

MINUTES OF MEETING Cabinet HELD ON Tuesday, 8th March, 2022, 6.30 - 9.35 pm

PRESENT:

Councillors: Peray Ahmet (Chair), Mike Hakata, John Bevan, Zena Brabazon, Seema Chandwani, Lucia das Neves, Julie Davies, Isidoros Diakides, Erdal Dogan and Ruth Gordon

ALSO ATTENDING Virtually – Cllr Cawley- Harrison and Cllr Ejiofor.

744. FILMING AT MEETINGS

The Chair referred to the information as set out in the agenda and advised that the meeting was being filmed.

745. APOLOGIES

There were apologies for lateness from Cllr Chandwani.

746. URGENT BUSINESS

There were no items of urgent business.

747. DECLARATIONS OF INTEREST

Councillor Isidoros Diakides declared a personal interest and non-pecuniary interest in relation to items 21 and 27 as he was a Council representative in relation to an organisation that was currently located in the Chocolate Factory. He clarified that he would not be taking part in the discussion nor voting, in accordance with section 6.1b of the Member Code of Conduct and would leave the room for the duration of these items.

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

No representations were received.

749. MINUTES

RESOLVED

To approve the minutes of the meeting held on the 8th of February 2022.

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

No matters were referred to Cabinet by the Overview and Scrutiny Committee.

751. DEPUTATIONS/PETITIONS/QUESTIONS

The Leader had met with, and received representations from, tenants in the row of Homes for Haringey Houses on Woodside Avenue who wanted to put forward their support for the recommendations at agenda item 17 on the consideration of the proposals for the development of the site of the former care home at 100 Woodside Avenue and the Terraces at 102 to 108 and 110 to 116 Woodside Avenue.

752. HARINGEY SCHOOL TRAVEL ASSISTANCE POLICY

The Cabinet Member for Early Years, Children and Families introduced the report which sought Cabinet approval to undertake public consultation on the Haringey School Travel Assistance Policy for home to school transport for children and young people with Special Educational Needs and Disabilities (SEND).

The main improvements to the policy were outlined, including: detailed explanation of how home to school transport decisions were to be made, standardisation of disputes and appeals, ensuring that transport was sustainable, clarification of personal budgets and how they are calculated for transport support and exceptional circumstances where can be transport provided.

In response to questions from Cllr Hakata and Cllr Cawley – Harrison the following information was provided:

- Regarding input of parents and carers to the strategy, it was noted that a parent and carer were involved in the stakeholder group for the development of this policy. At the outset, the service had written to all 608 parent /child households that received the service to get their views. An informal questionnaire was shared and 68 parents responded. The policy responded to various feedback received since September 2021.
- Going forward, the Travel service were working with the Policy team to ensure the consultation on the policy was accessible as possible, promoted through SEND newsletter, and considered in existing consultation meetings at schools .
- Noted that there were 20 children/ young people that do not have SEND or disabilities and received the service based on exceptional circumstances concerning their family circumstance. An example was provided.
- Responding to a question on when exclusion from transport will be necessary, it was noted that the service will take into consideration potential impact on the safety of others within the transport. Over the last year , this issue was considered less than 10 times and had not resulted in exclusion. The focus was on better understanding the needs of the young person and on the few occasions that this was necessary alternative provision was provided for a limited time.

- Due to complexities of children receiving this service , current covid measures remained in place , with staff wearing PPE and applying safety regulations. This would be reviewed in due course.

RESOLVED

1. To approve a consultation on the proposed changes to the Haringey Travel Policy (2018-2020) (Appendix 5) now proposed to be referred to as School Travel Assistance Policy, Children & Young People up to 16 years of Age (Appendix 2) and Post-16 School Travel Assistance Policy (Appendix 3). The consultation to be for a period of 12 weeks from 9 May 2021 to 31 July 2022.
2. To note that a report on the outcome of the consultation be brought back to Cabinet for a final decision on the proposed policy changes.

Reasons for decision

Local processes must have due regard to The Home to School Travel and Transport Statutory Guidance for Local Authorities July 2014 and Post 16 Transport and Travel Support to Education and Training Statutory Guidance 2019. Under the Act and the Guidance, the Council must consult widely with interested parties on any proposed changes to their home to school travel arrangements policy statements for children, young people and adult learners.

A key change is that the current School Travel Policy title has been amended to the 'School Travel Assistance Policy (Children & Young People up to 16 years of Age)' and 'Post-16 School Travel Assistance Policy'

The main changes to the current policy are as follows:

- a) consideration of sustainability, focusing on the environment, emissions reduction, and promotion of independent travel options.
- b) creating a specific policy for young people aged 16-25, including information about external travel support.
- c) introduction of behavioural standards for children and young people using transport commissioned by the Local Authority.
- d) detailed explanation of the transport decision making process.
- e) standardisation of disputes and appeals process in accordance with statutory guidance.
- f) clarification regarding 'personal travel budgets' and how they are calculated.
- g) comprehensive application procedure and guidance.
- h) clarity around breakfast/ after school clubs and times when Haringey Council will provide transport.
- i) cut off deadlines for applications with exceptional circumstances included
- j) COVID-19 information in relation to home-school transport

These policy changes will need to be subject to full public consultation via an on-line consultation form published on the Haringey SEND Local Offer web site for a period of 12 weeks to ensure that families, schools and other parties have sufficient time to respond to the proposed changes.

The consultation will be promoted via the SEND Newsletter, Special Schools and Parent Carers Forum and a range of other relevant networks within the education, health and care sector.

Alternative options considered

Not applicable.

753. EARLY YEARS STRATEGY

The Cabinet Member for Children and Families outlined that a child's early year's experiences can influence their development and outcomes in life. She advised that it was essential to provide high quality early education and childcare. Furthermore, to ensure that there was early intervention for children who were vulnerable or who have special needs.

She outlined that the Council had a strong record in directly providing this high-quality provision, and of supporting other providers in this work, with over 99% of settings graded good or outstanding by Ofsted. The draft strategy attached, aimed to shape and strengthen the service, which supports children, parents, carers and families.

It was further noted that the consideration of the attached report was a first step in the decision-making process and subject to approval of the recommendations, the strategy would go out to public consultation for further refinement.

Following questions from Cllr Hakata and Cllr Cawley – Harrison, the following was noted:

- Recognised the importance of early years in the borough and this required the 90-day consultation to be effective and far reaching. The Council wanted to reach communities which were commonly deemed hard to reach and the example of good work with the Somali community was referred to. Also there was a Council bid for £1.2m for family hub project which would in turn compliment and support engagement and support to families in the borough.
- An engagement event with Somali community was planned for 29th March and there would be events with other communities. There would be continuing engagement to make sure there was access to services that the Council provide.
- The overall aim was to build on the Council's existing strengths of community engagement and work closely with all communities as well.
- With regards to contingency planning for any future wave of covid, it was noted that most early years settings had remained open during pandemic. Currently, the planning was for early years settings to remain open in any potential future wave. The service had experience of quickly adapting, moving from 'face to face' to online when required.
- In the aftermath of the pandemic, there was focus on providing enhanced support to families that have faced isolation and to develop interactions of children.

- With regards to the objective of stronger relationships with families and how this would happen, this was through engagement and reporting back on actions. Also the service would utilise access to existing forums and partnership settings to seek views on how to shape services and develop the strategy.
- Responding to the point on the specific communities mentioned [Turkish, Kurdish, Jewish and Somali] these were underrepresented communities. The Council were working with these communities to extend and ensure high quality provision. The Triangle Community Centre was engaging with and working with all communities. Attainment was a key consideration and it was hoped by supporting families in the early years setting, this would support them reach the next stage in education journey.

RESOLVED

1. To approve the commencement of a statutory consultation on the Early Years Strategy (attached at Appendix 1).
2. To approve a 90-day period of consultation to commence in May and end in August 2022.
3. To agree that a report on the outcome of the consultation and final proposals for the Early Years Strategy will be submitted to Cabinet in November 2022.

Reasons for decision

Following the Early Years review stakeholders felt that the lack of a dedicated Early Years Strategy led to inconsistency of approach and a reduced focus on the importance of intervening in the early years. The strategy will give a clear focus on early years and provide a distinction between Early Years and Early Help.

The Early Years Strategy would ensure that there is more focus on the developmental benefits of prevention and universal support in the early years.

Alternative options considered

To continue without a strategy; however, was rejected as the strategy will give a clear focus to improving outcomes for the youngest children in the early years and developing wide partnerships across the early years sector. A strategy will enable us to set out aims and priorities and ensure there is a monitoring process in place to keep us on track to achieve them.

Funding for early years provision could be at risk without the outcomes, priorities and benefits being clearly articulated through a strategy.

754. 2021/22 FINANCE UPDATE QUARTER 3

The Cabinet Member for Finance and Transformation introduced the report which provided an update on the Quarter 3 budget monitoring and Council's financial

position. The report also sought approval for any changes to the Council's revenue or capital budgets required to respond to the changing financial scenario and the delivery of the Medium-Term Financial Strategy (MTFS) and a decision relating to the agreement with the London Pension Fund Authority.

In response to questions from Cllr das Neves, and Cllr Cawley- Harrison, the following was noted:

- Regarding the growth of inflation in figures, increases in placement costs in Adults services, and Children's Service were highlighted. An example was provided of significant increased costs for complex placements.
- Overall, there was adequate contingency in the budget for increased inflation costs. This was also one of the pressures accounted for in the coming budget.
- With regards to government funding to cover Covid costs in current year, this was the assumption for this financial year. This had been the case in the previous year and government had followed through with funding and position improved incrementally.
- It was noted that additional surplus generated through CPZ income was ringfenced to transport projects which included concessionary travel. This cost was between £13m to £14m and therefore the Council was always in a net spend situation.
- Agreed to provide Cllr Cawley- Harrison with a written response on why PL 20/25 was amber rather than red RAG rated.

