitive.
- 13.3 The Panel sought an understanding of how this situation had been allowed to occur. Officers outlined that the distribution of the CPO notices had been co-ordinated by Persona, a company that had been appointed by Grainger and Haringey Council to carry out land referencing duties since 2016. The process was that Persona printed and enclosed the covering letters (on Haringey Council headed paper as the acquiring authority) and delivered the notifications to the majority of potentially affected parties, using a variety of means including registered mail, couriers and hand delivery. In 2016, the then licensed stallholders requested that notices be hand delivered due to issues with non-delivery at home addresses. Officers noted the significant administrative challenges involved with maintaining an independent database, as the churn in traders is significant. The Panel were informed that the Market Operator maintained a regularly updated list of Traders. Because of this, the Market Operator was asked to help with this statutory requirement of distribution of notices to all licensed stallholders by the CPO Project Manager (consultant) who was managing the contract at the time in 2016. Since 2016, the Market Operator has helped to distribute at least four notices about the CPO to the market.
- 13.4 Officers explained that using the Market Operator was intended to assist in the legal requirement that all licensed stallholders receive their relevant notifications. There is no legal requirement as to who has to deliver the notices and the rationale was that the Market Operator had unique access to the necessary information to be able to hand deliver the notices to the right person. This was seen as a default arrangement and so no explicit decision was taken to deliver the notices in this way. However, officers acknowledged the heightened sensitivities that were ongoing and that the method of distribution had caused unintended distress and concern for which they apologised.
- 13.5 The Leader of the Council wrote to market traders on 5th March 2019 to apologise for the way in which the CPO notices were delivered to them. The letter included that the council was reviewing how market traders are communicated with to make sure that this doesn't happen again.
- 13.6 Panel members felt there should have been sufficient awareness within the Council of the damaging impact on community cohesion that the distribution of the Council's

CPO notices would have by being distributed by the market operator .The Panel felt that this distribution method was particularly insensitive in view of the ongoing difficult relationship between the Market Facilitator and the traders.

14. Conservation Issues and Value of Existing Site

14.1 The case made to the Panel in favour of the redevelopment by Grainger included an emphasis that the scheme will *“enhance the environmental quality of the public realm”* and *“will replace buildings of poor quality or design and replace them with one of high quality and design.”* It was also argued that the redevelopment will generate jobs, provide a new and improved range of retail shops in the town centre and provide wider economic benefits.

14.2 Describing the potential for the redevelopment to be a catalyst for wider regeneration, Grainger informed the Panel that:

“It is anticipated that it will also provide a springboard for further private and public sector investment that will bring greater and sustained regeneration in the wider area, as seen with other high-profile redevelopment schemes in Tottenham.

The envisaged redevelopment of the wider area is driven by ‘place-making’ with the aim of creating an attractive, accessible and interesting centre for the Seven Sisters area helped by an improved and enlarged public space at the core. The 196 new homes will create a more balanced community with an anticipated high proportion of working households and higher incomes that can then have a multiplier effect on the local economy.”⁷⁶

14.3 The developer also highlighted the conclusions of an independent market expert, Gary Saunders of Saunders Markets, which identified the following issues relating to the current market:

- The Market is accessed via three small entrances directly off the Tottenham High Road and a double door rear entrance for servicing.
- The result of the Market’s high proportion of used space is a cramped feeling in the aisles between stalls when it is busy. One view is that this bustle adds to the ambience and character of the market. The other is that narrow crowded spaces put off potential casual customers and shortens their visits. In my view, the modern practice of allowing more

⁷⁶ Written evidence to the Panel from Grainger, March 2019

circulation space creates a much more pleasant and inviting environment for customers.

- The condition of the building is detrimental to its future. It is apparent that the lack of signage, the cramped feeling within the market and ongoing health and safety legacy issues that require addressing are all contributing to the feeling of a “patched up” market rather than a forward-looking enterprise.

14.4 Grainger expressed the view that to leave the Market in its current condition is not a sustainable long-term option and that instead the redevelopment provides *“a significant opportunity to deliver a modern setting for the Market and provide a purpose-built space within which it can flourish.”*⁷⁷

14.5 Verbal and written submissions were also received by the Panel indicating significant public support for the retention of the architectural heritage inherent in the existing buildings at Wards Corner as well as support for the cultural offer present at the market.

14.6 The Panel received evidence from Latin American traders that testified to the importance of the market for Latin American residents and other groups with protected characteristics across London. Evidence was provided as to the long distances people would travel just to shop or eat at the Wards Corner market. A statement from local campaigner and founder of the Latin Corner Community Interest Company, said that the site is *“considered a site of cultural heritage for the Latin American community. Many of the trader’s units have been designed with a Latin American architectural influence, and many have balconies and terraced roofs. School trips from state schools to the Latin Village have taken place as a part of the language curriculum. People are drawn to the site to enjoy the immersion experience of being in an authentic Latin Village.”*⁷⁸

14.7 Other evidence was provided to show how traders use the market to bring together the Latin American community, share experiences, celebrate cultural heritage, offer mutual support and create a home from home at the market site. Local campaigner, statement to the Panel observed that, *“It is a valuable resource for BAME children socialising in the community”*⁷⁹.

14.8 The Panel heard from Dr Sara Gonzalez, Associate Professor at the School of Geography, University of Leeds, whose areas of expertise includes traditional

⁷⁷ Written evidence to the Panel from Grainger, March 2019

⁷⁸ Written evidence to the Panel from local campaigner, February 2019

⁷⁹ Written evidence to the Panel from Mirca Morera, February 2019

markets including their redevelopment and the economic, social and cultural benefits that they can bring to local communities.

- 14.9 Dr Gonzalez observed that Seven Sisters Market is *“a social and cultural ecosystem with a rich and strong community value”* that benefits, in particular, ethnic minorities, vulnerable groups and people on low incomes. She cited several policy reports and research on markets to support this assertion including:
- That there is a correlation between the location of markets and those areas with the highest number of Black and Minority Ethnic (BME) populations, who tend to have lower incomes (Cross River Partnership, 2014)
 - Markets in London also showcase the ethnic and cultural diversity of the city and there has been some research exploring how markets improve communication and understanding between diverse groups (Dines, 2007; Watson, 2009)
 - Markets also act as ‘meeting places and locations for social exchanges, for learning about food and for engaging in the community. The benefits appear to be particularly important for the elderly.’ (NEF, 2005, p. 54)
- 14.10 Dr Gonzalez also noted that the Mayor of London’s 2017 report, *Understanding London Markets*, explicitly argues that *“Markets are part of the fabric of London life. They are at the heart of our communities and local places and offer Londoners a diverse range of economic, social, and environmental benefits, collectively known as ‘social value’ ”*⁸⁰.
- 14.11 Dr Gonzalez told the Panel that the community value at Seven Sisters Market and Wards Corner is practically irreplaceable and will be eroded by the proposed development and in doing so the Council is in danger of failing to comply with its Public Sector Equality Duty responsibilities.
- 14.12 Another key point raised was on the expected long-term rise in rent levels as the retail offer in the area gradually begins to serve a more affluent customer base. Dr Gonzalez addressed the potential consequences of this: *“The characteristics that made a market such as Seven Sisters a vibrant, socially integrative and a second home for so many vulnerable adults and children can quickly be eroded. Market users will also be displaced by potentially higher prices that traders might be forced to charge to pay the higher rents. Market traders will not be able to adjust their prices to a low income customer group as they will have to cope with higher rents in the*

⁸⁰ *Understanding London’s Markets*, Mayor of London (2007)
https://www.london.gov.uk/sites/default/files/20171219_gla_markets_report_web.pdf

*long term. This gentrification process will not only displace ethnic minority customers but also those on low income.*⁸¹

- 14.13 The Panel also spoke to Dr Myfanwy Taylor, a local resident and a research fellow from the School of Geography at the University of Leeds. Dr Taylor's work has recently included PhD research on the mobilisation of small businesses, industrial firms, market traders and migrant and ethnic minority retailers in response to London's escalating workspace crisis.
- 14.14 Dr Taylor challenged the negative characterisation of Seven Sisters Market and Wards Corner which had been described in Haringey Council's original development brief in 2004 as suffering from high levels of deprivation and in particular from high levels of crime with a poor range of shops and facilities. She said that, *"the characterising of local areas which are well-used and vibrant as empty, disinvested, run-down and/or declining is a common strategy used by local authorities and developers to justify developments."*
- 14.15 Dr Taylor also highlighted the importance of the low start-up costs and the flexibility and adaptability of the market space, specifically the ability to merge, divide and adapt units. This provided economic opportunities to people in migrant and diverse communities including those who do not necessarily have a lot of money to invest. In her own interviews with market traders, she had heard the value of the businesses and the wider market in meeting their families' basic needs, the close relationship between commerce and the community and of the many community advice services provided by traders and other local actors from Seven Sisters market. These services cover a broad range of issues including housing, legal matters, domestic violence, business support, translation services and the integration and promotion of Latin Americans in London.
- 14.16 Other research highlighted by Dr Taylor included work carried out by Patria Roman-Velazquez on the importance of Seven Sisters Market and Wards Corner to Latin American, other BME groups and economically disadvantaged communities. This research notes that Wards Corner is home to the second largest cluster of Latin American businesses in the UK, second only to the Elephant and Castle which is also threatened with redevelopment. All Seven Sisters Market traders are from a BME background, with the majority identifying as Latin American; approximately 23 of the 39 units are licensed to Latin Americans. The face-to-face survey with 26 traders, conducted as part of this research, provides further evidence of the ways in which livelihoods and employment are bound up with culture and conviviality in Seven

⁸¹ Written evidence provided on 25th May 2019 and oral evidence given on 7th May 2019 by Dr Sara Gonzalez, Associate Professor at the School of Geography, University of Leeds, to a session of the Housing & Regeneration Scrutiny Panel.

Sisters Market. The market is valued not only as a space of trade by traders but also because it provides a 'sense of belonging and purpose' and 'a sense of community'.⁸²

14.17 Professor Alexandra Xanthaki, a leading expert of indigenous rights in international law at Brunel Law School told the Panel that, in her view, the decision to redevelop Seven Sisters market fails the obligation of a state and its local authorities on minority groups. The most important reason is the violation of right to culture as the market represents one of very few cultural hubs for the Latin American community in London. Professor Xanthaki described the market as a community hub that they have themselves created which includes space to meet, share food, music, etc. and develop their identity. The decision to redevelop the market therefore deprives the community of this space and this violates Article 27 of the International Covenant on Civil and Political Rights which covers the right for ethnic and other minority groups to practice their own culture, language and religion. The second issue is indirect discrimination because, while the intention of the redevelopment may not be intended to be directly discriminatory, the impact of it will disproportionately affect the Latin American community.

14.18 Asked whether the creation of a new market would mitigate the effects of losing the old market, Professor Xanthaki acknowledged that there is a conflict of rights because it is claimed that the redevelopment would have benefits for the wider community. However, she said that there has to be proportionality and measures need to be put in place to protect the cultural rights of the people affected. Professor Xanthaki said that she had seen no discussion about this and that the mitigating measures offered had largely focused on financial measures such as a short period of reduced rent rather than anything to do with cultural rights. The Panel has since been made aware that notice has been given by MAM in August 2019 to some traders of rent increases for units in the existing market of up to 27%, which far exceeds the rent protections of 2% enshrined in the S106 provisions. The Panel was told by Council officers that the context for this is that:

- The average licence fee increase is 13 per cent over a 4-year period (approximately 3.25 per cent each year) which brings the licence fees in line with RPI increases.
- Some Traders have a higher increase than others depending on the number of years since the licence fee was last set.
- Discounts are applied for size and zoning i.e. larger/multiple units will receive a discount, and units which can trade for 7-days onto the High Road (as opposed to others with restrictions) have a supplementary charge.
- Two traders who MAM assessed as adding diversity to the market received no increase.

⁸² Written evidence provided on 4th June 2019 and oral evidence given on 7th May 2019 by Dr Myfanwy Taylor, Research Fellow, School of Geography, University of Leeds, to a session of the Housing & Regeneration Scrutiny Panel.

- Traders who entered into a licence in the last 12 months received no increase.

14.19 The market provides one of only two remaining Latin American quarters in the UK. It is the view of the Panel that the development of a Latin American cultural hub in the heart of Tottenham enhances the borough's culturally diverse offer and contributes to community cohesion. The traders have created an embryo of an attractive cultural destination that enhances the borough's appeal and encourages community well-being.

14.20 Thomas Bender, Conservation Adviser from the heritage charity Save Britain's Heritage, informed the Panel that Wards Corner comprises of several Victorian and Edwardian buildings and is named after the Wards Corner Department store that opened as a family-run business in the 1900s until it ceased trading in 1972. The main three-storey corner building, that is now disused, was described as *"an attractive corner building characterised by large windows with unusual glazing"* and *"an important local landmark [that] has significance as a heritage asset."* The loss of this building and the Wards Corner site would, according to Save Britain's Heritage, *"significantly harm the special character of the Seven Sisters/Page Green Conservation Area"*. It was acknowledged however that some of the buildings on the site are now in very poor condition but that *"it has not been justified that demolition is the only possible option for this building. We would expect to see a comprehensive assessment of the existing buildings in terms of repairs, adaptability and reuse for the market"* noting that there is an existing alternative community-led plan which would retain the local heritage buildings.⁸³

14.21 Chris Ramenah from Tottenham Civic Society informed the Panel that the Wards Corner buildings have a significant amount of historical interest. He compared the architecture to that of 522-528 Tottenham High Road, which is on the same A10/High Road corridor just under a mile away in Bruce Grove, and is currently occupied by an Iceland supermarket. From 1877 the building at 522-528 Tottenham High Road had been used as a premises for G.L Wilson, a local builders merchant. In the early 1900s Wilson redesigned the premises to include ornamental columns and features, blue tiling and brown framed windows and the Wards brothers that ran the store then got similar windows installed by the same architects at the Wards Department Store. The Wilson building at 522-528 Tottenham High Road had recently been going through the process of being restored, supported by the National Lottery Heritage Fund in 2011 and Chris Ramenah said that the Wards Corner buildings also had the potential to be restored. He also pointed out that the

⁸³ Written evidence provided on 8th April 2019 and oral evidence given on 2nd May 2019 by Conservation Adviser, Save Britain's Heritage to a session of the Housing & Regeneration Scrutiny Panel.

Wards Store building is locally listed and is situated in the Seven Sisters/Page Green Conservation Area. Chris Ramenah concluded that to lose the Ward's Store and the rest of the site would be *"catastrophic"* and *"a complete devastation to Tottenham's heritage history"* and therefore supported restoration rather than demolition.⁸⁴

14.22 English Heritage has previously submitted an objection to Grainger's planning application in 2012 on the grounds that: *"Notwithstanding improvements to the proposed redevelopment, and the need for economic regeneration, the loss of a substantial part of the conservation area and its replacement with a substantial mixed-use development will cause substantial harm to the conservation area and as such requires justification under paragraph 133 NPPF. As such, clear and compelling justification that the public benefits that outweigh the harm must be demonstrated. In our view, it has not been demonstrated that the wider benefits could not be delivered by a more conservation led scheme which better preserves or enhances the significance of the conservation area."* English Heritage further recommended that: *"In our view, a scheme that seeks to enhance the existing buildings, or their most significant elements, would better sustain and enhance the significance of the conservation area."*⁸⁵

14.23 However, the Planning Inspector's report on the CPO notes that, *"In the Council's view although the Seven Sisters Market is unique in many ways, and is an asset to the Borough, in its existing form it suffers from serious shortcomings. The condition of the building is poor, the layout is cramped, and the entrances lack public visibility."*⁸⁶ It also notes that the new housing, retail space, new market and enhanced public realm would conform with the strategic approach set out in the relevant planning policies.⁸⁷

14.24 Panel members were sympathetic to the idea of maintaining an architectural consistency that provided characterful evocations of the Edwardian period typical of the area. Panel members agreed with Mr Ramenah that a restored Wards Corner heritage building would enhance the aesthetic of an area seen to be part of the historic corridor into Tottenham. Panel members also felt that retaining the Wards Corner building is important in order to reflect a number of related characterful buildings along Tottenham High Road going northwards and that this would be an attractive architectural statement that would enhance the area and encourage visitor numbers and economic growth.

⁸⁴ Oral evidence given by Tottenham Civic Society to a session of the Housing & Regeneration Scrutiny Panel, 27th March 2019

⁸⁵ <http://www.planningservices.haringey.gov.uk/portal/servlets/AttachmentShowServlet?ImageName=466399>

⁸⁶ p.19, paragraph 102, CPO Report to the Secretary of State for Communities and Local Government, Wards Corner Regeneration Project CPO 2016 (The Planning Inspectorate, Jan 2018)

⁸⁷ p.18, paragraph 98, CPO Report to the Secretary of State for Communities and Local Government, Wards Corner Regeneration Project CPO 2016 (The Planning Inspectorate, Jan 2018)

15. United Nations interventions

- 15.1 On 21st July 2017, Special Rapporteurs of the United Nations Human Rights Committee wrote to Grainger and to HM Government about the redevelopment project and also published a news release⁸⁸. This was at a time when the CPO Public Inquiry was open and hearing evidence and four days before the Deed of Variation to the S106 agreement was completed.
- 15.2 The statement said that, if granted, the CPO would *“result in the expulsion of the current residents and shop owners from the place where they live and earn their livelihoods, and would have a deleterious impact on the dynamic cultural life of the diverse people in the area”*. If the businesses were forced to stop their activities or relocate this would have *“a disproportionate impact on people belonging to minorities and their right to equal participation in economic, social and cultural rights”*. It called on the UK authorities to be *“mindful of the consequences on the economic, social and cultural rights of the people living and working in the market”*.
- 15.3 The signatories to the statement were Karima Bennoune, Special Rapporteur in the field of cultural rights, Rita Izsak-Ndiaye, Special Rapporteur on minority issues and Surya Deva, Chairperson of the Working Group on Business and Human Rights.
- 15.4 On 26th March 2019, a couple of months after the CPO decision was confirmed by the Secretary of State, a second statement from the Special Rapporteurs was issued.⁸⁹ This said that the decision had *“dismissed the relevance of any possible disadvantage for people affected”* and that *“to disregard the rights of minorities in the name of an ultimate collective social goal that fails to include their own wishes is incompatible with the State’s obligations under international human rights norms protecting minorities”*.
- 15.5 The signatories to the second statement included Karima Bennoune and Surya Deva who had been signatories to the previous statement. The other signatories were Fernand de Varennes, Special Rapporteur on minority issues, David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.
- 15.6 Asked about the Council’s view on the statements from the United Nations, the Leader of the Council, told the Panel that they highlighted a number of issues that the Council hoped to address. He also said that as the statements came from the

⁸⁸ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=21911>

⁸⁹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24409&LangID=E>

United Nations it is for the Government to provide a response and not the Council. However, the Council could feed into any response from the Government.

- 15.7 The Panel felt that the local community is entitled to see a response from the Council to the issues raised in the United Nations statement. If this is not possible then the Council should establishment what response, if any, has been provided by the Government and advise the Panel on what input the Council has provided as part of this process.

Recommendation 10: The Panel strongly recommends that the Cabinet make a public statement in response to the Special Procedure reports from the UN, covering all the issues raised, in relation to Wards Corner.

16. Alternative Community Plan

- 16.1 The Panel heard evidence from representatives of the Wards Corner Community Coalition (WCCC), a group which opposes the existing proposals for the site and has established a separate alternative “Community Plan”. The WCCC had said that the coalition is made up of local residents and traders and was formed to oppose demolition and campaign for this alternative vision.
- 16.2 The WCCC successfully obtained planning permission for their alternative community plan in April 2014 although this expired in April 2017 and at the time that the Panel was taking evidence, no new application had been made. However, the Panel understands that a fresh planning application for a revised version of the community plan was submitted to the Council in August 2019. The outcome of this application has not yet been determined at the time of writing.
- 16.3 The 2014 planning permission for the community plan applies only to the former Wards department store building at 231-243 Tottenham High Road and not to the wider site. The main aim of their plan is retain the Seven Sisters market on the ground floor and extend it to the first floor, and also to restore the derelict three-storey corner building, as an alternative to demolition. The WCCC say that this would lead to a tripling of floor space and to *“growth in the micro economy that that exists on the site through a better trading environment and increased footfall resulting from the proposed refurbishments of the building and Wards Corner’s promotion as a retail destination.”* The second floor would be used to create hub space that could be rented by small start-up businesses. Overall, this would bring back 2,150 square metres of empty space back into use bringing the total indoor usable space to 3,680 square metres.

- 16.4 The WCCC also point to the temporary jobs that would be created by the construction process and say that, as the current site provides around 150 jobs, this number could be expected to rise by 300 to approximately 450 following construction. All existing market traders would be accommodated within the new development. Phased restoration would allow traders to continue trading on-site throughout the redevelopment process.
- 16.5 The WCCC said in relation to their 2014 plan that their vision for Wards Corner is to *“create a distinctive landmark development that is truly Tottenham; a development which aims to make the most of the many remarkable assets and qualities, intrinsic to this particular site”*. They say that *“it is not necessary to demolish existing historic assets or to dislocate an entire community that has lived and worked on the site for a generation and more.”*⁹⁰ The key outcomes of the Community Plan that they highlight include:
- a community led development that fosters citizenship and active community participation
 - all existing businesses remain with additional local business support
 - an estimated 300 permanent new jobs created
 - the creation of a multi-cultural destination for the people of Tottenham and beyond
 - enhancement of the conservation area
- 16.6 Under the WCCC’s plans all existing market traders would be accommodated within the new development. Phased restoration would allow traders to continue trading on-site throughout the redevelopment process. Once restored, traders would operate temporarily from the corner building, moving back into the market once the remainder of the building has been restored. New tenants would then move into the corner building once it has been fitted out. Existing and new traders will benefit from additional support to help them grow and develop, and a hub workspace to further enhance the market’s role as a space for start-ups and innovation.
- 16.7 The Panel was informed that the alternative community plan has been informed by more than 10 years of community engagement including through:
- public meetings including a workshop on key issues in 2008 attended by 350 people
 - a consultation process from summer 2010 to April 2012 running from a unit in Seven Sisters market
 - a series of sessions with market traders including local architects speaking to traders about their aspirations for the site

⁹⁰ p.3 WCCC Design and Access Statement, 2014

- door-to-door leafleting, posters and emails⁹¹

16.8 The community plan was developed with the support of various organisations and individuals with relevant skills and experience including:

- Architects and architectural designers, including Ricardo Pelayo, Glen Lake, East Architects, Abigail Stevenson and colleagues, and Unit 38 architects;
- The Glass-House Community Led Design, the Prince's Foundation and the Architectural Heritage Foundation; and
- Planning experts, including Planning Aid for London and Rebecca Neil, Senior Lecturer in Planning Practice, University of Westminster.⁹²

16.9 The Planning Inspectors report following the CPO inquiry said that the WCCC had *"not produced any quantified evidence or costings to support their claim that their scheme could be made financially viable"* and that *"although WCCC has demonstrated great commitment in the past, it is difficult to envisage how the group could muster the resources and expertise needed to turn their plans, however attractive on paper, into reality"*⁹³. It concluded that there is no credible alternative to the Order scheme.

16.10 Other issues with the deliverability of the alternative plan that have been highlighted by Haringey Council include:

- Inability to agree terms with the building owner, TfL (LUL)
- Lack of evidence of funding to carry out the Plan. Cost of basic improvements needed to the market had been estimated at over £1 million
- Lack of a feasible decant offer to traders during refurbishment which is key to continuity of the market
- No guarantees provided to traders that compare with those in the Grainger S106.

16.11 The Panel took evidence from Ben Beach, a local architect and supporter of the Community Plan. Ben Beach said that a revised version of the Community Plan would protect a heritage asset for the local area, retain community spaces and ensure the use of the buildings as a catalyst for a community wealth building trust, using the surplus as seed funding for new projects. The version of the Community Plan presented to the Panel (the third version) accounts for the future inclusion of a wider scheme, making use of principally infill housing, with the provision of between 52 units (low density) to up to a maximum density of 200 housing units. Ben Beach said that that the Community Plan had an overarching vision to retain community

⁹¹ Written evidence from Dr Myfanwy Taylor, June 2019

⁹² Written evidence from Dr Myfanwy Taylor, June 2019

⁹³ Paragraphs 345 & 346, CPO Inspector's report

spaces, ensure the future of the market and use the building as a catalyst for community wealth building. Panel members noted that the Grainger plans to demolish and rebuild the site would retain none of the heritage elements of the existing buildings and did not provide any affordable homes on the scheme.

16.12 The Panel also heard concerns that when the WCCC engaged with the planning process the Council *“did little to support or facilitate this work and at times appeared to directly thwart and delay it.”* Dr Myfanwy Taylor explained to the Panel that it had taken the WCCC six years to obtain planning permission. She said that the Council had failed to reach a determination on an earlier version of the community plan submitted in 2008 and an appeal to the Planning Inspectorate against the Council’s failure to reach a determination was rejected in 2010. A further application was submitted in 2011 but again the Council did not reach a determination. A third planning application was made in 2012 but, after further information was requested, a revised version was again submitted in October 2013. Dr Taylor pointed out that the Council’s stated policy at the time was to validate received plans within five days of receipt but two months later the WCCC still had not received any information and said that two enquiries for further information in December 2013 were not answered. The WCCC eventually learned that the plan had not been validated because an equalities impact assessment had not been included. After a meeting with planning officers in February 2014 further information on equalities was provided and the application finally received planning permission in March 2014.

16.13 Dr Taylor concluded that there appears to have been *“a serious failure on the part of the Council to respond promptly and professionally to the various planning applications submitted, in line with their own policies and standards. In addition, it is clear that the Council made no special effort to support or facilitate the community and trader groups involved in navigated these complex, technical and demanding planning processes”*. In particular she highlighted the contrast between the lack of support from the Council for the WCCC’s plan and the support provided by the Council to Grainger as its preferred development partner.

16.14 It is important to note that the allegations above were not put to the Assistant Director for Planning when she gave evidence to the Panel but she has since provided a response in writing as follows:
“I would point out that at the time of the submission of the 2008 and 2011 planning applications the Council’s planning service was poorly performing ... I would suggest that the Council failed to respond promptly to a number of planning applications at this time not just these community coalition applications. The Council now runs a monthly report of all applications that have been with the Council for 20 weeks, over 26 weeks and over 52 weeks and management has meetings with case officers about

all applications which have been with the Council over 20 weeks on a regular basis. As such applications would not be with the Council for several years without any action or following up with applicants in the new management arrangements.

With regards to the 2014 application, the application is recorded on the system as submitted and validated on 27/2/2014 and the statutory consultation period ended on 3/4/2014 and the application was approved on 25/4/2014 after 54 days.”⁹⁴

- 16.15 When asked about this by the Panel, the Assistant Director for Regeneration, addressed this question in the context of the Regeneration Team’s corporate responsibility and obligations to the development agreement .He advised that by the time a Development Agreement is entered into a major commitment has been made to a third party. Committing to support a rival plan after this point would therefore be problematic and highly unusual. When a third party has been prioritised by being selected as a preferred development partner, considerations have already happened and decisions have been made. To support an alternative plan would therefore be to argue against the Council’s own decisions.
- 16.16 Panel members believe that the Planning Department should be objective and fair in carrying out its duties as a Planning Authority. All applications should be treated similarly when applying policy and procedure. However, the Panel also recognised the distinction between day to day planning practice delivery and the strategic work completed with developers.

Community Plan timeline

January 2008	First planning application submitted (HGY/2008/0177) – not determined ⁹⁵
July 2011	Second planning application submitted (HGY/2011/1275) – not determined
February 2014	Third planning application submitted (HGY/2014/0575)
April 2014	Planning permission granted for third application
April 2017	Planning permission for third application expires
August 2019	Fourth planning application submitted (HGY/2019/2315) - ongoing

⁹⁴ Written evidence to the Panel from the Assistant Director for Planning, Nov 2019

⁹⁵ Council officers informed the Panel that this application was not determined because the application was invalid. Council officers also pointed out that the 2008 application was technically made under a different applicant name but supporters of the WCCC were clear that in their evidence to the Panel that they regarded the application made in August 2019 to be the fourth version of a Community Plan.

17. Consequences of Withdrawing from the Development Agreement

Legal and financial liabilities

- 17.1 The Panel asked Housing & Regeneration officers to comment on Haringey Council's legal obligations and financial liabilities in the event of any significant change in policy to the Wards Corner redevelopment (i.e. amending the existing plans for the redevelopment or fully adopting an alternative plan for the future of the site).
- 17.2 Officers told the Panel that the development agreement can only be terminated by the Council if there is a Developer's Default and the default cannot be remedied or if it can be remedied the developer has failed to remedy it. A Developer's Default is where the developer is in material default of the performance of any of the material covenants, agreements and stipulations contained in the development agreement and the default is of a fundamental nature. There are no other terms/conditions or provisions for the Council to terminate the agreement, apart from this. If the Council decides to terminate the agreement outside of the provision of the two agreements, the Council will be in breach of its obligations to the developer and the developer has a right to sue the Council for this breach. The Courts would consider whether payment of damages by the Council would be appropriate.
- 17.3 There are several estimates over the exact cost likely to be incurred by any cancellation of the development agreement. In 2017, during the CPO Inquiry, the Grainger officer's proof of evidence stated that: *"Grainger's commitment to the Order Scheme, and the wider regeneration of Seven Sisters, is evidenced by the fact that, to date, £10.7m has been spent on the Order Scheme including professional fees and property acquisitions."* More recently, Grainger have provided updated estimates for both property acquisitions (approximately £13.5m), and professional fees (approximately £5.5m).
- 17.4 While this suggests a potential liability of at least £19m in the event that Haringey Council was in breach of the agreement, Housing & Regeneration officers told the Panel that it would not be possible to provide an overall accurate estimate without a full audit of costs which would involve significant resources to provide.

Financial contributions to the redevelopment scheme

- 17.5 Assistant Director for Regeneration at Haringey Council, informed the Panel that £1.5m of public money was contributed to the scheme via the Bridge New Deal for Communities Trust. According to papers previously provided to the Cabinet, this funding is repayable to the Council, subject to conditions, when a minimum profit level is realised on the completed development.⁹⁶
- 17.6 The Panel is also aware that financial support is being provided from the Mayor of London via Transport for London with £284,500 being provided to assist in resourcing the temporary relocation of Seven Sisters market.⁹⁷
- 17.7 The S106 agreement entered into in July 2012 obliged Grainger to pay a Traders Financial Assistance Sum of £144,300 no later than six months before the market closure date. This was intended to be a contribution towards the relocation costs to the Temporary Market. This requirement was subsequently replaced by the 2017 Deed of Variation which instead requires Grainger to pay a 'Release Sum' directly to a qualifying trader within 28 days of a trader signing release advising that they have vacated the market or temporary market. The Release Sum is calculated at the rateable value of the relevant licensed unit. Grainger is also required by the S106 agreement to pay £150,000 to the West Green Road Improvement Fund no later than six months after the commencement of the development.⁹⁸ West Green Road is the main road that the north of the redevelopment site faces onto.

Future options for the Wards Corner site

- 17.8 The future of the Wards Corner site has remained a contentious political issue for more than 15 years. This Scrutiny Review in part has been an attempt to find a route out of the conflict and seek a creative solution. The developer Grainger has extant planning permission for the demolition of the site and the building of 196 private build-to-rent units. The plans have been opposed by some market traders and a coalition of local residents and supporters who have presented an alternative Community Plan for the site which retains the Edwardian building and market. The Scrutiny Panel has attempted to make an assessment of the competing values and benefits of these two alternative plans. The Panel considered that much has changed since the Grainger plan was first conceived. Most notable amongst these changes are: the uncertain economic climate and instability around Brexit; the demise of the High Street and the Mayor's and the Council's priorities on regeneration schemes and affordability criteria.

