

# MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE HELD ON TUESDAY, 8TH NOVEMBER, 2016

## PRESENT:

**Councillors: Charles Wright (Chair), Pippa Connor (Vice-Chair), Makbule Gunes, Kirsten Hearn and Emine Ibrahim**

### 50. FILMING AT MEETINGS

Noted.

### 51. APOLOGIES FOR ABSENCE

None.

### 52. URGENT BUSINESS

It being a special meeting under Part 4, Section B, Paragraph 17 of the Council's Constitution, no other business was considered at the meeting.

### 53. DECLARATIONS OF INTEREST

None.

### 54. DEPUTATIONS/PETITIONS/PRESENTATIONS/QUESTIONS

The Committee received a deputation from three representatives of the Hornsey Town Hall Appreciation Society – Clifford Tibber, Alan Midgley and David Winskill.

Mr Tibber presented the deputation. NOTED:

- a. At the Cabinet meeting on 17 October, a petition had been presented with 2300 signatures, asking Cabinet to reconsider the decision to turn HTH into a hotel. Since this date, the number of signatories had risen to 6660. Catherine West MP had received over 1000 emails requesting that the decision be referred to full Council for a decision. A third of the Councillors had called in the decision, and had requested it to be referred to full Council. Mr Tibber requested that Overview and Scrutiny Committee could not ignore these, as these figures alone should be sufficient to trigger a debate at a full Council meeting.
- b. The award of a contract to an SPV which had not been part of the original procurement process was not appropriate. The original bid for the contract was by Far East Consortium, but the contract had been awarded to a newly set up company by FEC, who did not bid for the contract.
- c. The GVA Options Appraisal Report had produced definitions for the minimum requirements of community use and access of Hornsey Town Hall:
  - Regular tours of / interactive tools for, the historic spaces, with specific guided events at least once a month (minimum);

- The building must be open and accessible to the public for key dates such as for example St George's Day and Armistice Day ceremonies;
- The building must be open and accessible for London Open House;
- Special 'one-off' community requests should be accommodated wherever possible; and
- HTH and its facilities should be accessible to all, and accordingly a differentiated price list for facility hire should reflect commercial and community needs and affordability.

It was considered that these definitions did not provide for community use.

- d. It was suggested that HTH could continue to run as a community building, with the rents from businesses run from HTH being used to fund community events. The car park could be sold, and the revenue made from this used to repair HTH.
- e. There had been no consultation on this, and the only information provided to the public had been what Cabinet had chosen to publish. A request had been made in June to see the tenderer information, but the information had not been released. This was referred to the Information Commissioner, who had confirmed that this information should be made available.

## **55. CALL IN OF CAB 88: RECOMMENDATION OF A PREFERRED BIDDER TO SECURE THE FUTURE OF HORNSEY TOWN HALL**

Following an outline of the process for the call-in meeting, and the possible outcomes, the Chair invited Councillors Engert and Ejiófor to present their arguments for why they had requested the Cabinet decision to be called in and the alternative action requested.

Councillor Gail Engert set out her reasons for the call-in. She presented a petition to the Chair, and read a number of comments made by the signatories. Councillor Engert stated that as the Leader of the Opposition party, she supported the views of the petition that the proposals were not the right ones for Hornsey Town Hall. The counter-signatories and Councillor Engert did not believe that other options had not been considered, and suggested that money in the capital budget could be used to renovate Hornsey Town Hall. There were concerns that there would be a loss of public use, especially of the green space outside of the Town Hall. Councillor Engert requested that the decision be referred to full Council to allow a vote by all members of the Council.

In response to questions from the Committee, Councillor Engert explained that her call-in did not suggest that the decision fell outside of the policy framework. She stated that the Town Hall should be available for community use, workshops and start-up spaces for businesses. It was felt that if the car park behind the Town Hall was sold off, then the capital receipt from this could be used to replenish the capital budget, if this money was used to refurbish the Town Hall. The mix of arts and business space could then be used to finance the day to day running of the Town Hall, and provide for community use.

Councillor Ejiófor set out his reasons for the call-in which included that the proposed decision did not provide a sufficient amount of affordable homes, the procurement process had not delivered good value for money, there was no certainty with regard to

the community aspect of the proposal, and that the decision was outside of the policy framework.

In response to questions from the Committee, Councillor Ejofor stated that public access should mean public access and that the community offer in the proposal should be consulted on with the community to see if it was fit for purpose. He was not opposed to the principle of the proposal, but it needed to deliver for the people of Haringey, and he did not feel that that this was the case. In his opinion, and in the opinions of the 12 Labour signatories, not all options for Hornsey Town Hall had been considered.