[Cllr Chandwani entered the meeting]

RESOLVED

1. To note the forecast base budget revenue outturn for the General Fund of £9.37m and that Directors are seeking actions to bring the forecast down before the end of the year. (Section 6, Tables 1a and 1b, and Appendix 1).
2. To note that the £12.43m forecast Covid pressure on the GF is expected to be offset by Government funding (Section 6 and Table 1a).
3. To note the net Housing Revenue Account (HRA) forecast of £0.3m overspend (Section 6 and Appendices 1 and 2).
4. To note the net DSG forecast of £6.69m overspend. (Section 6 and Appendix 1).
5. To note the forecast budget savings position in 2021/22 which indicates that £4.9m (46%) may not be achieved. (Section 6 and Appendix 3). This is incorporated in the GF budget pressures addressed in recommendations (1) and (2) above.
6. To approve the proposed budget adjustments and virements to the capital programme as set out in Table 2 and Appendix 6.

7. To note the forecast expenditure of £241.7m in 2021/22 which equates to 51% of the revised capital budget (Section 8 and Appendix 4).
8. To approve the revenue budget virements and receipt of grants as set out in Appendix 6.
9. To note the debt write-offs approved by officers in Quarter 3 2021/22 (Appendix 7) and to approve the debt write-offs greater than £50k in Appendix 7a.
10. To note the C19 grants schedule (Appendix 8).
11. To agree to delegate the authority to enter into a pensions agreement with the London Pensions Fund Authority (LPFA) in relation to historic Greater London Council/Inner London Education Authority pension liabilities, to the Director of Finance, as set out in section 9, and to note that the financial implications are in line with the Medium Term Financial Strategy assumptions.
12. To note the delegated decision made by the Director of Finance to enter into a 'Master Assignment Agreement' with the Secretary of State for Business, Energy and Industrial Strategy (BEIS) for the recovery of debts relating to the Covid 19 business rates grants schemes, as set out in section 10.
13. To approve the allocation of £1.1m from the approved capital programme contingency to the Alexandra Palace and Park Trust for urgent capital works, as set out in section 8.
14. To agree to defer repayment of £0.414m of loan repayments from Alexandra Palace and Park Trust in both 2021/22, and 2022/23, as set out in section 8.
15. To accept the CCG Grant of £1.34m in relation to the Wood Green NHS Hub project, as set out in section 8.
16. To approve a budget virement of £1m Strategic Community Infrastructure Levy from DEN budget to the Wood Green NHS Hub project, as set out in section 8.
17. To accept the GLA grant of £10m in relation to the High Road West scheme, from the Mayor's Land Fund, as set out in section 8.

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. This is made more critically important than ever as a result of the on going financial implications placed on the Council by the Covid-19 crisis.

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.

755. ROAD DANGER REDUCTION ACTION PLAN AND INVESTMENT PLAN FOR 2022-23

The Cabinet Member for Customer Service, Welfare and the Public Realm introduced the report which sought agreement to an overarching approach to reducing road danger on Haringey's streets (as set out in the proposed Action Plan in Appendix 1) and the specific recommendations for investment in 2022/23 (as set out in the Investment Plan in Appendix 2).

In response to questions from Cllr Cawley – Harrison, the following information was noted.

- The intention of the Council was to remove the existing higher than 20 miles per hour roads and there was a timeline being worked through. It was noted that there were some roads which were not Haringey Council roads and were TFL roads. Also there were some which were Haringey roads but still needed TFL permission as changes would affect traffic flows and bus lanes. Striving for stakeholders and authority stakeholders support and co-operation for this action.
- Clarification was sought on the rollout of levelled kerbs and footways, particularly tactile paving, and making crossings safer for vulnerable users. This was addressed in two other reports, the Walking and Cycling Action Plan and Highways and Investment Plan. The latter decision had been considered at a Cabinet signing and questions on these issues could be emailed to the Cabinet Member.

RESOLVED

1. To approve the Road Danger Reduction Action Plan, as set out in Appendix 1;
2. To approve the Investment Plan for 2022/23 set out in Appendix 2;
3. To delegate decisions relating to scheme design and implementation to the Head of Highways and Parking;
4. To authorise the Head of Highways and Parking to carry out any required consultation in accordance with Appendix 3 and to make any necessary traffic orders, having had due regard to any prior consultation, to give effect to those schemes; and
5. To authorise the Head of Highways and Parking to consider any objections and representations on road danger reduction schemes and to report back to the Cabinet Member for Customer Service, Welfare and the Public Realm if there are significant or substantial objections or concerns raised.

Reasons for Decision

The Council has a statutory duty under section 39 of the 1988 Road Traffic Act to “take steps both to reduce and prevent accidents”. It must also prepare and carry out a programme of measures designed to promote road safety.

This report recommends the investment for 2022/23 as well as a set of wider actions that will assist in prioritisation in future years.

Alternative options considered

The authority has a statutory duty as set out in paragraph 0.

756. PARKING INVESTMENT PLAN

The Cabinet Member for Customer Service, Welfare and the Public Realm introduced the report which sought approval for the Council's parking schemes and programmes to be delivered across the borough in the next financial year (2022/23).

The Cabinet Member highlighted the following in her introduction:

- Tackling pavement parking and working with disability groups on this.
- Issued 1000 free virtual permits for blue badge holders.
- No charge for badges that were stolen.
- Visitor permits for Adult social care providers being considered to support vulnerable residents with care needs.
- Ensuring dedicated bays the correct size.
- Car free developments – process of considering with Planning which allows the developments to not impact on parking in surrounding areas.

In response to questions from Cllr Cawley- Harrison, the following was noted:

- As previously referred to, the income from CPZ's was ringfenced and supported funding the cost of Freedom Passes. The Council was close to reaching financial breaking point but if more CPZ's were added. The scale of increased resources would also be contingent on the additions and changes time requirements for CPZ's .
- In response to a query about revisiting CPZ decisions , the policy passed at Cabinet in March 2020 advised that there would be a review of all CPZ's within 5 year period so the Council would not keep returning to the area that had rejected a CPZ.
- Conversations were continuing between Highways Team and Strategic Transport on issues concerning footway parking, over hanging cars and bikes. This fell under ASB enforcement due to different types of laws that required consideration. Cllr Chandwani would advise Cllr Cawley – Harrison of the number of cases that have been dealt with over the last 3 to 4 years.
- In addition there was work to tackle pavement parking and services will look at roaming bikes that are left on pavements and tackling scooters and mopeds being incorrectly parked and not in designated areas.

RESOLVED

1. To agree the Parking Investment Plan for the 2022/23 financial year, as set out in section 6 of the report, subject to the consultations not raising any significant or substantial issues: and
2. With regard to parking investment issues, to give delegated authority to the Head of Highways and Parking:
 - (i) To make decisions relating to scheme design and implementation;
 - (ii) To carry out consultations in accordance with Appendix 2 attached to this report and report any significant or substantial objections or concerns raised to the Cabinet Member for Customer Service, Welfare and the Public Realm; and
 - (iii) To make traffic management orders, having had due regard to any prior consultation, to give effect to those schemes.
3. To agree the waiver of the £10 administration fee for the replacement of stolen Blue Badges from 1 April 2022.
4. To agree to the development of a redesigned parking permit offer for residents being cared for in their homes.
5. To agree to the review of parking permit arrangements for car-free developments to strengthen associated policies.
6. To agree the need to redefine relevant policies to ensure a consistent understanding of disabled parking needs and their application, thereby ensuring that access to specialised transport meets the complex needs of disabled children and their carers.

Reasons for decisions

Parking policies play a major role in shaping neighbourhoods and how our public realm is used. The Council's Transport Strategy clearly identifies its vision for less reliance on the private car, especially for short journeys which can easily be undertaken (by most people) by walking, cycling and public transport.

Proposals in this report will:

- Ensure that residents with additional and complex needs have barriers (caused by current policies) removed.
- Co-produce parking control solutions with residents to reduce commuter parking, excessive visitor parking or parking pressures potentially caused by new developments in their neighbourhoods.
- Support innovation in the use of various traffic restraint measures for example Red Routes, to improve road safety.
- Ensure pedestrians and wheelchair users have priority use of our footways by removal of parking which encroaches on their right of way.
- Use our powers to protect Blue Badge holders from theft and fraud.

Alternative options considered

The proposed programme prioritises new CPZs having considered residents' views. The review of existing CPZs is in line with the Controlled Parking Policy agreed by Cabinet in March 2020 and will address concerns raised by residents. This will also support the Council's modal shift aspirations.

The programme will also be consolidated to take account of schemes delayed further due to the ongoing Covid-19 pandemic. Where possible, those schemes will now be progressed in the coming year, details of which are provided in Appendix 1.

Other programmes (such as review of footway parking, provision of electric vehicle charging points and car club bays) will also help contribute towards supporting modal shift and use of less polluting vehicles. These measures will help increase walking and cycling, thereby reducing air pollution and help towards addressing the climate emergency.

RESOLVED

1. To agree the Parking Investment Plan for the 2022/23 financial year, as set out in section 6 of the report, subject to the consultations not raising any significant or substantial issues: and
2. With regard to parking investment issues, to give delegated authority to the Head of Highways and Parking:
 - (i) To make decisions relating to scheme design and implementation;
 - (ii) To carry out consultations in accordance with Appendix 2 attached to this report and report any significant or substantial objections or concerns raised to the Cabinet Member for Customer Service, Welfare and the Public Realm; and
 - (iii) To make traffic management orders, having had due regard to any prior consultation, to give effect to those schemes.
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- Ensure pedestrians and wheelchair users have priority use of our footways by removal of parking which encroaches on their right of way.
- Use our powers to protect Blue Badge holders from theft and fraud.

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The proposed programme prioritises new CPZs having considered residents' views. The review of existing CPZs is in line with the Controlled Parking Policy agreed by Cabinet in March 2020 and will address concerns raised by residents. This will also support the Council's modal shift aspirations.

The programme will also be consolidated to take account of schemes delayed further due to the ongoing Covid-19 pandemic. Where possible, those schemes will now be progressed in the coming year, details of which are provided in Appendix 1.

Other programmes (such as review of footway parking, provision of electric vehicle charging points and car club bays) will also help contribute towards supporting modal shift and use of less polluting vehicles. These measures will help increase walking and cycling, thereby reducing air pollution and help towards addressing the climate emergency.