⁹⁶ Paragraph 5.29, Report to Cabinet on Seven Sisters Regeneration, 15th July 2014

<https://www.minutes.haringey.gov.uk/documents/s81687/Appendix%20H%20-%20Cabinet%20Report%2015%20July%2014.pdf>

⁹⁷ Mayoral decision, August 2012 <http://bailey.persona-pi.com/Public-Inquiries/seven-sisters/council-documents/app-0-11.pdf>

⁹⁸ p. 5&6, Report on Seven Sisters Regeneration to Haringey Cabinet, 10th Nov 2015

<http://www.minutes.haringey.gov.uk/documents/s81769/Cabinet%20Report%20Wards%20Corner%20CPO%2010%20Nov%202015%20Open.pdf>

- 17.9 The Panel believes that any way forward for the Wards Corner site needs to take into account the contemporary economic, political and social climate. Haringey's Borough Plan 2019-2023 places Community Wealth building at the heart of its economic strategy which states: *"Our diverse and dynamic business community is a priority and we are committed to investing in and improving our services to business, whether small, medium or large. We will make sure that investment and development has the interests of our communities at its heart and is undertaken for the benefit of our local residents and businesses."* It also commits to *"building wealth within the community... We want to build the strength, depth and wealth of our local economy and will create safe and attractive environments for both businesses and our residents to thrive"*.⁹⁹
- 17.10 The Director of Land and Development at Grainger, emphasised to the Panel that a thriving market is a vital part of the redevelopment being a successful project and there is a real desire for that to enable that to happen through a working partnership. Any breakdown of trust is therefore bad news as it creates a risk of failure. A representative of Grainger acknowledged that relations with some of the traders are not as good as he would like them to be though they were now better than they had been.¹⁰⁰
- 17.11 Evidence submitted by Grainger's representatives, expressed their intention to continue with their development plans. However, they did recognise that there had been a breakdown in trust between themselves, the traders and the wider community. They said that the breakdown in trust is "bad news" and created a "risk of failure". He reiterated the company's desire to "work in partnership". The company representatives expressed fears that the breakdown of relations could impact adversely on the company's reputation. They acknowledged that the Steering Group, originally envisaged as the means by which they could deliver elements of the S106 requirements was not fit for purpose and that the arrangements they had put in place for the Market Facilitator had not worked. The representatives expressed interest in finding ways out of the impasse and were open to discussing practical solutions to the many difficulties at the Market site. They said that the company had considered retaining the heritage features of the building but had concluded that this was not viable.

Recommendation 11: In light of the change in emphasis towards the provision of social housing, at both local and regional levels, the Panel recommends that the Council should

⁹⁹ Page 38, Borough Plan 2019-23 <https://www.haringey.gov.uk/local-democracy/policies-and-strategies/borough-plan-2019-2023-consultation>

¹⁰⁰ Oral evidence given by Director of Land and Development at Grainger and the Senior Development Manager at Grainger to a session of the Housing & Regeneration Scrutiny Panel, 27th March 2019

explore the feasibility and cost benefits of all approaches for a full or partial buy-out of interests at the Seven Sisters market and whole site.

Recommendation 12: The Council should set up a task force to work with West Green Road/Seven Sisters Development Trust, Save Latin Village and Wards Corner CIC & relevant community groups to develop their ideas for a partnership and a plan. This will encompass all the obligations of the Council's Public Sector Equality Duty consider establishment of social housing on the site and explore the feasibility and desirability of retention of the heritage characteristics of the existing buildings.

Recommendation 13: If the above recommendation is not accepted, the taskforce should work with Grainger and relevant community groups such as West Green Road/Seven Sisters Development Trust, Save Latin Village and Wards Corner CIC to develop their ideas, and co-ordinate any combined solution. Any such solution should meet the obligations of the S106, take account of the many changing economic and political circumstances since 2012, include a social/affordable housing element and embrace the aspirations of the wider community in relation to the cultural heritage of the built environment.

Recommendation 14: The Regeneration department should ascertain and publish details on the amount of public money, including grants, which have been allocated to this development. This report should include reasons funds were allocated, the source and purpose of the funding and establish the amounts spent, what it was spent on, and how much remains.

Appendix 1

Review contributors

Contributor	Organisation	Date
Mirca Morera	Local campaigner	6 th Feb 2019
Prof. Alexandra Xanthaki	Brunel Law School	6 th Feb 2019
Fabian Catano Cadavid	Market trader	6 th Feb 2019
Victoria Alvarez	Market trader	6 th Feb 2019
Nicholas Amayo	Market trader & former Steering Group member	6 th Feb 2019
Patrick Rey	Market trader	6 th Feb 2019
Tenant A	Local resident	26th Mar 2019
Tenant B	Local resident	26th Mar 2019
Tenant C	Local resident	26th Mar 2019
Susan Penny	Local resident	26th Mar 2019
Chris Ramenah	Tottenham Civic Society	27th Mar 2019
Jonathan Kiddle	Senior Development Manager - Grainger	27th Mar 2019
Michael Keaveney	Director of Land and Development - Grainger	27th Mar 2019
Jonathan Owen	Director – Market Asset Management (Seven Sisters) Ltd	28th Mar 2019
Peter O’Brien	Assistant Director for Regeneration – Haringey Council	11 th Apr 2019
John Halford	Bindmans Solicitors	17 th Apr 2019
Victoria Alvarez	Market trader	17 th Apr 2019
Mirca Morera	Local campaigner	17 th Apr 2019
Cllr Charles Adje	Cabinet Member for Strategic Regeneration – Haringey Council	23 rd Apr 2019
Cllr Joseph Ejiofor	Leader – Haringey Council	23 rd Apr 2019
Shirley Hanazawa	Local resident	24 th Apr 2019
Marta Hinestroza	Market trader	24 th Apr 2019
Lita Alvarado	Market trader	24 th Apr 2019
Chan Baker	Market trader	24 th Apr 2019
Maria Eugenia Grandola	Market trader	24 th Apr 2019
Martha Gilraldo	Market trader	24 th Apr 2019
Pedro Gilraldo	Market trader	24 th Apr 2019
Maria Osorio	Market trader	24 th Apr 2019
Stuart McNamara	Local campaigner	29 th Apr 2019
Nicholas Amayo	Market trader	29 th Apr 2019
Carlos Burgos	Market trader	29 th Apr 2019
Thomas Bender	Conservation Advisor - Save Britain’s Heritage	2 nd May 2019
Pam Isherwood	Wards Corner Community Coalition	2 nd May 2019
Emma Williamson	Assistant Director for Planning – Haringey	2 nd May 2019

	Council	
Rob Walker	Planning Solicitor – Haringey Council	2 nd May 2019
Dr Sara Gonzalez	Associate Professor – School of Geography, University of Leeds	7 th May 2019
Dr Myfanwy Taylor	Research Fellow – School of Geography, University of Leeds	7 th May 2019
Ben Beach	Architect – Community Plan	7 th May 2019
David McEwen	Designer – Community Plan	7 th May 2019
Peter O’Brien	Assistant Director for Regeneration – Haringey Council	8 th May 2019
Graeme Craig	Director of Commercial Development - TfL	9 th May 2019
Amy Thompson	Public Affairs and External Relations Lead – TfL	9 th May 2019

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Appendix 2

Wards Corner Project – Conclusions and recommendations of Overview and Scrutiny Committee, responses to recommendations

Overall comments on the report			
<p>Haringey Council is not the freeholder, leaseholder, nor operator of the market, and therefore there are limitations on the actions the Council can lawfully undertake to impact on a number of the concerns addressed by the Scrutiny Report.</p> <p>That said, Haringey Council is fully committed to securing the future for the Seven Sisters Market including the Latin Village. During the redevelopment, there will be a temporary market just across the road, and when the market moves back to the original site, returning traders have a clear list of commitments, including reduced rent and the guarantee of equivalent space made by the developer, Grainger, and backed up by a committed council.</p>			
	Recommendation	Response (Agreed / Not agreed / Partially agreed)	Who and when
1.	<p>The Council should negotiate with its development partner Grainger to revise the terms of reference for the Market Traders Steering Group to cover the following:</p> <ul style="list-style-type: none"> • Democratic elections of trader representatives. • Appointment of Independent Chair [acceptable to the trader representatives]. • Role of the Council’s Town Centre manager to be clearly defined. • Regularised reporting arrangements between the Steering Group and the Council to allow any relevant issues where the Council has a 	<p>The Council has consistently stressed the vital importance of ensuring, alongside Transport for London and Grainger, that facilitation and management of the market has the confidence of the traders.</p> <p><u>Steering Group</u> The Future of the Seven Sisters Market Steering Group (‘Steering Group’) was established by Grainger in 2016 to progress discussions with traders on proposals for the temporary market at Apex House and the new permanent market when it moves back to Wards Corner. The Steering Group, which is a Grainger initiative, is not covered by provisions in the s106 agreement; while the Council has been keen to support it, it is not governed by any formal agreement between</p>	<p>The Council has shared the report into the s106 agreement with Grainger (and traders) which had a number of recommendations including those in relation to the Steering Group.</p> <p>The Council however has no powers to compel either Grainger or the traders to implement the recommendations.</p> <p>No actions identified.</p>

	<p>regulatory role to be communicated promptly to appropriate departments and service areas.</p> <p>The agenda items, minutes and actions arising from meetings of the steering group to be shared with senior managers at the Council.</p>	<p>Grainger and the Council.</p> <p>The Council’s investigation into Grainger’s section 106 obligations relating to the Wards Corner scheme (published in December 2019) made the following relevant recommendations:</p> <ol style="list-style-type: none"> 1. That the Developer reconstitutes the Steering Group with clearly defined terms of reference and a democratic way of operation. 2. That the Council has a formal observer role in the Steering Group (and any successor). <p>The investigation report also included a commitment that any issues arising at Steering Group meetings which relate to performance of the planning obligations will be brought to the prompt attention of the Planning Department. This will be achieved by regular formal reports to the Planning Service from the Regeneration Service, at least quarterly.</p> <p>The Terms of Reference for the Steering Group and the circulation of its agendas, minutes etc are ultimately a matter for all its members to agree. The Council will continue to stress the importance of putting in place appropriate structures that can command the confidence of its participants and stakeholders.</p> <p><u>Market Facilitator</u></p>	
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		<p>The Section 106 agreement does include obligations to the Market Traders to help them continue trading from both the temporary and permanent market. This includes the requirement to appoint a Market Facilitator whose role is to: promote the interests of the non-English speaking traders; provide business support and advice; assist Traders to continue trading in the Market and the Temporary Market; advertise the proposed relocation; advertise the new markets; and to assist individuals working at the market to find suitable alternative employment if they decide not to relocate.</p> <p>Whilst the review was ongoing Grainger reverted to holding all-trader meetings to keep traders up to speed on matters affecting the future of the market.</p> <p><u>The Council's role</u> The Council's representative on the Steering Group is the Town Centre Growth Manager (TCGM). The TCGM's core role in relation to the Steering Group has been focussed on Town Centre Management/Business Support type activities. The TCGM did not act on behalf of any of the Council's wider functions, notably the Council's regulatory/enforcement, corporate land ownership or wider regeneration functions. There never was any expectation that these council functions would be discharged through the Steering Group.</p> <p>As the market heads towards the first of two moves, the Council is very keen to work alongside an appropriately appointed Market Facilitator to support the traders and other businesses at Seven Sisters to</p>	
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		<p>secure a successful future for this Market and for the area more widely.</p> <p>Ward Members were invited to previous Steering Group meetings and will continue to be invited and actively encouraged to attend any reinvigorated Steering Group.</p> <p>This recommendation is therefore partially agreed for the reasons set out above.</p>	
2.	<p>The Standards Committee to review Part Four (Rules of Procedure), Section G (Overview & Scrutiny Procedure Rules), and the section under which officers are expected to provide evidence in Scrutiny Reviews. The presumption should be that officers should be expected to provide evidence to Scrutiny Reviews unless there are strong reasons for refusal. In reviewing this section, the opinion of the trade unions should be sought to ensure the protection of staff at all levels of the organisation.</p>	<p>Haringey Council recognises and values the vital role of the scrutiny process to the effective and accountable running of the Council.</p> <p>This Council is proud to work with trade unions to ensure employees' rights at work are upheld. The Council has an agreement in relation to arrangements that set out the appropriate level of seniority of officers appearing before Scrutiny Panels.</p> <p>The Council notes the desire of the Panel to question an officer outwith these agreed arrangements. The Council continues to believe that the existing arrangements are appropriate and that officers who participated in this process were able to provide the necessary information to assist the Scrutiny Review.</p> <p><u>Background</u> Existing arrangements require that senior officers (at second or third tier) attend Scrutiny Review Panels to explain matters within their remit in relation to:</p>	No actions identified

		<p>a) Any particular decision or series of decisions; b) The extent to which the actions taken implement council policy, and c) Their performance.</p> <p>At the discretion of their Director, council officers below third tier may attend, usually accompanied by a senior manager.</p> <p>These arrangements ensure that officer involvement in scrutiny reviews is appropriate to their level of seniority.</p> <p>In this instance, the Assistant Director for Regeneration and Economic Development attended scrutiny panel on two occasions and provided written responses covering questions raised by the scrutiny panel.</p> <p>The Director of Housing, Regeneration and Planning did not agree to a request for a more junior manager attend the Panel on the basis that either the questions raised could be dealt with either through the Assistant Director at the Panel sessions or through subsequent written responses.</p> <p>The OSC/HRSP report has provided no evidence to suggest that this arrangement is not fit for purpose in general, or that in this particular case the necessary information could not be obtained via the existing arrangement.</p> <p>The recommendation is therefore not agreed, though ultimately it will be a matter for the Standards</p>	
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		Committee if it wishes to review Section G (Overview and Scrutiny Procedure Rules).	
3.	<p>The Council should ensure that the ongoing investigation into the compliance with the section 106 obligations should include the following:</p> <ul style="list-style-type: none"> • How the conflict of interest between the market facilitator role and market operator role, when they were the same person, could not have been recognised earlier. • What due diligence had been undertaken in the appointment of the Market Facilitator. • What checks and balances were in place to ensure that the Market Facilitator is acting fairly, independently and in the interests of the traders as outlined in the S106 obligations. • When the S106 obligations commenced and what the causal factors were in their becoming operational. • To identify any procedural failings in the prescribed six-monthly reporting arrangements for the section 106 agreement and take action if the report back obligation is incomplete. • To publicly clarify the position on the section 106 agreement, given the Panel heard evidence suggesting there had been a breach. • How a failure to monitor the S106 agreement occurred and could continue for so long while breaches of the S106 agreement were 	<p>The Council wholeheartedly agrees with the importance of obligations contained within all s106 agreements being met.</p> <p>This is partially agreed as the Council’s planning department has completed an investigation into the question of whether some of the section 106 obligations have been breached. A number of the issues raised by the Panel are covered by this investigation. The findings of which have been published. The key findings of the investigation are as follows:</p> <ol style="list-style-type: none"> 1. The appointment of Quarterbridge as Market Facilitator did not breach the obligations but it was accepted that the relationship between Quarterbridge and the Traders had broken down and was not working for the purpose of the Market Facilitator obligations; 2. Prior to the Deed of Variation (DoV) being completed, the traders and all interested parties were consulted through the planning process on the proposed appointment of Quarterbridge as Market Facilitator. There was no objection raised to the DoV on this element. It is not agreed that there were any procedural failings on the part of the Council; 3. The case for an independent Market Facilitator is clear and is reiterated in the report; 4. The obligation relating to the six-monthly 	No actions identified

	<p>repeatedly reported.</p> <ul style="list-style-type: none"> • How failure to monitor the S106 agreement had an impact on the council's public sector equalities obligations. <p>The investigation should analyse the impact of this, what remedies may be available and establish measures to ensure that there is no repetition in future.</p> <p>The conclusions should be submitted to the Secretary of State for Housing, Communities and Local Government.</p>	<p>reporting is no longer in force as it was deleted as part of the DoV. Notwithstanding this, there is no evidence that this was ever done or not done. Officers who were responsible for this on both the Developer's and Council's side are no longer in post;</p> <p>5. It is not considered that there was failure to monitor the s106 agreement although it has been agreed to improve communications between the Planning and Regeneration teams as set out in the report and consequently it is not agreed that the Council failed in its PSED.</p> <p>The full report of the investigation is available on the Council website:</p> <p>https://www.haringey.gov.uk/planning-and-building-control/planning/major-projects-and-regeneration/seven-sisters-regeneration</p> <p>However, it should be noted that the Secretary of State for Housing, Communities and Local Government's (SoS) involvement in the Wards Corner project only relates to the decision to confirm the CPO. It would not be appropriate to report findings of any investigation being undertaken by the Planning Authority to the SoS as the wider issues relating to the s106 or the development agreement are not a matter for them.</p>	
4.	Any replacement market facilitator should be genuinely independent and hold the confidence of all parties. The Council should request Grainger to appoint an	The Council concurs with this recommendation. It firmly believes, and has consistently made clear, the absolute necessity of there being an independent Market Facilitator, and a process which can command	Grainger to appoint a temporary Market facilitator to discharge the obligations as set out in the s106 obligations and

	<p>independent, qualified market facilitator. This needs to be done in full consultation with the traders. It is essential that adequate due diligence is carried out ahead of any appointment.</p>	<p>the confidence of all the key stakeholders. Therefore, this recommendation is agreed.</p> <p>The Planning Authority has made its own recommendations on the Market Facilitator role as part of its investigation. The key recommendations are:</p> <ol style="list-style-type: none"> 1. That the Developer, with the assistance of the Council, procures a temporary Market Facilitator pending the appointment of a permanent Market Facilitator. 2. That the Developer widely advertises the post of the Market Facilitator. 3. That the Market Facilitator should be independent from the Developer and anyone connected with the running of the market. 4. That the Developer meets with the Council and traders bi-annually to review the progress towards meeting the obligations in the principal agreement. 5. That the Developer randomly selects two traders, from a pool who have indicated their willingness to participate, to assist in the identification, selection and appointment of the Market Facilitator. 6. That before the placing of the advertisement for the post, the Developer develops shortlisting and weighting criteria to be used in the selection and appointment of the Market Facilitator. The Developer should consult the Council and traders before finalising such criteria. 7. That the shortlisting and interviewing be 	<p>satisfy the recommendations from the s106 investigation. It is expected that the temporary Market Facilitator appointment will be made in January 2020.</p> <p>A permanent Market Facilitator is expected to be appointed around the second half of 2020. The timeline towards this is to be finalised between Grainger and the Council in January 2020.</p>
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		<p>carried out by a panel comprising representatives of the traders, the Council and the Developer.</p> <ol style="list-style-type: none"> 8. That, when appointing a Market Facilitator, the Developer takes into account the views of the traders selected to participate in the identification, selection and appointment of the Market Facilitator unless there are material considerations which outweigh the traders preferred candidate. In that case the Developer should submit a report to the Council explaining the considerations and for the Council to agree to that assessment in writing. 9. That the traders and any interested parties report any future alleged non-compliance with the provisions of the principal agreement to the Interim Manager – Planning Enforcement and Appeals for investigation in the first instance. 10. That the Developer develops a set of Key Performance Indicators (“KPIs”) which will be used to measure the Developer’s progress towards the objectives of the agreement. 11. That the temporary Market Facilitator and the permanent Market Facilitator present progress reports to the Steering Group or its successor(s) OR, in the alternative, report progress directly to the Council. The report should be presented every 6 months. 12. That the Developer reconstitutes the Steering Group with clearly defined terms of reference and a democratic way of operation. 13. That the Council has a formal observer role in 	
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		the Steering Group (and any successor).	
5.	The Council Planning department should carry out a review of how all S106 conditions are monitored and enforced. In particular, with regard to people who share protected characteristics under S149 of the Equality Act. The public needs to be confident that the monitoring and enforcement of such conditions are rigorous, robust, and pursued in the interests of residents and that these procedures are transparent.	<p>On 12th September 2019, the Council published a review of how s106 and CIL agreements were being managed by the Council. Given that the review was presented to the Housing & Regeneration Scrutiny Panel it is not necessary to hold a further review. The Council is focused on implementing the actions that were identified as part of that review.</p> <p><u>Background</u> The Planning Service commissioned an independent review of its S106 and CIL procedures in January 2019. The review conclusions state that “Haringey Council has S106 and CIL systems in place which align with the principal legislative and regulatory requirements. There are elements of good practice in the Council’s approach” and “The Assistant Director of Planning maintains a good oversight of the systems including in particular expenditure from the S106 and CIL funds by ensuring compliance with relevant legislation or individual S106 agreements”. However, “there are a number of deficiencies that reduce the efficiency, effectiveness and resilience of the service”</p> <p>The following actions have been identified with the dates set for doing them by in brackets:</p> <ol style="list-style-type: none"> 1. Finalise a S106 Procedure Manual (December 2019) 2. Undertake training for all Development Management and Land Charges officers on 	The Assistant Director of Planning, Building Standards and Sustainability is responsible for the implementation of the Action Plan In line with the agreed completion dates.

		<p>S106 processes in order to clarify their role in this process and with reference to the S106 manual (February 2020)</p> <ol style="list-style-type: none"> 3. Initiate procurement for specialist S106/CIL software and initiate making records ready for transfer of records from old to new system (April 2020) 4. Create manual 'backup' copies of folders containing S106 master spreadsheets more regularly (done) 5. Increase the CIL/106 staff resource by introducing 1 additional post at a more senior level and upgrading the current post. (post filled by April 2020) 6. Ensuring that a single manager within planning has a greater role in the day to day management ensuring adherence to the manual/ protocols across the council. (done through the appointment of a permanent full-time Head of Planning Policy) <p>The recommendations made in this report and the follow up actions identified subsequently are currently being implemented.</p> <p>There is no evidence – in that review, or in this scrutiny report – that current practice neglects the Equality Duty. Therefore, this recommendation is not agreed.</p>	
6.	The Council should take the necessary steps to assure itself that in monitoring, reviewing and enforcing its Section 106 planning obligations, it pays due regard to	As stated in answer to recommendation 5, an independent review of the Council's operation of its CIL and Section 106 procedure took place earlier in the year and was presented in September to the Housing	No actions identified

	its Public Sector Equality Duty. The cabinet should further ensure that these steps are taken within a reasonable period of time.	and Environment Scrutiny Panel. This recommendation is not agreed as there is no evidence – in that review, or in this scrutiny report – that the Equality Duty has been neglected.	
7.	The Panel noted that there could be a perception of a conflict of interest between the Planning and Regeneration departments and recommends providing a separation of the two services in order to provide for clearer understanding	<p>The Council acknowledges that there can be conflicting priorities between those delivering housing and regeneration initiatives and those implementing planning policy. This administration has taken the decision to have separate Cabinet Members for Finance and Strategic Regeneration and Climate Change and Sustainability (including planning) in order to help manage this.</p> <p>It should be noted that the Planning service has a regulatory role which affects many different departments of the Council and given that all officers in the Council report ultimately to the chief executive, it is not possible to completely separate that regulatory role from the rest of the Council in terms of management.</p> <p>Instead, management and officers ensure that the planning service – in line with the law, and with common practice across the country – carries out its regulatory role with independence and professionalism. The Council can find no evidence in this report that the current arrangements create unmanageable conflicts, that any individual decision has been made inappropriately, or that there is any widespread perception of a problem and therefore this recommendation is not agreed.</p>	No actions identified

<p>8.</p>	<p>The Council, in its regulatory health and safety role should work with TfL, Grainger and any other stakeholders to draw up a plan of action to address all outstanding and ongoing maintenance work at Seven Sisters Market in order to secure a working environment which complies with all regulations.</p>	<p>It is important to remember that the Council does not own either the leasehold or the freehold of the Seven Sisters Market which includes the Latin Village Market. Therefore, the Council has only two regulatory functions relating to Health and Safety at Seven Sisters Market, namely Building Control and Environmental Health and Safety.</p> <p><u>Seven Sisters Market – Day to Day Maintenance and Health & Safety</u></p> <p>The freehold of the building which the Seven Sisters Market (SSM) is situated is owned by London Underground Limited (LUL) and managed by TfL. Market Asset Management Limited (MAM) has a lease of the ground floor of the building occupied by SSM.</p> <p>MAM is responsible for the internal maintenance of SSM with insurance maintenance and repairs of the structural shell of the building remaining the responsibility of LUL. Both LUL and MAM have Health and Safety responsibilities for SSM and the building. The Council holds no such responsibilities.</p> <p>TfL in its role as freehold owner of the Wards Corner building has commissioned a series of inspections to assess the structural and overall condition of the building and to ensure it complies with all applicable legal requirements. These inspections commenced on the 18th November 2019 and are scheduled to be completed by mid-January 2020.</p> <p>TfL wrote to all the traders in early November to notify them of this investigation and held an all traders</p>	<p>TfL investigation ongoing and currently due to report in January 2020.</p> <p>Regulatory Services are visiting the Market and working with those that have regulatory responsibilities (health and safety, food and licensing) to ensure that there is a general compliance and that any issues that have been highlighted by Scrutiny are looked into and actioned.</p>
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		<p>meeting to answer traders' questions in advance of work starting.</p> <p><u>Building Control</u> Building Control's statutory responsibility relates to building work and not to ongoing maintenance work. Building Control do not have record of any building works being undertaken at the premises over the last 7 years and have not received any notification of either unlawful building work or any reports of dangerous structures.</p> <p><u>Environmental Health & Safety</u> The role of the regulatory service in Environmental Health is to ensure compliance with various statutory provisions mainly in food safety, health and safety and licensing. This role would not extend to fire safety (responsibility of London Fire Brigade) or drawing up action plans for improvements as this could result in a conflict of interest or could prejudice any regulatory action that could follow. The Council is able to advise on regulatory compliance, codes of practice or comment on any action plan (with regard to food safety, health and safety and Licensing) drawn together by the various businesses or individuals whose primary role is to ensure regulatory compliance.</p> <p>This is partially agreed as set out above and the Council in its health and safety, food and licensing roles will ensure ongoing compliance of regulatory functions within its remit of the market according to risks and problems which are identified.</p>	
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<p>9.</p>	<p>In light of the disturbing allegations the Panel heard in the evidence sessions from former housing association residents, we recommend that the council explore the lessons that could be learned from working with housing associations to rehouse vulnerable residents.</p>	<p>The Council was concerned by evidence presented to the Review about the way existing tenants were treated by Housing Associations. The Council has learned lessons from what has happened in this instance and has committed to a different approach in the future.</p> <p>Whilst this recommendation is agreed, it should be noted however that it is unusual for the Council to be involved in directly rehousing existing tenants of Housing Associations. Typically, this is the responsibility of the Housing Association.</p> <p><u>Lessons that have been learnt</u></p> <p>In situations where a development ultimately results in the demolition of inhabited residential properties to facilitate major improvement works, it is vitally important that the Council is involved in liaising with all current residents at the earliest opportunity regardless of what type of tenancy individual residents hold and who their current landlord is. In practical terms this involves the following.</p> <ol style="list-style-type: none"> 1. The relevant team within the Council working with all residents in such areas, signposting them to alternative accommodation. This also involves each resident having a dedicated contact point for information both within the Council and with their current landlord. 2. Council staff identifying at the earliest possible stage any individuals or households where there may be potential concerns. Work then takes place to provide practical assistance to 	<p>The mitigation measures outlined are now in place and being reviewed regularly by the rehousing team (sitting within the Estate Regeneration team), working closely with colleagues across other departments and relevant external agencies as may be required.</p>
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		<p>help the individual or family through the rehousing process. In relevant cases this involves Council officers working with any dedicated teams the other landlord may have.</p> <p>3. All residents within such an area have a 'needs assessment' completed by Council officers. This is a formal mechanism whereby existing support networks helping the individual or family are identified, or more importantly in this context, where such support is identified as being necessary but not yet in place. Such gaps can then be filled either through the Council itself, (eg social services), or another supporting agency.</p> <p>4. Individuals and families who are asked to move often feel particular pressure when trying to find alternative accommodation. Such pressure is intensified if the individual or family have vulnerability issues. It is therefore important that such individuals and families are supported through the rehousing process as outlined above, but also have access to additional support mechanisms once their new tenancy has started. This requires support packages that will enable the residents to sustain their tenancies.</p>	
10.	<p>The Panel strongly recommends that the Cabinet make a public statement in response to the Special Procedure reports from the UN, covering all the issues raised, in relation to Wards Corner.</p>	<p>The Council takes the promotion of equality and the protection of minority rights very seriously and places the highest priority on them.</p> <p>The Council would like to have had the opportunity to respond to the UN Rapporteur, however, Foreign and</p>	<p>No actions identified</p>

		<p>Commonwealth Office has directed that it is for the Government only to respond to correspondence from the United Nations Special Rapporteur (UNSR) and therefore the Council was specifically asked not to respond or otherwise intervene.</p> <p>This is because the Government does not want an inter-state mechanism (i.e. UNSR) arguing it has the right to expect a response from any parties other than state representatives. Therefore, this recommendation is not agreed because it cannot be agreed.</p>	
11.	<p>In light of the change in emphasis towards the provision of social housing, at both local and regional levels, the Panel recommends that the Council should explore the feasibility and cost benefits of all approaches for a full or partial buy-out of interests at the Seven Sisters market and whole site</p>	<p>The Council is in a Development Agreement (DA) with Grainger for the development of this site. The DA does not allow the Council to 'buy out' either fully or partially the property interests already acquired by Grainger.</p> <p>The Council owns just 3 residential properties on Suffield Road which are part of the DA. The Council has no other land interests on this site. Grainger has secured, or has agreements to purchase, c.95% of the wider site.</p> <p>The Council cannot exit the DA unless there has been a default of a fundamental nature and as there has been no default, there is no way for the Council to simply walk away from the DA.</p> <p>If the Council decided to terminate the DA outside of its provisions, then it would be in breach of its obligations to Grainger who would have a right to sue the Council for this breach which is expected to include Grainger's</p>	No actions identified

		<p>expenditure on the project since 2004. As at February 2019 Grainger has spent c£19m on property acquisitions and project development fees/costs. Any substantiated further losses and costs incurred by Grainger as a result of the Council's breach of the DA will also be factored into payments that Grainger will expect to be repaid e.g. loss of profit.</p> <p>The Council is committed to securing the future for the Seven Sisters Market including the Latin Village. During the redevelopment, there will be a temporary market across the road, and when the market moves back to the original site, returning traders have a clear list of commitments, including reduced rent and the guarantee of equivalent space made by Grainger. For the reasons set out above, this recommendation is not agreed because it cannot be agreed.</p> <p>Whilst the Council has limited influence over this matter, it is absolutely committed to achieving a positive outcome, bringing stakeholders together, to deliver a vibrant market.</p>	
12.	<p>The Council should set up a task force to work with West Green Road/Seven Sisters Development Trust, Save Latin Village and Wards Corner CIC & relevant community groups to develop their ideas for a partnership and a plan. This will encompass all the obligations of the Council's Public Sector Equality Duty consider establishment of social housing on the site and explore the feasibility and desirability of retention of the heritage characteristics of the existing buildings.</p>	<p>As stated above, the Council cannot walk away from the Development Agreement.</p> <p>The current scheme will deliver the homes and wider improvements this area has needed for decades. Consequently, this recommendation is not agreed.</p> <p>With regard to the future of the Seven Sisters Market itself, a Member-led Policy Advisory Group, supported by an independent consultant, has been looking at</p>	Local Planning Authority action

		<p>establishing a viable model for the management and maintenance of the market in future that seeks to balance the needs and interests of the key stakeholders. This work will be reporting separately. This process has engaged with the majority of permitted traders, alongside other key stakeholders.</p> <p>With regard to the Community Plan, the Local Planning Authority consulted with the key stakeholders and the local community as part of the determination of the revised planning application, which was approved (subject to conditions) on 20th November 2019.</p>	
13.	<p>If the above recommendation is not accepted, the taskforce should work with Grainger and relevant community groups such as West Green Road/Seven Sisters Development Trust, Save Latin Village and Wards Corner CIC to develop their ideas, and co-ordinate any combined solution. Any such solution should meet the obligations of the S106, take account of the many changing economic and political circumstances since 2012, include a social/affordable housing element and embrace the aspirations of the wider community in relation to the cultural heritage of the built environment.</p>	<p>As stated above, the Council cannot walk away from the Development Agreement. Instead the Council is focused on the best possible outcome for the community including the Sevens Sisters Market.</p> <p>With regard to the Market itself, a Member-led Policy Advisory Group, supported by an independent consultant, has been looking at establishing a viable model for the management and maintenance of the future market that seeks to balance the needs and interests of the key stakeholders. This process has engaged with the majority of permitted Traders, alongside other key stakeholders. This work will be reporting separately.</p> <p>With regard to the Community Plan, the Local Planning Authority consulted with the key stakeholders and the local community as part of the determination of the revised planning application, which was approved (subject to conditions) on 20th November 2019.</p>	<p>Policy Advisory Group and Local Planning Authority Action</p>

		<p>As set out above, the separate review of section 106 arrangements has now concluded, and action is being taken to implement its findings.</p> <p>Based on the above approach, the specific recommendation is not agreed.</p>	
<p>14.</p>	<p>The Regeneration department should ascertain and publish details on the amount of public money, including grants, which have been allocated to this development. This report should include reasons funds were allocated, the source and purpose of the funding and establish the amounts spent, what it was spent on, and how much remains.</p>	<p>This is agreed and the Council can confirm that the only public funding that has been allocated/paid in respect of the Wards Corner project is as follows, details of which are already in the public domain.</p> <ol style="list-style-type: none"> 1. £1.5m interim gap funding has been paid to Grainger Seven Sisters Ltd against site acquisition costs paid on the Wards Corner site. The funding was paid by the Council using funding from the Bridge New Deal for Communities initiative (NDC) i.e. as Accountable body. In addition, a further £500k of gap funding is to be provided to Grainger SSL by way of a deduction to the sale price of the Council owned property within the Wards Corner development. The total £2m of gap funding is repayable to the Council (with interest and a possible 'additional consideration'), subject to conditions, in the event a minimum profit level (20%) is realised on the completed development. 2. The Mayor of London through TfL has agreed to provide £284,500 of funding to the Council to provide financial support to the small businesses to assist in resourcing the 	<p>The Assistant Director for Capital Projects and Property will assess overage in accordance with the terms of the Development Agreement with Grainger. The overage calculation date is 24 months from completion of the development.</p>

		temporary relocation of Seven Sisters market following its temporary closure.	
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Report for: Cabinet 21 January 2020

Title: Welcome Strategy

Report authorised by : Charlotte Pomery, Assitant Director for Commissioning

Lead Officer: Hugh Smith, Policy & Equalities Officer
hugh.smith@haringey.gov.uk, 0208 489 3540

Ward(s) affected: All

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

1. Describe the issue under consideration

1.1. This report seeks approval from Cabinet to adopt the Welcome Strategy

2. Cabinet Member Introduction

2.1. Nothing can be more important than feeling able to settle and thrive in one's local community – this Strategy reflects the range of factors which contributes to helping migrant communities to be able to do this in Haringey. I am proud to be presenting this paper, which marks the next stage in our work and which we will take forward through co-production of an Action Plan with partners.

