

Minutes of the Environment and Housing Scrutiny Panel 16th April 2013

Present: Cllr Bloch, Cllr Gibson, Cllr McNamara (Chair), Cllr Stanton and Cllr Weber

Attending: Andrew Cusack (Civil and Criminal Lawyer), Phil Harris (Assistant Director Adults and Housing), Oliver Higgins (Senior Lawyer) Mustafa Ibrahim (Head of Commissioned Services), Raymond Prince (Assistant Head of Legal Services & Deputy Monitoring Officer)

1. Apologies for absence

1.1 Apologies were received from Cllr Alexander.

2. Declarations of interest

2.1 None.

3. Urgent Business.

3.1 The panel agreed to admit an item relating to the Decent Homes Procurement Strategy (2013/14) as urgent business. This was dealt with as item 8 on the agenda.

4. Minutes and actions points

4.1 In a discussion of the minutes and action points arising from the last meeting (21st March 2013) the panel noted that:

- The panel agreed that coordinated notices should be placed on both the Council and Veolia website when bad weather disrupted the service, as well as for planned changes to the schedule (i.e. Christmas).
- The panel agreed that it would seek a further update from Single Front Line on the implementation of the recommendations from the earlier waste and recycling report (Part I). This should come to first meeting of the panel in the next municipal year (July 2013).

4.2 There were a number of outstanding action points from the minutes which were being followed up with relevant services. These updates would be collected and circulated to the panel.

4.3 The panel agreed the minutes of the 21st March 2013.

5. Strategic Parking Issues Ahead of the Tottenham Hotspur Development

5.1 The draft report of the panel, the *Strategic Parking Issues Ahead of the Tottenham Hotspur Development* was tabled at the meeting.

5.2 The panel considered and agreed the recommendations listed in the report. These were:

- 1) That the Council should explore options for the establishment of Special Event Day (SED) parking on commercial streets (where no CPZ presently exists) on event days at Tottenham Hotspur. Options should incorporate the establishment of a flat rate fee, phone payment method and new signage;

2) That the Council should create a two part focus for existing match day controls so as to:

- i) Reverse the emphasis on certain streets with no residential housing to allow event day parking
- ii) Retain sections as resident only parking.

3) That the Council should ring fence income from the above scheme to resource the following developments:

- i) Environmental and other remedial works in council operated car parks in Tottenham;
- ii) Erect signage for pay and display car parks at main arterial route entry points to Tottenham;
- iii) Creation of a Traffic Scheme Review Fund (TRSF) to finance local traffic works including CPZ reviews, main road remedial works and other scheme reviews (e.g. one way systems).

4) That the Council seed fund developments outlined in recommendations 1-3 for the introductory phase from existing parking income with a view to this being self financing as a soon as the Special Event Day Parking is up and running.

5) Investigation of reasonable regulation of 'pop-up parking' schemes based on the policy and practice of other boroughs with large stadia and the development of criteria for regulation and enforcement.

6) That the Council agree the schedule of works identified from the Philip Lane Walkabout (as detailed in Appendix C) and consider that this approach is applied on other arterial roads to resolve local parking and traffic management issues and to improve traffic flow. This should be resourced through existing funds with a view that future works on similar arterial routes would be funded as part of the Traffic Scheme Review Fund (as in 4 above) drawn from Special Event Day parking income.

5.3 The panel noted that the agreed report would now be sent to Overview & Scrutiny Committee on the 29th April for approval before being considered at the next available Cabinet meeting.

6. Waste and Recycling (Part II): policy options to increase recycling in Haringey.

6.1 The panel noted submitted reports that summarised the evidence it had received to support its inquiry into waste and recycling services. The reports related to:

- A dedicated evidence gathering session with other London boroughs and other specialist waste and recycling services on recycling from flats;
- A site visit to a number of flatted developments in Haringey and discussions with estate managers.
- A dedicated evidence gathering session with Single Front Line, Veolia, Greater London Authority and other London boroughs on further policy options to increase recycling in the borough.

