

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

PRESENT:

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

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

99. FILMING AT MEETINGS

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

100. APOLOGIES

There were apologies for absence from Councillors Bull and Hearn.

101. URGENT BUSINESS

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

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

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

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

102. DECLARATIONS OF INTEREST

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

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

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

104. MINUTES

RESOLVED

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

105. DEPUTATIONS/PETITIONS/QUESTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Response to the recommendations made by the Overview & Scrutiny Committee

Recommendation 1: That Cabinet strengthens co-production in the

SEND transport transformation process prior to phase 1 of the contract

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This was unanimously agreed.

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

RESOLVED

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

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

107. 2019/20 BUDGET UPDATE

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

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

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

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

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

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

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

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

RESOLVED

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

Reason for Decision

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

Alternative Options Considered

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED

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

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

Reason for decision

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

Alternative options considered

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

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

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

109. FEES & CHARGES 2020-21

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

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

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

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

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

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

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

RESOLVED

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

Reasons for Decision

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

Alternative options considered

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

110. LOCAL GOVERNMENT OMBUDSMAN FINDING -NON KEY

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

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

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

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

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

RESOLVED

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

Reasons for Decision

Overview

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

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

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

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

Recommendations

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

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

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

Reasons

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

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

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

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

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

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

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

Action already taken

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

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

Action it is proposed to take

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

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

Views of senior officers

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

Alternative Options Considered

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

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

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

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

111. HARINGEY'S REDUCTION AND RECYCLING PLAN

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

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

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

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

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

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

[The Leader took the Chair at 20.47]

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

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

RESOLVED

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

Reasons for decision

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

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

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

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

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

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

Table 1: Summary of compliance with RRP requirements

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

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

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

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

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

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

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

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

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

Mayor of London's Environment Strategy

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

The Strategy's waste objectives are:

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

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

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

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

Other targets are:

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

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

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

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

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

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

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

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

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

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

Recycling performance and benchmarking

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

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

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

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

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

Haringey's Reduction & Recycling Plan

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

Key objectives of our plan are to:

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

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

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

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

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

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

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

Reducing the Council's environmental impact outlines:

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

The section of maximising local waste sites outlines:

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

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

Initial GLA feedback

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

In addition it acknowledges:

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

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

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

External Review of Recycling

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

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

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

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

A summary of the stage 1 review is below:

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

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

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

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

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

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

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

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

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

Alternative options considered

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

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

112. APPOINTMENT OF DESIGN CONSULTANTS FOR BROADWATER FARM ESTATE

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

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

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

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

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

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

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

Further to considering exempt information at item 22,

RESOLVED

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

Reasons for decision

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

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

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

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

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

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

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

Alternative options considered

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

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

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

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

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

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

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

Further to considering exempt information at item 23,

RESOLVED

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

Reasons for decision

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

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

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

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

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

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

Alternative options considered

Option 1 – Do not acquire the property

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

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

114. ACQUISITION OF HOUSING PORTFOLIO

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

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

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

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

Further to considering exempt information at item 24,

RESOLVED

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

Reasons for decision

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

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

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

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

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

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

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

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

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

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

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

Alternative options considered

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

115. ACQUISITION OF THE HOMES AT 1A ASHLEY GARDENS

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

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

Further to considering exempt information at item 25,

RESOLVED

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

Reasons for decision

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

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

Alternative options considered

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

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

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

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

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

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

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

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

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

Further to considering exempt information at item 26,

RESOLVED

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

Reasons for decision

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

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

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

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

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

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

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

Alternative options considered

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

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

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

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

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

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

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

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

Further to considering exempt information at item 27,

RESOLVED

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

Reasons for decision

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

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

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

Alternative options considered

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

118. NEW ITEMS OF URGENT BUSINESS

None

119. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

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

120. APPOINTMENT OF DESIGN CONSULTANTS FOR BROADWATER FARM ESTATE

As per the exempt minutes and item 112.

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

As per the exempt minutes and item 113.

122. ACQUISITION OF HOUSING PORTFOLIO

As per the exempt minutes and item 114.

123. ACQUISITION OF THE HOMES AT 1A ASHLEY GARDENS

As per the exempt minutes and item 115.

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

As per the exempt minutes and item 116.

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

As per the exempt minutes and item 117.

126. EXEMPT MINUTES

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

127. NEW ITEMS OF EXEMPT URGENT BUSINESS

As per item 106 and the exempt minutes.

CHAIR: Councillor Joseph Ejiofor

Signed by Chair

Date