The Cabinet Member for Regeneration and Planning, Councillor Strickland, responded to the call-in. He explained that Hornsey Town Hall needed to be restored and brought back to public use, and previous occupants of the building had found that the restoration costs had been so high that running the Town Hall as purely a community building was not viable. A rigorous procurement process had been followed, and FEC had been recommended to Cabinet as the preferred bidder. The proposal struck a good balance – the hotel would provide capital investment into the building, and provide ongoing revenue, which would enable areas of the building to be made available for public use. In response to the points made in regard to affordable housing, he referred to a number of sites across the borough where affordable housing had been built. Councillor Strickland also pointed out that the call-in was in relation to a decision made by Cabinet on the procurement process and not the housing plans.

In response to questions from the Committee, Councillor Strickland and officers informed them that any community use would be set out through legal agreements, with strict, clear and enforceable actions if the agreement was not adhered to. There were ongoing conversations taking place regarding this. It was also explained to the Committee that new planning permission could be applied for if it was felt that the current planning permission was not suitable for the proposal – however, it was also pointed out that the current planning permission was granted six years ago and it was not in the Council's power to force the bidder to change the number of affordable units set out in a 'live' planning permission.

*Clerk's note – the Committee agreed to suspend standing orders to allow the meeting to continue beyond 22.00*

Councillor Strickland referred Members to the Cabinet report, which set out clear reassurances on how the procurement process would be managed and monitored.

After further discussion around the green space at the front of the building, Councillor Strickland reiterated that the inclusion of the green within the proposal was agreed by the Cabinet in June 2015, and that the decision which was subject of the call-in was the procurement decision taken by Cabinet.

*Clerk's note – at this point in the meeting, the Committee passed a motion to exclude the press and public to allow them to discuss exempt areas of the report, and left the room to do so. The meeting then reconvened in public session at 22.35.*

The Legal Officer, Stephen Lawrence-Orumwense, referred the Committee to the report of the Monitoring Officer, which stated that the decision did not fall outside of the Policy Framework.

**RESOLVED** that the decision be referred back to Cabinet, with the following recommendations:

- a) That the Cabinet consider imposing a legal covenant guaranteeing free public access to the square, running with the land in perpetuity;
- b) That the Cabinet Member explores in conversation with the preferred bidder increasing the amount of affordable housing offered on the site, noting that an increased level of affordable housing cannot be imposed;
- c) That the Cabinet Member for Housing, Regeneration and Planning continues to explore possible support from the Mayor of London for increasing the amount of affordable housing offered on the site;
- d) That the Cabinet consider ring-fencing the capital receipt obtained from the transaction for affordable housing, or foregoing a proportion of any capital receipt in order to increase the amount of affordable housing offered on the site;
- e) That the Cabinet consider ring-fencing any overage monies to provide additional affordable housing;
- f) That the Cabinet consider offering a tailored package of support for businesses currently located at Hornsey Town Hall that will be displaced by the proposed development;
- g) That the Cabinet ensure the community is engaged with as soon as possible after an agreement is made with the preferred bidder to ensure the community can be as fully involved as possible. This engagement should not be delayed until the building is reopened;
- h) That the Cabinet confirm in its negotiations on final terms with the preferred bidder how the community use of the building, including the arts centre, be ensured, particularly in mitigating against potential financial obstacles and the impact of shortfalls or assignment;;
- i) That the Cabinet agree an active method of policing the lease and the use of the building. This could include a requirement for the Cabinet Member and officers to provide an update to Cabinet on the progress of the project, compliance with legal requirements, at least annually and in the event of any proposed material changes;
- j) That the Cabinet seek to ensure a high standard of design and accessibility in the development of the site, alongside compliance with planning requirements in respect of density, massing and height levels.

## **56. EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** that the press and public be excluded from the meeting for the discussion of item 8 as it contained exempt information as defined in Section 100a of the Local Government Act 1972; Para 3 – information relating to the business or financial affairs of any particular person (including the authority holding that information).

**57. CALL IN OF CAB 88: RECOMMENDATION OF A PREFERRED BIDDER TO SECURE THE FUTURE OF HORNSEY TOWN HALL**

The Committee discussed information pertaining to the exempt section of the report.

CHAIR: Councillor Charles Wright

Signed by Chair .....

Date .....

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