

Haringey Council
Written Statement/Record of a decision made by an officer under delegated authority

Decision Maker (Post Title)	Director of Placemaking and Housing
Subject of the decision	Revised approval for the Funding and Works Agreement (FWA) in relation to the St Mark's Methodist Church (SMMC) Public Realm works to correctly identify the grant recipient.
Date of decision	5 th April 2024
Decision	Grant of revised approval, pursuant to CSO 17.3 and 9.07.1(c), to enter into a Funding and Works Agreement (FWA) in relation to the St Mark's Methodist Church Public Realm works with Rev. Stephen Poxon and Mr. Charles Agyemang-Duah as managing trustees of the Church Council of St Mark's Methodist Church (SMMC) instead of St Mark's Methodist Church, New River Circuit. The terms of the FWA will be the same as when the initial approval was sought.
Reasons for the decision	As a result of incorrect information provided by legal representatives of SMMC, the recommendation in the report to the Director dated 22 December 2023 for approval to enter into the FWA in relation to the SMMC Public Realm works incorrectly identified the intended grant recipient under the FWA.
Details of any alternative options considered and rejected by the officer when making the decision	The following alternative option was considered: 'Do Nothing' This option would be for the Council <u>not</u> to enter into the FWA with SMMC for the Public Realm works, which would prevent the Council from following through on its previous commitment to enter into an FWA.
<u>Conflicts of interest – Executive decisions</u>	N/A
<u>Conflicts of interest – Non executive decisions</u>	N/A

<p>Title of any document(s), including reports, considered by the officer and relevant to the above decision or where only part of the report is relevant to the above decision, that part)</p>	<p>Decision Making Report on revised approval for St Mark's Methodist Church (Public Realm) Funding and Works Agreement</p> <p>Decision Making Report on St Mark's Methodist Church (Public Realm) Funding and Works Agreement</p>
<p>Reasons for exemption with reference to categories of exemption specified overleaf, or</p> <p>Reason why decision is confidential (see overleaf)</p> <p>Note: decisions containing exempt or confidential information falling within the categories specified overleaf are not required to be published.</p>	<p>N/A</p>
<p>Signature of Decision Maker</p>	
<p>Name of Decision Maker</p>	<p>David Joyce, Director of Placemaking and Housing</p>
<p>Does the decision need to be published?</p> <p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	

Exempt Information

Local Government Act 1972 Schedule 12A

Part 1: Descriptions of Exempt Information

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.

3. Information relating to the financial or business affairs of any person (including the authority holding that information).
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes -
 - (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) To make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Note: It is insufficient to simply identify a category of exemption, you must also conduct a public interest test on the basis specified in the Act as follows: Information falling within categories 1-7 is exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Confidential Decisions

1. The decision contains information provided by a Government department on a non-disclosure basis
2. There is a Court order against disclosure

DECISION MAKING REPORT

Report for: David Joyce, Director of Placemaking and Housing

Item number: N/A

Report Title: Revised approval for the St Mark's Methodist Church (Public Realm) Funding and Works Agreement

Report authorised by: Toussainte Reba, Head of Area Regeneration – South Tottenham

Lead Officer: Camilla Gersh, High Streets Heritage Action Zone (HAZ) Project Officer

Ward(s) affected: Tottenham Central, Tottenham Hale

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

1. Describe the issue under consideration

- 1.1. On 22 December 2023, approval was granted by the Director of Placemaking and Housing, pursuant to Contract Standing Orders (CSO) 17.3 and 9.07.1(c), for the Council to enter into a Funding and Works Agreement (FWA) with the managing trustees (Rev. Stephen Poxon and Mr. Charles Agyemang-Duah) of St Mark's Methodist Church (SMMC), New River Circuit in relation to the SMMC Public Realm works. The FWA would enable a grant of £466,550.12 to be given to SMMC.
- 1.2. The December 2023 report incorrectly requested that approval be granted to enter into a FWA with the managing trustees (Rev. Stephen Poxon and Mr. Charles Agyemang-Duah) of St Mark's Methodist Church, New River Circuit, which is not the charitable trust with control over the SMMC building. The correct charitable trust is the Church Council of St Mark's Methodist Church, and this report seeks to rectify the mistake made in the December 2023 report and the decision on which it was based.