757. OUTCOME OF PUBLIC CONSULTATION FOR WOOD GREEN CONTROLLED PARKING ZONE REVIEW

The Cabinet Member for Customer Service, Welfare and the Public Realm introduced the report which set out the results of public consultation undertaken between 19 July 2021 and 9 August 2021, on new controlled parking arrangements for the Wood Green area, replacing the existing (Wood Green) Inner and Outer Controlled Parking Zones (CPZs).

This CPZ covered 5 wards and was reviewed with many different proposed ways to divide the CPZ into different zones. However, it was clear from the consultation that people wanted to keep CPZ as it was and they did not like the demarcations proposed. Therefore, the report took forward resident's views and made no changes to the Wood Green Inner and Outer CPZ.

In response to questions from Cllr Cawley- Harrison, the following was noted.

- With regards to other CPZ review decisions coming forward and the learning from this review on how to illicit responses that would need to reach the required threshold needed to make changes, it was noted that this was a unique CPZ which covered large part of the borough. There were always lessons to be learned. An example of current learning was to review current language / communications to better explain that Council were not instructing on CPZ's but asking and involving residents in the co-production of the CPZ, if they were to have it.

RESOLVED

1. To note the results of the public consultation undertaken of the review of the Wood Green Control Parking Zones (CPZs).
2. To agree that, in line with current CPZ policy, no changes should be made to the existing Wood Green CPZs at this time.

Reasons for decisions

The Council adopted a formal CPZ policy (attached as **Appendix I**) in March 2020. This requires the Council to consider the results of public consultation conducted on the review of CPZs, prior to making a decision whether or not to proceed to implementation. This policy sets a minimum threshold for response rates to consultation, as well as requiring at least 51% support for proposals from those who do respond.

The analysis of the results of the public consultation undertaken indicates a 5% response rate which is below the 10% threshold required. In addition, there was very little support for proposals from those who did respond. While the current Wood Green CPZ conflicts with transport policies as well as the design principles set out in the CPZ policy, priority is given to community views. While the response rate is too low to determine any outcomes, the views expressed suggest that existing arrangements work for residents. As a consequence, no changes are recommended.

Alternative options considered

Consideration was given to formally splitting the Wood Green Inner and Outer CPZ, limiting the use of parking permits to their respective CPZs. While the response to the consultation was low, it is clear that the majority of those who did respond have no desire for change.

758. REPORT FROM THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN (REFERENCE NUMBER 19 020 651)

The Cabinet Member for Health, Social Care, and Well-Being introduced the report which asked Cabinet to consider the report of the Local Government and Social Care Ombudsman (19 020 651) and confirm the actions that the Council has taken or proposes to take, under the requirements of the Local Government Act 1974, section 31(2) (as amended).

The Cabinet Member described that aids and adaptations can be a complex area but accepted the service had failed to deliver service, as outlined in the report, in a timely manner. Cabinet noted that, as well as putting a plan in place to support this particular family, an action plan had also been put in place for service improvements and work with service users of aids and adaptations, including improving the communications with service users on timings and expectations for completion of aid and adaptations.

In response to questions from Cllr Bevan, Cllr Brabazon, Cllr Cawley- Harrison the following was noted:

- With regards to having confidence in the improvement plan, the service were redoubling efforts to meet targets and the Cabinet Member and Director were monitoring this on a weekly basis.
- The Cabinet Member expressed that providing aids and adaptations was a complex and challenging area and noted delays that would have resulted from the pandemic. However, it was accepted that the service was not proactive with communications with residents when there were delays. The improvement plan sought to rectify this with expert advice in this area and would seek views from people in receipt of service. There were workforce capacity issues when considering the specific access needed to occupational therapists and surveyors. The Council were examining re- grading in house surveyors in order to attract further specific skilled staff to this area. The staff were also considering performance management of staff and recognised the need for a sharp focus on responding to resident needs .
- System of client needs and increased tracking and monitoring to be completed.
- Working through to improve the links between Children's and Adult services on aids and adaptations and compiled a list of cases focused on children and families. Paediatric occupational therapy now participating in these assessments . Also children of families would become involved in the decision making to help keep the focus on the family's needs as well as consideration of technical assessments.
- The LGO report was published on the 9th of December and any information shared with the LGO was shared with the Cabinet Member.
- The Director for Adults and Health was not aware of any other Local Government Ombudsman reports to be published on Haringey complaints, concerning aids and adaptations.

RESOLVED

1. To accept the findings and recommendations of the Local Government and Social Care Ombudsman (LGSCO) in the report shown at Appendix 1.
2. To endorse the actions taken by the Council as set out in paragraphs 6.11 to 6.14 of the report.

3. To adopt the report as the Council's formal response under s.31 Local Government Act 1974, to be communicated to the Ombudsman.
4. To adopt the report as the Cabinet's formal response as required by s5A Local Government and Housing Act, 1989, for distribution to all members and the Monitoring Officer.

Reasons for Decision

The LGSCO report published on 9 December 2021 issued a finding of: Upheld; maladministration and injustice. That Mr X suffered injustice because of fault, under Section 31(2) of the Local Government Act 1974.

The LSGCO identified several areas of fault:

- Periods of delay between Oct 2016 and Feb 2019. (Notwithstanding that the family delayed responding to the Council by 1 year when the request was first made in 2015)
- Failure to evidence that meaningful support was offered to the family or that they were meticulously kept informed of the status of their application
- Further delay between Feb 2019 and Sept 2019
- Failure to install two changing benches in Feb 2019 and poor record keeping about this
- Failure to evidence proper consideration was given to the family's request for alternative adaptations.

The LGSCO has recommended the following action be taken:

- The Council must consider the 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) 87.

In addition to this requirement, the Council should take the following action:

- Apologise in writing to Mr and Mrs X.
- Pay Mr and Mrs X £2,000. This is a symbolic payment to acknowledge the significant delay in this case. Mr and Mrs X intend to use it to fund a family holiday for the benefit of Child Y. In deciding on this amount, we considered our Guidance on Remedies.
- Contact Mr and Mrs X to agree what works remain outstanding. The Council should confirm what has been agreed in writing. These agreed works should be completed within four weeks from the date COVID-19 restrictions have been lifted to the extent that Mr X is comfortable with contractors coming into the family home. The Council has confirmed discussions are taking place with Mr and Mrs X to agree a suitable way forward; and
- Reflect on the issues raised in this decision statement. The appropriate Service Director should carry out a review and identify any areas of service improvement. The Council should prepare a short report setting out what it intends to do to ensure similar problems do not reoccur, particularly around delay and strip washing.

It should be noted that the Council has already reported back to the Ombudsman in response to a draft version of this report.

Alternative Options Considered

The LGSCO cannot mandate the Council to follow its recommendations, but local authorities do follow them.

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

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

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

759. REPORT FROM THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN (REFERENCE NUMBER 20 006 289) NON KEY

The Leader of the Council introduced the Council's response to the Local Government and Social Care Ombudsman issued a report on 10 January 2022 in response to a complaint from a resident of the borough (Mr X) with regard to the Council's decision not to acquire his home, the manner in which this decision was made and the communication from the Council to Mr X.

The Ombudsman made recommendations to the Council with regard to the appropriate next steps and these were being taken forward.

The Leader of the Council apologised to Mr X for the stress and uncertainty caused him. The Council was committed to implementing the Ombudsman's recommendations in full and had already issued a formal letter of apology to Mr X and paid him £1,000. The next report on the agenda would reconsider all possible options for the development site at Cranwood and Woodside Avenue.

The Leader wanted to ensure that nothing like this ever happened again and had asked the new Chief Executive to review arrangements for how property decisions were taken in the future and acquisitions are made to make sure that the decision-making process is robust, transparent and accountable. The Leader of the Council had also convened an independent external investigation into historical arrangements for property transactions.

Following questions from Cllr Cawley- Harrison, Cllr Ejiofor, the following was noted.

- With regards to the LGO report noting non response and non-co-operation, this related to a specific incident where one email from Mr X, sent in April 2018, which was not responded to and officers accepted that this was not right and

- emails should be responded to. Officers present in the meeting were not employees of the Council and service at this time, and could only speculate that the plans for the site in April 2018 were in flux due to the pause in the creation of the HDV and before an election period in which there was likely to be a change in direction. This may have guided this non response to the email.
- In response to a question on specific flaws and responsibility for this, the LGO report referred to March 2020 decision making as a 'flawed' and this had been accepted as the Council and LGO report derived that injustice had occurred and Council apologised and paid compensation. Also section 4.2 of the report clearly set out the flaws in the decision making and reasons for this.
 - Responding to the information at Paragraph 37 that the outcome of the decision making would not have been any different, it was noted that the LGO report sought reconsideration of the decision and this would be taken forward in the next item.

RESOLVED

1. To note the findings and recommendations of the Ombudsman in the report shown at Appendix 1.
2. To note the implementation of the Ombudsman's recommendations as set out in paragraphs 6.2 and 6.3.
3. To adopt the report as the Council's formal response under s.31 Local Government Act 1974, to be communicated to the Ombudsman.

Reasons for decision

As set out in the Ombudsman's report, Mr X has been found to have suffered injustice as a result of faults on behalf of the Council.

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).

Alternative options considered

The Council could choose not to implement any of the recommendations made by the Ombudsman.

760. RECONSIDERATION OF THE PROPOSALS FOR THE DEVELOPMENT OF THE SITE OF THE FORMER CARE HOME AT 100 WOODSIDE AVENUE AND THE TERRACES AT 102 TO 108 AND 110 TO 116 WOODSIDE AVENUE.

The Cabinet Member for introduced the report which took forward one of the recommendations from LGO report considered at item 759 and resolution 2 above

which was for the Council to reconsider the proposals for the development of the site of the former care home at 100 Woodside Avenue and the terraces at 102 to 108 and 110 to 116 Woodside Avenue.

It was noted that prior to the issue of this report, the Council commenced a procurement exercise for a contractor to build out the scheme if planning was successful. This procurement has been put on hold while the reconsideration has been taking place. The Cabinet Member wanted residents to be assured that the Council had considered, in detail, every alternative option for this site as outlined in the report. The Cabinet Member welcomed the opportunity of going through the options for this site from first principles with detailed financial analysis.