2.2. We place a great emphasis on community engagement and I look forward to ongoing and challenging interaction from our local communities as we work together to develop an Action Plan to deliver this strategy.

3. Recommendations

3.1. It is recommended that Cabinet approve the Welcome Strategy at Appendix 1, which requires stakeholders to co-produce an Action Plan to be approved by Cabinet.

4. Reasons for decision

4.1. 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.

4.2. 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.

5. Alternative options considered

5.1. Do Nothing

5.2. 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.

6. Background information

6.1. Migration in Haringey

6.1.1. Haringey is one of the most diverse boroughs in the UK. People from over 75 different countries live here and make up about half of all our residents. Over 100 languages are spoken locally. Among our neighbouring boroughs, only Barnet has a higher number of non-British residents.

6.1.2. As a proportion of population, Haringey is home to more European, Caribbean, and African citizens than most other London boroughs. While proportionately fewer people from India, Pakistan, Bangladesh, and Sri Lanka live here, we are still proud to be home to well-established Asian communities. Approximately 61,000 Haringey residents come from non-EU European countries, Asia, Sub-Saharan Africa, and the Americas.

6.1.3. Haringey has the second largest European-born population of any London borough. Figures from the Office for National Statistics suggest that 53,000 Haringey residents were born in the EU, and half of these were born in Eastern European countries that joined the EU between 2004 and 2007.

6.1.4. Census data indicates that the highest number of non-British residents live in Tottenham Hale, Tottenham Green, and Bruce Grove wards. It is notable that the pattern of migrant residence across the borough is not uniform. Trends include larger communities of migrant residents from Eastern Europe in Tottenham and Wood Green, larger Western European communities in wards in the south of the borough, larger African and Turkish communities in North Tottenham, and larger American and Australian communities in Crouch End and Muswell Hill.

6.1.5. Haringey has a long tradition of welcoming asylum seekers. As of March 2019, Haringey Council was supporting 158 asylum seekers who were destitute or about to become destitute with subsistence and/or accommodation. Haringey Council also supports 40 unaccompanied asylum-seeking children, the maximum number expected under the Government's National Transfer Scheme.

6.1.6. Some migrants in the UK have no recourse to public funds (NRPF). NRPF is a condition imposed on someone if they are 'subject to immigration control', meaning if they are in the country on certain kinds of visas, such as spouse visas and student visas; are dependent relatives of a person with settled status; or have no leave to remain. A person with NRPF cannot access most welfare

benefits or public housing. As of September 2019, Haringey was supporting 54 families including 83 children with NRPF under Section 17 of the Children's Act 1989, more than most of our neighbouring boroughs, and 18 single adults with NRPF.

6.2. Strategy Development

6.2.1. Findings from a wide range of research and evidence-gathering activity has informed the development of this strategy including:

- Evidence of best practice from other comparable local authorities
- Data from central and London government
- Local data from Council services and partners
- The Haringey Residents Survey 2018
- The Haringey Fairness Commission
- The perspectives of local VCS organisations that work directly with migrant residents, through 1:1 engagement, multilateral meetings, and a roundtable session at the Selby Centre
- A research project undertaken by the Policy Team in 2017 which explored perceptions of life in Haringey among newly-arrived Eastern European and Latin American migrant communities

6.3. Key issues for migrant communities in Haringey

6.3.1. Research and engagement have highlighted a number of important issues for migrant communities in Haringey, which are detailed in Appendix 2. In summary, these include:

- Language barriers
- Access to public services and welfare
- Discrimination and prejudice
- Housing insecurity and homelessness
- Unemployment and underemployment
- In-work poverty and destitution
- Fear or crime and victimisation

6.4. Objectives and Priorities

6.4.1. The strategy commits to achieving five key outcomes over the ten-year lifetime of the strategy. These are underpinned by medium-term priorities, which reflect the key issues that the partnership needs to address, which affect young people now.

6.4.2. Objective 1: Build cohesive communities where residents from all backgrounds get on well together

- Priority 1: Tackling prejudice and discrimination
- Priority 2: Fostering good relations between communities
- Priority 3: Participation in public life and civic activity
- Priority 4: Awareness and access to community provision

6.4.3. Objective 2: Develop and deliver welcoming services that treat everyone with dignity and respect

- Priority 1: Responsive and accessible frontline public services
- Priority 2: Immigration advice and support
- Priority 3: Access to community provision

- 6.4.4. Objective 3: Enhance safety and security for migrant communities
- Priority 1: Personal and community safety
 - Priority 2: Housing security and homelessness prevention
 - Priority 3: Tackling hate crime and violence against women and girls

- 6.4.5. Outcome 4: Broaden economic opportunity for migrant communities
- Priority 1: Prevention and relief of poverty
 - Priority 2: Access to good quality employment
 - Priority 3: Lifelong learning opportunities

6.5. Action Plan

- 6.5.1. It is proposed that a co-produced Action Plan that sets out how the Council, partners, and communities will work towards the identified objectives and priorities will be developed during 2020 under the leadership of the Cabinet Member for Adults and Health and presented to Cabinet for approval.

6.6. Governance

- 6.6.1. The Cabinet Member for Adults & Health will chair a Welcome Advisory Board comprising relevant Council officers, representatives of local public sector partners, and representatives of community organisations working with migrant communities in Haringey. The Advisory Board will have responsibility for co-producing the Action Plan described at para. 6.5, periodic review and refresh of the strategy, and ensuring all aspects of the Strategy continue to be supported in their delivery. Any decisions for individual organisations will continue to be made by those individual organisations as there is no delegation of functions to the structure described above.

- 6.6.2. The Welcome Advisory Board will be an informal working group chaired by the Cabinet Member for Adults and Health, who will report to Cabinet, where this is required.

7. Contribution to strategic outcomes

- 7.1. The Welcome Strategy supports the following Haringey Borough Plan (2019-23) outcomes:

- 7.1.1. Strong communities where people look out for and care for one another
- 7.1.2. A proud, resilient, connected, and confident place
- 7.1.3. All adults being able to live healthy and fulfilling lives, with dignity, staying active and connected with their communities
- 7.1.4. A safer borough

- 7.2. This Strategy fully aligns with the Mayor of London's Equality, Diversity, and Inclusion Strategy 2018 and Strategy for Social Integration 2018.

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

Finance

Pending more definitive proposals, there are no financial implications to note at present.

Procurement

The contents of this report are noted. There are no procurement implications at this stage. If, and when external commissioning of services is required, procurement advice should be sought to ensure the most appropriate competitive process or route to market is employed

Legal

Migrant families are likely to share relevant protected characteristics of age, disability, race, religion or belief, sex and sexual orientation. Section 149 (public sector equality duty) of the Equality Act 2010 requires the Council in the exercise of its functions, to have due regard to the need to, amongst others, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The objectives in the Welcome Strategy will facilitate the discharge of the Council's equality duty towards its migrant communities.

An objective in the Strategy is the provision of immigration advice and support. Under Section 84 of the Immigration and Asylum Act 1999 (provision of immigration services), only a qualified person (i.e. a registered or authorised person) may provide immigration advice or immigration services. The Council is not required by law to provide or commission immigration advice and support services to migrant families. The Council would usually signpost migrant families to an immigration adviser.

Equality

- 8.1. The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
 - Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
 - Advance equality of opportunity between people who share those protected characteristics and people who do not
 - Foster good relations between people who share those characteristics and people who do not.
- 8.2. The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.
- 8.3. The proposal is to approve the Welcome Strategy. Those most affected by this decision are non-British residents in Haringey. It is noted that these residents are protected by the Equality Act 2010 by virtue of sharing the race and ethnicity protected characteristic. It is also noted that these residents are likely

to be younger than other Haringey residents and to be members of minority faith or religious groups.

- 8.4. It can be anticipated that the Welcome Strategy will have a positive impact on residents in Haringey who share the protected characteristics noted above to the extent that the strategy's objectives are achieved. It is noted that an Action Plan is forthcoming, the equalities impact of which will be assessed while it is in development and at the time it is presented to Cabinet for approval.

9. Use of Appendices

Appendix 1: Welcome Strategy

10. Local Government (Access to Information) Act 1985

Background papers:

None

Welcome Strategy

Haringey: A Welcoming Borough for All

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Welcome Strategy

Foreword – Cllr James

In November 2018, Full Council adopted a motion to publicly reaffirm its commitment to be a borough that welcomes all residents, in particular migrant communities and those fleeing conflict abroad. In making this commitment to Haringey as a welcoming borough, this Labour administration undertook to develop and implement a 'Welcome Strategy', to ensure best practice in integration and inclusion within the borough and protection and support for Haringey residents including those targeted by the Hostile Environment policy.

In presenting this strategy, I wish to recognise the vital role community organisations have played in defending and advocating for migrant groups across the borough. We are committed to working with these organisations, communities and partner agencies to make Haringey a truly welcoming place to live.

I am particularly pleased to introduce this Welcome Strategy, which sets out our commitment to make Haringey a welcoming borough for everyone who wants to live and work here. It articulates our ambition to be an inclusive place: for people from all cultures, nationalities and backgrounds, establishing a framework to realise that ambition within the challenging financial and political context of austerity and the Hostile Environment. Successive Coalition and Conservative Governments have created an extremely challenging environment for local authorities and for migrant communities. In this context we commit to doing everything we can to work with our migrant communities to protect our residents' rights and to strive against inequality and injustice.

Haringey has a long and proud history of welcoming people from all over the world to make their home here. In the early 20th century Haringey became home to a Jewish community that had fled pogroms in the Russian Empire, and to other European communities. The Windrush generation made their home here in the 1950's, encouraged to migrate to the UK by the British government to fill shortages in the post-war labour market. In the 1970's and 80's we became home to people fleeing trouble and hardship due to the war in Cyprus and conflict in Turkey. And more recently still, we have welcomed people from countries across West Africa and Eastern Europe; refugees fleeing war in Syria; families from more than 75 different countries. We are proud that over the decades our communities have embraced and celebrated new neighbours from around the globe, in a way not seen in many places.

We do not pretend that life in Haringey is - or ever has been - straightforward for all communities living here. Discrimination, prejudice, and harmful public policies have prevented migrant residents accessing opportunities and achieving their aspirations. Chief amongst these in recent times is the avowedly hostile environment policy introduced in 2012. This set out a clear intention to make it harder for migrant residents to settle in the UK, restricting access to public services, private rented housing and other entitlements. The hostile environment has led to a number of Haringey's most vulnerable residents experiencing injustice and hardship, including the Windrush generation and their descendants, families with no recourse to public funds, people seeking asylum, EU migrants, and under-documented or undocumented migrants.

As well as government policy, social attitudes against migrant communities have hardened in recent years. Over the last five years in particular, there has been a well-documented rise in far-right extremism in the UK, which has resulted in increasing hate crime and incidents of violence. There is some evidence that, exacerbated by prominent political figures, this accelerated following the 2016 European Union referendum. While London has been resilient to this trend to some extent, we have by no means been immune.

It is these concerning trends that led to the development of the Welcome Strategy, and to our revitalised efforts to foster cohesive and welcoming communities in our borough. We believe that

the economic and political challenges we face are better faced together, by working alongside our communities and harnessing our many and diverse skills and talents, not by seeking out what sets us apart. This strategy represents our ongoing commitment to achieve this, and to demonstrate leadership in this area.

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Introduction

Haringey is one of the most diverse boroughs in the UK. People from over 75 different countries live here and make up about half of all our residents. Over 100 languages are spoken locally. This diversity, entwined with our history, has fundamentally shaped the Haringey we live and work in today – inclusive, dynamic and unique – and forms the backdrop to this Welcome Strategy.

As a proportion of population, Haringey is home to more European, Caribbean, and African citizens than most other London boroughs and we are also proud to be home to well-established Asian communities. Haringey has the second largest non-UK European-born population of any London borough. [Figures](#) from the Office for National Statistics suggest that 53,000 Haringey residents were born in the EU, and half of these were born in Eastern European countries that joined the EU between 2004 and 2007. Approximately 61,000 Haringey residents come from non-EU European countries, Asia, Sub-Saharan Africa, and the Americas.

The [Haringey Residents Survey](#) 2018 found that:

- 91% of Haringey residents agree that their local area is a place where people from different backgrounds get on well, which is significantly higher than the Local Government Association's national benchmark of 81%. The figure is even higher in some of Haringey's most diverse neighbourhoods, including 95% in West Green and Bruce Grove, 93% in Wood Green, and 92% in South Tottenham
- 82% of Haringey residents agree that there are good relations between different ethnic and religious communities in their local area, 12% neither agree or disagree and only 4% disagree. There is no significant variation here between respondents from different ethnic or religious groups
- 78% of residents have good friendships in their local area
- 74% of residents feel like they belong in their local neighbourhood

Migration has been overwhelmingly positive for Haringey socially, culturally, historically and economically. Waves of new arrivals throughout our history, including African-Caribbean, Turkish, Kurdish, Somali, West African, and European migrants, have contributed to our economy through hard work, entrepreneurship and increased purchasing power – migrant communities have developed myriad new businesses, creating sustainable local employment and building the local economy. Migrants have fundamentally shaped our borough's cultural identity in many ways, and our local culture – what it means to live in Haringey – reflects the diversity of our population.

Our partners across the public sector and in the voluntary and community sector have worked with great determination to welcome migrant residents and advocate for their rights and welfare, especially since the introduction of more restrictive immigration policy under the Coalition government. Haringey schools have demonstrated genuine expertise in welcoming pupils from around the world, including those who speak English as a second language or not at all and those who have experienced significant hardship before arriving in the UK. Community organisations' advocacy, culminating in the Welcome Motion at Full Council in 2018, has drawn attention to how well we work with our partners and migrant communities to enable them to settle and thrive.

Haringey Council recognises we have an important part to play and we will continue to take positive steps to support migrant communities, both those already living here and those arriving here. We have made some progress, for example with our Connected Communities programme, our new approach to supporting non-British people sleeping rough and our help for those applying for settled status – and we recognise there is more to do.

As partners, we have worked together to develop this Strategy – and we want it both to reflect and to strengthen our current position. We are keen that this Strategy supports our aim that our

response to migration continues to build cohesion within our communities as well as trust between local residents and public services. Our ambition is for this Strategy to build on our work to date and to drive progress towards fostering an inclusive and welcoming borough – strengthening and embedding our approach to migrant communities in everything we do as partners, both strategically and operationally.

What will we do? Our objectives

The Haringey Borough Plan outlines the shared outcomes for the borough we and partners want to achieve by 2023 and what we are setting out to do in this Strategy will support the fulfilment of these aspirations. Our objectives will shape what we do and are drawn from what migrant communities, residents from a range of backgrounds and community groups have told us are their ambitions and concerns, as well as an analysis of the duties, powers and resources available to the Council and partners.

Objective 1: Build cohesive communities where residents from all backgrounds get on well together

- Priority 1: Tackling prejudice and discrimination
- Priority 2: Fostering good relations between communities
- Priority 3: Enabling participation in public life and civic activity

Objective 2: Develop and deliver welcoming services that treat everyone with dignity and respect

- Priority 1: Responsive and accessible frontline public services
- Priority 2: Accessible immigration advice and support
- Priority 3: Access to services in the community including GPs, schools, libraries and community support

Objective 3: Enhance safety and security for migrant communities

- Priority 1: Personal and community safety
- Priority 2: Housing security and homelessness prevention
- Priority 3: Tackling hate crime and violence against women and girls

Objective 4: Broaden economic opportunity for migrant communities

- Priority 1: Prevention and relief of poverty and destitution
- Priority 2: Access to good quality employment
- Priority 3: Lifelong learning opportunities

Our aim in setting these objectives is to improve the quality of life for all, including migrant communities in Haringey, by addressing these four key areas which affect day to day life. We know that these objectives are set at a high level and we will work with partners to develop and deliver an action plan which will describe in detail the actions we propose to take, as a partnership, to meet these objectives.

Who will do it? Our governance

We will seek to establish a Welcome Advisory Board consisting of local public services including the Council and community organisations, chaired by the responsible Council Cabinet Member, to steer and monitor the implementation of this Strategy. The Welcome Advisory Board will act in an advisory capacity to support the responsible Cabinet Member to provide regular updates to Haringey's Cabinet and to Full Council as appropriate.

The first task of the Welcome Advisory Board will be to co-produce a Welcome Action Plan in 2020. The Action Plan will set out how local agencies and civic society plan to implement this strategy and

make progress towards its objectives. The draft Action Plan will be reported to Cabinet by the responsible Cabinet Member in the event of any key decisions being required by the Council and the Welcome Advisory Board will take the lead in monitoring its progress and providing strategic leadership, advising the Cabinet Member responsible of further actions.

The Welcome Advisory Board will be responsible for embedding the approach articulated in the Welcome Strategy among local public services and community and voluntary sector organisations. Where the Welcome Strategy sets out a set of standards and values that migrant communities can expect in interactions with public services, the Welcome Advisory Board will be responsible for driving progress and promoting good practice in liaison with these services. The Welcome Advisory Board will monitor, review, and evaluate performance in relation to the Welcome Strategy's priorities and objectives and will have a role in helping to identify and address any delivery issues that may occur. It will adopt an actively inclusive ethos and enable a constructive dialogue between public agencies and communities.

How will we work? Our approach

Our vision is for a welcoming and inclusive borough where strong communities nurture all residents to live well and achieve their potential and where every resident, whatever their background, has what they need to attain and maintain a good quality of life.

There are six parts to our strategic approach to achieving this vision with our migrant communities:

1. Welcome

Welcome should be the spirit driving our approach to working with all residents, particularly vulnerable refugees and migrants, meaning that they are treated fairly and with dignity and respect. Together with local civil society we seek to ensure that the right policies, processes, and working practices are in place to enable Haringey to be a truly welcoming borough to all its residents, building on the strengths and assets which residents and communities bring to borough life. We are proud our schools and colleges are welcoming places for children and young people from all backgrounds, playing an important role in welcoming new migrant children and their families, enabling their integration and ensuring that the strong anti-bullying practice in place across all education settings keeps them safe – we are committed to keeping it this way for all.

2. Early Intervention

We aim to foster cohesive communities where residents from all backgrounds get on well together. In order to do this, partners will work with communities to address the root causes of prejudice, discrimination, and isolation at the earliest opportunity. We will seek to enable inclusive practice to support communities to mix and learn from each other's strengths and skills. We will also design and deliver public services that work holistically with residents in order to identify and address their needs as early as possible.

3. Strengths-Based

We will achieve our objectives in part by recognising that our communities and residents have enormous strengths and are the experts in their own lives. A strengths-based approach means building on this expertise and these strengths so that they can be used to help us work collectively towards our objectives. We will do this by working in partnership with VCS organisations, by engaging directly with migrant communities to ensure that the right support is in place, and by ensuring that public services are designed around communities' assets and strengths starting with establishing an effective Welcome Advisory Board and co-designing our Welcome Action Plan with a range of communities and stakeholders.

4. Tackling Inequalities

We will seek to address the issues that disproportionately impact on migrant communities' quality of life. In line with our Public Sector Equality Duty, we will seek to eliminate discrimination, advance

equality of opportunity, and foster good relations among communities. This involves gathering data and understanding the views of residents so that we can make evidence-based decisions, working to close any gaps in outcomes or experiences that we identify, and taking steps to meet the needs of all residents equitably.

5. Safeguarding

We are all responsible for safeguarding and as a local authority we have a leadership role in promoting safeguarding and exercising safeguarding duties. In certain circumstances it is necessary to take a safeguarding approach, and we will always ensure that we support the safeguarding needs of migrants, including those who have been victims of hate crime, those who have care needs, those who are the target of extreme political views, those who are sleeping rough, families who are facing destitution and those who may be trafficked or victims of modern slavery.

6. Advocacy

We will use our public platform as a local authority to advocate for the rights and welfare of migrant communities. This means:

- Being open and public in our commitment to migrant communities
- Advocating for a welcoming approach across Haringey and beyond
- Listening to, supporting, and amplifying the voices of community advocacy organisations
- Offering support where we can for work that the Greater London Authority take forward under the Mayor of London's Equality, Diversity, and Inclusion Strategy 2018 and Strategy for Social Integration 2018, which seek to make London a welcoming city for everyone who lives and works here
- Advocate for the rights and welfare of migrant communities to London Councils, the GLA, and local MPs in order to achieve London-wide and national change
- Celebrating and building on expertise among local public and community services in working with diverse communities
- Working across the local partnership to develop and promote best practice in migrant and refugee support that is sustainable in its delivery and impact

What barriers may we face? Our challenges

We are ambitious for our residents and our communities. We want Haringey to continue to be one of the best places in London for people of all backgrounds to live, work, raise families, and pursue their ambitions. Our Borough Plan 2019-23 outlines our aspirations for the borough and our determined approach to making it the place that all our residents, visitors, and businesses deserve. However, it is important for us to recognise the extremely challenging circumstances in which this Strategy will be implemented. We are clear that we are making a long-term commitment to our communities through this strategy, and one that will endure despite political turbulence and harmful policy at a national level.

National policy

We work within an extremely complex legislative and policy framework that is set by the UK government and is difficult to navigate for everyone affected by it. National policy puts severe restrictions on what we can do. Local agencies that deal in welfare and social protection are not legally able to respond to the needs of some migrants. This means, for instance, that new migrants from outside the EU aren't eligible for social housing except in very limited circumstances such as in cases of domestic violence. Additionally, the support public agencies are able to offer some households, for example those who have No Recourse to Public Funds, is legally restricted and cannot include welfare benefits or public housing. Aside from legal restrictions, a decade of austerity has had substantial impact on the abilities of all public agencies to provide services and support.

The UK government plans to reform national immigration policy following the UK's exit from the European Union. We are mindful of the impact changes to national immigration policy may have on Haringey residents. We will liaise and consult with migrant communities, representative organisations, and national experts in order to identify how best to mitigate any negative impacts resulting from changes in immigration legislation. We are similarly alert to government plans to consolidate the Vulnerable Persons' Resettlement Scheme and the Vulnerable Children's Resettlement Scheme. We will work with London Councils and the Mayor of London to ensure that the scheme works in the best interests of vulnerable people in the future. And we will ensure we respond to any consultation or lobbying opportunity on immigration policy to seek to ensure any policy change protects the rights and supports the welfare of all Haringey residents.

Social trends

The UK, like much of Europe, has experienced a rise in the prevalence and prominence of far-right extremism, accompanied by a well-evidenced rise in hate crime and other expressions of intolerance. Haringey too has seen a rising number of hate crime incidents, across all categories, with profound impacts for victims and their friends and families. This demonstrates the continued need to seek ways of ensuring Haringey is a welcoming place for all residents – newly arrived or well established – and a borough where everyone has opportunities to pursue their ambitions and achieve their potential.

Brexit

We are alert to imminent developments that will affect migrant communities in Haringey. The most notable of these is the UK's planned exit from the European Union, with key legislation taking effect throughout 2020. We know that Brexit will have far-reaching impacts. Among the most significant of these is on the status of EU citizens in the UK. Haringey residents who were born in EU member states and who may have lived here for many years will have to register for settled status in order to retain their current rights to live and work in the UK.

We are mindful that the UK as a whole is likely to see challenges in terms of community relations and the economy. While Haringey is proud to be home to cohesive communities, we are not immune to national trends. We are planning and taking action to mitigate the impact of an exit from the EU on Haringey and our communities. We are determined to protect and support our community, keeping it together, building cohesion and coming down hard on hate crime so that as many people as possible are supported to stay in Haringey.

Where shall we begin? Our strategic commitments

This strategy is not an end point. Rather, it is the next stage in a continuing conversation with migrant communities. In this spirit, we make the following commitments:

Listening, Consultation, and Engagement

1. To work with migrant communities to support migrant residents to settle and thrive in Haringey
2. To listen to the voices of migrant communities and to make sure that they help shape our strategic decisions about policy and public services
3. To ensure that we design and deliver public services with diverse communities in mind, consulting and engaging with communities as we plan and deliver public services

Co-production, Planning and Action

4. To co-produce a Welcome Action Plan in 2020 that sets out in detail how the Council, partners, and communities will work together to achieve the objectives of the strategy
5. To work with partners and to use our powers and resources to address social issues that we know disproportionately affect migrant residents. As a first step we will work towards

ensuring assistance is available for people who need advice relating to immigration or who need to change their status

6. To plan for and take action to mitigate the negative consequences of likely national developments, such as Brexit and changes to immigration policy

Policy and Partnership

7. To embrace a welcome approach in all our policies, mitigating the impacts of policies hostile to migrants where we can and supporting migrant communities to access entitlements. Any organisation we continue to work with will be encouraged to share our position of welcome and support to migrants in Haringey
8. To cooperate with the Home Office and other central government departments, where it concerns individuals, only where we have their explicit informed consent, within the existing legislative framework

Monitoring and Evaluation

9. To review our current practice in how we support migrant residents; to make improvements where necessary, desirable, or possible; and to work with our partners to improve services for migrant communities
10. To monitor and evaluate our performance and progress in tackling inequalities that affect migrant residents and communities and to be transparent with what we find

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Appendix 1: Migration in Haringey

Haringey is one of the most diverse boroughs in the UK. People from over 75 different countries live here and make up about half of all our residents. Over 100 languages are spoken locally. Among our neighbouring boroughs, only Barnet has a higher number of non-British residents.

As a proportion of population, Haringey is home to more European, Caribbean, and African citizens than most other London boroughs. While proportionately fewer people from India, Pakistan, Bangladesh, and Sri Lanka live here, we are still proud to be home to well-established Asian communities. Approximately 61,000 Haringey residents come from non-EU European countries, Asia, Sub-Saharan Africa, and the Americas.

Haringey has the second largest European-born population of any London borough. [Figures](#) from the Office for National Statistics suggest that 53,000 Haringey residents were born in the EU, and half of these were born in Eastern European countries that joined the EU between 2004 and 2007. The growth in the EU-born community in Haringey is visible in Census figures. The 2011 Census shows that the ‘White Other’ community has grown rapidly, from 16.1% of Haringey’s population in 2001 to 23.0% in 2011- a much greater increase than in London. This trend is likely to have continued as long-term international migration to Haringey increased from 2011 to 2015 before declining to 2011 levels in 2017.

Census data indicates that the highest number of non-British residents live in Tottenham Hale, Tottenham Green, and Bruce Grove wards. It is notable that the pattern of migrant residence across the borough is not uniform. Trends include larger communities of migrant residents from Eastern Europe in Tottenham and Wood Green, larger Western European communities in wards in the south of the borough, larger African and Turkish communities in North Tottenham, and larger American and Australian communities in Crouch End and Muswell Hill.

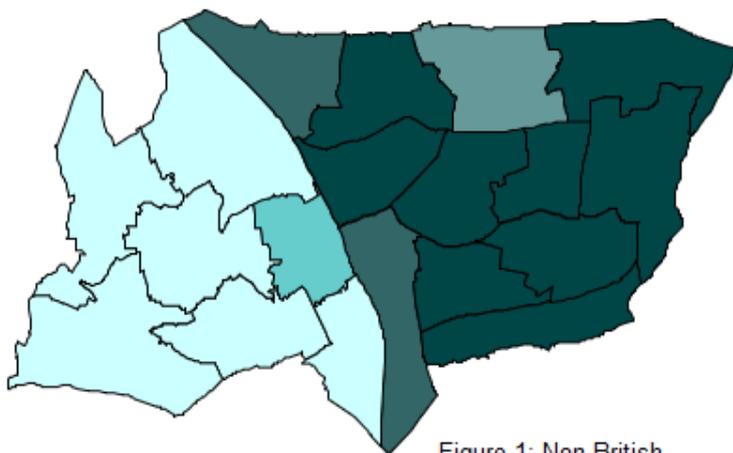


Figure 1: Non-British residents by ward

Quantiles	Low (>=)	(<) High	Occurrences
1	2,771	3,800	(6)
2	3,800	4,800	(1)
3	4,800	5,900	(1)
4	5,900	6,900	(2)
5	6,900	7,950	(9)

Most migrants choose to live in London to work or study. We're able to tell how many people come to work in Haringey through National Insurance Number (NINO) registrations. Haringey has a high level of NINO registrations by overseas nationals compared to other London boroughs. However, this number has decreased since 2014-15, which indicates that Haringey is currently experiencing a slowdown in economic migration. While EU citizens are over-represented in lower-skilled roles, immigration rules mean that non-EU migrants are over-represented in professional jobs. Indeed, the Haringey Residents Survey 2018 found that newly arrived migrants are highly qualified, with over half holding a degree or professional qualification. [ONS data](#) indicates that, in London, migrant residents are over-represented in the construction, hospitality, and retail sectors as well as the public sector. Over 30% of all school staff in London and 24% of all NHS staff in North London are migrant workers. Migrants set up 1 in 7 UK companies currently trading in the UK and these companies are responsible for creating 14% of British jobs. These figures demonstrate the enormous contribution migrants make to our local economy and to our public services.

Over 60% of births in Haringey are to non-UK born mothers, which is higher than most of our neighbouring boroughs. 17% of school pupils in Haringey were born outside the UK, which is the seventh highest proportion in London and among the highest in the UK. Dozens of languages are spoken in our schools and young people in Haringey are fortunate to be able to have peers from a vast range of different backgrounds.

Haringey has also welcomed asylum seekers. As of March 2019, Haringey Council was supporting 158 asylum seekers who were destitute or about to become destitute with subsistence and/or accommodation. Overall, there are over 5,630 asylum seekers in London. The most common countries of origin are Albania, Pakistan, Nigeria, Iran and Afghanistan. Local authorities support asylum seekers directly or indirectly in a range of ways, the most substantial of which are safeguarding, social care, and preventing homelessness.

Unaccompanied Asylum-Seeking Children (UASC) are children who are seeking asylum in the UK who have been separated from their parents or carers. While their claim is processed, they are cared for by local authorities. The number of UASC in London has increased by 17% over the last two years. According to official statistics, as of March 2018, London boroughs were looking after 1,500 UASC – a third of UASC in England. The government's National Transfer Scheme (NTS) is designed to ensure an even distribution of UASC across England. Haringey currently accommodates 40 UASC, and this is equivalent to the maximum number of UASC Haringey should accommodate under the NTS. Government funding only covers around 60% of the cost of caring for UASC, meaning a shortfall of more than £25,000 per child per year, and this does not include the substantial costs of supporting UASC when they leave care. London boroughs had an estimated £32 million funding shortfall in their collective budgets for caring for UASC in 2018/19.

Under the Vulnerable Persons Resettlement Scheme (VPRS) and the Vulnerable Children Resettlement Scheme (VCRS), the UK committed to resettle 20,000 refugees fleeing the Syrian conflict and up to 3,000 children and their families from the Middle East and North Africa (MENA) by 2020. Haringey pledged to resettle 10 households when the schemes were launched and has resettled 12 households to date. Ten of these households were resettled directly by the Council and two were settled through community sponsorship by Muswell Hill Methodist Church.

Some migrants in the UK have no recourse to public funds (NRPF). NRPF is a condition imposed on someone if they are 'subject to immigration control', meaning if they are in the country on certain kinds of visas, such as spouse visas and student visas; are dependent relatives of a person with settled status; or have no leave to remain. A person with NRPF cannot access most welfare benefits or public housing. Adults with NRPF who have care needs may be entitled to support under the Care Act 2014. Section 17 of the Children Act 1989 governs local authority obligations to provide families with children with NRPF with support in order to prevent homelessness or destitution. For those not

subject to an exclusion under Schedule 3 of the Nationality, Immigration, and Asylum Act 2002, support may continue, subject to eligibility and assessment, for as long as the individual's status remains unresolved with the Home Office. As such, the amount of money spent by local authorities supporting individuals and families who have NRPF is determined by the speed with which the Home Office processes applications. As of September 2019, Haringey was supporting 54 families including 83 children with NRPF under Section 17 of the Children's Act 1989, more than most of our neighbouring boroughs, and 18 single adults with NRPF.