2. Cabinet Member Introduction

- 2.1. N/A

3. Recommendations

- 3.1. For the Director of Placemaking and Housing to grant revised approval, pursuant to CSO 17.3 and 9.07.1(c), to enter into a Funding and Works Agreement (FWA) in relation to the St Mark's Methodist Church (SMMC) Public Realm works with Rev. Stephen Poxon and Mr. Charles Agyemang-Duah as managing trustees of the Church Council of St Mark's Methodist Church instead of St Mark's Methodist

Church, New River Circuit. The terms of the Funding and Works Agreement will be the same as when the initial approval was sought.

4. Reasons for decision

4.1. This report recommends the grant of revised approval to enter into a FWA in relation to the SMMC Public Realm works with Rev. Stephen Poxon and Mr. Charles Agyemang-Duah as managing trustees of the Church Council of St Mark's Methodist Church, which was the intention of the December 2023 'Decision Making Report on St Mark's Methodist Church (Public Realm) Funding and Works Agreement'. The approval given by the Director of Placemaking and Housing in December 2023 to enter into a FWA with St Mark's Methodist Church, New River Circuit was done based on incorrect information previously provided by legal representatives of SMMC. The decision to grant the revised approval to enter into the FWA will allow the Council to progress the true intentions and allow the Council to work to the outcomes of the December 2023 report.

5. Alternative option considered

5.1. 'Do Nothing'

This option would be for the Council not to enter into the FWA with SMMC for the Public Realm works, which would prevent the Council from following through on its previous commitment to enter into an FWA approved through the December 2023 'Decision Making Report on St Mark's Methodist Church (Public Realm) Funding and Works Agreement'.

6. Background information

6.1. Following completion of the RIBA stage 4 technical design work for the SMMC Public Realm works, costs were sought and agreed with Haringey's Highways term contractor, Marlborough Highways Limited, for delivery of the works. To enable these works to proceed, Haringey was required to enter into a FWA with the owner of the site, SMMC. Sections 4–6 of the December 2023 'Decision Making Report on St Mark's Methodist Church (Public Realm) Funding and Works Agreement' to the Director of Placemaking and Housing outlined in full the principal terms of the FWA and the justification for entering into it and proceeding with the works. However, that report's recommendation incorrectly asked for approval to enter into the FWA with Rev. Stephen Poxon and Mr. Charles Agyemang-Duah as managing trustees not of the Church Council of St Mark's Methodist Church but instead as the managing trustees of the St Mark's Methodist Church, New River Circuit, which is a different charitable trust. In December 2023, approval was given by the Director of Placemaking and Housing to enter into a FWA with the latter charitable trust instead of the former.

6.2. The recommendation in this report allows the Director of Placemaking and Housing to revise the approval to enter into a FWA in relation to the SMMC Public Realm works to confirm the correct grant recipient as Rev. Stephen

Poxon and Mr. Charles Agyemang-Duah as managing trustees of the Church Council of St Mark's Methodist Church.

7. Contribution to the Corporate Delivery Plan 2022/23 and 2023/24 High-Level Outcomes

7.1. Entering into a revised FWA with SMMC will enable delivery of the SMMC project. This will support the High-Level Outcomes in the Council's Corporate Delivery Plan (CDP), as set out in detail in Section 7 of the December 2023 'Decision Making Report on St Mark's Methodist Church (Public Realm) Funding and Works Agreement', and summarised below:

7.1.1 Theme 1: Resident experience, participation and collaboration

- Outcome 1: Positive Resident Experience
- Outcome 2: Inclusive Public Participation
- Outcome 3: Enabling Community Collaboration
- Outcome 5: Insourcing

7.1.2 Theme 2: Responding to the climate emergency

- Outcome 1: A Greener and Climate Resilient Haringey
- Outcome 2: A Just Transition
- Outcome 3: A Low Carbon Place
- Outcome 4: Growing the Circular Economy and Making Better Use of Resources

7.1.3 Theme 3: Children and young people

- Outcome 1: Best Start in Life
- Outcome 2: Happy Childhoods
- Outcome 3: Successful Futures

7.1.4 Theme 4: Adults, health and welfare

- Outcome 1: Healthy and Fulfilling Lives
- Outcome 2: Advice and Support

7.1.5 Theme 6: Safer borough

7.1.6 Theme 7: Culturally Rich Borough

7.1.7 Theme 8: Place and Economy

- Outcome 1: Towards an Inclusive Economy
- Outcome 2: High Streets, Town Centres & Businesses
- Outcome 4: Leveraging Social Value
- Outcome 5: Placemaking

8. Carbon and Climate Change

8.1. The SMMC project will contribute towards reducing carbon emissions and energy usage as set out in Section 8 of the December 2023 'Decision Making Report on St Mark's Methodist Church (Public Realm) Funding and Works Agreement' report.