The Cabinet Member advised that the weight of evidence in favour of the preferred option made it clear that this was the only option, the Council should be taking forward. The preferred option set out performed better financially than all the other options, delivered homes more quickly and minimised disruption to residents.

In response to questions from Cllr das Neves, Cllr Dogan, Cllr Diakides, Cllr Chandwani, Cllr Davies, Cllr Brabazon, Cllr Cawley- Harrison and Cllr Ejiofor, the following information was noted.

- Issues with having the previously estimated higher number of homes on the site, identified in the detailed design works were: overshadowing, potential splitting of the site as a mains water way underneath, problems with providing access to amenities, plants, car parking, refuse bay area.
- Also if the terraced homes were demolished, and taking into account the above, there was only potential to add in three storey buildings, meaning a net additional 6 homes.
- There had been a calculation of values of the development set out over a 50-year period. It was explained that whilst comparing all different options, it had been assumed that £2.15m paid for the previous home purchased was assumed as neutral in all options and that there would be the loss of income for the Council from the 7 existing terraces would be factored in for options 2 and 3. These options had been evaluated on the basis of net present values. Private sale values had been established using an independent valuer.
- Responding to the questions about assurance on the process for housing schemes going forward, and not repeating issues of this particular scheme, the Cabinet Member explained that the Council took the LGO report seriously and supported by the Leader, as previously set out, there would be an external investigation into the historic decision making process of the Cranwood development.
- In relation to ensuring that all Council housing schemes were considered in a diligent manner, there had been an improvement in the last couple of years in the decision making and review process. There was now an established Housing Development team with a robust process in place. Cabinet noted that a number of housing schemes had now come forward through an established gateway procedure with checks and balances at each stage. This would be as follows:
 - **Gateway zero - Cabinet decision to work out the feasibility of the site and no money spent until Cabinet approval.**

- **Gateway 1 Council's Housing Delivery Board – officer board agrees budgets from feasibility through to planning.**
- **Gateway 2 – planning decision and this can be a Planning Sub Committee decision or officer delegated decision depending on size and nature of the scheme.**
- **Gateway 3 – contract award decision before embarking works on site**
- **[Therefore this scheme would come back to Planning and back to Cabinet on the as set out above.**
- **Gateway 4 would include practical completion and Gateway 5 referred to the settling of the defect period.**
- Considering that the LGO report was only issued 2 months ago, assurance was provided that there was significant work completed on the detail of the attached report and the options and proposal that it contained. It was important to provide a timely response to the LGO recommendations and to provide assurance to tenants and interested parties about the future of the site. The Cabinet Member and officers were confident that they had reviewed the options thoroughly. Given the amount of design work that had taken place on the scheme there had been a range of previous design options available to consider. These had been assessed through a process of elimination, resulting in the attached options presented to Cabinet. These were the most financially viable options that reflected the aspirations of development programme.
- Tenants were assured that the recommendations put forward meant that there was no longer threat of developing the two terraces and their homes being knocked down.
- It was clarified that paragraph 3.1b – referred to the former Cranwood site care home and 2 blocks of terraces and the 7 homes owned by the Council were 7 individual houses on the block of terraces which made a total of 8 homes.
- In relation to the recommendations proposed further disadvantaging Mr X, there was no obligation on the Council to buy people's properties when there was not a need to buy those properties. The report showed that the purchase of 104 Woodside Avenue would not allow more housing on the site or more funds to be added to the HRA to provide more homes elsewhere. There was no recommendation from the LGO report suggesting purchasing Mr X's property in the absence of developing the two terraces.
- There were lessons learned on negotiating with homeowners and leaseholders, including having discussions recorded and documented.
- The Leader asked officers to ensure there was communication with the tenants and relevant parties setting out the outcome of this decision and that this should go out as soon as possible after the meeting.
- Regarding the level of detail in the report to enable an informed decision, it was noted that the report included the usual level of detail provided for development schemes. The report had been assessed and commented on by Finance team and was an accurate reflection of financial considerations
- In relation to 106 Woodside Avenue being passed to the Community Benefit Society and how decisions were made on this entity including the home rather than Council tenants, noted that there was a programme of homes for the HCBS. It was the existing practice for acquiring properties to lease them Community Benefit Society. This was also set out in the Medium-Term Financial Plan as the Council's recognised approach.

- The Cabinet Member agreed that the process of decision before Cabinet was robust enough and the decision was the right one to approve.
- Regarding the level of compensation payments for the inconveniencing of Mr X, this was not a matter for Cabinet to comment on but a matter for the Local Government Ombudsman who compiled the recommendation.

RESOLVED

- a) Not to acquire 104 Woodside Avenue
- b) Not to consider the potential decanting of the tenanted homes belonging to the Council at 102 and 106 to 116 Woodside Avenue
- c) To proceed with the development of the proposal for 100 Woodside Avenue as outlined in the planning application HGY/2021/2727 as set out in paragraph 4.2 of this report[*this was incorrectly referred to as paragraph 3.2 in the published report but the planning application is clearly set out at paragraph 4.2*]
- d) That a further report will be brought to Cabinet for final decision regarding this development in due course.

Reasons for decision

Since the decision not to include the terraces on Woodside Avenue in March 2020 in the redevelopment of 100 Woodside Avenue site, the Council has developed plans for a scheme of 41 new homes (32 social rented and 9 outright sale) on the site of the former care home only. This is the scheme set out in planning application HGY/2021/2727. This will also mean the retention of the neighbouring terrace of existing Council homes (see para 3.2 below shaded in light grey – 7 Council/HCBS homes, excluding one private freehold home at 104 Woodside Avenue). This would result, including the existing tenanted homes in the calculation, in a total of 39 Council-owned homes on the whole site.

The designs of the proposed site (as per HGY/2021/2727) if preferred option were to be developed out can be seen below:



This iteration of the scheme has been tested and is the most financially advantageous of the proposed options.

Progressing with these plans for the site and continuing the process of seeking planning approval for this version of the scheme is the preferred option. It is the most financially advantageous scheme and is at an advanced stage of design development. This scenario would therefore most strongly support continued achievement of Priority 1 of the Borough Plan – a vision of a ‘safe, stable and affordable home for everyone, whatever their circumstances’.

The preferred option would mean that the Council does not have to demolish residents’ homes at 102, 106-108, and 110-116 Woodside Avenue. It would also mean the Council had no reason to acquire the freehold property at 104 Woodside Avenue.

For the purposes of appraising the options, the assumption that has been followed is that the cost of the acquisition of 106 Woodside Avenue is not included in the comparative appraisal as it has already been incurred.

Given that 106 Woodside Avenue does not now form part of the preferred option, it would continue to be leased to the Haringey Community Benefit Society (HCBS). The price paid for the property reflected the assessed land assembly value at that time. Subsequent to that, detailed design work on the site has made it clear that the development value of including the terraces on the scheme is lower than previously thought. In the period since, the Council has changed its valuation methodology for acquisitions of this nature.

Alternative options considered

Alternative Option 1

Not to develop the site for housing. The site has a site allocation in Haringey Council's Development Planning Document, and any alternative use is not likely to gain planning approval. This would mean that the site would continue to be underutilised and not deliver much needed housing in the borough.

Alternative Option 2

An option has been considered and tested for acquisition of the remaining freehold house (104 Woodside Avenue), decanting of the existing 7 Council/HCBS homes in the terrace, and the re-development of the whole site. Architects indicate this redevelopment would deliver 55 new homes across the whole site.

Below are some indicative plans for the re-development of the whole site, producing 55 homes in total:



Testing of this option by our Architects has indicated that it is likely to be undeliverable because of the additional requirements for access roads, parking, refuse storage and amenity space, which do not apply if the existing homes are retained.

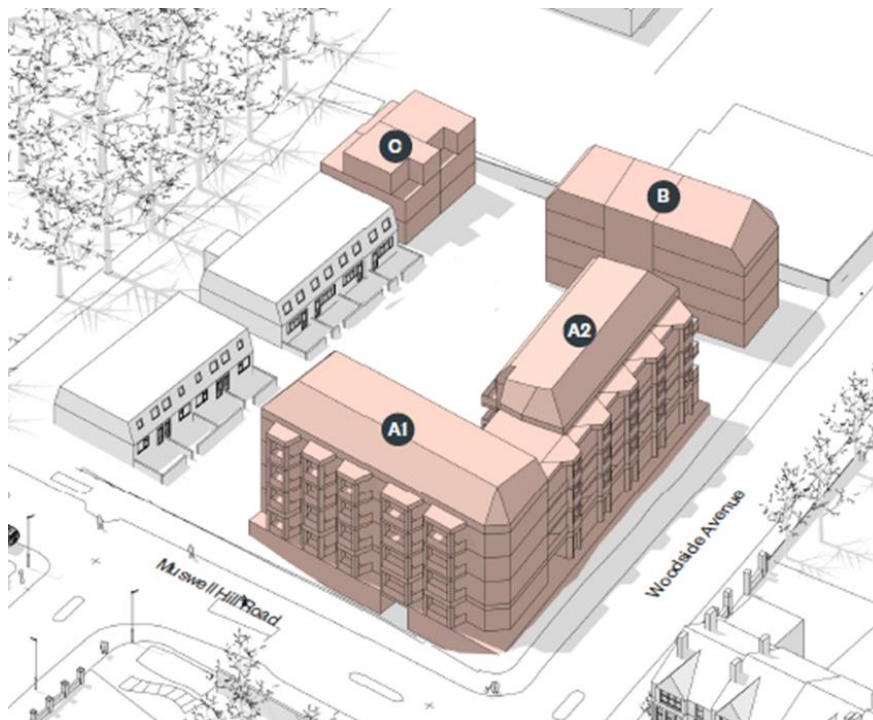
This option has also been tested financially. In this option, as well as option 3, we have assumed that it would cost us £1.75m to purchase Mr X's property as this is the most recent offer that he has made us. In our financial modelling, officers began by seeing if the scheme could work financially if 40 of the 55 homes were to be delivered for social rent (i.e., 1 more net Council home than the preferred option). Officers then tested other potential mixes of Council and private housing. Ultimately Officers found that this option is less financially advantageous than the preferred option even if only 32 homes in block A are delivered for social rent and all the remaining 23 new homes are sold. This would continue to be the case even if Mr X was prepared to sell his property to the Council for £850,000. This alternative option would also have a net loss of 7 Council homes compared to the preferred scenario.