As a result of Brexit and the expected end to free movement of people that will accompany it at the end of the 'transition period', which is set to be December 2020 at the time of writing, all EU citizens (other than Irish citizens) living in the UK are required to register for a new type of "settled status". The EU Settlement Scheme (EUSS) is a process to register EU, EEA and Swiss nationals living in the UK and to assign them either with settled or pre-settled status. These are new immigration statuses that confer the right to live and work in the UK after it leaves the EU and the right of free movement is revoked. The EUSS exists because, in most cases, people residing in the UK based on rights derived from EU law will no longer have a legal right to reside in the UK once it leaves the EU.

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Appendix 2: Community Assets

Haringey is an especially welcoming, inclusive, and cohesive borough. The [Haringey Residents Survey 2018](#) found that:

- 91% of Haringey residents agree that their local area is a place where people from different backgrounds get on well, which is significantly higher than the Local Government Association's national benchmark of 81%. The figure is even higher in some of Haringey's most diverse neighbourhoods, including 95% in West Green and Bruce Grove, 93% in Wood Green, and 92% in South Tottenham.
- 82% of Haringey residents agree that there are good relations between different and ethnic and religious communities in their local area. 12% neither agree or disagree and only 4% disagree. There is no significant variation here between respondents from different ethnic or religious groups.
- 78% of residents have good friendships in their local area.
- 74% of residents feel like they belong in their local neighbourhood

Moreover, Haringey is fortunate to have a diverse and well-developed community infrastructure:

- Nine libraries that are directly operated by Haringey Council across the borough, which provide spaces for residents to meet and which host events and exhibitions that celebrate our communities
- Community buildings across Haringey that help to bring communities together by providing a place where local groups can provide inclusive and accessible activities that promote equality
- Arts and cultural venues such as the Bernie Grant Arts Centre that celebrate the heritage and identities of Haringey's diverse communities
- A large number of community groups and voluntary sector organisations that come from migrant communities, provide services and activities for members of migrant communities, and advocate for the rights of migrant residents in Haringey
- Bridge Renewal trust and the Selby Trust are skilled in voluntary-sector capacity-building and work to enable community groups and voluntary sector organisations to thrive

Migration has been positive for Haringey socially, culturally, and economically. New arrivals through modern history, from the Windrush generation to Turkish, Kurdish, Somali, West African, and European migrants, have fundamentally shaped our borough's identity, contributed to our economy and cultural life through hard work and entrepreneurialism, and fostered caring and cohesive communities.

Appendix 3: Current Issues

It is important to note that migrant residents in Haringey continue to experience injustices and inequalities. Haringey Council conducted an extensive research project into the lives and experiences of newly arrived migrant residents in 2017 in partnership with Bridge Renewal Trust and North London Partnership Consortium. More recently, the Haringey Fairness Commission has heard evidence and testimony about migrants' experiences in the borough. Combined with survey data, research, and public services data we are able to paint a picture of certain significant challenges:

- Language
 - Approximately 3,000 EU residents in Haringey experience language barriers. This is likely to be a minority of all Haringey residents who experience language barriers, noting that a minority of migrants in Haringey come from the EU.
 - Our research found that low levels of functional English can inhibit access to public services, engagement with established communities, and participation in public life
 - Access to English for Speakers of Other Languages courses (ESOL) was identified as a critical issue that affects quality of life for migrants at a roundtable session hosted by the Selby Trust. Moreover, attendees identified language barriers in accessing public services that severely affect individuals with low levels of functional English.
 - Low levels of English are [associated with](#) lower life satisfaction and social isolation
- Public Services and Welfare
 - Our research found that it is often the case that individual newly arrived migrant residents do not have a sufficient understanding of how to access services to be able to have needs addressed before they are critical, which unintentionally creates pressures on acute services such as Accident and Emergency departments
 - We found that migrant parents are more likely to keep their children at home until school age rather than taking advantage of free childcare, and so their children often need more help when starting school, particularly if they have little or no English
 - Participants at a roundtable session hosted by the Selby Trust noted that migrant residents have often had difficulty accessing public services in Haringey and experience numerous barriers to access. Significant barriers include low awareness of what is available, low awareness of rights and entitlements, language and technological barriers, and siloed public and community services
 - It has been [reported](#) that legally-entitled EU citizens have been unduly refused access to Universal Credit, resulting in stress, debt, and homelessness.
 - The [Haringey Fairness Commission](#) highlighted concerns that poverty is having a particularly negative effect on migrant groups. The Commission also found that mental health services are particularly difficult to access for migrants and residents with low levels of English.
- Democracy and Rights
 - The Windrush Scandal of British citizens who arrived in the UK as members of the Windrush generation being denied legal rights, denied access to public services, hindered from securing employment, and threatened with deportation has had catastrophic effects, including for Haringey residents, 600 of whom we estimate to be potentially affected
 - The [Haringey Fairness Commission](#) and the roundtable session at the Selby Trust found that prejudice, stereotyping, and discrimination are common aspects of everyday life for migrant residents
 - Knowledge and understanding of rights and entitlements were identified as important issues for migrants in Haringey at a Selby Trust roundtable session
 - The failure of the UK government to adequately plan for the 2019 European Elections led to some EU citizens living in Haringey being denied their right to vote

- Asylum seekers in the UK are denied the right to work by government policy
- Housing and Homelessness
 - Migrants are over-represented among tenants of Houses of Multiple Occupation (HMOs), which are associated with over-crowding, higher levels of fly-tipping, and lower outcomes for children who live in them due to disruption associated with short-term tenancies and frequent moves
 - Rogue landlords are known to target migrants and exploit them by imposing high rents, over-crowding HMOs, and keeping properties in sub-standard conditions
 - Attendees at a roundtable session hosted by the Selby Trust noted that poor quality accommodation affects families with no recourse to public funds and that housing advice can be hard to access
 - A disproportionately high number of individuals who are affected by homelessness in Haringey are from migrant communities, with Polish, Romanian, East African, and Latin Americans notably over-represented
- Employment
 - Nationally, the [rate of unemployment](#) is higher among working age non-EU citizens than UK citizens and EU citizens, which are roughly level
 - Our research found that migrants in Haringey may be more isolated and reliant on migrant networks for work, which in some cases heightens their risk of being drawn into work in the grey economy that does not afford employment rights and is not subject to the usual regulations that protect workers
 - [In-work poverty](#) affects migrants more than average and forces them to make benefit claims to support families. Those who can't make work pay are at greater risk of being further marginalised
 - Migrants are often highly educated and hardworking but are frequently employed in jobs that [do not match their qualification levels](#). A third of migrants in the UK are currently employed in jobs they are over-qualified for and so they are not reaching their full earning or economic potential
 - In contrast to family migration, labour migration is predominantly male, and men are more likely to be at the top of the labour migration hierarchy, as skilled migrants, than women who are more often 'domestic workers' or 'partners'. The British government's [plans for migration control after Brexit](#) may, if implemented, exacerbate existing sex discrimination in immigration law by reproducing and amplifying those parts of the current system that disadvantage women.
- Safety
 - Between June 2018 and June 2019 there were 675 recorded instances in Haringey of [hate crime](#) where victims were targeted on the basis of perceived race or religion. While these won't all involve migrant residents, it is likely that migrants will be overrepresented among victims. Haringey has six neighbouring boroughs and this number is lower than three and higher than three of our neighbours.
 - The [Haringey Residents Survey](#) found that perceptions of safety tend to be lower among BAME residents, and crime was a more important issue for these residents
 - Our research found that there are tensions between some migrant communities and among residents of particular nationalities. This is understood to be particularly acute for the Roma community
 - The [Haringey Fairness Commission](#) found significant concern among migrant groups about crime, community safety, and issues including drugs and youth violence
 - Recent research suggests that women in refugee households are known to be particularly vulnerable to [sexual and gender-based violence](#).

Our ambition is that this strategy will help to build the positive aspects of life in Haringey, tackle inequalities, and foster a borough that is welcoming for all.

Report for: **Cabinet 21 January 2020**

Title: **Additional sites for the Council's Housing Delivery Programme**

Report

Authorised by: **Dan Hawthorn, Director of Housing, Regeneration and Planning**

Lead Officer: **Alan Benson, Interim Assistant Director of Housing**

Ward(s) affected: **Hornsey, Muswell Hill, Noel Park, Seven Sisters, Tottenham Hale**

Report for Key/

Non Key Decision: **Key Decision**

1. Describe the issue under consideration

1.1. This report identifies a list of nine Council-owned sites and seeks approval to include them in the Council housing delivery programme in order that their feasibility and capacity for the delivery of new Council homes can be determined.

2. Cabinet Member Introduction

2.1. This administration was elected on a bold manifesto. At its heart is a commitment to deliver a thousand new Council homes at Council rents by 2022 - a scale of Council home-building not seen since the 1970s. We have worked hard to deliver this ambitious aim and are on track to hit our interim target, that by May 2020, 500 of these new Council homes will have planning approval, and 350 of these homes will have started on site.

2.2. Given the relatively restricted levels of Government grant for building Council homes, we need make the best use of land we own to support this programme. This report identifies nine sites of Council-owned land that will help deliver the homes our communities need. These sites will not only support our initial programme to deliver a thousand new homes by 2022 but will start putting in place a pipeline of sites to support a long-term sustainable programme of Council house building. This will become a core part of what we do as a Council from now on. With 10,000 households on our waiting list for a decent affordable home, this could not be a more important aim for this Council.

3. Recommendations

3.1. It is recommended that Cabinet:

3.1.1. Agrees 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.

- 3.1.2. Notes 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.
- 3.1.3. Agrees 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.
- 3.1.4. Notes 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.

4. Reasons for decisions

- 4.1. 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.
- 4.2. 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.

5. Alternative options considered

- 5.1. **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.
- 5.2. **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.

6. Background information

- 6.1. The first priority of the new Borough Plan, adopted in February 2019, commits the Council to “work together to deliver the new homes Haringey needs, especially new affordable homes” and, explicitly, “to deliver 1,000 new council homes at council rents by 2022”.
- 6.2. The Council’s strong preference is to build this new generation of Council homes directly, on its own land. This is usually better value for money, has the best guarantee of quality and the greatest certainty of delivery, and ensures that new Council homes are additional homes that would not have been delivered without its intervention.
- 6.3. Where the Council builds directly, it has enough Council land for the first programme of 1,000 Council homes. That land is a mixture of sites on housing estates, mostly infill sites, and land not currently used for housing purposes. While most of these sites are held in the Housing Revenue Account (HRA), some are held in the General Fund and will need to be appropriated into the HRA.
- 6.4. Infill sites in the HRA comprise underused land, generally on or around housing estates. Typically, these are garages, car parking spaces, or land between existing blocks. It is worth noting that the development of every infill site means taking space for new homes that existing residents may be using for other purposes.
- 6.5. General Fund land ranges from the conversion of two shops into four homes, to the redevelopment of larger sites such as the former Cranwood Care Home.
- 6.6. In November 2018, Cabinet noted the abolition of the HRA borrowing cap. This has given the HRA capacity to finance the development of new Council homes, including by subsidising that development through existing surpluses. Cabinet also noted the grant of £62.858 million to the Council through the GLA’s Building Council Homes for Londoners programme. That grant will be drawn down at agreed milestones as individual sites are developed.
- 6.7. Notwithstanding this additional funding, direct grant for building homes at social rent remains at a historic low. If the Council’s programme of developing a thousand Council homes is to be viable, the Council will have to provide cross-subsidy by building and selling some homes at market value. While this sales element will be a small part of the Council’s programme compared to private developers and housing associations, it still represents a risk that the Council would prefer not to have to incur. But in the absence of any increase in grant, building these homes for market sale is a crucial part of any programme to develop Council housing, as all other councils developing housing have found. It is therefore probable that if the sites listed at 6.9 are developed, some of the homes delivered on them will have to be built for market sale. The mix of homes on each site will be determined by Cabinet in due course and through the planning process.
- 6.8. A new HRA Business Plan is being developed that will scope out the level of new housing development the HRA can support alongside the commitments to improve the quality of existing Council homes. This will come to Cabinet in February 2020.

- 6.9. On 9 July 2019, Cabinet approved 47 sites for inclusion in the Council housing delivery programme. These joined 14 sites with existing approvals.
- 6.10. Cabinet is now asked to add the nine sites set out in the table below to the Council's programme of housing development in order that their feasibility and capacity for the delivery of new Council homes can be determined. The table identifies the address, the ward and whether the land is currently held in the General Fund (GF) or the Housing Revenue Account (HRA). Red line drawings showing the location of each site are included in Appendix 1.

Site	Ward	Land
50 Tottenham Lane (Hornsey YMCA)	Hornsey	GF
West Indian Cultural Centre, Clarendon Road (including Clarendon Recovery College which is scheduled for relocation)	Noel Park	GF
1-8 Barbara Hucklesbury Close, Russell Avenue (bungalows used as TA adjoining The Sandlings)	Noel Park	HRA
71 Bury Road (garages)	Noel Park	HRA
Reynardson Court/ Chestnut (car park and block)	Tottenham Hale	HRA
Dawlish Road / Scales Road (two garages and unused land, Chestnuts Estate)	Tottenham Hale	HRA
Avenue Mews (land to the rear of Muswell Hill Library)	Muswell Hill	GF
Tiverton Road Estate (infill)	Seven Sisters	HRA
Sir Frederick Messer Estate (infill)	Seven Sisters	HRA

- 6.11. Each of these nine sites has been identified as a potentially suitable site on which to build new Council homes. As well as a series of site visits and inspections, the assessment of the potential feasibility of each site has to date included the preparation of a red-line boundary of the site, and initial consultation with the Council's Arm's Length Management Organisation (Homes for Haringey), the Local Planning Authority and the Council's Strategic Property team, as well as initial legal checks to identify risks which could impact upon the design or finances of the scheme. Some sites are intended for mixed development and will be used for a combination of housing and other uses.
- 6.12. The West Indian Cultural Centre (WICC) site is proposed for inclusion in the Council housing development programme on the basis that Cultural Centre facilities could be re-provided alongside any development of homes. The Clarendon Recovery College is due to relocate from the existing building.
- 6.13. It is estimated that these nine sites could have the potential to deliver a total of up to 380 homes. Cabinet should note that this assessment is highly provisional
- 6.14. In order to assess each site's suitability further, and to determine the capacity of each site robustly, further work now needs to be undertaken in relation to each site. That work includes:

- Valuation and financial appraisal, a capacity study, and risk assessment
- Preparation of Title Register and Title Plan
- Further consultation on the site across the Council, with Ward Members and external partners
- Further checks to identify legal risks which could impact upon the design or finances of the scheme
- Searches covering highways, railways and utilities
- Review of easements, covenants, rights of way or restrictions on title which may inhibit development
- Consultation with the Local Planning Authority – existing use, policy context, status of any existing consents, conservation area or listed building status
- Environmental report, including ground conditions and flood risk

6.15. In some cases, this will require the engagement of external contractors and technical experts, such as building surveyors and architects.

6.16. There is a risk that this more detailed feasibility work will determine that a site is *not* suitable for housing development. In that case, costs incurred will not be recoverable for the Council and no grant will be available to meet those costs. At this stage, however, it is expected that any such costs will be minimal.

7. Contribution to strategic outcomes

7.1. Adding these sites to the Council's programme of housing development sites will help to enable the Council to deliver new Council homes, including supported housing. This supports the 2019-2023 Borough Plan, which has as its first priority a safe, stable and affordable home for everyone, whatever their circumstances. Outcome 1 of that housing priority in the Borough Plan states "*we will work together to deliver the new homes Haringey needs, especially new affordable homes*", with specific objectives to "*deliver 1,000 new Council homes at Council rents by 2022*" and to "*secure the delivery of supported housing that meets the needs of older, disabled and vulnerable people in the borough*".

8. Statutory officer comments

Finance

8.1. This report only seeks cabinet approval to include the 9 sites listed in the table, in section 6.9, in the Council housing delivery programme.

8.2. The inclusion of these sites will inform individual scheme's capacity study, risk assessment and viability appraisal to determine its suitability for housing delivery.

8.3. The cost associated with the earlier feasibility and capacity studies will be met from the existing New build programme budget. However, there is potential risk of revenue overspend if any of the sites does not progress.

8.4. The cost of preparatory up to planning application stage for each site will only be approved after being evaluated by finance and signed off by the

director of Housing, Regeneration & Planning in consultation with the Director of Finance.

- 8.5. These sites will contribute to the future years build target proposed in the current HRA financial plan/capital programme MTFs, subject to cabinet approval in February 2020.
- 8.6. Of the nine sites, three are General funds sites and these will be appropriated to the HRA when decision is made to progress development on them.
- 8.7. If the sites are approved for inclusion, following design works, and subject to financial appraisal and HRA viability assessment, further approval will be sought to progress these schemes.

Legal

- 8.8. The sites identified are held for either General Fund or Housing purposes as identified in paragraph 6.9. Reports on titles will have to be produced in order to determine whether there are any legal issues which would hinder or prevent the proposed redevelopments. Where sites are held for a purpose other than housing, and a decision is then made to redevelop the sites for housing then these sites will need to be appropriated in due course for housing purposes.

Procurement

- 8.9. Strategic Procurement note the contents of this report.

Equalities

- 8.10. The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
 - Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
 - Advance equality of opportunity between people who share those protected characteristics and people who do not
 - Foster good relations between people who share those characteristics and people who do not.
- 8.11. The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.
- 8.12. This report seeks approval for nine sites to be included in the Council housing delivery programme in order that their feasibility and capacity for the delivery of new Council homes can be determined. On 9 July 2019, Cabinet approved 47 sites for inclusion in the Council housing delivery programme. The July Cabinet report noted that, to the extent that the decision results in an increase

in Council housing in Haringey and noting that the housing mix is to be determined in due course, the groups that the decision is most likely to directly affect are Haringey residents living in temporary accommodation and Haringey residents who are at risk of homelessness.

- 8.13. Data held by the Council suggests that women, young people, and BAME communities are over-represented among those living in temporary accommodation. Individuals with these protected characteristics as well as those who identify as LGBT+ and individuals with disabilities are also known to be vulnerable to homelessness, as detailed in the Equalities Impact Assessment of the Council's Draft Homelessness Strategy. As such, it is reasonable to anticipate a positive impact on residents with these protected characteristics.
- 8.14. It is noted that Ward Members will be consulted on sites in their ward. This consultation will be inclusive, will be undertaken with due consideration for equalities, and will also provide opportunities for officers to identify any equalities issues relating to individual sites and thereby develop informed proposals.

9. Use of appendices

Appendix 1 – Red Line Plans of Additional Sites

10. Local Government (Access to Information) Act 1985

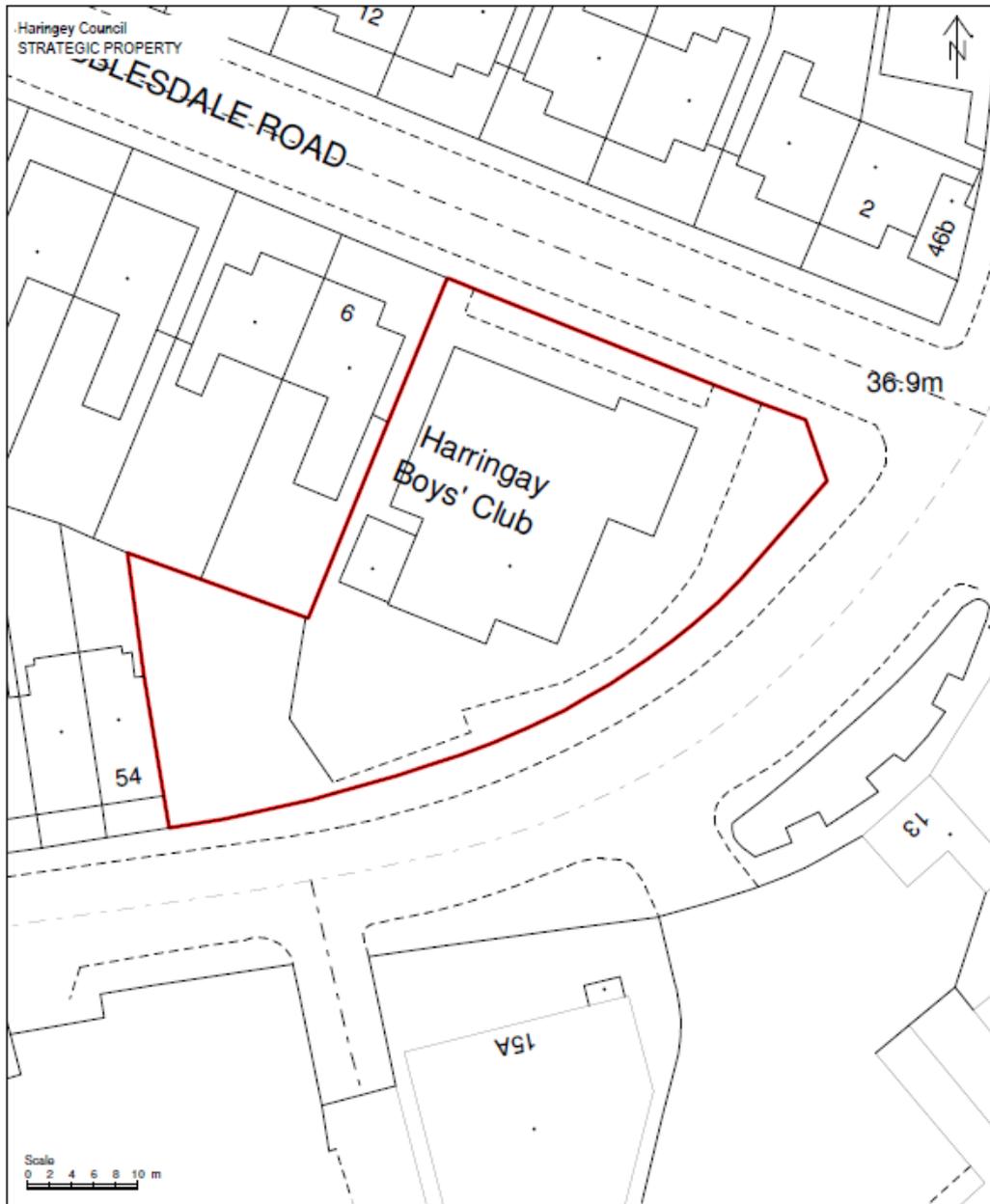
None

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Additional sites for the Council's Housing Delivery Programme: Cabinet, 21 January 2020

Appendix 1 – Red Line Plans of Additional Sites

1. 50 Tottenham Lane (Hornsey YMCA)



50 Tottenham Lane
Crouch End,
London
N8 7EE

Red verging - Demise

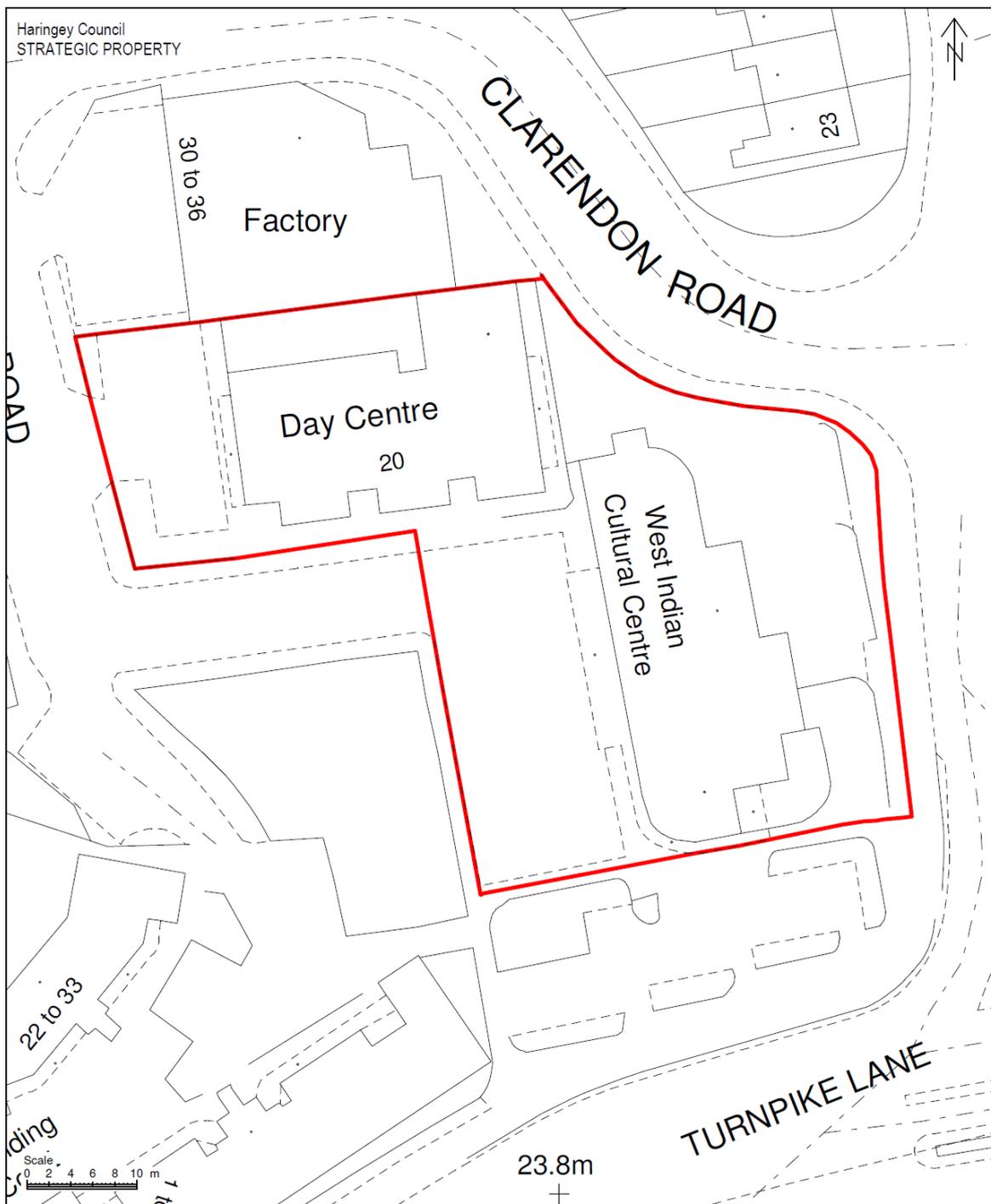
Overlay : Hss - Misc

Scale 1:500

Plan produced by Sean Purcell on 10/01/2020

Drawing No. BVES A4 Misc

2. West Indian Cultural Centre, Clarendon Road



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West Indian Culture Centre
Clarendon Road
N8 0DB

Red verging - Demise

Overlay : Hss - Misc

Scale 1:500

Plan produced by Sean Purcell on 13/01/2020

Drawing No. BVES A4 Misc

3. 1-8 Barbara Hucklesbury Close, Russell Avenue (bungalows used as TA adjoining The Sandlings)

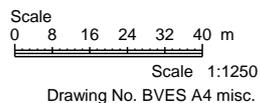


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Barbara Hucklesbury Close
Wood Green
LONDON
N22 6PQ

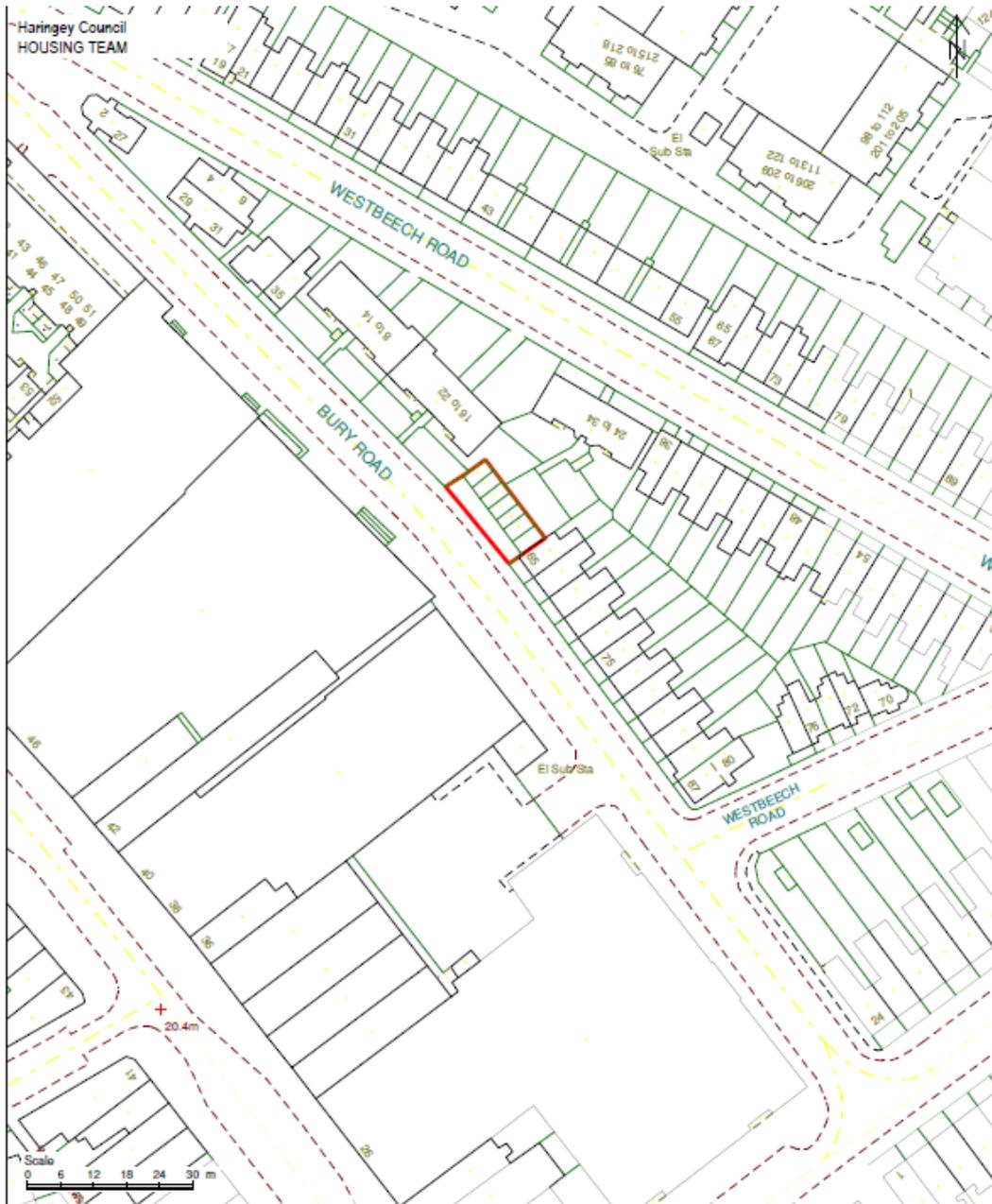
Verged red - site boundary
 Site Area (hectares) : 0.2329 ha

Deed document no. :
 LR title no. :



Overlay : HSS - misc.
 Plan produced by Janice Dabinett on 17/02/2014

4. 71 Bury Road (garages)



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Garages
adj 65 Bury Road
Wood Green
London
N22 6HS