9. Statutory Officers comments

9.1. Finance

9.1.1 There are no further Finance implications beyond those previously considered as part of the December 2023 'Decision Making Report on St Mark's Methodist Church (Public Realm) Funding and Works Agreement'. Please refer to Section 9.1 of that report.

9.2. Procurement

9.2.1 As confirmed in Section 9.2 of the December 2023 'Decision Making Report on St Mark's Methodist Church (Public Realm) Funding and Works Agreement', there are no procurement related matters preventing the Director of Placemaking and Housing approving the Recommendations stated in paragraph 3 above.

9.3. Legal

9.3.1 Approval was previously sought in Nov. 23 from the Director to enter into a Funding and Works Agreement (FWA) with the managing trustees of St Mark's Methodist Church, New River Circuit (SMMC) in relation to SMMC Public Realm Works. The recommendation seeking the approval should instead have been for the FWA to be entered into with the above-named trustees but instead as trustees of the Church Council of St Mark's Methodist Church (SMMC), which is a different charitable trust from the one named in the report seeking the previous approval.

9.3.2 The error as to which charitable trust was to enter into the FWA has recently been brought to the Council's attention by the representatives of the SMMC.

9.3.3 Under Contract Standing Order 17.3 and 9.07.1(c) a Director has authority to grant approval to enter into the FWA as requested in the recommendation in paragraph 3.

9.3.4 The Assistant Director, Legal and Governance (Monitoring Officer) sees no legal reasons preventing the approval of the recommendations in paragraph 3 of the report.

9.4. Equality

9.4.1 There are no further Equality implications beyond those previously considered as part of the December 2023 'Decision Making Report on St Mark's Methodist Church (Public Realm) Funding and Works Agreement'. Please refer to Section 9.4 of that report.

Important Additional Guidance on Accessibility

- Documents must be available for Councillor Hearn at the same time as for all other Councillors
- The council's primary typeface, Helvetica, should be used for all reports and accompanying documents, size 12 preferred (Arial font is also acceptable)
- Text should be as plain as possible with no boxes around it, Microsoft Word is preferred, not PDF, and no abbreviations (such as Cllr.) and try to keep symbols to minimal use
- Roman numerals are not suitable for a person using a screen reader so please use normal paragraph numbering/ lettering and bullet points where necessary
- Reports should be written without images, however, where images are used, report authors must provide a text alternative in all cases (a short paragraph explaining what the graphs, table, pictures etc are showing). Detailed examples can be provided by contacting Natalie.layton@haringey.gov.uk
- Appendices
 - All of the above applies for appendices and report authors should avoid including lengthy PDF documents as part of the report
 - In some cases an executive summary could be more appropriate if Councillor Hearn is on the committee
- Presentations – if Powerpoints are to be used then a Word version must be submitted in advance of the meeting (and at the same time it is made available to all other members)
- The Democratic Services Team will not accept reports which are not in an accessible format.
- In the rare event that a documents is not in a fully accessible format the report author must submit, by the same report deadline, an accessible version for Councillor Hearn (if she is on the relevant committee)
- Plain text documents should be saved with document names including "DATE TITLE COUNCILLOR HEARN PLAIN TEXT"

Categories of Exemption

Exempt information means information falling within the following categories:

Part 1

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed upon a person; or (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Part 2

Qualifications to the above exempt information:

- (a) Information falling within paragraph 3 above is not exempt information under that paragraph if it is required under – (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) The Friendly Societies Act 1992 (d) The Industrial and Provident Societies Acts 1965 – 1978 (e) the Building Societies Act 1986 (f) The Charities Act 1993.
- (b) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- (c) Information which – (i) falls within any of paragraphs 1-7 above; and (ii) is not prevented from being exempt under (a) or (b) above is exempt information if and so long as, in the opinion of the Monitoring Officer, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.