This option would further require a new consultation process based on a 'meaningful' design under s105 of the Housing Act 1985 due to the loss of existing homes and the permanent decanting of existing tenants. If one was to assume the completion of that consultation and a consequential favourable decision that involved the demolition of the existing properties, there would then be a need to assess the existing tenants' needs and, once identified, decanting them into suitable alternate homes. Officers' experience indicates this process could take more than a year to achieve.

For these reasons, Cabinet is recommended not to consider proceeding further with Alternative Option 2.

Alternative Option 3

The Council has considered a third option as a 'mid-point' between the preferred option, and alternative option 2. The following image helps demonstrate the option in question:



In option 3, planning application HGY/2021/2727 would be progressed and approval would be sought. Blocks A1 and A2, which are planned to contain 32 social rented homes, would then be put out to tender for a main build contractor and their development progressed. In the meantime, Blocks B and C, and the existing terrace would be redesigned to facilitate a future re-development. Whilst the re-design was happening, the residents of the terrace would be consulted with and depending on the outcome of that consultation and further decision-making, new homes would be found for them. This option would also necessitate the freehold of 104 Woodside Avenue being acquired. The re-designed Blocks B, C and terrace would then be progressed as a new planning application and brought forward accordingly.

The Council's Architects have indicated that this phased iteration of the scheme would run into many of the same issues as those set out in option 2 because of the additional amenity requirements caused by any increased density.

Officers have also tested the financial viability of this option, which performs even more poorly than option 2, even if all homes other than those in Blocks A1 and A2 were built for market sale. This is due to an increase in interest and a later receipt of cross subsidy. Moreover, like option 2, this scenario would see a net loss of seven Council rented properties from the site.

For these reasons, Cabinet is recommended not to consider proceeding with Alternative Option 3.

761. ADOPTION OF WALKING AND CYCLING ACTION PLAN

The Cabinet Member for Environment, Transport and the Climate Emergency and Deputy Leader of the Council commended the Transport and Highways teams for bringing together their expertise and joint ambition to respond to a vision for active travel in the borough. The attached report documented the responses to a consultation on the Draft Haringey Walking and Cycling Action Plan (WCAP/Plan) (8 November 2021 – 10 January 2022) and the Council's response to these, and recommended Cabinet adopted the WCAP as amended in response to the consultation responses.

The Cabinet Member referred to the Draft Haringey Walking and Cycling Action Plan (WCAP/Plan) as being an appendix to the Haringey's Transport Strategy (2018) which sets the transport objectives for the borough over the next 10 years and outlines clear priorities to reduce the reliance on the private car, increase walking and cycling and enhance the public transport network.

It was noted that at the heart of this strategy, there was the need to tackle air quality, improve quality of life and wellbeing and working towards a carbon zero borough. Enabling more trips to be made by walking and cycling in Haringey remained the overarching objective of the Strategy.

The Cabinet Member highlighted the changes made to the Draft Haringey Walking and Cycling Action Plan as a result of the consultation response, links to other strategy in health and adult's services and connections between local destinations .

In response to questions from Cllr Bevan , Cllr Chandwani, Brabazon, Cllr Davies, das Neves, and Cllr Cawley- Harrison, the following was noted.

- The latest TFL funding settlement of three years meant that they were funding active travel with LIP funding back to recent historic levels.
- Cycle hangers were a core part to the solution for active travel and the Council had allocated £200k of Council money, annually and for three years for cycle storage. This would still allow TFL funding to be added to this allocation for bike hangers.

- The Plan was neutral on funding sources and could allow a range of funding sources to be applied for.
- Noted that having a strategy and action plan to refer to in funding bids supported access to the wider grants and funding bids .
- There was £475k investment in parks, over two years and green spaces. This included lighting improvements, updating lighting columns, changing to LED lighting and adding lights to central system so that when lights were faulty the Council could detect and can locate the lighting column quickly to respond to safety concerns. This related to wider parks action plan and further reflected that the plan had been compiled in the context of other schemes and strategies which included safety of women and girl sand having safer routes to walk.
- The plan addressed accessibility and accommodating families access green spaces.
- Imperative Haringey was the most accessible borough in London and need do pioneering work on this. Addressing this through transport planning in highways and setting up stakeholder groups including disability groups .
- Boundary review of Finsbury Park - accessibility and reach and people that are affected feed into the process.
- With regards to delivering cycle training , it was imperative to prioritise active healthy travel , improving cycle infrastructure is key and looking at how to redesign the service using a co-production model and embed cycle training in the long term, need young people with confidence and skills learning how to ride bike
- Maintaining ecology and balance protection of biodiversity and ensuring parks were safe for all people at all times was essential. Council investing in a LED system and connection to central system which will enable the Council to dim lights and turn them on and off in required areas.
- Communicating better that a vision and some inventions meant that there was now an updated map will include information that indicative plans for LTNs.
- Responding to the query that some works that have fallen in between Highways and Strategic Planning service and that some works may also have benefitted from place making views , these services had worked together on Schools' Streets and LTN's and working together closely would continue with the Walking and Cycling Action Plan.
- Outlined in the plan were cycle routes which would connect borough boundaries to borough boundaries as active travel corridors for commuting. The Plan highlighted that active travel is for all uses, regardless for leisure or work.
- Accepted that there can be changes and nuances added. However, also a wider document which will be applicable and referenced by key Council services such as Adults and Health.

RESOLVED

1. To note the responses received in response to the consultation on the Draft Walking and Cycling Action Plan (WCAP), the Council's responses to these set out in Appendix C, and the consequent changes made to the Draft Walking and Cycling Action Plan;
2. To adopt the Walking and Cycling Action Plan as set out at Appendix D;

3. To delegate to the Assistant Director for Planning, Building Standards and Sustainability to make changes to the formatting of the Walking and Cycling Action Plan and the maps within it before publication.

Reasons for decision

The WCAP is needed to deliver the Council's adopted Transport Strategy and to enable more trips in Haringey to be made by walking and cycling. The WCAP ensures clarity around the Council's active travel priorities for managing our transport network and to support the delivery of the Borough Plan objectives for growth and regeneration, as well as improving health and environmental quality. The WCAP will also help support the emerging New Local Plan to help shape new developments.

Alternative options considered

The alternative options considered are:

Option 1 – Not to adopt the WCAP. The disadvantages of this are that the Council would not meet its commitment in the Haringey Transport Strategy to produce a WCAP, it would not have a specific adopted guidance plan to enable increased walking and cycling in the borough, and there would not be an agreed strategic approach to walking and cycling which sets priorities, supports coordinated decision making and will help the Council target resources effectively having regard to Transport for London's (TfL's) currently very limited funds as a consequence of Covid-19.

Option 2 - To adopt the WCAP without any changes to the Draft WCAP following public consultation. This option would be contrary to the requirement for the Council to take into account all consultation responses received before adopting the WCAP. This would mean not taking account of important feedback from the community and the stakeholders and would not allow changes to be made to the Draft WCAP which would improve the robustness of the Plan as a whole.

762. HOUSING STRATEGY CONSULTATION

The Cabinet Member for House Building, Place-Making, and Development introduced the report which asked Cabinet to approve a draft new Housing Strategy for Haringey and to agree to commence a consultation on this new Housing Strategy.

It was explained that the existing Housing Strategy was for 2017-2022 and that a new strategy needed to be developed. The proposed Housing Strategy would be for 2022-2027 and set out four key aspects: delivering new homes, improving the quality of homes and services for the social housing sector, improving conditions in the private rented sector, and preventing and alleviating homelessness. It was added that the strategy also acknowledged the importance of responding to the climate emergency and of ensuring that the Council worked holistically across services.

The Cabinet Member responded to questions from the Cabinet:

- It was acknowledged that there was a need for consistency and joint working across Council services. In relation to a query about Houses in Multiple Occupation (HMOs), it was noted that officers were working to align licensing and planning policies to ensure clarity for all parties.

The Cabinet Member responded to questions from Councillor Cawley-Harrison:

- It was stated that most new build scheme council homes would have air source heat pumps which would be connected to the District Energy Network (DEN) and this would make it cheaper to heat homes. It was noted that some homes may need to use gas boilers as a temporary solution before new units were connected to the DEN. It was added that new council homes would be targeting high standards of sustainability which were being achieved on a number of schemes.
- In relation to queries about the accessibility of council homes, it was explained that the Council Housing Delivery Programme was delivering wheelchair accessible and adaptable homes. It was also highlighted that the Council was taking an innovative approach to designing bespoke homes which would be made specifically for residents who could not be housed in existing provision. It was noted that the Council had identified approximately 200 households who would benefit from the bespoke housing programme.
- It was noted that the Council had missed housing delivery targets over the last few years and it was enquired how delivery would be increased. It was explained that the Council's performance in delivering housing, as required by the Housing Delivery Test, had been improving. It was noted that, since January 2022, the Council no longer faced the presumption in favour of sustainable development penalty. It was stated that, although housing delivery was not always in the Council's direct control, the housebuilding programme would assist with meeting delivery targets. It was added that the Council had published a Housing Delivery Test Action Plan for the last few years which set out a plan to bring forward housing delivery as much as possible.

RESOLVED

1. To note the Draft Housing Strategy attached at Appendix 1.
2. To agree to hold a public consultation, alongside other forms of participation and engagement, later in 2022.
3. To delegate to the Director of Housing, Regeneration and Planning, after consultation with the Cabinet Member for Housing, Placemaking and Development, approval of final consultation documentation.

Reasons for decision

Haringey's current Housing Strategy runs from 2017-2022. A new Housing Strategy therefore needs to be developed.

As a key policy document for the Council and Borough, the Housing Strategy is subject to statutory consultation. In addition to this statutory requirement, the Council is committed to enabling residents to actively participate in service design and

strategy development. Following engagement and consultation, a final Housing Strategy will be developed and presented to Cabinet for approval.

The Housing Strategy forms part of the Council's Policy Framework. As such, the final Housing Strategy will be presented to Full Council for approval.