Red outline - site boundary

Ward: Noel Park
Overlay : HSC - Misc

Deed Packet No: 608

Title No: MX334295

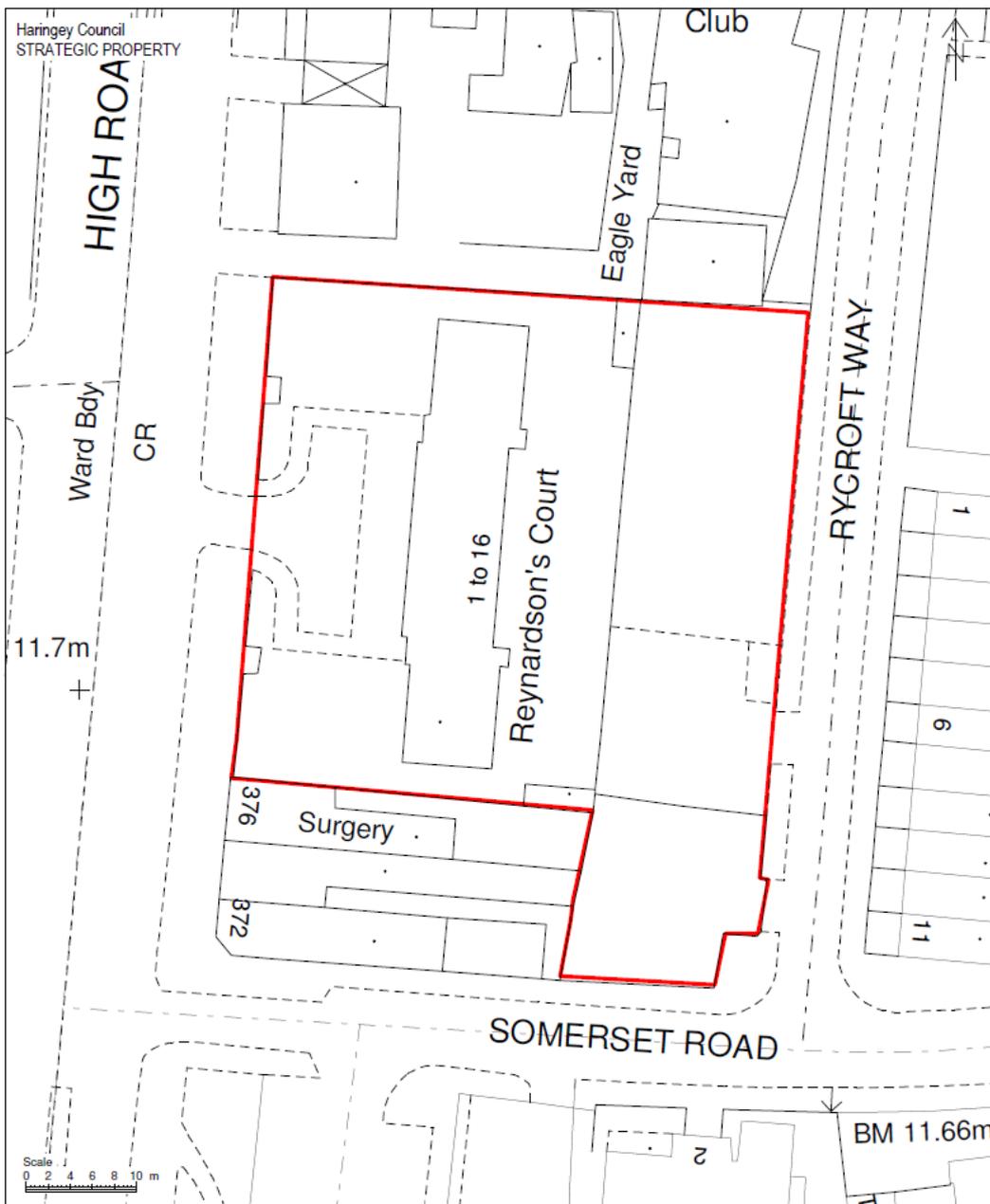
Plan produced by Shannon Francis on 07/11/2019

Area: 0.0152 ha

Scale 1:1000

Drawing No. BVES A4 Misc

5. Reynardson Court/ Chestnut (car park and block)



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Reynardsons Court
London
N17 9HX

Red verging - Demise

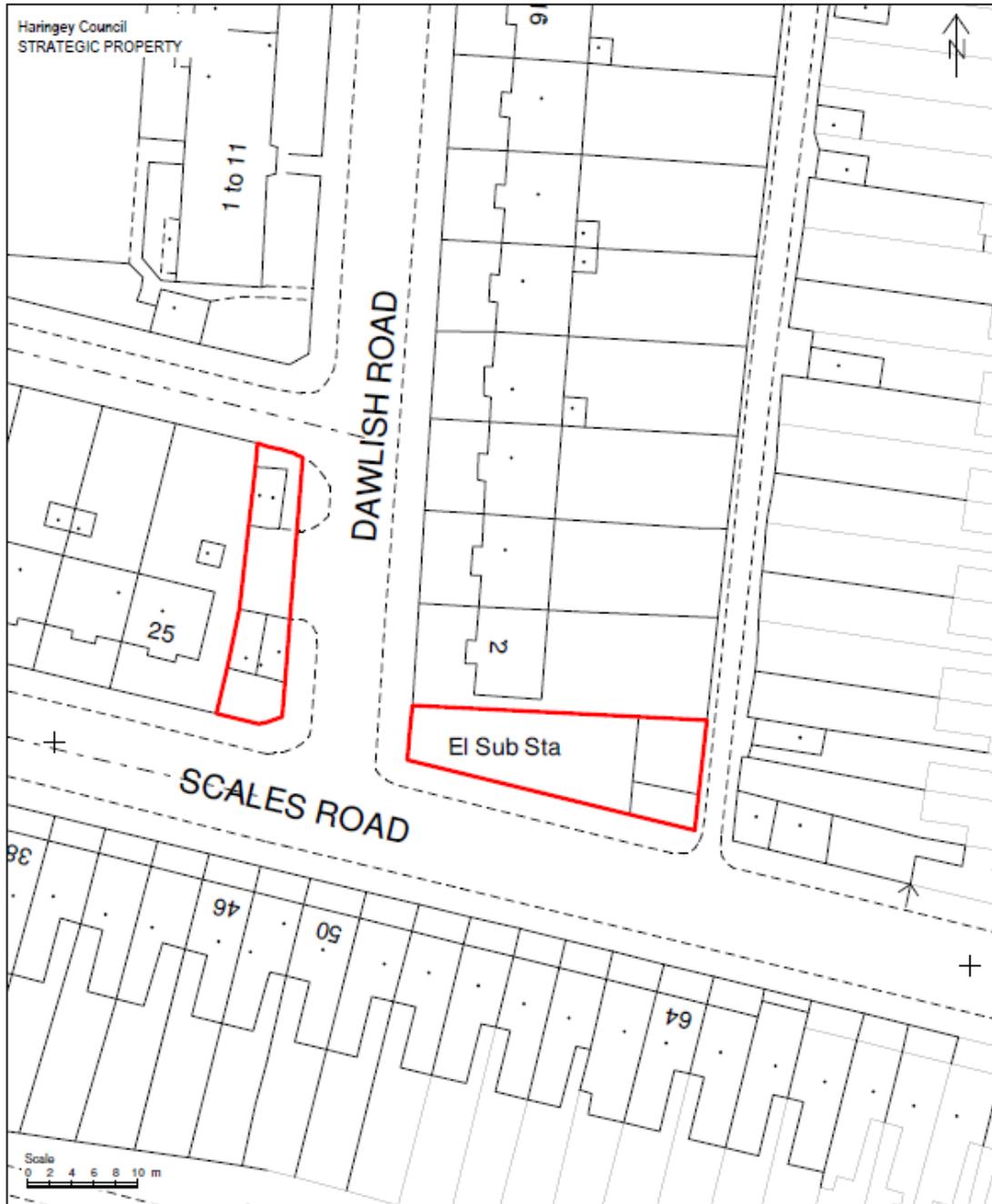
Overlay : Hss - Misc

Plan produced by Sean Purcell on 13/01/2020

Scale 1:500

Drawing No. BVES A4 Misc

6. Dawlish Road / Scales Road (two garages and unused land, Chestnuts Estate)



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SCALES ROAD
LONDON
N17 9HA

Red verging - Site Boundary

Title no. : MX244328

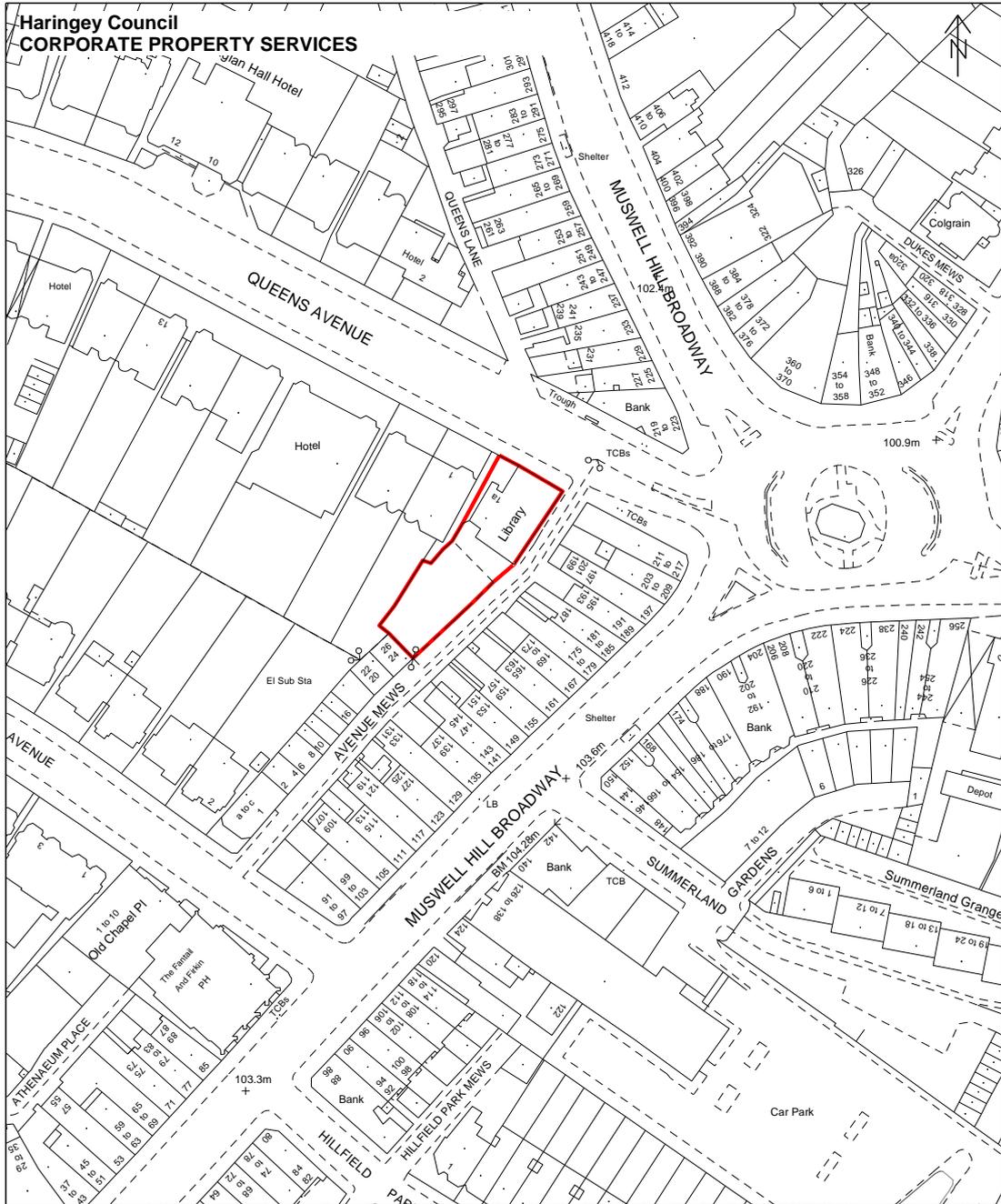
Overlay : Hss - Misc

Scale 1:500

Plan produced by Sean Purcell on 19/06/2019

Drawing No. BVES A4 Misc

7. Avenue Mews (land to the rear of Muswell Hill Library)



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Muswell Hill Library
Queens Avenue
Muswell Hill
LONDON
N10

Deed packet : HD48, HD152, HD153, HD154, HD867

LR title no. : Freehold

CPM No. 0210

Site Area (hectares) : 0.0324 ha

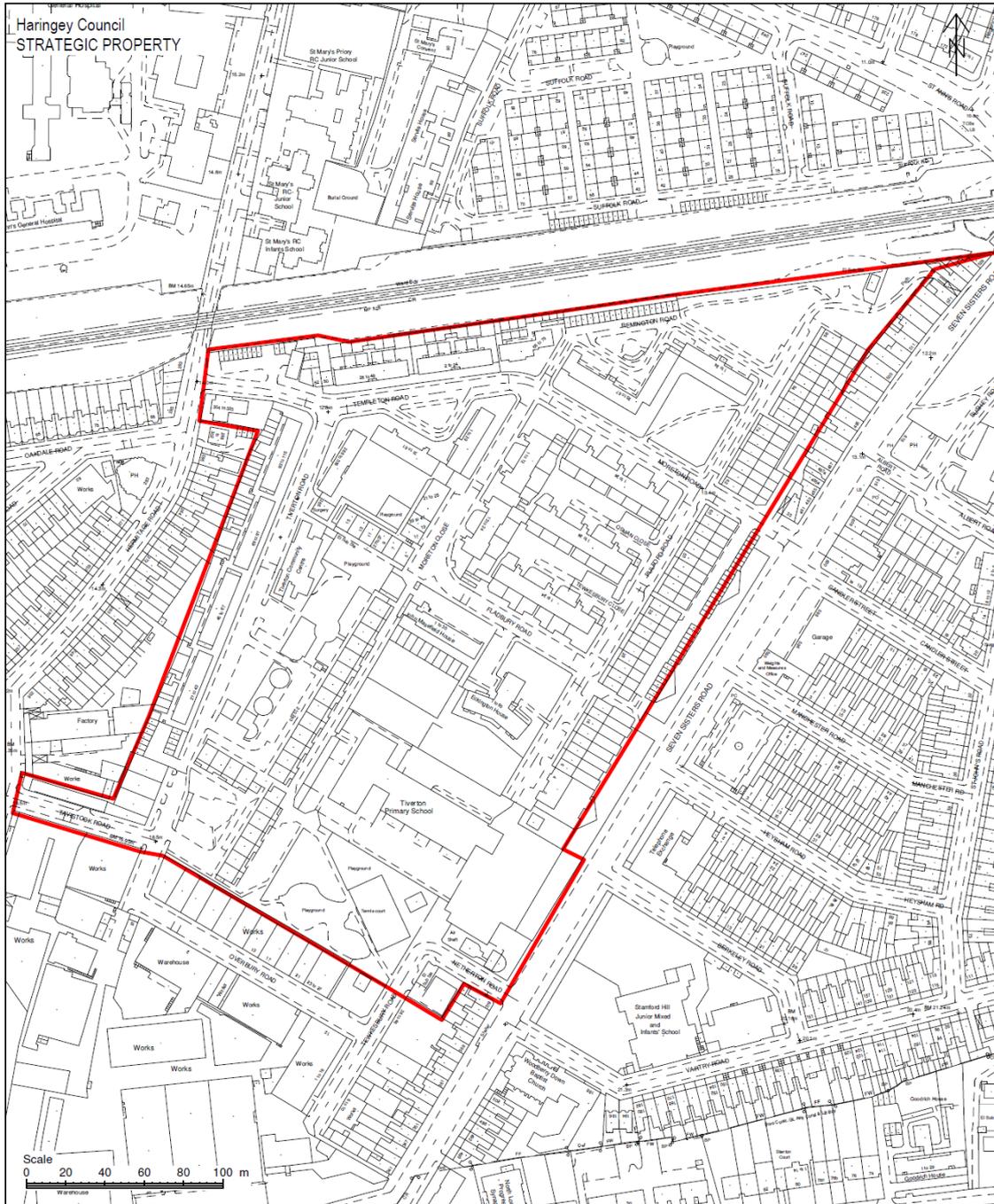
Overlay : Educ. - Libraries & Museums

Scale 1:1250

Plan produced by Janice Dabinett on 02/10/2012

Drawing No. BVES A4 0438e

8. Tiverton Road Estate (infill)



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Tiverton Estate
London
N15

Red verging - Demise

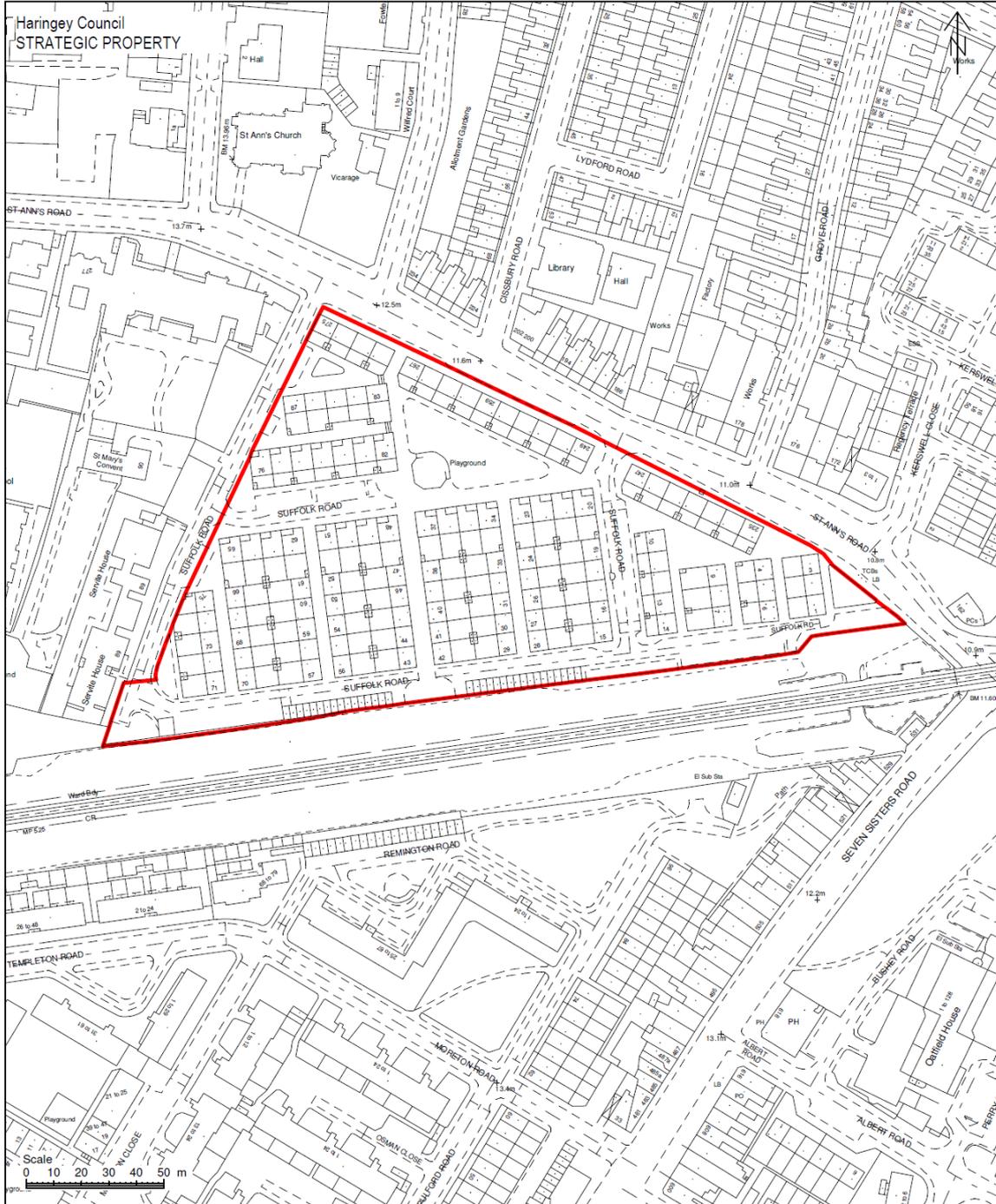
Overlay : Hss - Misc

Scale 1:2800

Plan produced by Sean Purcell on 13/01/2020

Drawing No. BVES A4 Misc

9. Sir Frederick Messer Estate (infill)



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Frederick Messer Estate
1-87 Suffolk Rd & 235-275 StAnnsRoad N15

Red verging - Demise

Overlay : Hss - Misc

Scale 1:2000

Plan produced by Sean Purcell on 13/01/2020

Drawing No. BVES A4 Misc

Report for: Cabinet, 21 January 2020

Title: Council Tax Premium on Long Term Empty Properties

Report authorised by : Jon Warlow , Chief Finance Officer

Lead Officer: Helen Kent , Head of Revenues

Ward(s) affected: All wards

Report for Key/

Non Key Decision: Reports to the Cabinet should be classified according to the definition of a key decision set out in the Council's Constitution (Part 4, Section D, Rule 12 Access to Information Rules).

1. Describe the Issue under Consideration

1.1 This report proposes an increase to the Council Tax premium currently charged on long-term empty dwellings. It is proposed that from 1 April 2020 the premium be increased from 100% to 200% on properties empty for more than 5 years, and that from 1 April 2021 there is a further increase from 200% to 300% for properties empty for more than 10 years.

2. Cabinet member Introduction

2.1 Our manifesto was clear that we are committed to redistributing the burden of Council Tax, ensuring the greatest weight is placed on the broadest shoulders. This includes exploring and evaluating the scope of the existing discretionary reliefs we provide in the borough to ensure that we are targeting support at those residents in particular need.

2.2 We have had to raise more money and spend more efficiently just to stand still. In Haringey, we have maintained a balanced budget despite significant cuts to our funding. However, until there is a change in government, we will face further restrictions on our ability to support residents in acute need.

2.3 In this financial context, we believe it is right to increase the premium payable on long-term empty properties.

2.4 The proposal will create additional income for the Council and contribute to the delivery of vital services and support for the most vulnerable residents.

3. Recommendations

That the Cabinet recommends to Full Council:

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

4. Reasons for Decision

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 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.

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

5. 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 .

5.1 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.

5.2 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.

5.3 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.

5.4 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

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

5.6 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.

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

6. Background Information

6.1 Since April 2013, Councils have had the power to charge a premium on long-term empty properties empty for more than 2 years. This meant that such Council Tax payers could be charged a maximum of 150% Council Tax (a premium of 50%). The Council adopted this change and between April 2013 and 31 March 2019 charged 150% council tax on long-term empty properties.

- 6.2 From 01 April 2019, councils had the power to increase the premium from 50% to 100%, and thereby increase the total Council Tax payable on long-term empty dwellings from 150% to 200%. The Council adopted this change and from 1 April 2019 has charged 200% council tax on all long-term empty properties (2 years or more).
- 6.3 Changes to legislation now allow the council the power to further increase the premium from 100% to 200% from 1 April 2020 on properties empty for more than 5 years , with another increase from 1 April 2021 from 200% to 300% for properties empty for more than 10 years.
- 6.4 We currently have 68 properties vacant over 5 years and 20 properties vacant over 10 years. Increasing the 100% premium to 200% from 1 April 2020 has the potential to collect an additional circa £105,000 pa. Increasing the 200% premium to 300% from 1 April 2021 has the potential to collect an additional circa £32k, based on current vacant dwellings. However, it is to be expected that property statuses will change over the course of a year. Therefore, although an increase in the amount collected would be expected, it cannot be guaranteed.

7. Contribution to Strategic Outcomes

- 7.1 The proposal contributes to the Council's Medium Term Financial Strategy as it provides a potential income stream, which can be used to support the delivery of future services.

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

Finance

- 8.1 For the period 1 April 2019 to 30 November 2019, the Council has received £244,000 from the long-term empty property premium. The estimated potential revenue to be generated if the recommendations are agreed is an additional £0.105m in the 2020/21 financial year and a further £0.032m from 2021/22. This further income would support the Council's Medium Term Financial Strategy and help mitigate its funding pressures.

Procurement

- 8.2 Strategic Procurement notes the contents of this report; however there are no procurement implications.

Legal

- 8.3 The Assistant Director of Corporate Governance has been consulted on this report.

- 8.4 Section 11B of the Local Government Finance Act 1992 will give the Council the power to increase the amount of Council Tax payable in respect of long-term empty dwellings 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. A long-term empty dwelling is one that has been unoccupied and substantially unfurnished for at least two years.
- 8.5 This report recommends using that power to increase the amount of Council Tax payable in respect of long-term empty dwellings. Any such determination must be made by Full Council.
- 8.6 There is no statutory requirement for consultation. However, section 11B(6) of the Local Government Finance Act 1992 requires that the determination be published in a local newspaper within 21 days of the determination.
- 8.7 The Council must ensure that it has due regard to its Public Sector Equality Duty (PSED) under the Equality Act 2010 in considering whether to maintain, change or remove the discounts.

Equality

- 8.8 The Council has a public sector equality duty under the Equality Act 2010 to have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and other conduct prohibited by or under the Equality Act, of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
 - Advance equality of opportunity between people who share those protected characteristics and people who do not;
 - Foster good relations between people who share those characteristics and people who do not.
- 8.9 The decision relates to the increase of an existing Council Tax premium on long-term empty properties. For the people who currently pay the 100% premium, the Council has records only of their names and the nature of the property they are inhabiting. Therefore, the protected characteristics of those individuals are currently unknown. This is because the premium relates to the circumstances of properties in a specific time period, rather than to the circumstances of the people.
- 8.10 In relation to the nature of the property, the Council can break down current properties as:
- Haringey-owned vacant properties
 - Housing Association properties
 - Private individual-owned properties
 - Company-owned properties

8.11 The Council holds data on individuals and groups who share protected characteristics for the borough as a whole. This information is available publicly on the Council's website:

(https://www.haringey.gov.uk/sites/haringeygovuk/files/equalities_profile_of_haringey.pdf). However, a comparatively small number of individuals currently pay a long-term empty property premium, therefore, it is not considered possible to state with any reasonable degree of certainty whether or not the people currently paying the existing 100% premium reflect the population as a whole.

8.12 It is considered reasonable to suggest that:

- It is unlikely that there would be many residents under the age of eighteen who have long-term empty properties, therefore children are unlikely to be disproportionately impacted by the decision
- There is no reason to think that any other group who share a particular protected characteristic would be overrepresented in the cohort of residents who will be impacted by this change.

8.13 When administering Council Tax, the Council seeks to identify vulnerabilities and respond appropriately. The Council will continue to monitor the impact of the proposed changes.

8.14 As part of the Council's procedures to respond appropriately to identified vulnerabilities, it promotes and implements a range of discounts, disregards and exemptions, which seek to support residents who cannot pay the full Council Tax liability. The Council will continue to promote these relief options to maximise uptake and help residents who need additional financial support.

9. Use of Appendices

9.1 N/A

10. Local Government (Access to Information) Act 1985

10.1 N/A

Report for: Cabinet 21st January 2020

Title: Extension of the Haringey Community Sexual Health Services - Young People and Long Acting Reversible Contraception Contract as allowed under Contract Standing Order (CSO) 10.02.1(b)

Report authorised by: Dr Will Maimaris – Interim Director of Public Health

Lead Officer: Akeem Ogunyemi – Public Health Commissioner
Tel: 020 8489 2961 email: akeem.ogunyemi@haringey.gov.uk

Ward(s) affected: ALL

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

1. Describe the issue under consideration

- 1.1 This report seeks agreement from Cabinet as allowed under Contract Standing (CSO) 10.02.1 (b), (being in the best interest of the Council); 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 (referred to as CNWL from now onwards). 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 provides open access to Long Acting Reversible Contraception (LARC) methods for women of all age groups.
- 1.2 The contract was awarded for 3 years with an option to extend for an additional 1+1 years. This report seeks approval to extend the contract for the additional 1+1 years (to run consecutively) as agreed in the cabinet award report, to allow CNWL to continue to provide the Haringey Community Sexual Health services – Young People STI and Long Acting Reversible Contraception services.
- 1.3 The annual value of the contract is broken down as follows; £1,046,939 for the first year of the contract (2017/18) and £1,000,000 (£1 million) for each subsequent year of the contract including the option to extend for the agreed period. The total value over the lifetime of the contract inclusive of the extension period will be £5,046,939.

2 Cabinet Member Introduction

- 2.1 Sexual and reproductive health is a priority outlined in the Borough Plan. It is an area of commissioning that continues to achieve productive and tangible outcomes for Haringey residents. Since 2014, the public health team has implemented a phased local 'step change' transformation programme and worked alongside other London local authorities to deliver a new collaborative commissioning model for open access sexual health services for local residents that addresses service demands and delivers better cost effectiveness.
- 2.2 Locally, CNWL, were commissioned in 2017 to provide a dedicated sexual health service for young people alongside a women's contraception service. The service aims to reach vulnerable young people, by ensuring easy access within Haringey to local sexual health services. This supports the Borough Plan for improving the health and wellbeing of its residents. Patient feedback from young people on the local dedicated service has 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.
- 2.3 Through developing a system-wide approach to local sexual health services, incorporating a dedicated local service provided by CNWL, Haringey has seen significant improvement in the testing and diagnosis of STI's, which particularly affect young people. Detection and treatment of chlamydia infection is central to chlamydia control activities. The Public Health Outcomes Framework (PHOF) includes a measure of chlamydia detection, with a recommendation that local areas achieve an annual detection rate of at least 2,300 per 100,000 15-24 year old population. Public Health England recommends areas achieving or above the 2,300-detection rate should aim to sustain or increase it, with areas not achieving this rate aiming to increase it. Haringey has achieved a detection rate for chlamydia that is better than the recommended national level, which if sustained is expected to produce a decrease in chlamydia prevalence in the long-term. As STIs increase all over the country, we need to continue to have a service that can respond to these increased demands, providing excellent quality services for the most hard to reach young people.
- 2.4 Nationally young people between the ages of 15 to 24 years' experience the highest rates of STIs, repeat infections and unplanned pregnancy. This is reflected in Haringey where 37% of diagnoses of new STIs made in Sexual Health Services (SHS) and non-specialist SHSs were in young people in this age-group. Having a dedicated young people sexual health and women's contraception clinic in Haringey will continue to help improve access to services amongst young people at highest risk of sexual ill health whilst also helping to reduce sexual health inequalities amongst young people, young adults and women in need of contraceptive services.
- 2.5 Haringey Council along with other London authorities have and continue to work together to find local and London wide solutions to improve sexual health. I support the extension to the existing contract to allow CNWL to continue to provide a community sexual health service incorporating sexual health promotion

for young people under 25 years old as well as provision of contraceptive methods for women of all age groups in Haringey.

3. Recommendations

- 3.1 For Cabinet 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.

4. Reasons for decision

- 4.1 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.
- 4.2 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)

¹ Sexual health services are 'open access' by law, this means that Haringey residents can access sexual health services from anywhere in the country and Haringey Council pays for the service received

- 4.3 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).

5. Alternative options considered

- 5.1 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 Genito-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).

- 5.2 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.

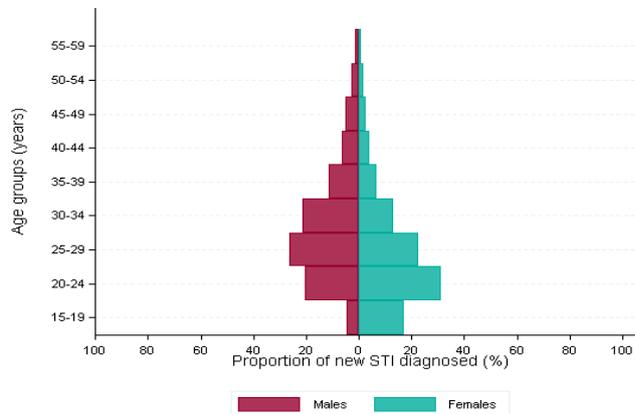
6. Background information

- 6.1 Although Haringey continues to see a decline in the rates of STI's diagnosed (Haringey has moved from having the 4th highest STI rate in England, in 2012, to 11th in 2017), nevertheless, STIs continue to pose a significant health risk to the population of Haringey. The most recent Public Health England Local Area Sexual Epidemiology Report (2017 LASER), reported that 4529 new STI cases were Diagnosed in Haringey residents, a rate of 1664.6 per 100,000 compared to London (1335 per 100,000) and England (743 per 100,000).

6.2 Young people and STI's

In 2017, of all new STI diagnoses in Haringey residents, 37% were amongst young people aged under 25, an increase of 1% from 2016.

Figure 1.3. Proportion of new STIs by age group and gender in Haringey: 2017



Young people are also more likely to become re-infected with STIs, contributing to infection persistence and health service workload. In Haringey, an estimated 16.8% of 15-19-year-old women and 11.1% of 15-19 year old men presenting with a new STI at a sexual health service during the 5-year period from 2013 to 2017 became re-infected with an STI within 12 months.

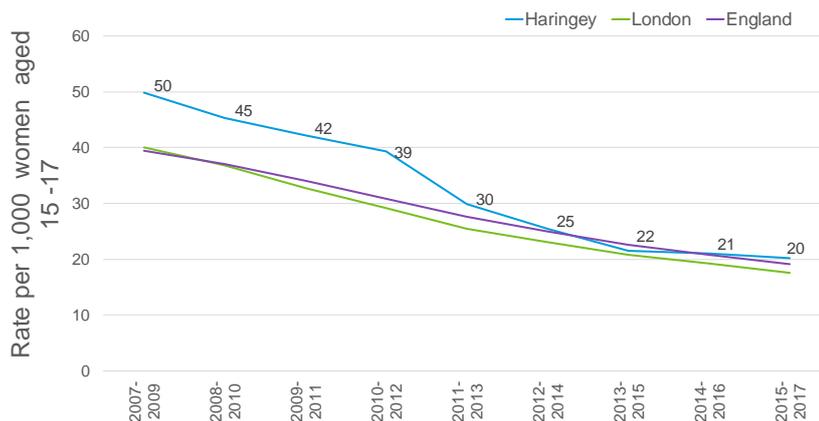
Young people are more at risk of being infected with chlamydia than any other group. The infection is often asymptomatic but can cause serious reproductive health issues if untreated. The annual detection rate among the resident 15-24 year old population is used to assess progress in controlling chlamydia in sexually active young adults under 25 years old. Public Health England recommends that local areas achieve a rate of at least 2,300 per 100,000 resident 15-24 year olds. Haringey currently has a detection rate of 2,640 i.e. above that of the recommended 2,300, re-in forcing Haringey's strategic approach to commissioning local, appropriate and effective services tailored to identify and meet the needs of young people in relation to sexual health testing and treatment.