6.2 The panel discussed the evidence in the report and made the following recommendations:

Recycling from Flats:

- 1) The panel recommended that the Council conduct an audit of flatted developments (Homes for Haringey, Registered Housing Providers and Private Developments) across the borough to develop an inventory of waste and recycling infrastructure (and to collate any existing problems with waste collection i.e. whether there are sufficient and appropriate bins and if side waste occurs). The subsequent database should be used to plan and support initiatives to improve waste management or increase recycling at flatted developments.
- 2) Further to the audit detailed above, the panel recommended that flatted developments with twin chutes should on a trial basis be converted for dual use (for both waste and recycling). Evidence from this trial should determine further expansion of this scheme.
- 3) The panel recommended that further work should be undertaken to assess the viability of developing a pilot Our Common Place approach (through Waste Watch) to increase recycling on local estates (flatted developments).¹ This work should help to identify:
 - Cost benefit analysis of this approach;
 - Additional partners and funding sources;
 - Possible pilot project sites.
- 4) The panel recommended the introduction of recycling bags within existing bring-back schemes (at flatted developments) should be further investigated with careful consideration being given to:
 - The use of reusable bags;
 - The policy of locking bins;
 - Ongoing costs if non-reusable bags are used as an alternative;
 - The use of transparent bags (to assist if dry recycling is contaminated).
- 5) The panel recommended that the Council ensure that there is adequate provision for waste management in planning guidance for flatted developments (both new and converted).
- 6) The panel recommended that there is a continuous supply of caddy bags for food waste as part of the roll-out of the planned food waste collection system for flatted developments.
- 7) To improve communication between on site concierge and waste collection crews (e.g. for access issues), the panel recommended that the contact details of Concierge services (or Estate Managers) should be placed on Veolia Collection Round Sheets.

General

¹ See Appendix A.

- 8) The panel recommended that additional information is provided within waste and recycling communications with local residents in respect of:
- Updates of what and where materials can be recycled locally;
 - The cost of sending waste to landfill (landfill tax and gate tax) and relative cheaper cost of recycling;
 - The main causes of recycling contamination (food waste and clothing materials) and the additional costs involved;
 - The opportunity cost of sending waste to landfill (libraries, parks and other community facilities).

- 8) It is recommended that, further to the work already undertaken by Haringey Council and Veolia, the Environment and Housing Scrutiny Panel undertake:
- Additional work with local schools to identify what barriers exist to recycling
 - Identify examples of best practice which can be shared locally;
 - Identify schools can be incentivised to recycle more.

(This should include benchmarking local provision and undertaken in consultation with Single Front Line, Veolia and Children and Young People Service to ensure no duplication or overlap of work.)

- 9) That the good education work to promote recycling in schools that is already underway is more widely publicised, in particular among local Councillors and community groups.

- 10) To further enable the speedy reporting of dumped rubbish, Veolia should consider the establishment of online reporting mechanisms, using social media such as Twitter.

- 6.3 The panel noted that the above recommendations would form the basis of a report that would be submitted to Overview & Scrutiny Committee on the 29th April 2013. Subject to Overview & Scrutiny Committee approval, the recommendations in the report would be presented at the next available Cabinet meeting thereafter.

7. Work Programme

- 7.1 The work programme for 2012/13 was discussed by the panel. It was noted that the panel had produced three substantive reports this year for its work on waste and recycling and strategic parking issues for Tottenham. Most of the recommendations contained in the interim waste and recycling report had been agreed by Cabinet. The remaining reports would be considered by Cabinet once approved by Overview & Scrutiny Committee.

- 7.2 There was agreement within the panel that, subject to panel confirmation and approval by Overview & Scrutiny Committee, it would like to continue with planned work streams on the following issues in the new municipal year:

- Strategic Enforcement: the Chair of the Panel would liaise with the Chief Executive to take forward the panel's work in this areas confirm the panel's continued interest in this area and to identify how best the panel can work with the Council to achieve the agreed outcomes;
- Public Engagement in the Planning Process:

- Ongoing liaison with housing scrutiny bodies.

7.3 The Chair thanked members for their commitment to the work of the panel during 2012/13. The Chair thanked members for their engagement and support throughout the wide range of activities that the panel had undertaken, including evidence gathering sessions, site visits as well as panel meetings.

7.4 The panel noted that the first meeting of the Environment and Housing Scrutiny Panel in the new municipal year was scheduled for July 2nd 2013.