Alternative options considered

Not to develop a new Housing Strategy. This was rejected because, even though a Housing Strategy is not a statutory document, it is an important part of the Council's policy framework and sets the direction of travel for housing.

763. LONDON BOROUGH OF HARINGEY PROPOSED SELECTIVE PROPERTY LICENSING SCHEME

The Cabinet Member for Planning , Licensing and Housing introduced the report which sought a decision from Cabinet to consider whether to authorise the designation of an area as subject to selective licensing when considering the consultation outcomes, evidence, and prescribed criteria within Part 3 of the Housing Act 2004. This was following the findings of the statutory consultation on selective licensing which ran from 17th May 2021 to 5th September 2021.

The Cabinet noted that more than a third of Haringey's residents rented their home from a private landlord. The number of privately rented homes was increasing and the Council wanted to ensure all privately rented homes were decent and safe. The private rented sector provided a much needed and valuable source of accommodation for the wide range of individuals, and increasingly families, that require this type of accommodation.

Noted that the new selective licensing scheme fell within all 12 wards to the east of the borough. This scheme would make it mandatory for any landlord renting a property to a single-family household or two unrelated sharers to licence this property with the Council. This proposed scheme will complement the existing property licensing scheme that we have in place for property rented as Houses in Multiple Occupation, which has been in operation since May 2019.

Following decision at Cabinet this will be considered by the Government Ministry responsible for local government.

Questions from Cllr Davies, Cllr Brabazon, Cllr Chandwani, Cllr das Neves, and Councillor Cawley- Harrison, were put forward and the following noted.

- Previous ward boundaries were included, as the consultation had been based on this and the government department agreed to this. There was a look up system available to allow tenants and landlords to add in address and find out if a license is needed or property already licensed.
- Acceptance of the scheme was aimed for. There had been 2 wards taken out as their inclusion would have caused a risk of refusal of the whole scheme. It was noted that the specialists' advisors , supporting the review of the scheme, had worked with Enfield and Waltham Forest and had a wealth of experience.

- There had been arm's length meetings with the ministry and steer provided. Feedback given that strong submission and also having a draft housing strategy with a section on private sector housing was positive.
- Noted that the extra revenue produced will provide for additional officers in the selective licensing team to be recruited. Satisfied extra revenue will enable the enforcement activities to be taken forward.
 - With regards to preparing for the scheme, once it was agreed and starts, the plan was to move staff from the HMO Licensing team to the selective Licensing team and also take forward a new recruitment programme to ensure good staffing levels to deliver the selective licensing scheme, should approval be given by ministry .
 - Principle of having an agile workforce being taken forward to ensure meet the needs of the project as it progresses and adapt staffing levels accordingly. Considering a separate distinct HR strategy to ensure good recruitment strategy, including apprenticeships to fill posts.
 - The submission of other successful borough's selective licensing schemes was not shared by government and service working with other local authorities and understood what has worked well or not well.
 - With regards to the removal of the Stroud Green and Hornsey wards from the scheme, this was taken forward after further considering criteria on deprivation, property improvement, and tackling ASB. On reflection the evidence base for the tackling ASB was not felt strong enough to allow acceptance. Also deprivation levels considered for these wards and they did not meet criteria on indices of deprivation. Harringay and Bounds Green wards met the requirements for indices of deprivation, property improvement and ASB.

RESOLVED

1. To consider the evidence of poor property conditions and deprivation within the private rented sector properties as detailed in Appendix 1.
2. To consider the outcome of the consultation and the Council's consideration of those finding in Appendices 3 and 4 with particular note to the proposed removal of designation 2 (Hornsey and Stroud Green Wards) as a result of consultation and analysis.
3. To consider the Council's strategic approach linking the proposed selective licensing scheme with the Council's wider strategic approach to the private rented sector as set out in paragraph 7.2 of the report.
4. To approve the designation of 12 wards – (White Hart Lane, Northumberland Park, Bruce Grove, Seven Sisters, Tottenham Hale, Tottenham Green, St Ann's, West Green, Harringay, Noel Park, Bounds Green, Woodside) as delineated in the map at Appendix 2 – as subject to selective licensing pursuant to Part 3 of the Housing Act 2004, subject to confirmation by the Secretary of State for Department of Levelling Up, Housing and Communities. (DLUHC)
5. To approve the proposed licence conditions applying to any selective licence at Appendix 5.

6. To approve the proposed fee structure for licence applications made under the selective licensing scheme at Appendix 6.
7. To authorise the Director for Environment and Neighbourhoods, in consultation with the Cabinet Member for Housing the authority to: -
 - (i) Agree the final document requesting confirmation of the selective licensing designation from the Department of Levelling up Housing, Communities (DLUHC) in consultation with the Director.
 - (ii) Ensure compliance in all respects with all relevant procedures and formalities applicable to authorisation schemes.
 - (iii) Keep the proposed scheme under review during the designation lifetime and agree any minor changes to the proposed implementation and delivery, including administration, fees and conditions and give all necessary statutory notifications.
 - (iv) Ensure that all statutory notifications are carried out in the prescribed manner for the designation and to take all necessary steps to provide for the operational delivery of any licensing schemes agreed by Cabinet.

Reasons for decision

There has been significant growth in the Private Rented Sector (PRS) in Haringey over the last 10 years from 23.9% to 40.2 % (Metastreet Ltd ti 2020). This sector offers housing that Haringey values and wants to see as strong, healthy, and vibrant. However, the reality is that many properties within the private rented sector fall short in terms of property condition and its overall management. Our aim is for a better private rented sector that offers security, stability, and decency for its tenants. (See *Appendix 1*)

It is estimated that of 39,564 properties in the private rented sector in Haringey 11,771 (26.9%) (Metastreet ti 2020) are in poor condition. This is double the national average (13%). In addition, 2,714 complaints have been made to the Council's Private Sector Housing Team, by private tenants regarding poor property conditions and inadequate property management over the last 5-year period. (See *Appendix 1*)

Haringey is also a borough with high deprivation levels. Deprivation is lack of income and other resources, which together can be seen as living in poverty. Haringey is recorded in the English indices of deprivation 2020 as the 4th most deprived borough in London, and 49th most deprived in England (of 317). Haringey has the highest homelessness duty owed of any London borough, the highest claimant rate of Universal Credit in London and the highest unemployment rate in London at 9.3% (ONS 2021). (Sept 2021). (See *Appendix 1*)

Haringey has high levels of fuel poverty caused by deprivation, the age and condition of its housing stock. As a direct result of deprivation and poor housing conditions, the

PRS suffers from fuel poverty. A consequence of this is that it can contribute to residential carbon emissions. The Council has a commitment through its Affordable Energy Strategy and Haringey Climate Change Action plan to reduce fuel poverty and to be carbon net zero by 2041. We know the PRS makes up just under half the housing stock in Haringey, and PRS landlords are therefore key players in helping to achieve these goals.

In the proposed designation there are 29,558 total predicted PRS properties (including Houses of Multiple Occupancy (HMOs), of which 4.9% or 1,448 have non-compliant energy performance ratings for the property. As part of the Proposed scheme, we aim to tackle poor energy performance and in turn expect to support those living in fuel poor homes. (See Appendix1)

Selective Licensing is a tool that local authorities can seek approval to use alongside their normal enforcement powers to target specific issues that are affecting the local authority and its community, as outlined in paragraphs 4.1 to 4.4. Our proposal will seek to use these powers to tackle poor property conditions and deprivation.

Selective licensing would allow the local authority to regulate landlords to manage this sector more effectively and through the use of licence conditions under S. 80 of the Housing Act 2004 require landlords to take action to improve the quality of the homes they rent and manage those properties more effectively.

Legislation requires that an area may only be designated if it has a high proportion of property in the private rented sector. Guidance from the Secretary of State provides that this is met where the proportion is higher than the national average, which in England is 19% of the total housing stock. The area must also meet one or more of the following 6 statutory grounds; that it is:

- an area of low housing demand (or is likely to become such an area).
- experiencing a significant and persistent problem caused by anti-social behaviour and that some or all of the private landlords letting premises in the area are failing to take appropriate action to combat that problem.
- experiencing poor property conditions in the privately rented sector.
- experiencing or has recently experienced an influx of migration and the migrants occupy a significant number of properties in the privately rented sector.
- suffering high levels of deprivation affecting those in the privately rented sector.
- suffering high levels of crime affecting those in the privately rented sector.

In summary:

- currently Haringey's PRS sits at an estimated at 40% well above the national average for England which is 19%.
- Almost 27% of PRS property in our borough has poor property condition, this is double the national average of 13%.
- Haringey is the 4th most deprived borough in London and the 49th in England.
- Just under 5% of PRS property in Haringey fails to have a legally compliant Energy Performance Certificate contributing to the high levels of fuel poverty seen in our borough.

764. LETTING OF BUILD CONTRACT FOR CHOCOLATE FACTORY PHASE 1

At this point in the meeting, Cllr Diakides left the room.

The Cabinet Member for House Building, Place-Making and Development introduced the report which asked Cabinet to approve the letting of a build contract in relation to the construction of affordable housing at the Chocolate Factory, N22 (Phase 1). The report also requested the appropriation of the land for planning purposes, approval to exercise powers under s203 of the Housing and Planning Act 2016, and appropriation of the land for housing purposes upon Practical Completion.

The Cabinet Member explained that this project was a key milestone in the Council's housebuilding programme and would provide 80 Council rent homes. It was stated that the project would be renovating a derelict site, would provide homes and workspaces, and would also contribute to the regeneration of the area.

The Cabinet Member responded to questions from the Cabinet:

- It was noted that Area 51, a group supporting young people and adults with disabilities, was located at Mallard Place. It was confirmed that there would be ongoing discussions with Area 51 who would be part of the process as the comprehensive scheme was developed. It was noted that solutions were being investigated and it was acknowledged that relocating this group would be long and detailed process.

The Cabinet Member responded to questions from Councillor Cawley-Harrison:

- In response to a question about development in the local area and pressure on services, it was explained that there would be a comprehensive approach for the Wood Green Cultural Quarter and that any required services would be considered holistically.
- In response to a question about when the homes would become habitable, it was noted that the build programme for this project was anticipated to be two years but that it may be possible to deliver slightly earlier.