6.3 Reproductive health and contraception

Unplanned pregnancies can end in abortion, maternity or miscarriage. Many unplanned pregnancies that continue will become wanted. Additionally, unplanned pregnancy can cause financial, housing and relationship pressures and have impacts on existing children. Those at greatest risk of unplanned pregnancy include women from black and minority ethnic groups, women who have had two or more children, those under the age of 20 years and those with lower educational attainment.

Restricting access to contraceptive provision by age can therefore be counterproductive and ultimately increase costs.

Under 18 conception rate per 1,000 girls aged 15-17, Haringey resident population, 2007-17 (3 year rolling average)



In Haringey, the conception rate among **girls aged 15-17 years** has fallen by approximately 59% in the past 10 years. In 2017, 64% of pregnancies in **under 18 year old in Haringey** led to an abortion. This decline is in line with the national trend, but also emphasises, from a local perspective, the sustained focus and investment in local services and initiatives aimed at teenagers in education, NEETs, statutory (Leaving care & Looked after children's teams), non-statutory (charities) and health services.

7. Dedicated Young People STI & Women's Contraceptive Service

For young people in Haringey wanting sexual and reproductive health services the Council commissions a spectrum of service options to suit their needs, this includes pharmacy testing, Safetalk nurses, home testing kits as well as sexual and reproductive health clinics. Women can assess Long Acting Reversible Contraception (LARC) via primary care or clinics.

CNWL has been delivering Community Sexual Health Services in Haringey since July 2017, supporting the sexual health needs of young people under-25 and providing Long Acting Reversible Contraception (LARC) for all females in Haringey. The service is free, confidential and non-judgemental and contributes towards the Borough Plan ambitions to maintain reductions in under-18 conceptions and diagnosing chlamydia and Gonorrhoea in under-25 year olds.

CNWL is commissioned to deliver the full range of basic and intermediate sexual health care (this is referred to as Level 2 services) as set out in the contract service specification. The service offers a one-stop-shop where young people can have all their Level 2 sexual health needs managed in one appointment, i.e. screening and treatment for sexually transmitted infections (STIs), contraception, holistic risk assessment for vulnerabilities and a space to discuss safer sexual health choices.

7.1 *Service delivery model*

The service operates from two clinical sites in the borough. Lordship Lane Clinic, an established and well-known clinic for sexual health services and Morum House Clinic based in a GP practice and easily accessible by public transport from Wood Green.

7.2 *Summary performance monitoring and review*

As part of the contractual expectation from the commissioner, the service provides monthly performance reports, which are reviewed within regular contract meetings. The provider also produced a 3-year report, which fed into a review meeting with the provider that was chaired by the Assistant Director of Public Health.

- The findings of the review were extremely positive with key performance indicators being met in sexual health screening, treatment, health promotion, primary care (GP) sexual health and contraceptive training and multi-agency partnership working.
- Since the launch of the service in July 2017 to June 2019, the service has reached its target number of attendances engaging with over 13,000 service users.
- 85% were female and 15% were male.
- 16% of the total attendances were of school age (18 years and under)
- 69% of those receiving a sexual health screen were first time users of the service. The service has tested 6932 service users to date for STIs (Chlamydia and Gonorrhoea) and diagnosed 692 patients, which helped Haringey to exceed Public Health England's 2,300 per 100,000 benchmark (Haringey achieved 3,278 per 100,000) . Additionally, the service also achieved a positivity rate of 10% and treatment percentage of 91%.
- The service has delivered 2998 Long Acting Reversible Contraception's (LARC) to date.

7.3 In addition to the level of activity (footfall) achieved, the service also works holistically and collaboratively with the council and other young people services to identify and support vulnerable at-risk young people with their health and wellbeing needs. For example, the service works jointly with Whittington Health's Safe Talk Nurses, who are part of the school nursing team, to raise awareness of sexual health services with young people within both universal and targeted services. A key aim of this partnership is to reach vulnerable young people who would not ordinarily use clinic-based services and thus may be more susceptible to CSE and safeguarding concerns. Furthermore, the service is also fully aligned to the Haringey safeguarding framework and ensures staff representation at key strategic groups, for example;

- Children under 18 who are resident in Haringey and who identify domestic abuse are referred to social care, with onward referral to Haringey MARAC as appropriate.

- One of the services local Safeguarding Champions represents CNWL sexual health at the **MASE (CSE panel) in Haringey** and **the** CNWL Safeguarding Lead has also been invited to attend the **Haringey Health Safeguarding Children Learning and Quality Group** facilitated and chaired by Haringey Clinical Commissioning Group.
- The service, which is already well integrated within the community, has responded to the borough wide commitment of targeting the most vulnerable young people. By increasing their outreach work, developing referral pathways and strong links with other agencies, including Insight Platform the young people and families substance misuse service, schools and alternative provision, community health and wellbeing outreach providers i.e. Embrace UK and BUBIC and other youth provision. Going forward, this partnership working will be expanding to other services such as the Youth Justice Service, Project Future and Haringey Gold.
- Under 19 year old have fed back that they do not always feel safe in clinics with adults. This year (2019/20) older males were involved in a violent incident in a clinic. In response, the service has recently launched a new young people's drop-in service for under-19s. The drop-in will target the younger aged group and will run two new drop-in sessions after school each week. A campaign focusing on the under-19s age group was launched in September 2019, which has been targeted at schools and other youth settings. This initiative will contribute to the council's work to support schools to implement compulsory relationships and sex education in secondary schools in 2020 and will further strengthen the vital links between education provision and health services.

7.4 Customer satisfaction surveys are completed quarterly over a two-week period across the service. Overall, surveys show high levels of satisfaction, for example, for Quarter 1 of 2019-20:

- 96% of patients attending Haringey services said they were extremely likely, or likely to recommend the service to someone who needed similar care or treatment
- 98% said they received a friendly welcome
- 93% reported that they either did not have to wait or found their waiting time acceptable
- 98% rated their overall care as very good or good
- 99% said that the treatment they received helped them achieve what mattered to them

7.5 In addition to the benefits realised for Haringey young people and women in having a dedicated service (described above) as a block contract, the service also enables the council to have greater financial control over expenditure by insulating the budget from a tariff-based service that would have substantially increased the financial burden on the council.

8 Contribution to strategic outcomes

- 8.1 This service is linked to the Borough Plan, in particular Outcome 5: **Happy childhood: all children across the borough will be happy and healthy as they grow up, feeling safe and secure in their family, networks and communities**; *Objective (C) 'Children and young people will be physically and mentally healthy and well'*.

and;

Outcome 7: **All adults are able to live healthy and fulfilling lives, with dignity, staying active and connected in their communities**; *Objective (A) 'Healthy life expectancy will increase across the borough, improving outcomes for all communities'*.

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

10 Finance

Contract extension requests provision of a period of up to 2 years from 3rd July 2020 to 2nd July 2022 at £1,000,000 per annum. The maximum value of the 2 year extension is £2,000,000. Financing will be met with funding from Public Health, which is resourced from the Public Health Grant and assumed to continue in future years. There is sufficient funding to cost of this contract for both years (20/21 and 21/22) should the extension run for the maximum 2 year duration.

11 Procurement

- 11.1 This provision is within the ambit of the Light Touch Regime of the Public Contracts Regulation 2015. Generally, contract modifications during the term of the contract would require a re-procurement. However, this modification is permitted under s72 of the Regulations as provision was made within the tender documents and contract for it. The request for contract extension is therefore permitted both under the Regulations, Contract Standing Order 10.02.1b) and the Procurement Code of Practice.

- 11.2 The provider is delivering a good, efficacious service, which is evidenced by regular monthly performance reports, and monitoring meetings that demonstrate key performance indicators and service delivery outcomes are being met. Moreover, continued regular contract monitoring will guard against possible service delivery risks, which will enable the Council to deal with any issues at an earlier stage and avoid more serious action.

Additionally, quarterly user satisfaction surveys are carried out which further illustrates the benefits of this service and the high levels of user satisfaction with service delivery

12 Legal

- 12.1 The Assistant Director of Corporate Governance has been consulted in the preparation of this report.
- 12.2 The proposed extension complies with Regulation 72(1)(a) of the Public Contracts Regulations 2015.
- 12.3 Pursuant to Contract Standing Order 10.02.1(b) Cabinet has authority to approve the extension which this report relates to.
- 12.4 The Assistant Director of Corporate Governance sees no legal reasons preventing Cabinet from approving the recommendations in the report.

13 Equality

- 13.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
 - Advance equality of opportunity between people who share those protected characteristics and people who do not; Foster good relations between people who share those characteristics and people who do not.
- 13.2 The service within the contract has been developed to address health inequalities as identified in the Haringey sexual health needs assessment and the successful implementation of the local sexual health 'step change' initiative alongside the wider London Sexual Health Transformation Programme. A full Equality Impact Assessment was conducted as part of the tendering process. Some of the relevant themes identified as part of the EQIA were;
- Young men were less likely to access sexual health services, but more likely to access pharmacies for free condoms than young women, which can create health inequalities. The service will aim to overcome this inequality by having a specialist young people service that combines both free condoms and sexual reproductive health (SRH) services with the intention that this will increase young women accessing condoms and young men accessing testing.
 - The major users of contraceptive and sexual health (CaSH) services are women and the majority of visits are within Haringey therefore, any changes in provision would have had the most impact on them.
 - Young transgender service users will be able to get advice and support through the new service. Staff will be aware of signposting opportunities to

other services for this group and develop pathways with local LGBTQ services such as Wise Thoughts and Haringey's local LGBTQ organisation, for patients wanting to access this specialist service.

- There are clear inequalities in the sexual health of younger people. It has been shown that they have relatively high rates of unintended pregnancies and STIs with the exception of HIV (PHE LASER Report 2016). The local dedicated sexual health service is specifically for this age group (under 25 year olds)
- The highest numbers of unwanted pregnancies are in women aged 20-34; therefore, the new service will allow increased access to effective Long Acting Reversible Contraception (LARC) methods for this age group. Women will be able to benefit from flexible opening hours, which will enable them to access the service around childcare and work/education and wider responsibilities.

13.3 This report relates to the sexual health and contraception service for young people, young adults and women. The service by its nature provides support to vulnerable young people, young adults and women including those with the protected characteristics.

13.4 The contract to provide local Community Sexual Health Services for under 25s and long acting reversible contraception (LARC) for women of all ages, aims to address known health inequalities for these two groups. Young people, both locally and nationally, are more adversely affected by STIs demonstrated by the high levels of infections amongst this group (Public Health England; Local Area Sexual Epidemiology Report; LASER 2018). Haringey also experiences comparatively higher rates of unwanted pregnancies amongst women of all ages (although this rate has been falling). This demonstrates the need for more accessible contraceptive services locally for women, particularly those providing LARC methods that are shown to be one of the most reliable forms of contraception (Public Health England; Local Area Sexual Epidemiology Report; LASER 2018).

13.5 The contract specifications clearly set out the supplier's responsibilities under equalities legislation, including a requirement to have in place up to date equalities policies and to ensure that the service is accessible to young people, young adults and women from all sections of the community.

13.6 The contractor's compliance with equalities legislation will continue to be quality assured through regular contract monitoring and service review.

14 Use of Appendices

N/A

15 Local Government (Access to Information) Act 1985

Not applicable

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Report for: Cabinet 21 January 2020

Title: Award of contract for the provision of Positive Behaviour Support Service – Linden House

Report authorised by: Charlotte Pomery, Assistant Director Commissioning

Lead Officer: Farzad Fazilat, Commissioning Manager
0208 489 3542
Farzad.Fazilat@haringey.gov.uk

Ward(s) affected: All

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

1 Describe the issue under consideration

- 1.1 This report details the outcome of a mini-competition process conducted under the Council's Positive Behaviour Support (PBS) Services Framework Agreement and seeks approval to award a 'Call-Off' contract to the successful tenderer in accordance with the Contract Standing Order (CSO) 9.07.1 (d).
- 1.2 The successful provider is a Voluntary Sector provider who will deliver the PBS Services to up to four (4) service users living at Linden House. The provider will be expected to provide care and support as defined by the needs of individual service users and be responsible for the Health & Safety of the building.
- 1.3 Using Linden House as an office base, the provider shall also provide the PBS intervention in a community setting or at the service users family home to up to 8 service users (4 service users age 18+ and 4 young people between the ages of 16- 18 years but may also include people age 14- 16 years). The PBS interventions is intended to reduce and /or prevent escalation of needs and will enable service users to continue to live independently in a community setting or family home.
- 1.4 Subject to approval, the 'Call-Off' contract shall be awarded for a period of (4) four years with an option to extend for further period/periods of up to 12 months, commencing from 1st April 2020 to 31st March 2025 (if extended) at the maximum cost of £7,000,000 inclusive of London Living Wage (LLW). The breakdown of cost is described in Appendix 2 - Part B (exempt information) of this report.

2 Cabinet Member Introduction

2.1 I am delighted to present this report, which marks the closing phase of the project to bring Linden House back into use. This project offers 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 will be flexed as required.

2.2 Whilst building works on the premises continue apace, there has been a focus on working with the 4 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 will make this transition a reality over the coming weeks.

3 Recommendations

3.1 That Cabinet approves 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).

3.2 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.

4 Reasons for decision

4.1 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.

5 Alternative options considered

5.1 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.

5.2 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

- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 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.
- 5.7 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.
- 5.8 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.

6 Background information

- 6.1 There is a shortage of a specialist skilled and experienced service providers and adapted supported accommodation in the borough to support most highly vulnerable social care service users. These are mainly adults and young people with complex needs (including learning disabilities and/or autism), those who display behaviour that challenges and those with mental health conditions.
- 6.2 To address the gap in service provision for these service users, in 2017 the Council undertook a competitive procurement process and appointed 5 providers onto a Framework Agreement to deliver the evidence based PBS intervention in a community setting with the intention of preventing traditionally poorer quality of life outcomes particularly for Children and Adults with Learning Disabilities. However due to lack of accommodation, the Providers were unable to deliver the service.
- 6.3 In order to meet the service users' needs of suitable accommodation, the Council is currently in the process of converting the Linden House (formerly the Council run 8-bedded residential unit) to 4 self-contained, fully adapted supported living units for clients with complex health and care needs i.e. a learning disability and/or autism challenging behaviour, long stay hospital inpatients and Transforming Care cohort, to live more independently in the community.
- 6.4 The proposed contract award represents an opportunity for a PBS provider to create a physical and social environment that is supportive and capable of meeting needs of this cohort of service users' and teaching them new skills to replace the behaviours which challenge.
- 6.5 **Procurement Process:**
- 6.5.1 All five framework providers were invited to submit a proposal in response to an Invitation to Tender (ITT) using the Corporate Sourcing Solution (Haringey Procurement and Contract System - HPCS).
- 6.5.2 By the deadline of the 29th October 2019, two tenderers submitted their bids. Both tenders were assessed against the Council's pre-stipulated evaluation criteria using a weighting of 50% quality and 50% price.
- 6.5.3 The Qualitative Delivery Proposals (QDPs) were independently evaluated against pre-determined scoring criteria by a Panel of three assessors, comprising Commissioning & Quality Assurance Officers and Lead Clinical Psychologist. The final consensus scores agreed by the Panel are summarised in section 6.5.5 of this report.
- 6.5.4 In order to ensure all tenders considered meet an acceptable quality standard, the tenderers were required to score a minimum of 250 points (50% of the total scores allocated to QDPs) to pass the quality evaluation. Both tenders met the minimum requirements and have passed the quality evaluation.
- 6.5.5 The Quality and Price scores are added together to determine a Most Economically Advantageous Tender. The table below summarises the

outcome of the tender evaluation and breakdown of quality and price scores achieved by each tenderer:

Tenderer	Quality Scores (out of 500 points)	Price Scores (out of 500 points)	Total scores (out of 1000 points)	Rank
Successful Tenderer A	438	500	938	1
Tenderer B	356	356	712	2

Further information about the tender evaluation is contained in Appendix 2 - Part B (exempt information) of this report.

- 6.5.6 Quality and cost queries addressed through the clarification process with the provider have been satisfied.
- 6.5.7 The successful tenderer A scored the highest with a total of 93.8%, ranking first for both; price and quality and is therefore the recommended to award the contract.
- 6.6 In November 2018, Haringey Council became a fully accredited London Living Wage (LLW) borough and is committed to work with our suppliers and partners to encourage them to pay the LLW too.
- 6.7 The framework agreement was awarded in 2017 and hourly rates set out within were fixed for the first 3 years of the contract period. Due to LLW inflationary increase during the first 2 years of contract period, the PBS Keyworkers' hourly rates are no longer in line with the LLW.
- 6.8 During the procurement process, the tenderers have had raised a concern that the current hourly rates for Keyworkers are not in line with LLW and they will find difficulties in recruiting the suitable staff for this cohort of service users.
- 6.9 The Council has sought two different cost proposals from the Tenderers as part of their tender submissions – a cost based on application of the LLW and a cost based on non- application. Tenderers submitted weekly cost for each service user inclusive and exclusive of LLW are included in Appendix 2 - Part B (exempt information) of this report.
- 6.10 **Transition and Contract Management**
- 6.10.1 Subject to approval being granted, the Service Provider shall carry out pre-mobilisation activities between February to March 2020 with an aim to commence the service delivery in April 2020, when the accommodation will be available for service users to move in.
- 6.10.2 Contract management will be incorporated into the Contract. Key Performance Indicators and methods of measurement are integrated within the service specification and will be monitored through contract monitoring meetings and reports. Monitoring meetings will be held monthly for the first

six months and quarterly thereafter. The purpose of monthly monitoring meetings will be to examine the implementation of the service. The provider will be required to make available evidence and other necessary information as requested by the Council to enable effective monitoring of the service at an operational level and to foster partnership working to facilitate early resolution of issues that may arise.

7 Contribution to strategic outcomes

7.1 This project proposal helps to support the Priority 2 outcomes as outlined in the Borough Plan 2019 – 2023.

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

8.1 Finance

8.1.1 This report is seeking to award a contract to Tenderer A from the PBS framework for provision of supported living for 4 clients at Linden House and positive behavioural support to circa 8 clients in community or family settings. The contract will be a call off contract initially for 4 years with the provision to extend the contract for 1 year. The total value of the proposed contract award is £7,000,000 for the maximum five-year term.

8.1.2 Insourcing of this service has been considered and it was concluded that procuring via the PBS framework would provide access to specialist service providers with resilience of service provision. Additionally, the 15% claimable from the Big Lottery Fund contributed to PBS framework being the most economical way of delivering the service.

8.1.3 The procurement route followed and outlined in section 6 sought tenders from a pre-tendered framework. The tender from the framework has ensured that the best possible price has been obtained from a specialised area of service. Tenderer A scored the highest in both quality and price and so award of the contract to Tenderer A demonstrates value for money.

8.1.4 The provision of this service is part of the overall strategy for delivering places within the borough for clients with complex needs. The contract award supports existing MTFS savings plans for Step Down and Supported Accommodation within Adult Social Care.

8.1.5 The costs of awarding this contract can be met from existing agreed budgets.

8.2 Procurement

8.2.1 The provision of care and support is within the ambit of the Light Touch Regime or Schedule 3 of the Public Contracts Regulations 2015.

8.2.2 The framework agreement from which this call off was made was advertised as required in the Official Journal of the European Union and compliantly let in January 2018 until 2022. The advert also explicitly noted that call offs under the framework may exceed its duration.

- 8.2.3 The call off procedure is permitted under the Regulations and in compliance with Contract Standing Orders and the Procurement Code of Practice.
- 8.2.4 All suppliers on the framework were invited to bid for the services available and tenders were evaluated, as outlined in instructions to tender documents; the most economically advantageous bid has been selected for award.
- 8.2.5 The prices submitted represent, best value and a reduction in present costs from £1.1m to £1m pa or approximately 11% and also aligns with the Council's current fair wage policy.
- 8.2.6 During the life of the contract commissioning will closely monitor service delivery to ensure key performance indicators are met, outcomes delivered and partnership working fostered to encourage information sharing, and best practise.

8.3 **Legal**

- 8.3.1 The Assistant Director of Corporate Governance notes the content of the report.
- 8.3.2 The contract which this report relates was procured through the Council's Positive Behaviour Support (PBS) Services Framework Agreement established in accordance with EU procurement legislation.
- 8.3.3 Pursuant CSO 7.01(b) and pursuant to the Regulation 33 of the Public Contracts Regulations 2015, the Council may select one or more Contractors from a Framework established by a public body where the Council has been identified in the OJEU Contract Notice as an approved user. The Framework Agreement from which the Provider was selected was established by the Council.
- 8.3.4 Pursuant to CSO 9.07.1(d), Cabinet may approve the award of a contract if the value of the contract is £500,000 or more and as such Cabinet has power to approve the award of the contract in this Report.
- 8.3.5 The Assistant Director of Corporate Governance sees no legal reasons preventing the approval of the recommendations in the report

8.4 **Equality**

- 8.4.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
 - Advance equality of opportunity between people who share those protected characteristics and people who do not;
 - Foster good relations between people who share those characteristics and people who do not.

- 8.4.2 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.
- 8.4.3 An Equality Impact Assessment has been completed for the proposed Positive Behaviour Support Service Provider to deliver the wrap around support and manage Linden House, is included as Appendix A to this report.
- 8.4.4 Positive Behaviour Support Provider will provide the wrap around support to service users with complex needs from hospital, or acute, assessed to move into Linden House from the Transforming Care Programme. Haringey will have a positive impact on people with disabilities who disproportionately access these services. This is in line with the decision taken by the council back in November 2015 to empower all adults to live healthy, long and fulfilling lives.
- 8.4.5 It is not expected that this decision will have any negative impacts on individuals or groups who share the nine protected characteristics. The decision will make available the right support to enable service users with complex health and care needs to live more independently in the community. This is likely to have a positive impact on individuals with a learning disability, as well as those from ethnic minority groups, who are over-represented among this client group. As such, it is reasonable to anticipate a positive impact on residents with these protected characteristics.

9 Use of Appendices

- 9.1 Appendix A: Equalities Impact Assessment
9.2 Appendix B: Exempt Information (Part B of this report)

10 Local Government (Access to Information) Act 198

- 10.1 This report contains exempt and non-exempt information. Exempt information is contained in the exempt report and is not for publication. The exempt information is identified in the amended schedule 12 A of the Local Government Act 1972 under the following categories:
- (3) information in relation to financial or the business affairs of any particular person (including the authority holding that information); and
 - (5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

EQUALITY IMPACT ASSESSMENT

The **Equality Act 2010** places a '**General Duty**' on all public bodies to have '**due regard**' to the need to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advancing equality of opportunity between those with a 'relevant protected characteristic' and those without one;
- Fostering good relations between those with a 'relevant protected characteristic' and those without one.

In addition the Council complies with the Marriage (same sex couples) Act 2013.

Stage 1 – Screening

Please complete the equalities screening form. If screening identifies that your proposal is likely to impact on protected characteristics, please proceed to stage 2 and complete a full Equality Impact Assessment (EqIA).

Stage 2 – Full Equality Impact Assessment

An EqIA provides evidence for meeting the Council's commitment to equality and the responsibilities under the Public Sector Equality Duty.

When an EqIA has been undertaken, it should be submitted as an attachment/appendix to the final decision-making report. This is so the decision maker (e.g. Cabinet, Committee, senior leader) can use the EqIA to help inform their final decision. The EqIA, once submitted, will become a public document, published alongside the minutes and record of the decision.

Please read the Council's Equality Impact Assessment Guidance before beginning the EqIA process.

1. Responsibility for the Equality Impact Assessment

Name of proposal	Positive Behaviour Support Services for Linden House residents
Service area	Commissioning
Officer completing assessment	Pauline Simpson
Equalities/ HR Advisor	Emma Carroll
Cabinet meeting date (if applicable)	January 2020
Director/Assistant Director	Charlotte Pomery

2. Summary of the proposal

Please outline in no more than 3 paragraphs

- The proposal which is being assessed*
- The key stakeholders who may be affected by the policy or proposal*
- The decision-making route being taken*

The proposal is for a provider from the existing Positive Behaviour Support Framework (PBS) to be responsible for managing 10 Linden House and provide the wrap around care for four service users.

10 Linden House has been converted (previously open as an 8-bedded residential care home) into a supported living scheme with 4 self-contained flats for Transforming Care inpatients. This was driven by the following:

- The Transforming Care programme: Haringey Council and Haringey CCG, as required by National Health Service England (NHSE), are keen to improve resident outcomes to facilitate the discharge of Haringey patients with autism, challenging behaviour and/or mental health conditions currently living in acute settings. NHSE have offered capital grants to Councils and CCGs to support the development of properties to support the discharge of these patients.
- Haringey's supported living accommodation profile: The main challenge to facilitating discharge of Transforming Care patients, and indeed supporting adults with autism and/or challenging behaviour and complex needs is the availability of suitably adapted accommodation. The Council and CCG often have to purchase stand-alone properties and commission 'wrap-around' support at high cost due to the absence of appropriately adapted shared accommodation in Haringey.

We are proposing for a Positive Behaviour Support provider on the Framework who have the skills and expertise in delivering high-quality services in a community setting to manage 10 Linden House and provide the wrap around care and support to service users who will be living there. Providers use a person-centred approach to supporting people who display or are at risk of displaying behaviours which challenge and create 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.

What will this mean:

The Positive Behaviour Support approach will support service users who present 'challenging behaviours' to live in a community setting and provide the opportunity for vulnerable people to live independently in their own homes and assist them to achieve their goals in independent living and give people real supported living options through supporting their choices and enabling them to have control over their lives.

4 service users moving into Linden House have a learning disability and autism, which is a protected characteristic. Positive Behaviour Support model is outcomes related which supports stepping service users down from high levels of care to lower levels of care over a period of time, which will reduce the overall cost of care packages delivered.

Consultation

This will not be necessary if the proposal is to go ahead. Consultation took place with service users and customers in November 2015 on the closure of Linden residential house and to Increase capacity to provide Supported Living Accommodation.

3. What data will you use to inform your assessment of the impact of the proposal on protected groups of service users and/or staff?

Identify the main sources of evidence, both quantitative and qualitative, that supports your analysis. Please include any gaps and how you will address these

This could include, for example, data on the Council's workforce, equalities profile of service users, recent surveys, research, results of relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment (JSNA) and any other sources of relevant information, local, regional or national. For restructures, please complete the restructure EqIA which is available on the HR pages.

Protected group	Service users	Staff
Sex	Transforming care service data, Mosaic, JSNA	N/A
Gender Reassignment	Haringey residents Survey 2018	N/A
Age	Transforming care service data, Mosaic, JSNA	N/A
Disability	Transforming care service data, Mosaic, JSNA	N/A
Race & Ethnicity	Transforming care service data, Mosaic, JSNA	N/A
Sexual Orientation	Haringey residents Survey 2018	N/A
Religion or Belief (or No Belief)	Transforming care service data, Mosaic, JSNA	N/A
Pregnancy & Maternity	Haringey residents Survey 2018	N/A
Marriage and Civil Partnership	Haringey residents Survey 2018	N/A

Outline the key findings of your data analysis. Which groups are disproportionately affected by the proposal? How does this compare with the impact on wider service users and/or the borough's demographic profile? Have any inequalities been identified?

Explain how you will overcome this within the proposal.

Further information on how to do data analysis can be found in the guidance.

The key source of the data is from the Service level Transforming Care data and 2011 Borough Census, details of which is detailed below.

Data is also from the 2018 Haringey Residents Survey, in the areas of Gender Reassignment, Sexual Orientation, Pregnancy & Maternity and Marriage and Civil Partnership.

The key findings for Haringey are

Sex

- From the Haringey survey there are slightly more male residents than female residents in Haringey, there is a roughly 50/50 split;
- Transforming care service data - 70% are males and 30% females there is a higher proportion of males. Service users earmarked to move to 10 Linden House is balanced 50/50. The needs assessment is the principal route to determining take up of the service

Gender Reassignment

- Research from the Haringey Survey indicates 25% of trans people were discriminated against when looking for housing to rent or buy. Our TCP data does not breakdown by gender assignment however within our proposal the needs assessment is the principal route to determining take up of the service, ensuring fairness and equalities.

Age

- Transforming Care Service data - 22% are aged 25-29, 26% between ages 30-34, 17% between ages 35 -44 and 45-49 and 4% between ages 60-64.
- The Linden House is targeted at working age adults who will most benefit from the PBS approach (that is, those who display behaviours which challenge) and this service will be supporting people to be more independent and have more opportunities in the community.

Disability

- Haringey Survey- An estimated 5,700 Haringey residents aged 14 and over are estimated to have a learning disability, and around 2,100 residents are estimated to have autism.
- All Transforming care patients who are provided with a service have a learning disability with autism and behaviours that can be challenging.

Race and Ethnicity

- 70% of Transforming care patients is disproportionately in favour of BAME users compared with both the wider user and population ethnic mix.

Religion or Belief (or No Belief)

- Haringey survey - Two out of three residents in Haringey are practicing a religion with Christians (45%) and Muslims (14%) being the largest resident group.
- Transforming care service data – 52% are practicing Christians, 39% non practising

or unknown and 9% are Muslims.

Sexual Orientation

- National data indicates that gay and lesbian people are more likely to be discriminated against than heterosexual people when looking for accommodation.

Pregnancy & Maternity, Marriage and Civil Partnership

- Transforming Care service data – There is no active data on Pregnancy & Maternity/ Marriage and Civil Partnership.
- According to the Census 2011, 1,191 residents were in a same-sex civil partnership. ONS Census 2011
- Nationally women have faced discrimination during pregnancy and maternity in the

Transforming Care Patients Data

Age	Borough		TCP		Religion	Borough		TCP	
	no.	%	no.	%		no.	%	no.	%
25-29	28062	16%	5	22%	Christian	114659	45%	12	52%
30-34	28539	17%	6	26%	Hindu	4539	2%	0	0%
35-39	22684	13%	4	17%	Jewish	7643	3%	0	0%
40-44	20135	12%	4	17%	Muslim	36130	14%	2	9%
45-49	17656	10%	3	13%	None/none stated	87015	34%	9	39%
50-54	13416	8%	0	0%	Other	4132	2%	0	0%
55-59	10613	6%	0	0%	Sikh	808	0%	0	0%
60-64	9243	5%	1	4%	TOTALS	254926	100%	23	100%
65-69	6680	4%	0	0%					
70-74	5895	3%	0	0%					
75-79	4506	3%	0	0%	Ethnicity	Borough		TCP	
80+	5288	3%	0	0%		no.	%	no	%
TOTALS	172717	100%	23	100%	Asian	24150	15%	0	0%
					Black	47830	29%	10	43%
					Mixed	16548	10%	6	26%
					Other	12055	7%	0	0%
					White	65919	40%	7	30%
					TOTALS	166502	100%	23	100%
Gender	Borough		TCP						
	no.	%	no.	%					
Female	128702	50%	7	30%					
Male	126224	50%	16	70%					
TOTALS	254926	100%	23	100%					

workplace

This proposal will have a positive impact on service users from the Transforming Care cohort. This will provide opportunities to maximise service users' independence and to lead a normal and valued life, giving users better strategies to manage day to day life in the community. This is fundamental as the users moving into Linden Road will have

lifelong care needs and will require a life-time of flexible and responsive care and will never be fully independent.

4. a) How will consultation and/or engagement inform your assessment of the impact of the proposal on protected groups of residents, service users and/or staff?

Please outline which groups you may target and how you will have targeted them

Further information on consultation is contained within accompanying EqIA guidance

Consultation took place with service users and customers in November 2015 on the closure of Linden residential house and to increase capacity to provide Supported Living Accommodation.

- The consultation was launched on the Haringey website
- Letters were sent to potentially affected service users and their nominated family member/carer to inform them of the consultation and invite them as follows:
 - Focus Groups* - For nominated family members/carers of service users who potentially would be directly affected by the service proposals. The Focus Groups were facilitated by Independent Advocates and were aimed to give an overview of all proposals within the adult social care consultation and capture views to respond to the consultation.
 - Workshops* - For service users who potentially would be directly affected by the service proposals. The Workshops were facilitated by Independent Advocates and were aimed to give an overview of all proposals within the adult social care consultation, and focus specifically on the consultation questions that would affect the specific group in attendance.
 - Feedback from the Focus Groups and Workshops were collated by the independent advocates LDX
 - The consultation was publicised to our partners through the following mediums:
 - Board/Group meetings:
 - Autism Working Group
 - Safeguarding Adults Board
 - CCG Wider Leadership team meeting
 - Learning Disability Partnership Board
 - Provider Forum
 - Adults Partnership Board
 - Email notification to a representative(s) from:
 - Clinical Commissioning Group
 - Adult Partnership Board
 - Safeguarding

4. b) Outline the key findings of your consultation / engagement activities once completed, particularly in terms of how this relates to groups that share the protected characteristics

Explain how will the consultation's findings will shape and inform your proposal and the decision-making process, and any modifications made?