8. Decent Homes Procurement Strategy of (2013/14)

8.1 Officers from Legal and Community Housing Services outlined the background to this issue and its consideration at the Environment and Housing Scrutiny Panel.

8.2 Due to a procedural error, the procurement process undertaken for the major capital works framework, for 2013-2017, which included Decent Homes, could not be completed. If contracts were not awarded and works not undertaken, this would have resulted in delay and the possible loss of £6.5m of funding from the Greater London Authority (GLA).

8.3 To ensure that procurement was undertaken in a timeframe necessary to secure the GLA funding, an interim procurement process was proposed, which included a smaller procurement process for capital works for year 2013/14. This new arrangement was agreed by the Leader on March 8th 2013.

8.4 Cllr Wilson raised a number of concerns about this process via email. Although Cllr Wilson was unable to attend the Environment and Housing Scrutiny Panel Meeting, it was hoped that the scrutiny of this issue would:

- Ascertain whether legal errors with the procurement process occurred;
- Consider whether value for money is being achieved with the proposed solution of smaller procurements so that all decent homes money is spent in the best possible way to benefit the most people;
- Ascertain whether the council was/is exposed to legal risks which could result in legal action against the council;
- Ascertain what, if any, delays to works on homes will happen.

8.5 In relation to the nature of the error, the panel noted that this area of law is highly complex and that a misinterpretation of the procedural process had occurred and which had caused the delay in the procurement process once it had started with the potential loss of funding. The panel also noted that this was a singular error and that corrective measures had been put in place to a) ensure the retention of £6.5m of funding and b) works progressed on homes were not affected.

8.6 The panel were concerned about the accountability for the error, which if had not been rectified, could have caused a financial loss to the Council and incurred possible delays to home improvements expected by local tenants and leaseholders. The panel were keen to understand what the Council had learnt from this and what procedural changes could be put in place to avoid such an error being repeated in the future.

- 8.7 In response to the panel's request for further information on the nature of the error that occurred, it was noted that additional legal guidance would need to be obtained given the confidential nature of a number of elements of the procurement process.
- 8.8 The panel discussed the issue of aggregation; a legal requirement which prohibits the breakup of a contract into smaller contracts to avoid tendering or procurement processes. The panel noted that the Council had taken advice from Queen's Counsel on this issue and had been assured that disaggregation had not taken place in this instance. In this context, if the Council was challenged it would seek to defend on the basis of this advice.
- 8.9 In relation to the value for money aspects of this issue, the panel noted that professional fees for Decent Homes are generally covered within the capital programme. The panel noted that increased costs had been incurred through the new procurement process as there was a need for further legal advice (Queen's Counsel). It was acknowledged that procurement for the year ahead (2013/14) may mean that programme delivery may not be as efficient as if the intended *framework* (2013-2017) had been procured.
- 8.10 The panel noted that there would not be any significant delay to planned home improvements for 2013/14 as a result of changes in the procurement process. Works would normally start in May/June, but due to the procurement change, works would start slightly later in 2013/14. Given the relatively modest scale of capital improvements for 2013/14, officers were confident that scheduled works would be completed in time.
- 8.11 The panel also noted that the planned capital works for decent homes in 2013/14 was not detailed and that works were broadly scheduled for completion by year end (March 2014).
- 8.12 The panel voiced a number of concerns about what role scrutiny can take in instances such as this, where due to information being confidential or exempt (resulting from the legal and confidentiality obligations within the procurement process), it was not possible to have access to documents and fully discuss such items in detail.
- 8.13 To conclude, the Chair summarised the key sequence of events:
- As a result of a procedural error, Greater London Authority funding for Decent Homes of the value of £6.5m was at risk;
 - This error was corrected by the instalment of a new procurement process for capital funding for 2013/14 and that the GLA funding was secured;
 - As a result of the procedural error there has been a small increase in legal costs which were containable within budget, and there will be a marginal delay to commencement of capital works for Decent Homes in 2013/14;
 - Monies allocated for 2013/14 Decent Homes capital projects will be spent in 2013/14;
 - No cancellation of works to any homes originally anticipated to be part of the programme would occur.

9. Meeting closed

The meeting closed at 9pm.