Following consideration of the exempt information, it was

RESOLVED

1. To approve the appointment of the recommended Contractor (identified in the exempt part of the report – Appendix 3) to undertake the new build works for the scheme known as the Chocolate Factory Phase 1 for a contract sum set out in Appendix 3. Please refer to paragraph 16 of Appendix 3
2. To approve the appropriation of the land at the Chocolate Factory site (edged red in the plans attached at Appendix 2) from general purposes to planning purposes under Section 122 of the Local Government Act 1972 as they are no longer required for the purpose which they are currently held, and for the purpose of carrying out development as set out in section 6 of this report.
3. To approve the appropriation of the land at the Chocolate Factory site (edged red in the plan attached at Appendix 1) from planning purposes to housing purposes

under Section 19 of the Housing Act 1985, after practical completion of the construction works.

4. To approve the appropriation of the land at the Chocolate Factory site (edged red in the plan attached at Appendix 1) from the General Fund to the HRA (at practical completion of the construction works) at the value of £500,000.00; representing the apportioned purchase and associated acquisition costs of the Chocolate factory site.
5. To approve the use of the Council's powers under Section 203 of the Housing and Planning Act 2016 to override easements and other rights of neighbouring properties infringed upon by the Chocolate Factory Phase 1 development under planning permission Ref: HGY/2017/3020 and by the subsequent s96a amendment to this permission, under planning Ref: HGY/2021/0624.
6. To delegate to the Director of Housing, Regeneration and Planning, after consultation with the Director of Finance and the Cabinet Member for House Building, Placemaking and Development authority to make payments of compensation as a result of any infringement arising from the development and the recommendation 3.1.3, within the existing scheme of delegation.
7. To note a total scheme-to-completion cost is contained at Appendix 3.

Reasons for decisions

The acquisition of the head leases held by Workspace over Council owned freehold land at the Chocolate Factory site and the neighbouring Mallard Place site were approved by Cabinet in October 2020. The intention was both sites would ultimately enter the Council's housing delivery programme, with the Chocolate Factory Phase 1 progressing first as it already had an extant planning consent. A s96a planning amendment has subsequently been approved to facilitate the development of the site (given the Council is acquiring part of the wider Chocolate Factory site with Workspace developing the rest).

Completion of the acquisition of the two head leases took place on 10th February 2022. The Council's site (known as the Chocolate Factory Phase 1) is now ready to progress to construction, with priority given to commencing development of the affordable housing. This report therefore marks the second, and final, Member-led decision to develop this site for social housing.

Following a formal tender process, a contractor has been identified to undertake these works.

The head leases will be merged with the freehold title which is held in the General Fund and appropriation of the Chocolate Factory Phase 1 site for planning purposes is required as it will allow the Council to use the powers contained in section 203 to override easements and other rights of neighbouring properties and will prevent injunctions that could delay or prevent the Council's proposed developments. Section 203 converts the right to seek an injunction into a right to compensation. The Chocolate Factory Phase 1 site will need to be appropriated back from planning

purposes to housing purposes on completion of the development to enable the Council to use the land for housing and let eighty new Council homes at Council rent.

The development of new Council homes and affordable workspace at the Chocolate Factory Phase 1 will also serve as the Council's first direct delivery project to contribute towards the objectives and ambitions of the 'Wood Green Cultural Quarter', a Council-led plan to coordinate the regeneration and economic development of the area to the west of the High Road in Wood Green

These recommendations are also necessary at this time to support the Council's ambition to achieve 1000 starts on site before the end of March 2022, with GLA grant funding for the site also being contingent upon achieving a start on site by this date.

Alternative options considered

It would be possible not to develop the Chocolate Factory Phase 1 site for housing. However, this option was rejected as it does not support the Council's commitment to deliver a new generation of Council homes and considering the rationale behind Cabinet's decision to acquire the head leases in the first place.

This opportunity was procured via a competitive tender using the Westworks Development and Construction Dynamic Purchasing System. The Council previously issued a tender via the London Construction Programme (LCP Major Works 2019 Framework Agreement, the recommended route for a contract of this value, but this resulted in only a single tender being returned, which did not meet the Council's requirements, principally in relation to the construction cost. The choice of an alternative framework was considered and ultimately utilised only after first testing the Council's own procurement framework.

The Council could continue with the scheme without appropriating the site for planning purposes, but this would risk the proposed developments being delayed or stopped by potential third party claims. By utilising the powers under Section 203 of the Housing and Planning Act 2016 (HPA 2016), those who benefit from third party rights will not be able to seek an injunction since those rights or easements that are overridden are converted into a claim for compensation only. The Council recognises the potential rights of third parties and will pay compensation where a legal basis for such payments is established.

When seeking planning permission, Workspace actively engaged with local residents about the development of these sites as they proceeded through the feasibility and design stages and any comments or objections raised were taken into consideration by Planning Committee in reaching its decision. The Housing Delivery Team has also engaged with Ward Members and the Lead Member for Housebuilding, Place-making and Development, and ensured local stakeholders have been briefed on the progress of the scheme since becoming involved with the project. For these reasons, this option was rejected.

The Council could decide not to appropriate the land for housing purposes upon practical completion of the building works. This option was rejected because it could

prevent the Council from being able to offer up these homes for occupation as social housing thereby not supporting the delivery of much needed affordable homes.

Cllr Diakides did not take part in the discussion or voting on this item and re-entered the room at the end of the item.

765. GOURLEY TRIANGLE: ACQUISITIONS PROGRAMME AND PRE-CONTRACT PROJECT DEVELOPMENT

The Cabinet Member for House Building, Place-Making and Development introduced the report which sought agreement to the acquisition of the remaining third-party land interests on the site, based on the business case for the redevelopment of Gourley Triangle as set out in the report.

Cabinet noted that in agreeing to the acquisition of the properties within the site and the associated redevelopment, a capital bid would be submitted as part of the next Medium Term Financial Strategy (MTFS) for the cost of the works element of the development. This capital bid would be a self-financing bid.

Approval was also sought for the pre-contract budget (set out in exempt part of the attached report) to progress the development of the Site including an extension of the existing Contract with the multi-disciplinary design team through to submission of a planning application at the Royal Institute of British Architects (RIBA) Work Stage 2+.

Noted that the objectives for the site were set out in the July Cabinet paper where the draft Master Plan had been agreed and the Council were working with residents and local businesses to build up proposals which was essentially mixed-use proposal. There were heritage aspects to the sites noted and information provided on how they would be retained.

Following questions from Cllr Cawley- Harrison, the following information was noted:

- The process for decision making would take place through the gateway process outlined at CAB 760 and as this was a complex and detailed scheme, there would be advice provided by external advisers and specialist officer. Officers advised that the negotiations were taking place simultaneously as much as possible .
- In relation to considering ground contamination and potential financial impact, this would be worked through in the due diligence stage and considered with the third parties when compiling the acquisition price.

Further to considering the exempt information at item 772 and agreeing the exempt recommendations,

RESOLVED

1. To note the business case for the acquisition of the remaining third-party land parcels on “the Site” as set out in paragraphs 6.4-6.65 of the report.

2. To acquire, based on the business case, the remaining third-party land parcels coloured pink and situated within “the Site” outlined in red on the plan attached as Appendix 1 and to be held in the General Fund for planning purposes; and
3. To approve a budget for acquisitions as set out in 3.2, being a total sum set out in the exempt Part B of this report to be funded from the Strategic Acquisitions Fund.
4. To give delegated authority to the Director of Housing, Planning and Regeneration, after consultation with the Cabinet Member for Finance and Transformation and the Cabinet Member for House Building, Placemaking and Development, to agree the price for each acquisition and the final heads of terms and legal documentations.
5. To approve a budget for project development costs to Royal Institute of British Architects (RIBA) Work Stage 3+ (tender), being a total sum set out in the exempt Part B of this report to be funded from the Strategic Acquisitions Fund.
6. To approve the extension of the Contract with Haworth Tompkins Architects from RIBA Work Stage 1+ to RIBA Work Stage 2+ (planning application) for a total budget set out in the exempt Part B of this report.
7. To give delegated authority to the Director of Housing, Planning and Regeneration, after consultation with the Cabinet Member for Finance and Transformation and the Cabinet Member for House Building, Placemaking and Development, to approve a contingency sum in relation to the Contract extension with Haworth Tompkins Architects as set out in the exempt Part B of this report.
8. To note the key principles of the draft Business Retention and Relocation Strategy as set out in paragraph 6.25 of the report.

Reasons for Decision

The recommendations in this report support the delivery of the Gourley Triangle site allocation in Tottenham Area Action Plan (AAP). This site has long been identified as having the potential for renewal and placemaking given the poor quality of its current built environment.

Business Case and Land Acquisitions

The Council’s employment and economic growth aspirations are ambitious, seeking to deliver 12,000 jobs in the borough by 2026 as identified within the Local Plan Planning Obligations Supplementary Planning Document (2018). The business case set out in this report has workspace at its heart with new development aiming to secure

employment spaces that meet the needs of the post-Covid economy alongside wider Council objectives of placemaking, delivering council homes, and sustainability. With highly limited land supply in the borough, opportunities such as this should be carefully considered and maximised.

The Council is in a unique position to secure the Site Objectives for the Gourley Triangle. Acquisition of the remaining land interests will allow the Council control over the site and hence the ability to take forward a comprehensive redevelopment scheme.

Multi-Disciplinary Design Team Appointment

The project requires the appointment of a high quality and experienced multi-disciplinary design team to deliver the detailed planning application and technical design work to RIBA Work Stage 3+. In April 2021, Haworth Tompkins were appointed under delegated authority to deliver feasibility work up to RIBA Work Stage 1+. This paper seeks approval to extend this Contract to RIBA Work Stage 2+ as allowed for by the original procurement and give the option to approve a contingency sum under delegated authority if required.

Progression of the design to RIBA Work Stage 2+ will enable certain elements of the scheme to be designed in detail, ensuring that the planning application locks in quality that is protected from potential future value-engineering exercises.