The key findings from the consultation in Nov 2015:

- Was to ensure all adults with learning disabilities and autism have the opportunity to move into supported accommodation, benefiting from having the legal security of being a tenant; and with support, having access to direct payments and more control over what their money is spent on.
- Consideration to turn Linden Road into a supported living provider. The Council decision wish was not to directly provide supported accommodation services. Whilst remaining fully committed to:
 - Working with people with learning disabilities and autism, and their family carers, to design services;
 - Meeting our statutory responsibilities to continue to provide services that meet the assessed needs of adults;
 - Safeguarding adults at risk.

This proposal aligns to outcomes in the Borough Plan 2019 -2023

Priority 2

Outcome 7: All adults are able to live healthy and fulfilling lives, with dignity, staying active and connected in their communities

Objective

- a) Healthy life expectancy will increase across the borough, improving outcomes for all communities
- b) People are supported to live independently and well at home for longer

Further engagement will take place with the Positive Behaviour Support provider, potential service users and families to facilitate the transition and mobilisation to 10 Linden House.

5. What is the likely impact of the proposal on groups of service users and/or staff that share the protected characteristics?

Please explain the likely differential impact on each of the 9 equality strands, whether positive or negative. Where it is anticipated there will be no impact from the proposal, please outline the evidence that supports this conclusion.

Further information on assessing impact on different groups is contained within accompanying EqIA guidance

1. Sex (Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)

The transforming care data indicates a higher proportion of males, however for this service the needs assessment is the principal route to determining take up of the service regardless of a person's sex.

Positive		Negative		Neutral impact	x	Unknown Impact	
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2. Gender reassignment (Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)

The transforming service data does not breakdown by gender assignment therefore unable to assess the impact.

Positive		Negative		Neutral impact		Unknown Impact	x
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3. Age (Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)

For the younger age groups particularly (25-29, 30-34 35 -39), the PBS approach will be positive as it will mean teaching people new skills to replace the behaviours which challenge and supporting people to be more independent and have more opportunities. The needs assessment is the principal route to determining take up of the service regardless of a person's age therefore older people will be considered.

The Council commissions a number of supported living accommodation provided by external organisations to support people with behaviours that challenge within the Borough and outside of the Borough. Some of the older aged Transforming care service users following assessment are living in supported living accommodation and benefiting from living independently in a community setting.

Positive	x	Negative		Neutral impact		Unknown Impact	
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4. Disability (Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)

All of those who are provided with a service have a learning disability with autism and behaviours that can be challenging, and the proposal will support people to live in a community setting.

Positive	x	Negative		Neutral impact		Unknown Impact	
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5. Race and ethnicity *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

The profile of the Transforming Care service data of users is disproportionately in favour of BAME users compared with both the wider user and population ethnic mix. For this service the needs assessment is the principal route to determining take up of the service.

Positive	x	Negative		Neutral impact		Unknown Impact	
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6. Sexual orientation *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

The transforming service data does not breakdown by gender assignment therefore unable to assess the impact.

Positive		Negative		Neutral impact		Unknown Impact	x
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7. Religion or belief (or no belief) *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Transforming care service data – 52% are practicing Christians, 39% non practising or unknown and 9% are Muslims. For this service the needs assessment is the principal route to determining take up of the service.

Positive		Negative		Neutral impact	x	Unknown Impact	
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8. Pregnancy and maternity *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

The transforming service data does not breakdown by gender assignment therefore unable to assess the impact.

Positive		Negative		Neutral impact		Unknown Impact	x
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9. Marriage and Civil Partnership *(Consideration is only needed to ensure there is no discrimination between people in a marriage and people in a civil partnership)*

The transforming service data does not breakdown by gender assignment therefore unable to assess the impact.

Positive		Negative		Neutral impact		Unknown Impact	x
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10. Groups that cross two or more equality strands e.g. young black women

As outlined above the overall service is to support users to live independently in the community with the right support. The needs assessment is the principal route to determining take up of the service and any groups that cross two or more equality strands with an assessed need will benefit from this service.

Outline the overall impact of the policy for the Public Sector Equality Duty:

- **Could the proposal result in any direct/indirect discrimination for any group that shares the relevant protected characteristics?**
- **Will the proposal help to advance equality of opportunity between groups who share a relevant protected characteristic and those who do not?**
 This includes:
 - a) **Remove or minimise disadvantage suffered by persons protected under the Equality Act**
 - b) **Take steps to meet the needs of persons protected under the Equality Act that are different from the needs of other groups**
 - c) **Encourage persons protected under the Equality Act to participate in public life or in any other activity in which participation by such persons is disproportionately low**
- **Will the proposal help to foster good relations between groups who share a relevant protected characteristic and those who do not?**

This proposal will not result in direct/indirect discrimination for any group that shares the relevant protected characteristic.

In summary, PBS service providing the wrap around support will positively support the needs of users with learning disabilities, autism and behaviour that challenges, to live independently in a supported living home in the community

6. a) What changes if any do you plan to make to your proposal as a result of the Equality Impact Assessment?

Further information on responding to identified impacts is contained within accompanying EqIA guidance

Outcome	Y/N
No major change to the proposal: the EqIA demonstrates the proposal is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken. <u>If you have found any inequalities or negative impacts that you are unable to mitigate, please provide a compelling reason below why you are unable to mitigate them.</u>	Y
Adjust the proposal: the EqIA identifies potential problems or missed opportunities. Adjust the proposal to remove barriers or better promote	N

equality. Clearly <u>set out below</u> the key adjustments you plan to make to the policy. If there are any adverse impacts you cannot mitigate, please provide a compelling reason below	
Stop and remove the proposal: the proposal shows actual or potential avoidable adverse impacts on different protected characteristics. The decision maker must not make this decision.	N

6 b) Summarise the specific actions you plan to take to remove or mitigate any actual or potential negative impact and to further the aims of the Equality Duty

Impact and which relevant protected characteristics are impacted?	Action	Lead officer	Timescale
N/A	N/A	N/A	N/A

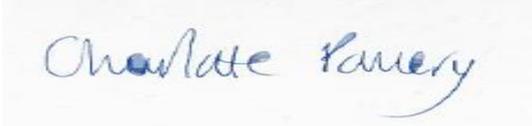
Please outline any areas you have identified where negative impacts will happen as a result of the proposal but it is not possible to mitigate them. Please provide a complete and honest justification on why it is not possible to mitigate them.

No negative impacts.

6 c) Summarise the measures you intend to put in place to monitor the equalities impact of the proposal as it is implemented:

We will closely monitor the experience and outcomes for users as they are supported by a PBS provider to live independently at Linden House.

7. Authorisation

EqlA approved by:  (Assistant Director/ Director)	Date: 10 th January 2020
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8. Publication
Please ensure the completed EqlA is published in accordance with the Council's policy.

Please contact the Policy & Strategy Team for any feedback on the EqIA process.

Report for: Cabinet 21 January 2020

Title: Annual Leasehold Service Charge – Review of Management Fee

Report

Authorised by Dan Hawthorn, Director of Housing, Regeneration and Planning

Lead Officer:

Ward(s) affected: All

Report for Key/

Non-Key Decision: Key Decision

1. Describe the issue under consideration

- 1.1. Haringey Council (the Council) is the landlord of 20,079 homes. 15,118 are occupied by tenants who rent their homes from the Council, while 4,961 are owned by leaseholders, with the Council remaining as the freeholder.
- 1.2. Homes for Haringey (HfH) is the Council's Arm's Length Management Organisation and manages these homes on the Council's behalf. HfH also provide services to homes owned by leaseholders.
- 1.3. The leasehold management fee is the charge made to leaseholders for the costs of providing the management service as well as administering and managing leasehold accounts. This report sets out a proposal to introduce a fourth band to the leasehold management fee (for converted street properties) to deliver a more equitable set of charges.

2. Cabinet Member Introduction

- 2.1. This administration is committed to providing high quality services and to ensuring that, where these are paid for by residents, all charges are fair and equitable and there are no unjustifiable unintended impacts of charging policy. As part of this we have been reviewing areas where we think existing charges may fail to meet that test.
- 2.2. 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 are just under 10% of our leaseholders and faced an increase of over £100 per year. It is clear to me that the scale of increase in charges that these leaseholders faced was inequitable and placed an unfair proportion of the burden of these new charges on this group. So we are now proposing a new charging band, specifically for these properties, to eliminate that inequity.
- 2.3. This re-banding does not affect the level of overall service charges for leaseholders as a whole, but seeks to spread these costs more equitably. As a result, the three quarters of leaseholders who live on estates will 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.

3. Recommendations

It is recommended that

- 3.1. Cabinet approves 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.
- 3.2. Cabinet notes the proposed management fee charge for each of the four bands as set out at the final column of the table at 6.13

4. Reasons for decision

- 4.1. 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.

5. Alternative options considered

- 5.1. **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
- 5.2. **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.
- 5.3. **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.

6. Background information

Setting leasehold charges

- 6.1. Haringey Council's leaseholders pay an annual service charge to the Council. The lease states that the leaseholder must pay a proportion of the cost of managing the building and estate, but Haringey calculates the leasehold management fee using methods that are different to those set out in the lease. This is because, while the lease itself does not provide for the separation of the costs relating to tenants and leaseholders, the method Haringey Council operates ensures that the management costs for leaseholders are separated from those that relate only to tenants.
- 6.2. This means leaseholders do not pay anything towards costs including the collection of rents, internal repairs to tenants' homes and the refurbishment of voids. Instead leaseholders pay a proportion of the costs for managing the exterior and communal areas of the building, together with estate and support services. However, leaseholders pay for the full cost of work carried out by the Leasehold Services Team, which includes the billing and collection of the annual service charge.
- 6.3. The costs included in the management fee charged to leaseholders as part of their annual service charge fall into two parts – costs related to general management and support services and costs related to the Leaseholder Services Team.

- 6.4. The costs related to general management and support services are apportioned among all of the Council's tenants and leaseholders. Leaseholders pay their proportion of the costs, based on the number of leasehold properties in relation to the total number of properties of which the Council is the landlord. These costs include charges for the following services:
- the management of the building and the estate by Tenancy Management
 - the costs of the Customer Service Centres
 - the Repairs Call Centre
 - Homes Zone
 - Central services such as Finance, Resident Involvement, Feedback and Support, Communications, Business Improvement (projects), support services and corporate recharges
- 6.5. In contrast the costs related to the Leasehold Services Team are apportioned solely among the Council's leasehold properties. These costs include charges for the following services:
- the maintenance of leaseholders' accounts and records
 - the calculation of the annual service charges
 - the preparation of the annual statements
 - the provision of cost breakdowns
 - the issue of invoices
 - the collection of payments
 - the provision of explanatory information
 - dealing with queries
- 6.6. The method of charging used by Haringey Council results in lower charges to leaseholders than if the method contained in the lease was followed. It is also easier to justify, in that strict compliance with the lease would not be practical and would incur higher costs for many leaseholders. It would also require the allocation of specific management costs to individual blocks and estates, which would necessitate additional IT systems and increased administrative costs.
- 6.7. An exercise has been carried out using the 2018/19 fees to demonstrate that calculating the management fee strictly in accordance with the terms of the lease would result in higher management fees for all leaseholders. This is shown in the table below. These higher fees would be at risk of a successful challenge under Section 19 of the Landlord and Tenant Act 1985.

Type of property	2018/19 leaseholder charge if calculated as per the terms of the lease	2018/19 leaseholder charge actual	Variance
Street properties	£487.26	£88	£399.26
Stand alone blocks	£244.56	£191	£53.56
Blocks on estates	£315.76	£269	£46.76

Introducing new bands

- 6.8. In 2012, the Council agreed to introduce three bands of management fee for leaseholders. The three bands are for flats in:
- a) Street properties: These are currently defined as buildings that only receive insurance, lighting, repairs and ground rent.

- b) Stand-alone buildings: These are purpose-built blocks that are not part of a wider estate, which receive additional services such as cleaning and gardening.
- c) Buildings on estates: These are purpose-built blocks within the environs of Council estates, which receive a higher level of service than buildings in the other two categories.
- 6.9. In 2019, HfH introduced a new cleaning and inspection service for street properties. An allowance for this was included in the Estimated Service Charge for 2019/20. As a result of this allowance, some buildings moved from the street property category to the stand-alone building category. This significantly increased the management fee for leaseholders in flats in these buildings from £98 to £199 in 2019/20.
- 6.10. Following the issue of the Estimated Service Charge for 2019/20, there were a large number of complaints from leaseholders about this increase. The increase of £8.40 a month represented a large percentage rise, which some leaseholders felt was unfair and did not offer value for money. The increase was comparable to the charge levied to leaseholders of standalone buildings, but the service was less than that provided to those residents. This is because street properties in general require a lower level of management than standalone buildings.
- 6.11. Under Section 19 of the Landlord and Tenant Act 1985, which governs the way HfH can construct service charges, service charges must be “reasonable”. Officers have reviewed the reasonableness of the charge and on this basis, have recommended that an additional fourth band management fee is introduced to better reflect the actual cost of this service
- 6.12. In comparison with calculating as per the terms of the lease, what is proposed is a relatively simple solution. The introduction of a fourth band management fee would more accurately reflect the different levels of housing services provided to buildings and estates in the borough than the current system. It is clear the properties that would be in this fourth band (converted street properties) do not receive, or need to receive, as high a level of service as blocks in the band in which they are currently assessed.
- 6.13. Current management fees for 2019/20 and the new proposed fees for 2019/20 are as set out in the table below:

2019/20 management fee band	Properties	Current estimated fee	Properties	Proposed fee
Street properties	429	£98	395	£90
Converted street properties	-	-	455	£111
Stand alone blocks	827	£199	406	£197
Blocks on estates	3690	£274	3690	£276

- 6.14. Based on changes from the current estimated Service Charge 2019/20 to the proposed service charge in 2019/20, the change in the management fee for those households affected would be:
- 395 would see a decrease from £98 to £90 (decrease of £8)
 - 34 would see an increase from £98 to £111 (increase of £13)
 - 421 would see a decrease from £199 to £111 (decrease of £88)
 - 406 would see a decrease from £199 to £197 (decrease of £2)

- 3,690 would see an increase from £274 to £276 (increase of £2)
- 6.15. Service charges are governed by Section 19 of the Landlord & Tenant Act 1985, which says that service charges must be reasonable. Leaseholders always have the right to apply to the First Tier Tribunal for a determination of the reasonableness of service charges. Given the fact that some leaseholders will see their management fee decrease, and that those whose charges will increase will be a relatively small amount, it is unlikely that there is any risk of challenge, and therefore, there is no requirement to consult leaseholders.

7. Contribution to strategic outcomes

- 7.1. The recommendation in this report supports the delivery of the cross-cutting aim of the Borough Plan to promote fairness. In particular it explicitly addresses the stated ambition that “... we want to make sure that the greatest weight is placed on the broadest shoulders by looking at options that make Council Tax, and our policies for charging for services, fairer.”
- 7.2. It also supports the Housing priority in the Borough Plan, helping to deliver the objective to “*Improve residents’ satisfaction with the service they receive from Homes for Haringey to be in the top quartile for London (78%) by 2022*”. It is clear that the current system for leaseholder service charges is a cause of dissatisfaction for those leaseholders whose management fee has increased.

8. Statutory Officer Comments

Finance

- 8.1. There is a provision in the lease for recharging the cost of managing the leasehold stock to leaseholders. The legislation stipulates that it must be fair and reasonable.
- 8.2. The use of banding in calculating the proportion of management fee charged to leaseholders ensures that leaseholders that receive similar services are charged the same level of management fees. This seems fair and reasonable.
- 8.3. In March 2019, leaseholders in converted street properties were issued estimated bills but their management fee were at band 2 level (stand-alone blocks). This means a higher estimated management fee.
- 8.4. This recommendation to introduce another band will ensure that their actual management fees reflect the services they receive and will see a net reduction of £75 in the actual management fee for 2019/20.
- 8.5. Although this will lead to an overall reduction of £0.03m in the 2019/20 actual service charge compared to estimated charge for the same year, it seems reasonable and reflect the actual services provided to each category of properties.

Legal

- 8.6. The Assistant Director for Corporate Governance has been consulted in the drafting of this report and comments as follows
- 8.7. Legal comments are set out in the body of the report.
- 8.8. No statutory consultation is required for the introduction of the new band.

- 8.9. Since the effect of the new band is to reduce the management charge that would otherwise be payable for all those falling within it, non-statutory consultation is not required.
- 8.10. See Appendix A for further exempt legal comments.

Equalities

- 8.11. The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
 - Advance equality of opportunity between people who share those protected characteristics and people who do not
 - Foster good relations between people who share those characteristics and people who do not.
- 8.12. The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.
- 8.13. This report sets out a proposal to introduce a fourth band to the leasehold management fee. Those affected will be leaseholders in homes where the Council holds the freehold, numbering approximately 5,000. We do not hold any demographic data on these leaseholders and so it is not possible to determine accurately the extent to which any group of people who share the protected characteristics will be affected. However, no adverse impact is anticipated on the leaseholders, many of whom will see a reduction in their management fee. For those who will see an increase, this increase is considered proportionate and appropriate in the interests of achieving an equitable fee structure, and for the vast majority of leaseholders this will be £2 per year.

Procurement

- 8.14. No procurement comments

9. Use of appendices

Appendix A Exempt Legal Comments

10. Local Government (Access to Information) Act 1985

Report for: Cabinet 21st January 2020

Title: **Report by the Local Government and Social Care Ombudsman into complaint by Ms X against Haringey Council.**

Report authorised by: Bernie Ryan, Monitoring Officer and Assistant Director Corporate Governance

Lead Officer: Bernie Ryan, Monitoring Officer and Assistant Director Corporate Governance

Ward(s) affected: N/A

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

1. Describe the issue under consideration

- 1.1 Ms X complained about the Council to the Local Government and Social Care Ombudsman (“the Ombudsman”). Her complaint related to the way the Council dealt with her housing benefit and subsequent homelessness.
- 1.2 On 7th January 2020, the Ombudsman published a report finding fault with the Council and making recommendations as to the steps to be taken by the Council as a result.
- 1.3 It is for Cabinet to note the steps taken so far and decide what further steps should be taken.

2. Cabinet Member Introduction, Cllr Amin , Cabinet Member for Corporate and Civic Services

- 2.1 The Ombudsman has made a report finding fault with the Council in relation to a complaint made by Ms X and has asked the Council to take certain steps to remedy that fault.
- 2.2 This report summarises the Ombudsman’s report and the steps that have been taken to date. It also proposes further steps to be taken by the Council in response to the report.
- 2.3 Cabinet must consider the Ombudsman’s report (shown at Appendix 1) and the steps it is proposed to take in response.

3. Recommendations

That Cabinet:

- 3.1 Accept the findings and recommendations of the Ombudsman in the report shown at Appendix 1.
- 3.2 Authorise officers' compensatory payments to Ms X totalling £5,587.94, as set out in paragraphs 4.7 and 4.10 below.
- 3.3 Adopts this report as the Council's formal response under s.31 Local Government Act 1974, to be communicated to the Ombudsman.
- 3.4 Adopts 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.

4. Reasons for Decision

Overview

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.

4.5 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

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

4.7 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.

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

4.9 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

4.10 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.

4.11 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.

4.12 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.
- 4.13 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.
- 4.14 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.
- 4.15 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

- 4.16 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.

- 4.17 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

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

5. Alternative Options Considered

- 5.1 The Ombudsman cannot force the Council to follow its recommendations, but local authorities generally do follow them.
- 5.2 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.
- 5.3 Therefore, Cabinet could choose to reject any of the recommendations made by the Ombudsman.
- 5.4 However, this alternative is not recommended because the Ombudsman's recommendations represent an appropriate remedy for the reasons set out above.

6. Background Information

- 6.1 The full background is set out in the Ombudsman's report, as shown at Appendix 1.
- 6.2 Ms X is a mother of three children, one of whom is disabled. She moved into a 3-bedroom private property in February 2015 and was awarded housing benefit from 21 February 2015.
- 6.3 Ms X did not notify the Council of any changes in her circumstances between March 2015 and May 2017, and so housing benefit continued to be awarded at £303 per week.
- 6.4 In May 2017, the Council suspended Ms X's housing benefit payments and asked her to produce information about her childcare costs. Ms X provided information to the Council, but this did not completely answer all the questions the Council had about her application. On the basis of the information that was

provided, the Council considered Ms X had failed to inform it of a change in circumstances.

6.5 Whilst the Council and Ms X corresponded about the issue, housing benefit was not paid and so Ms X's landlord was not paid rent. On 16 August 2017 the landlord gave notice to evict Ms X on the ground that she was in arrears of rent.

6.6 On 9 October 2017 the Council decided Ms X had been overpaid housing benefit in the sum of £8,638.57. Letters were sent to both Ms X and her landlord setting out this sum.

6.7 However, when calculating this sum, the Council mistakenly:

- 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.)
- Did not provide an allowance for Ms X's third child because it considered the two-child restriction applied. (This restriction applied to children born after 6 April 2017 but Ms X's children were born prior to that date.)

6.8 Ms X asked for a review of the overpayment decision. On 10th January 2018, the Council reviewed its decision but reached the same conclusion. Ms X's case should then have been referred to the first-tier tribunal but unfortunately this was not done.

6.9 Shortly after sending letters to Ms X and the landlord, the Council paid £3,820.40 to the landlord because Ms X was in rent arrears. However, Ms X says that the landlord continued to ask her to leave and so she felt she had no choice but to do so in November 2018. She had to pay to put her furniture into storage and move in with her mother temporarily.

6.10 Ms X informed Homes for Haringey that she was homeless. In early 2018, Ms X informed the Council she could live with her ex-partner in his council house but wanted to check whether that was acceptable to the Council. The Council advised that her ex-partner should speak to his housing officer to ensure he would not be in breach of his tenancy agreement.

6.11 The Council arranged appointments with Ms X for 5th and 12th February 2018. Ms X informed the Council that she could not attend these appointments and asked for an appointment on the first available date after 20th February 2018.

6.12 Thereafter, the Council did not contact Ms X to arrange another appointment and Ms X did not contact the Council again about an appointment.

6.13 The Council subsequently recalculated Ms X's housing benefit to take into account her underlying entitlement, reducing it to £4,300.65 on 12th April 2018 and £3,692 in July 2018. Ms X said she wished to appeal this decision because she felt her childcare costs were incorrect but could not say how. Ms X's case should then have been referred to the first-tier tribunal but unfortunately this was not done.

6.14 In early 2019, the Council informed Ms X that:

- It had written off the overpayment of housing benefit on the basis that it was created by Council error and Ms X could not have reasonably known that she was overpaid.
- It had recalculated the amount of housing benefit on the basis that the two child restriction did not apply to Ms X and concluded that Ms X was underpaid £1,809.39. This amount was paid to Ms X shortly afterwards.

6.15 In July 2019 Ms X reported that she was still homeless. The Council accepted its housing duty towards her and she was placed in interim accommodation in August 2019. The 'effective date' for her housing register application was backdated to 11th January 2018; this would have been the date if the case had been correctly processed at the time. The practical effect of this is that Ms X will have a higher position on the waiting list than if her effective date was more recent.

7. Contribution to Strategic Outcomes

7.1 There is a legal obligation to consider such reports from the Ombudsman. Therefore, this report is necessary.

7.2 It is also part of the good administration of the Council to learn from any mistakes.

8. Statutory Officers Comments

Finance Comments

8.1 The Chief Finance Officer notes the contents of this report and supports the proposed recommendations. Taking action and amending processes in response to this type of investigation will help minimise the likelihood of similar complaints in the future.

8.2 The compensatory payment to Ms X of £5,587.94 has been paid by Homes for Haringey and is funded from their compensation claims budget.

Legal Comments

8.3 The Council is required to give public notice by advertisements in newspapers stating that copies of the Ombudsman's report will be available to inspect by the public at the Council's offices for a period of three weeks (s.30 Local Government Act 1974).

8.4 Where a report such as this is made by the Ombudsman, it must be laid before the authority (s.31 Local Government Act 1974). In cases such as this where the Council is operating executive arrangements, "the authority" means the executive, i.e. Cabinet (s.25(4ZA) Local Government Act 1974).

- 8.5 The monitoring officer is obliged to consult with the head of paid service and chief finance officer, and prepare a report to Cabinet. This report must be sent to each member of the authority and Cabinet must meet within 21 days thereafter. Implementation of the proposal or decision must be suspended until after the report has been considered by Cabinet (s.5A Local Government and Housing Act 1989).
- 8.6 Where Cabinet considers an Ombudsman's report and it is considered that a payment should be made or other benefit given to a person who has suffered injustice, such expenditure may be incurred as appears appropriate (s.31(3) Local Government Act 1974).
- 8.7 The Ombudsman must be informed of the action taken by the Council and any action it is proposed to take within 3 months of the date on which the Council received the report, or such longer period as may be agreed by the Ombudsman in writing (s.31(2) Local Government Act 1974).
- 8.8 If the Ombudsman does not receive notification of such action or is not satisfied with it, he will make a further report explaining this and making recommendations. He can also require the Council to make a public statement in any two editions of a newspaper circulating the area within a fortnight (s.31(2A) and (2D) Local Government Act 1974).
- 8.9 An Ombudsman's report should not normally name or identify any person (s.30 Local Government Act 1974). Therefore, the complainant is referred to as 'Ms X' and officers have not been identified.

Procurement Comments

- 8.10 There are no specific procurement implications that arise from this report.

Equality Comments

- 8.11 The Council has a Public Sector Equality Duty under the Equality Act 2010 to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
 - Advance equality of opportunity between people who share those protected characteristics and people who do not; and
 - Foster good relations between people who share those characteristics and people who do not.

The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

- 8.12 The report outlines the plan to adopt the Ombudsman's recommendations for Ms X, taking into consideration distress suffered through the breach of the Data Protection Act and decision to start bankruptcy.

- 8.13 The Ombudsman's report did not find the Council to be in breach of the Equality Act 2010. The Equality Act 2010 legally protects people from discrimination on the basis of protected characteristics (including age and sex) from discrimination in the workplace and wider society.
- 8.14 In response to the Ombudsman report and recommendations, the Council has committed to learn from and improve the practice for housing benefit and homelessness, in line with the principles of the Equality Act 2010.

9. Use of Appendices

- 9.1 Appendix 1: Report by the Local Government and Social Care Ombudsman, Investigation into a complaint against London Borough of Haringey (reference number: 18 015 518).

10. Local Government (Access to Information) Act 1985

- 10.1 N/A

**Report by the Local Government and Social Care
Ombudsman**

**Investigation into a complaint against
London Borough of Haringey
(reference number: 18 015 518)**

07 October 2019

The Ombudsman's role

For more than 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names used

Mrs X	The complainant
C	Her eldest son
D	Her youngest son
Officer 1	Council officer
Officer 2	Council officer

Report summary

Benefits and tax

Ms X complains the Council miscalculated her housing benefit and council tax entitlement, leading to her eviction by her private landlord. She also says that the Council failed in its duty to house her, causing her and her family distress.

Finding

Fault found causing injustice and recommendations made.

Recommendations

The Council should apologise for the distress caused.

At our request, the Council has contacted Ms X to take a homelessness application. It should continue to do what it can to help in finding suitable housing for her and her family.

To remedy the injustice caused we recommend within a month of the date of this report, the Council should pay Ms X:

- £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.

If Ms X still wants to submit her case to the tribunal, the Council should submit her application immediately.

Within three months of the date of this report, the Council should:

- review this case to investigate why it made calculation errors. It should report its detailed findings to us. If Ms X wants to submit her case to the tribunal, the Council's submissions to the tribunal (providing they include sufficient detail) may stand as a response to this recommendation; and
- audit cases where it calculated overpayments and applied the two-child restriction, between July 2017 and March 2018 and report its findings to us. 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 considers its actions are proportionate and appropriate.

The Council has accepted our recommendations.

The complaint

1. Ms X complains that the Council:
 - miscalculated her housing benefit several times and wrongly suspended it without notice;
 - blocked her attempts to appeal numerous benefits decisions at an independent tribunal;
 - caused her to be evicted from her home; and
 - failed to address her homelessness application properly.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
3. We cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to us about something a council has done. (*Local Government Act 1974, sections 26B and 34D, as amended*)
4. We may investigate matters coming to our attention during an investigation, if we consider that a member of the public who has not complained may have suffered an injustice as a result. (*Local Government Act 1974, section 26D and 34E, as amended*)
5. The law says we cannot normally investigate a complaint when someone can appeal to a tribunal. However, we may decide to investigate if we consider it would be unreasonable to expect the person to appeal. (*Local Government Act 1974, section 26(6)(a), as amended*)
6. If we are satisfied with a council's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)

How we considered this complaint

7. We have spoken to the complainant and made enquiries with the Council. We have researched relevant, law, guidance and policy. We have given both parties an opportunity to comment on the draft report.
8. We have considered events that happened more than 12 months ago. We consider there is good reason to because the complainant was not fully aware of the fault that occurred with her original housing benefit calculations until more recently.
9. Both the Council and the complainant have had the opportunity to comment on a draft of this report. We have made amendments to reflect the consideration given to their observations.

What we found

Relevant law

10. The Children Act 2004 requires all local authorities, including local housing authorities, to discharge their functions having regard to the need to safeguard and promote the welfare of children. (*section 11(2), Children Act 2004*)

Housing benefit suspensions and appeals

11. Councils can suspend housing benefit payments if they have doubts about whether the conditions of entitlement for that benefit have been fulfilled. There is no right to appeal a decision to suspend housing benefit, but if a person is unhappy with a housing benefit decision there is a right of appeal to an independent tribunal.
12. Appeals about housing benefit decisions are made to a first-tier tribunal, (“the tribunal”). The tribunals are independent of the council. If someone is unhappy with a decision about an overpayment decision, they can appeal this decision or the revised decision to the tribunal.
13. The appeal must be signed and sent to the council. It must say what decision is being appealed and why the person considers it is wrong.
14. When the council receives an appeal, it should first consider whether it agrees with it. If it does agree with an appeal (in whole or in part), it must alter its decision and send a decision notice awarding any arrears due. If this happens, the appeal, ‘lapses’ and it isn’t forwarded to the tribunal.
15. Councils can revise decisions at any time if they find that a decision arose from a council mistake or was made without having all the relevant information.
16. In any other case, the council must forward the appeal to the tribunal with a submission saying why it does not agree with it and enclosing the relevant documents. It should give its response to the tribunal as soon as is reasonably practicable. The Department for Work and Pensions suggests a normal time scale of four weeks except for more complex cases. (*Housing Benefit Decisions and Appeals Regulations 2001*)

Housing benefit overpayment – the ‘underlying entitlement’ rule

17. An overpayment of housing benefit is any amount which has been paid where there was no entitlement to that payment. (*Housing benefit overpayments guide, 2015*)
18. Government guidance says that overpayments should be calculated accurately and in good time. It says this is important to provide a quality service to claimants and landlords, to meet regulatory requirements and to ensure the correct overpayment amount is recovered from a debtor. (*Housing benefit overpayments guide 2015*).
19. The Housing Benefit Regulations say that when councils are calculating the amount of a recoverable overpayment, the council should establish the customer’s true circumstances over the overpayment period and calculate entitlement based on those circumstances, as if the council had been informed of them at the correct time. (*Housing Benefit Regulations 2006, 104*)
20. Underlying entitlement is housing benefit that someone would have been entitled to if the authority had known the facts of the case throughout and if it had been notified of all changes of circumstances on time.

21. Councils must always apply the 'underlying entitlement' calculation. The underlying entitlement must be deducted from the gross overpayment amount. There are very few exceptions to this mandatory rule. (3.10, 3.31, 3.34, *Housing benefit overpayments guide 2015*)
22. It is the council's responsibility to request details of the claimant's correct circumstances over the overpayment period, not the claimant's responsibility to apply for underlying entitlement to be considered. (3.33, *Housing benefit overpayments guide 2015*)
23. If authorities already have the information they need to make this calculation they should do so. In all cases, unless there is no possibility of underlying entitlement, the authority should invite the customer to provide information and evidence to establish underlying entitlement.

Housing benefit calculations – the two-child limit

24. From 6 April 2017 the child addition which formed part of the housing benefit calculation was limited for some new births. Those who already had two or more children were not entitled to a child addition for any subsequent children born after 6 April 2017, when calculating housing benefit. Existing claimants could still receive a child addition for more than two children if the children were born before 6 April 2017.