Alternative Options Considered

Not agreeing the Business Case and Land Acquisitions

Not agreeing the business case and land acquisitions was rejected as it would mean that the Site would remain in its current form and would not deliver on the Masterplan Objectives noted by Cabinet in July 2021. This would result in a lost opportunity to support the Council's ambitious economic housing and growth targets as set out in the Borough Plan and result in an uncertain future for this important site.

Due to planning policy requirements and disparate land ownership, it is considered that the Council are the only party who are able to implement a holistic approach to development of the Site in a timely fashion. This report recommends such an approach.

Endorsing the business case but acquiring third party acquisitions at a later date

This option was considered and rejected. There is currently an opportunity to acquire third party land parcels and a number of third-party vendors have indicated that they have a compelling business reason to dispose at this time. Were the Council not to take the opportunity to acquire at this time, there is a risk that the sites could be sold on, and that development by a third party could take place which does not meet the Masterplan Objectives as noted by Cabinet.

This option also risks the loss of external funding from the Future High Street's Fund (FHSF) and Brownfield Land Release Fund (BLRF) as there is potential that the grant funding will need to be repaid if programme milestones are not achieved. The FHSF grant requires that it is spent by March 2024, and the BLRF grant requires land to be released for residential development also by March 2024. If these milestones are not met, then alternative funding sources would be required which would have a detrimental impact upon the scheme's deliverability and viability. Acquiring the third-party sites would provide the Council with a level of control which would not be achieved should land be owned on a piecemeal basis.

Re-procurement of the Multi-Disciplinary Design Team

The Council could seek to re-procure the services of a Multi-Disciplinary Design Team at this juncture. This option is not recommended as the original procurement exercise envisaged that the team would continue through to the next stage. It would be detrimental to the project in terms of time, cost, and quality to change the professional team at this stage in the project's delivery.

766. REFURBISHMENT OF SUPPORT AND WELLBEING HUBS

The Cabinet Member for Planning, Licensing, and Housing Services introduced the report which sought a number contract and financial decisions to facilitate works to the Support and Wellbeing hubs at Latimer House, Bigsbury Close, Hildene Court, The Lindales, Sophia House, Lowry House and Palace Gates.

This would result in improved modern facilities in the internal communal areas within the hubs. These improvement works would provide better spaces that are more welcoming and promote a sense of belonging, with good quality facilities, easily accessible and flexible space, enabling different uses and activities.

The works would comply with current fire and building regulations and the overall project will contribute to helping to achieve the Borough Plan objectives for inclusive, accessible housing for end users with flexibility in the use that delivers benefits to the local community and external agencies.

Further to considering exempt information at item 30,

RESOLVED

1. That In accordance with Contract Standing Order (CSO) 9.07.1(d), to approve the award of a contract to the preferred contractor identified in exempt appendix A. Works included within this project include the following: Redecoration, lighting and electrical works, flooring, window dressings, new kitchens and bathrooms, communal radiators and covers, laundry room alterations, communal furniture and renewing of the main entrance communal doors, to the Support and Wellbeing hubs. This will be for the sum of £763,426.12.

2. To approve the issue of a letter of intent for an amount of up to, but not exceeding £76,342.61 which represents 10% of the contract sum.
3. To approve the total professional fees of £44,811.81 which represents 5.19% of the contract sum.
4. To approve the total project costs as shown in the exempt report. (Section 6.1).

Reasons for decision

Homes for Haringey requires Cabinet approval for the award of this contract, which is deemed to represent value for money. This is following a tender process undertaken in conjunction with Haringey Council's Procurement team via the Dynamic Purchasing Systems (DPS) from 'Principal Contractors' in the 'General Construction Multi-Trade for Housing & Residential' category.

The tender process was carried out in accordance with the procurement DPS requirements that incorporate price and quality. The successful compliant bidder scored the highest in relation to these criteria in the associated lot.

Alternative options considered

An alternative option would be for Homes for Haringey to use third party industry frameworks. Homes for Haringey sought support and advice from Haringey Strategic Procurement and determined Haringey Council's Dynamic Purchasing System as being the optimum route to the market. This was due to the speed of access to quality-checked contractors and focus on companies that concentrate their resources in the local area.

A do-nothing option would mean the Council is not able to deliver necessary capital investment works to improve the communal spaces and facilities of the Support and Wellbeing hubs, in accordance with the Asset Management Strategy 2020-25.

767. REVISED COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

The Cabinet Member for Planning, Licensing and Housing introduced the report which proposed to increase the CIL rates levied by the Council in the east of the borough for residential, student accommodation and build to rent housing. It was noted that until now, the CIL rate for residential development in the east of the borough has been £15 per square metre and the attached report proposed increasing it to £50 bringing it closer in line with residential rates elsewhere in the borough.

It was noted that the proposed rates would maximise financial contributions from development towards infrastructure whilst ensuring the economic viability of development and protecting the Council's ability to secure its preferred affordable housing tenures as part of new development.

In considering the attached report and its appendices Cabinet noted that the proposed decision would ensure that affordable housing and other 'section 106' financial

contributions from developments would not be jeopardised at a late stage in the planning process. The revised rates were proposed to take effect on 1 September 2022 and the developments in the immediate planning pipeline included Council-led housing schemes in the east of the borough. Cabinet further noted that the grace period before the new rates take effect would ensure that the financial model of cross-subsidy to maximise affordable housing was not put at risk.

Whilst the report is about the charges to developers and not about the expenditure of CIL, with regards to a question on the increased access and share of CIL funding in the west of the borough, it was noted that where there was a Neighbourhood Forum established, they had a right to pre-empt certain monies for the forum area. However, recent improvements in the way the Neighbourhood CIL spending formula was applied meant that monies could be moved to the areas where there was essential need.

Cabinet continued to consider the issue of fairer distribution of CIL funding and were further informed that, in summary, there were two separate elements to this question which were increasing rates to developer which the report was taking forward and secondly, how the CIL spending was distributed. The neighbourhood element of CIL was between 15 to 25% of what the Council collected and had to be spent in the neighbourhood area. It was previously acknowledged that in the east of the borough there were unequal distributions compared to the west of the borough but this had recently been corrected and a redistribution formula compiled on a fairer basis. Cabinet Member noted this issue.

RESOLVED

1. To note the Examiner's report on the examination of the partial review of Haringey's Community Infrastructure Levy Draft Charging Schedule, as modified set out in Appendix C of this report;
2. To note that Members of Strategic Planning Committee endorsed the Revised Community Infrastructure Levy Charging Schedule to take effect on 1 September 2022;
3. To consider and to recommend to Full Council that the Revised Haringey Community Infrastructure Levy Charging Schedule is approved and publicized as set out at Appendix D to take effect on 1 September 2022.

Reasons for decision

The increased CIL rates proposed in the CIL Eastern Charging Zone have been subject to an independent examination which found that they provide an appropriate basis for the collection of the levy in the borough and will not put the majority of developments at risk. The Examiner recommended that the Council may proceed to approve the amended rates subject to one minor modification. The Council has incorporated this modification within the Revised Charging Schedule for approval.

The amended rates are recommended to take effect from 1 September 2022. The Partial Review has been underway since 2016 and the Council's intent to increase certain CIL rates in the east of the borough has been clear since 2017. The period between Council approval and the rates being given effect will allow the planning authority to ensure that affordable housing and other 'section 106' financial contributions from developments will not be jeopardised by the effect of the new CIL rates at a late stage in the planning process i.e. after extensive pre-application negotiations or after a Planning Sub Committee resolution but pending the conclusion of signed S106 agreements and issuing of formal planning permissions (which trigger CIL liability). This is balanced with the objective of not delaying the effect date too far into the future with the Council missing out on potential increased infrastructure funding.

Alternative options considered

- Option 1 – Not to approve the Revised Charging Schedule and cancel the partial review. The disadvantage of this would be that CIL rates and therefore the number of financial contributions from developers for infrastructure would remain the same and would not be maximised. This option is rejected as the Examiner found that the rates in the Revised Charging Schedule provide an appropriate basis for the collection of the levy in the borough and will not put the majority of developments at risk.
- Option 2 – To bring the Revised Charging Schedule into effect earlier or later than the recommended 1 September 2022 date. An earlier effect date is rejected to allow the planning authority to ensure that affordable housing and other 'section 106' financial contributions from developments will not be jeopardized at a late stage in the planning process i.e., after extensive pre-application negotiations or after a Planning Sub Committee resolution but pending the conclusion of signed S106 agreements and issuing of formal planning permissions (which trigger CIL liability). Developments in the immediate planning pipeline include Council-led housing schemes in the east of the borough which would be liable to pay the increased CIL rate which could jeopardize the financial model of cross-subsidy to maximise affordable housing. A later effect date would minimize delivery risks for a greater number of schemes in the borough's pipeline however it would mean foregoing increased infrastructure contributions for a longer period. It is considered that an effect date of 1 September 2022 provides an appropriate balance between the various considerations and therefore the alternative options are rejected and not recommended.

768. MINUTES OF OTHER BODIES

RESOLVED

To note the minutes of other bodies.

769. NEW ITEMS OF URGENT BUSINESS

None

770. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting for the consideration of agenda items 28-32 as they contained exempt information as defined in Section 100a of the Local Government Act 1972; Paragraph 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information; Paragraph 5 – information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

771. EXEMPT - LETTING OF BUILD CONTRACT FOR CHOCOLATE FACTORY PHASE 1

At this point in the meeting, Cllr Diakides left the room.

The Cabinet noted the exempt information and resolutions as per minute 764.

Cllr Diakides did not take part in the discussion or voting on this item and re-entered the room at the end of the item.

772. EXEMPT - GOURLEY TRIANGLE: ACQUISITIONS PROGRAMME AND PRE-CONTRACT PROJECT DEVELOPMENT

The Cabinet noted the exempt information and resolutions as per minute 765.

773. EXEMPT - REFURBISHMENT OF SUPPORT AND WELLBEING HUBS

The Cabinet noted the exempt information and resolutions as per minute 766.

774. EXEMPT - MINUTES

RESOLVED

That the exempt minutes of the Cabinet meeting held on 8 February 2022 be approved as a correct record.

775. NEW ITEMS OF EXEMPT URGENT BUSINESS

There were no new items of exempt urgent business.

CHAIR: Councillor Peray Ahmet

Signed by Chair

Date