Council's homelessness duties

25. Homelessness legislation has recently changed but before April 2018, the Council should have been acting in accordance with the Housing Act 1996 (Part 7), as amended by the Homelessness Reduction Act 2017. This legislation, statutory guidance and relevant case law says that:
 - councils must provide relevant advice suitable to the needs of the people seeking advice (*s.179(1) Housing Act 1996*);
 - some of the considerations that can lead councils to consider someone has priority need are:
 - if they have dependent children who they live with, or
 - if a person who is vulnerable as a result of mental illness or handicap or physical disability or other special reason or with whom a person resides or might be expected to reside. (*s.189, Housing Act 1996*)
 - The courts held that decision-makers must take steps to take account of any disability or any other protected characteristic in the Equality Act 2010 which may be relevant to the decision being considered. (*Pierett v Enfield London Borough Council [2014] EWCA Civ 359.*)
 - an applicant cannot be treated as having accommodation unless it is accommodation which it would be reasonable for him or her to continue to occupy. (*s 175(3) Housing Act 1996*);
 - if a council has reason to believe that an applicant may be homeless or threatened with homelessness, they must make such inquiries as are necessary to satisfy themselves if the person is eligible for assistance, and if so, what duty is owed. (*s.184(1) Housing Act 1996*) Case law adds that the duty to make inquiries cannot be postponed. (*Robinson v Hammersmith & Fulham London Borough Council [2006] EWCA Civ 1122*);
 - if a council has reason to believe that an applicant may be homeless, eligible for assistance and have a priority need, they must ensure accommodation is

available pending notification of a decision on the application (*s188(1) Housing Act 1996*) and *English Code, para 6.5*). The threshold is very low. The council need only have 'reason to believe' that the applicant 'may' be homeless, 'may' be eligible for assistance and 'may' have a priority need. If in doubt, interim accommodation should be provided.

- the council should consider whether the applicant (or a member of his or her household) has a disability, the extent of that disability, the likely effect of it on the applicant and the member of his or her household;
- The English Code encourages councils to carry out their inquiries 'as quickly as possible'. It suggests that councils should aim to complete their inquiries and notify the applicant of their decision within 33 working days, counted from the date on which the application was received. (*English Code, para 6.16*)
- The courts have said that in many cases inquiries should take significantly less than 33 days. (*R (IA) v Westminster City Council [2013] EWHC 1273 (QB)*)
- If the council conclude their inquiries and decide that a person does not have a priority need they must notify the person in writing. (*s184 Housing Act 1996*)
- Statute indicates it would be proper for every application to result in a decision even if the decision is that, on the material available to the council, it is not satisfied that the applicant is homeless or threatened with homelessness. This is because statute makes special provisions for notice of decisions on applications to be retained for later collection at the housing authority's offices. (*s184 (6) Housing Act 1996*)
- there is a legal obligation to protect the applicant's possessions (*s.211 (Housing Act 1996)*). If a council becomes subject to a duty towards the applicant to provide interim accommodation, for instance, it should take reasonable steps to prevent the loss of the property or prevent or mitigate damage to it;
- The English Code recommends that local housing authorities may want to consider an application as 'closed' where there has been no contact from the applicant for three months or longer and that any further approach after that time may be treated as a fresh application. (*English Code, 6.26*).

However, it also says that when a housing authority has completed its inquiries it must notify the applicant in writing of its decision on the case. (*English Code, 6.21*)

- A person becomes homeless intentionally if he deliberately does or fails to do anything in consequence of which he leaves the accommodation which it would have been reasonable for him to continue to occupy. (*s 191 and 196(1) Housing Act 1996*)

Considerations for Councils when tenants are facing possession.

26. Landlords cannot lawfully obtain possession of tenanted premises without obtaining an order for possession. Case law has set out that if the tenant is anxious to leave before a court hearing, it might be a reasonable thing to do, but there still may be a finding that he or she became homeless intentionally if it would have been reasonable to remain in occupation.
27. If a tenant is issued with a Section 8 notice relying on Ground 8, Schedule 2, it means the landlord is seeking possession based on a tenant having reached eight weeks rent arrears. If, at the time of the hearing, the tenant is still in eight weeks or more rent arrears, the court has to make a possession order. It may choose to suspend enforcement of the possession order so the tenant has the

opportunity to address any arrears but it can only do this if it is shown that the tenant can afford to maintain payments and make a reasonable payment towards the arrears.

28. Councils should consider if, in all the circumstances, it is reasonable for a person to remain in occupation.

Background

29. Ms X is a mother of three children, one of whom the Council knew was disabled. All her children were born before April 2017. She moved into a three-bedroom private property in February 2015.

Council suspend housing benefit payments

30. In May 2017, the Council suspended Ms X's housing benefit payments. It asked her to produce information about her childcare costs.
31. The records show Ms X provided information to the Council, but this did not completely answer all the questions the Council had about her application.
32. The Council says Ms X failed to inform it of changes to her circumstances since 2015, which became apparent when it asked her to provide the information it needed to assess her claim.
33. While the Council and Ms X corresponded about her reassessment, Ms X's landlord, (Landlord B), was not paid rent. He issued a Section 8 notice on 16 August 2017 on the grounds that Ms X was in rent arrears.
34. The records show that by 18 September 2017 the Council had the relevant information it needed to reassess her claim.
35. Records show the Council was aware on 25 September 2017 that Ms X had 'massive rent arrears'. A note from an officer asks that this be looked into.
36. There is a record showing that Landlord B and Ms X visited the Council about the outstanding arrears on 3 October 2017. An officer made a note on the file that Ms X said the Council had had the relevant documents for 10 weeks. He wrote, "Please assess claim. Claimant advised to allow more time for assessment."

The Council's first overpayment decision

37. On 9 October 2017 the Council completed its assessment. It decided it had overpaid her because:
- her childcare costs had not been as much as it had understood;
 - she had been self-employed from October 2016 but did not tell the Council until July 2017. Using Housing Benefit Regulations, it applied the section that says if a change has occurred and the Council was not informed within a month, the change would be treated as having happened from the date of notification; and
 - it had become aware that Ms X had another child. But it did not provide an allowance for her third child because, at the time, it considered the two-child restriction applied to Ms X's account.
38. The Council wrote to Ms X and said she had been overpaid housing benefit and owed the Council £8,638.57.
39. When calculating her overpayment, it did not apply the 'underlying entitlement' rule.
40. Within a month of the Council's overpayment decision, Ms X asked for a review.

Ms X's landlord is informed of overpayment claim

41. A similar letter was sent to Ms X's landlord on the same day. It said Ms X owed the Council £8,638.57 because she had failed to disclose information.
42. The Council accept it should not have written to Landlord B. It did not have the authority to disclose the overpayment to him.
43. Shortly after this letter was sent, the Council paid Landlord B £3,820.40. Council records show it was paid as Ms X had reached over eight weeks rent arrears. Ms X said her landlord continued to ask her to leave.
44. On 12 November 2017 Ms X says Landlord B messaged, telling her to leave the property. She said she felt she had no choice and that Landlord B demanded she hand over her keys.

Ms X says she was made homeless

45. Ms X and her family went to stay with her mother. The next day Ms X visited the Council offices. An emergency housing advice interview was set up for 24 November 2017.
46. The notes taken at the meeting say Ms X did not want to return to Landlord B's property and had given her keys back. Ms X says she told the Council she could only stay with her mother for a couple of weeks. The officer did not make a record of this.
47. The officer who took the notes said that, "...this sounds like an unlawful eviction." Ms X says the Council made a decision that she was not intentionally homeless and so she expected the Council would help her.
48. The Council says there is no evidence anyone told Ms X she was not intentionally homeless. It says it would not have been the officer's role to make that type of decision. It says officers would normally explain the role of the Solutions Officer and may advise that intentionality could be considered, but there is no record, it says, of that in this case.
49. The Council officer contacted Landlord B to see if there was any hope of reconciliation, but this was not possible.
50. The officer noted that he would refer Ms X's case to 'solutions'. He noted that Ms X said her mother had two spare rooms, that Ms X had good support. He said they discussed alternative parts of the country which could provide a settled better solution.
51. It was noted that one of Ms X's sons is disabled.
52. The officer did not make a note of the next steps to be taken.
53. Ms X said she had to put her furniture in storage. She says this cost £240 a month and she could not afford to pay it for very long. She says she had to throw away a lot of furniture.

Contact after homelessness interview

54. Ms X says she was told a housing officer would contact her in two weeks. She said she heard nothing. She said she called the Council in December 2017. She said she told whoever she spoke to that she was homeless with three children.
55. She said she was told someone would be in contact in eight weeks.

Council review its overpayment decision

56. On 10 January 2018 the Council told Ms X it had reviewed her housing benefit application but had not changed its decision. Following our enquiries, the Council has accepted that as it had upheld its decision against Ms X, it should have referred her case to the tribunal.

Ms X contacted housing department again

57. On 31 January 2018 Ms X wrote to the housing department. She said she was desperate, and no one had contacted her to address her homelessness. She said she was no longer able to live at her mothers and was of no fixed abode. She said that since her call to the housing department in December 2017 she had been moving from place to place as her family members could not house her permanently.
58. An appointment was made for her to visit the Council on 5 February 2018. She was told she would need to bring identification documents. She said she had already done so. She was told there was no record of this on the system.
59. Ms X was not able to attend the appointment as she had a chest infection. She wrote to the Council to explain. She mentioned that fortunately her ex-partner said she could stay with him permanently. But she said that as he was a council tenant she needed to know if that would be acceptable.
60. On 7 February 2018 the Council told Ms X that as she had not been in contact, it had closed her homelessness case down. However, after she contacted it again, it accepted it should not have closed her case and reopened it.
61. The officer said no decision had been made on her case as the Council needed to make further inquiries to establish whether she was intentionally homeless or not.
62. The officer said that Ms X's ex-partner should speak to his housing officer to make sure he would not be in breach of his tenancy for allowing her and her family to stay with him.
63. On 8 February 2018 Ms X wrote to the Council, asking why her housing status was under review. She said the contact numbers she had for housing officers did not work.
64. The Council made an appointment for her to visit on 12 February 2018. Ms X said she could not attend and asked for an appointment to be made on the first open date after 20 February 2018.
65. There is no evidence the Council contacted her to arrange another appointment. We have not seen any evidence Ms X contacted the Council about her circumstances again, but in July 2019, she said she was still homeless, and her situation had worsened.

Council recalculates applying 'underlying entitlement' rule

66. On 15 January 2018 an officer, (Officer D), asked for further information about Ms X's youngest child. He told Ms X he was looking at ways of reducing her outstanding overpayment.
67. On 5 February 2018 Ms X queried why her case had not been sent to the tribunal. Officer D said it had not been sent, "...simply because I am in the process of trying to reduce your outstanding overpayment. Once I have re-assessed your claim and advised you of the decision you can submit your appeal and we can look at sending it across to the appeals tribunal".

68. On 12 April 2018 the Council recalculated her housing benefit, reducing her overpayment by £4,337.93.
69. The Council removed Ms X's previous employment earnings using the applicable underlying entitlement rule. It added her third child to the household and provided an additional child allowance up until the 5 April 2017, when it considered the two-child restriction would apply.
70. It added the additional childcare costs that would have applied for her other two children if it had previously calculated using the underlying entitlement rule.

Further recalculations

71. In May 2018 Ms X responded to the latest recalculation. She said these calculations did not include her youngest son's childcare costs.
72. She said she was "...baffled that with no new evidence the claim that I was once written to and told I owed £8000 for...has now reduced to £4000...this was a huge mistake....that cost my family my home!"
73. She complained that her request to take her case to tribunal was denied and that, "...the stress and hardship this has placed myself and my family under is inconceivable."
74. She said she was formally requesting that the decision should be appealed.
75. She also complained that she had been hounded by bailiffs over council tax arrears and asked that this be put on hold while this dispute was ongoing. The Council put the account on hold for 28 days, although after this period, she was visited by bailiffs on four occasions.
76. A further recalculation in July 2018 reduced her bill to £3,692. She was told she could ask for a review of this decision or appeal it.
77. In September 2018, Ms X said she wanted to appeal the decision to address the 'remaining errors'. Officer D wrote to her asking what remaining errors she meant.
78. Around the same time the records show a 'priority log' was sent to the housing benefit high risk team. By November 2018 another officer noted that it was still outstanding.
79. In December 2018, Officer D wrote to Ms X again. He said he could not forward her appeal to the tribunal until she explained exactly why she felt the Council had not assessed her application correctly. He said she had said the childcare costs were incorrect but had not said how.
80. On 4 February 2019 Officer D reconsidered the decision of July 2018. He said he upheld the previous decision. The Council accept it should have referred Ms X's case to tribunal again at this stage but did not.
81. The same day another officer, Officer R, asked Ms X to disregard Officer D's decision. She said she was now addressing the issues.

The Council write off the overpayment

82. The next day, Officer R wrote to Ms X saying the Council had written off the overpayment. She said the overpayment was not recoverable because it was created by Council error and Ms X could not reasonably have known that she was overpaid.
83. Internal notes say Ms X had never claimed housing benefit with childcare costs and had no experience of how the system worked. The notes said the Council

failed to ask her for proof of the amount that she had been paying and added that, “Although a few notification letters were issued our letters are complex and difficult to understand.” It was noted that Ms X has a disabled child.

84. At the same time, Ms X’s council tax benefit was also reviewed. She was told she only owed £22.35. Recovery costs were cancelled. A further benefit adjustment has been applied since we made enquiries about this complaint. The Council now says Ms X does not owe any council tax.
85. Ms X was told she could appeal both decisions. She did. The Council revised its calculations again. It told her she had been underpaid housing benefit. It says that it was decided the two-child restriction, ‘did not apply in this instance.’ Therefore, Ms X had also been entitled to a third child allowance from 6 April 2017. This changed the amount of benefit she had been due and resulted in Ms X having been underpaid £1809.39.
86. It paid this into her account shortly thereafter. Ms X said she did not want to accept the sum in order to close her case. She said she wanted to continue to complain about how the Council’s many errors had caused her extreme hardship.
87. The Council says that if Ms X still wants to appeal to the tribunal, once she has set out the reasons why she disagrees with the most recent decisions, it will submit her case to the tribunal.
88. The Council accepts that it failed to apply the correct rules and to assess her claim correctly when it had received the correct information from Ms X. It offers £100 compensation for its failings.

Findings

Failure to progress request for appeal to tribunal

89. The Council has accepted that it failed to refer her case to the tribunal on 10 January 2018. This is fault. Ms X complained about this numerous times. She was at one point told the Council would, “...look at sending it across to the appeals tribunal” when it should have already sent it to the tribunal.
90. The Council failed to calculate her benefit correctly and it is likely this would have been noted at a much earlier stage if her case had been passed to the tribunal. This was also fault that caused Ms X an injustice. If the tribunal looked at the Council’s calculations it is likely Ms X would have been spared a lot of the distress she went on to undergo.

Failure to calculate her overpayments using the underlying entitlement rule.

91. We would not usually investigate calculations of housing benefit. That is ordinarily considered by the tribunal. However, in this case, as set out above, the Council failed to progress her case to the tribunal and so it is necessary for us to look at the Council’s failures in calculation.
92. The Council failed to calculate Ms X’s overpayment using this mandatory rule. There are only exceptional cases where councils can decide not to calculate in this way. This is not one of them. This is fault. It caused Ms X an injustice. The Council accept it should not have informed her landlord of her debt. This is fault. It would have been fault if her landlord was informed of any debt. But, while we are not able to say for certain if Ms X’s landlord would have continued to press for eviction if he had been informed of a small debt, it is likely that because he was told she owed the Council the significant sum of over £8,000, this information persuaded him to press for eviction.

93. In any case, it is understandable if, faced with this incorrect calculation, Ms X felt she had to leave her property, unable to address high rent arrears and a looming large repayment to the Council.
94. The Department for Work and Pensions has expressed concern that some authorities do not consider underlying entitlement when calculating recoverable overpayments. In a 2013 bulletin it reminded councils that, "...underlying entitlement is mandatory and must always be considered."
95. If Ms X had assumed the Council's initial calculations were correct, she might have engaged in paying back a debt much larger than was owed.
96. If it was the Council's normal practice not to calculate using underlying entitlement initially, this could have affected other service users. We have made recommendations to address our concerns about this fault.

Failure to apply the two child restriction rules properly

97. By the time the Council produced its decision in October 2017, it was aware of Ms X's third child. It is unlikely that the tribunal, if she had been afforded the opportunity to set her case before it, would have misapplied the rule.
98. The Council says it later decided that the rule did not apply in this instance. However, it should never have been applied to Ms X's case. Her youngest son was born before 6 April 2017 and she was an existing claimant. She should always have had a third child allowance. If the Council had made proper enquiries, as it is required to do before it calculates overpayment, and had applied the underlying entitlement rule, her account could have been corrected much quicker.

Did the Council's actions cause Ms X and her family to become homeless?

99. Ms X says the Council's action led to her eviction from her property. She says while the Council continued to miscalculate her benefit entitlement, she was not able to find a new property to rent. She says this caused her and her family distress.
100. The Council says it did not make her homeless. It says Landlord B did not evict her and that she left of her own accord, handing the keys back. It says if Landlord B tried to evict her using the courts, she would have been able to defend the case but she did not wait for Landlord B to take her to court.
101. This might be the case. Nonetheless, we disagree. Ms X had lived at the property since February 2015. There is no evidence she had a difficult relationship with her landlord *before* she got into rent arrears, which were brought about through the Council's serious miscalculation. Landlord B sought possession because of rent arrears. It was reasonable for Ms X to consider that she and her young children could not continue to stay at a property which she could no longer pay for after having also been told she owed the Council over £8,000. We consider it is understandable if Ms X felt immense pressure by circumstances that were created by Council error.
102. The Council is right to say Ms X could have tried to defend herself in court but at the time she left, she did not have a good chance of success. Her arrears were high and she had no way of paying them within a reasonable period. On our understanding of the figures, even after the Council made a payment to her landlord in late October 2018, early November 2018, she was still either in eight weeks rent arrears or just about to enter into eight weeks rent arrears again.

103. The Council also accept that it should not have informed Landlord B that Ms X owed the Council over £8,000. It also told her landlord that this overpayment was brought about by Ms X's failure to disclose information, which would have given him a poor impression of Ms X. I consider this fault would almost certainly have contributed to the pressure that Ms X said Landlord B put her under to leave the property. The Council's fault caused her and her family significant injustice.

Homelessness application

104. The Council is also at fault for the way it handled her application. She presented to the Council as someone who was homeless or threatened with homelessness. She was staying at her mother's because she had nowhere to go. We accept her evidence that she told the housing officer this. She also told the housing officer she had a disabled child. As someone with three children, one of whom was disabled, she should have been recognised as someone who was possibly in priority need and she should have been offered accommodation immediately. This is fault causing injustice.
105. There is some evidence the Council began making inquiries into Ms X's case but it did not pursue them. The officer she first met considered it was probable she had been illegally evicted but this was not pursued. The Council closed her case prematurely. This was fault. However, it opened it up again very quickly so there was no significant injustice.
106. The Council made a number of appointments for Ms X to meet and discuss her situation with housing officers but she was not able to attend. As she was a potentially homeless person, the Council should have taken steps to contact her after 20 February 2018. It did not. It was fault not to have done so. It was further fault for the Council to close her case again without notifying her of its decision on her homelessness application.
107. If Ms X had not been in contact at all and had not asked for an appointment, it might have been reasonable for the Council, after three months, to consider closing her case. But she had done so. She had complained about her case being prematurely closed before. She had recently contacted the Council setting out the precariousness of her position and that of her young children. The Council should have concluded its inquiries, reached a decision and notified her. This is fault.
108. She says this fault has caused her a serious injustice. We accept this.

Lost property

109. When the Council should have taken on a duty to provide interim accommodation to Ms X, it should also have taken on a duty to protect her possessions. It did not and Ms X says that she paid a significant amount of money every month for storage and eventually had to throw away a lot of possessions. This is fault causing injustice and we have made a recommendation to address this.

Recommendations

110. The Council must consider this report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet, or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)
111. At our request, the Council has contacted Ms X to take a homelessness application. It should continue to do what it can to help in finding suitable housing for her and her family.

To remedy the injustice caused we recommend within a month of the date of this report, the Council should pay Ms X:

- £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;
- £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.

112. If Ms X still wants to submit her case to the tribunal, the Council should submit her application immediately.

113. We welcome that, within three months of the date of this report, the Council has agreed to:

- review this case to investigate why it made calculation errors. It should report its detailed findings to us. If Ms X wants to submit her case to the tribunal, the Council submissions to the tribunal (providing they include sufficient detail) may stand as a response to this recommendation; and
- audit cases where the Council calculated overpayments and cases where it calculated overpayments and applied the two-child restriction, between July 2017 and March 2018. It should report its findings to us. 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 considers its actions are proportionate and appropriate.

114. The Council has accepted our recommendations.

Decision

We have completed our investigation into this complaint. We have found fault causing injustice to Ms X. The Council should take the action identified above to remedy that injustice.

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MINUTES OF MEETING CORPORATE PARENTING ADVISORY COMMITTEE HELD ON TUESDAY, 15TH OCTOBER, 2019, 6.35 – 8.45PM

PRESENT:

Councillors: Zena Brabazon (Chair), Julie Davis, Peray Ahmet, Sakina Chenot, Tammy Palmer and Mark Blake

69. FILMING AT MEETINGS

The Chair referred Members present to agenda Item 1 as shown on the agenda in respect of filming at this meeting, and Members noted the information contained therein.

70. APOLOGIES FOR ABSENCE (IF ANY)

Apologies for lateness were received from Cllr Chenot.

Apologies for absence were received from Cllr Erdal Dogan and Dr Fayrus Abusrewil.

71. URGENT BUSINESS

There were no items of urgent business

72. DECLARATIONS OF INTEREST

No declarations of interest were made.

73. MINUTES

RESOLVED

The minutes of the 2nd July 2019 were agreed as a correct record.

74. MATTERS ARISING

The following points were noted in discussion regarding the minutes of 2nd July 2019 of the Corporate Parenting Advisory Committee:

- Regarding page 2 of the minutes which referenced that there were 8 new unaccompanied asylum seeker children (UASC) at the end of the month, the Chair enquired as to whether that increased number of new UASC was still the trend. In response the Deputy Head of Safeguarding and Social Care advised that the numbers varied month to month, but noted that the performance report showed that there was a slight percentage increase from last year.
- Regarding the average length of time for children to move to adoption at page 3 of the minutes, the Chair enquired as to whether an updated report could be

presented at the next CPAC meeting following the recent TUPE transfer of Haringey staff to the North London Regional Adoption Agency. In response the Director of Children's Services advised that it was too soon to provide an updated report as the transfer had only recently occurred on 1st October. The Head of Children in Care & Placements informed the Committee that data was received on a monthly basis. The Chair requested that an update around adoption be placed on the CPAC work programme (**Action: Clerk**).

- Cllr Ahmet queried as to whether FGM was uncommon as referenced at page 3 of the previous minutes. The Assistant Director for Safeguarding and Social Care clarified that it was not common to receive referrals of FGM, and accordingly it was suggested that the previous minutes be amended to reflect that the data for FGM was based on referrals received (**Action: Clerk**). *Post meeting note: the previous minutes have been amended to reflect the recommended changes.*

The meeting adjourned at 6:45pm for the Aspire meeting and re-commenced at 7:30pm

75. RESPONSE TO CPAC QUESTIONS ON LOOKED AFTER CHILDREN AND YOUTH JUSTICE SYSTEM

Beverley Hendricks, the Assistant Director for Safeguarding and Social Care, introduced this report as set out in pages 5-9 of the agenda pack, which provided a response to the CPAC questions on Looked After Children and the Youth Justice System.

The following was noted in response to the discussion of the report:

- Regarding the disparity between custodial sentences received for looked after children and non-looked after children, the Assistant Director for Safeguarding and Social Care explained that the disparity was based on the sentencing tariff awarded to looked after children in comparison to the general population. For instance, a looked after child was likely to get a higher sentencing tariff from the Youth Justice court for theft than another child from the general population. The disparity was a result of several factors, such as the presence of biological parents and representation offered on behalf of the child. The Cabinet Member for Communities and Equalities further added that another major factor was how a child's behaviour at home was treated, for example the police were more likely to get involved in a scenario where a child in an institutional setting had broken a window at home in comparison to a non-looked after child in a similar scenario. Cllr Blake mentioned an event he attended at City Hall a few weeks ago, which was based around the criminalisation of care leavers. He informed the Committee that some of the testimonies he heard revealed a negative picture of police interventions for children in care settings. He also found that the children experienced a lot of trauma and they would not talk about their experience. Cllr Blake explained that young people had a perception that counselling was not for them, and he felt that a different approach would be needed to address that issue.

- In relation to concerns about trauma experienced by young people and their mistrust of police, the Assistant Director for Safeguarding and Social Care informed the Committee that to help reduce the traumatic experience the Haringey Borough Commander had agreed that the police would not wear their uniform on occasions where there would be a planned police intervention involving a child.
- Regarding the summarised recommendations for questions 1-3 as set out in pages 7-9 of the agenda pack, the Assistant Director for Safeguarding and Social Care explained that the recommendations would be put into an action plan and then fed back to the Committee to demonstrate what had been delivered. The Chair agreed for the recommendations to be put into a planned schedule in order for it to be then presented to the Committee **(Action: Beverley Hendricks)**.

76. OFSTED ACTION PLAN PROGRESS UPDATE

Ann Graham, Director of Children's Services, introduced the report as set out at pages 11-26 of the agenda pack. She was pleased to inform the Committee that the updated report and action plan had been completed, and thanked the service for the positive outcome of the Ofsted inspection. She emphasised that it was important not to be complacent in order to continue the good work and ensure positive progress.

The following was noted in response to the discussion of the report:

- Regarding the joint quarterly report referenced at page 24 point 7.2, the Chair asked whether the report could be presented to the Committee. The Director of Children's Services informed the Committee that a report could be presented to the Committee for a future CPAC meeting, but since the Committee's focus was on Looked after Children, the report could be adapted to concentrate on Looked After Children with a link to the full report **(Action: Ann Graham)**.
- In reference to training delivered for social workers at the Haringey Academy as set out on page 26 of the agenda, the Chair requested that this matter be placed on the CPAC work programme **(Action: Clerk)**.

77. UNACCOMPANIED ASYLUM-SEEKING CHILDREN - UASC

Beverley Hendricks, the Assistant Director for Safeguarding and Social Care, introduced this report as set out in pages 27-41 of the agenda pack. Beverley Hendricks took the Committee through the report and highlighted the following:

- In reference to the graph on page 32 of the agenda pack, it was noted that the number of Unaccompanied Asylum-Seeking Children (UASC) presenting in Haringey was showing a rising trend. During 2018-19, 10 cases had been transferred to other areas as Haringey had met its quota level. It was further noted that there was an issue with Haringey's quota level as the quota level across the country was 0.07%; however, for the last year Haringey's quota averaged at 0.09%. The service had raised queries around the National

Transfer Scheme as it was not working effectively, and furthermore, there had been an announcement from the Department for Education around changes to the Scheme; however, Haringey had not seen the benefit of those changes. Additionally, it was predicted that Haringey was likely to have more UASC as looked after children, and in consideration of that forecast, Haringey needed to plan a service response to effectively manage the particular needs of those UASC for future years.

- In reference to the graph page 33 of the agenda pack, it was noted that the total number of UASC care leavers was predicted to be 28% of the care leaver's cohort by 2021-22, and 39 looked after children would convert in the same year. Therefore, Haringey would have more UASC that the services would be responding to, and it was anticipated that those UASC would have a longer relationship with the services, which would have an impact on the service when they would become care leavers. In consideration of this growing trend, the point was reinforced that that services needed to be re-configured to meet the needs of the UASC and to manage the current growing trend.

The following was noted in response to the discussion of the report:

- In response to a question, the Assistant Director for Safeguarding and Social Care confirmed that the current numbers of UASC were included within the total number of looked after children. There was currently 414 looked after children. The Assistant Director for Safeguarding and Social Care noted that it was important to distinguish between care leavers and children regarded as in care because some of the Council's corporate parent responsibility for care leavers continued up to the age of 25, if they qualified.
- Regarding funding for UASC to local authorities, the Assistant Director for Safeguarding and Social Care explained that the grant given to local authorities for UASC had been insufficient to the growing needs, which include the living expenses that local authorities cover. Although the government announced a funding increase to local authorities for UASC, the service was conducting an analysis to ascertain sufficiency of the uplift as there was uncertainty as to whether the uplift would cover the costs of the demands on the service.

78. PERFORMANCE FOR THE YEAR TO SEPTEMBER 2019

The Committee considered this report which provided an analysis of performance data and trends for an agreed set of measures relating to looked after children on behalf of the Corporate Parenting Advisory Committee.

Beverley Hendricks, the Assistant Director for Safeguarding and Social Care, took the Committee through the report as set out in pages 35-41 of the agenda pack. In addition, the following was highlighted:

- It was noted that at the end of September 2019, 418 children were looked after; 69 per 10,000 population. It was stressed that this number was what was

- expected based on Haringey's demographics, and was in line with the looked after population at other local authorities.
- Regarding section 2.3, it was explained that 97 children ceased to be looked after in the first six months of 2019/20 for a range of reasons, such as returning home, being adopted and some turning 18.
 - In relation to Personal Education Plans (PEPs), the Committee were informed that electronic Personal Education Plans (e.PEPs) were introduced approximately a year ago. It was noted that 60% of e.PEPs had been completed. An email would be sent to schools by the Assistant Director of Schools and Learning to remind schools of their statutory duty in getting the PEPs completed. Furthermore, someone would be commissioned to start on Friday 18th November to work two days a week to focus on PEPs to ensure the level of high standards were maintained. Additionally, by April next year there would be an overhaul in the administration of pupil premium to schools for looked after children. This entailed an automatic amount that would be administered to schools at first and then the schools would have to request the remainder from the Virtual School by outlining how they would spend the pupil premium. It was highlighted that there would have to be a high-quality e.PEPs in place for schools to obtain the pupil premium. It was noted that these plans would make a difference in getting the PEPs completed to a high quality. In response to the Director of Children's Service query as to whether a PEP that would be picked in a future term if it had been missed in the previous term, in response the Assistant Director for Safeguarding and Social Care explained that there had been a concentrated audit in this area, and it was concluded that the quality of the PEPs had improved and there was evidence that the recommendations were being followed. It was further explained that the issue at hand was that the e.PEPs were not being signed off by schools, and the plans mentioned earlier would incentivise schools to give these PEPs priority. Additionally, it was noted that there was a mosaic working group looking into improve the system to evidence the work going on. In response to the Chair's suggestion of liaising with safeguarding governors to ensure they had an eye on this area, the Assistant Director for Safeguarding and Social Care informed the Committee that Independent Reviewing Officers (IROs) had requested to escalate issues based on this area to the Board of Governors of schools. Therefore, the mechanism would be that the IROs would go through the DMT (Children's Services Senior Leaders), and the DMT would make a decision around escalation to the Board of Governors based on any patterns identified around a cluster of schools. In response to a question around whether the dip in completion of PEPs was due to a system issue, it was explained the reason for the dip was that overall the PEPs were not completed to the standard required, for example not documenting how pupil premiums were spent. The Committee were assured that there would not be a stark drop at the beginning of every term once the PEPs were all caught up and approved.
 - Regarding the pathway plans, the Committee were informed that there was a dip in the pathway plans. The Deputy Head of Safeguarding and Social Care explained that in terms of the Young Adults Service, two weeks ago there were

9 cases in the service that did not have up to date pathway plans; however, currently 8 cases out of the 9 had been updated and the 9th case was due to be updated within the week. The Committee were assured that pathway plans were reviewed every week, and detailed tracking of this area was undertaken on a fortnightly basis at performance meetings to ensure good quality pathways plans.

The following was noted in response to the discussion of the report:

- In response to a query on placement moves referenced at 2.11 of the report, the Assistant Director for Safeguarding and Social Care noted that there were challenges around children between the ages of 13-15, some of whom were in residential placement. It was highlighted that the Council needed to work on building up relationships with private sector providers to ensure there were no placement disruption for children in those age ranges due to incidents, such as police being called for minor property damage. The Assistant Director for Safeguarding and Social Care suggested a piece of work was needed through the DMT process to find solutions, and further added that a Commission Officer had been brought to the service to address the issues. The Assistant Director for Safeguarding and Social Care suggested that a report could be presented to the Committee at a future date around the impact of the work to address the issues.
- The Director of Children's Services informed the Committee that the service was currently working on an invest to save proposal for Cabinet. The proposal would be for an investment of £100,000 to give the service capacity to undertake managing the market activity, with a view to procuring resources differently.

79. ANY OTHER BUSINESS

Date of the next meeting
16th January 2020

CHAIR:

Signed by Chair

Date

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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