

Report for: Cabinet 11th of December 2018

Title: Broadwater Farm -**Cabinet's decisions relating to the Tangmere and Northolt blocks on Broadwater Farm**

Report

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Ward(s) affected N/A

Report for Key/

Non Key Decision: Key decision

1. Describe the issue under consideration

This report sets out the outcome of the Overview and Scrutiny Committee's consideration of the Cabinet's decision on 'Broadwater Farm and the decisions it made relating to Tangmere and Northolt blocks on the 13th of November 2018, following its referral to the OSC under the Call-In process (as described in Part 4 Section H of the Council's Constitution).

2. Introduction

The Overview and Scrutiny Committee considered the Cabinet's decision at a special meeting on the 6th of December 2018. The Committee heard from a deputation led by Mr Jacob Secker and Mr Paul Burnham, representing Haringey Defend Council Housing. The Committee also heard from Cllr Dawn Barnes and Cllr Tammy Palmer, the signatories of the call-in request.

- 2.1 Following full discussion, there was consideration given to the deputation and call in views that, in addition to the planned ballot on the future master plan for Broadwater Farm, a ballot of Northolt and Tangmere residents should be taken forward with a choice given on demolition or strengthening of the two blocks. The call in and deputation both contended that this was required to meet GLA funding requirements.
- 2.2 The Overview and Scrutiny Committee considered: the actions being taken to apply to the GLA for an exemption on carrying out a ballot on health and safety grounds, the continuing health and safety risk posed by the empty blocks, the reason for taking forward a section 105 consultation with a preferred option, and the information provided about the difference between the statutory section 105 consultation questions and how the format of a ballot would be taken forward. The Committee noted that in a GLA compliant ballot, the Council would still need to make a proposal, as done in the consultation, with 'yes' and 'no' responses considered against that option.
- 2.3 The Committee noted that, although the preferred option of demolition had been put forward, there was an opportunity provided in the consultation to disagree with this option and this had been taken up by a small number of residents. The majority of the Committee accepted the reasons provided for taking forward the immediately required section 105 consultation rather than a ballot and agreed with the Council seeking an exemption ruling based on health and safety issues.

The Committee further gave consideration to the response rate to the consultation and agreed that this was acceptable, noting the measures taken forward to illicit as high a response as possible.

- 2.4 The Committee commented that the November Cabinet report did not contain the questionnaire provided to residents in the consultation which would have provided the Committee and public with earlier assurance of the two choices being provided.
- 2.5 The Committee noted the deputation's views on how they felt the preferred option of demolition had been portrayed to residents, considered the experience shared by the co-opted member of previous residents feeling not listened to when reporting long standing improvements needed to Tangmere, and noted the Council's recognition of the long running issues of progressive damp in Tangmere and the structural issues this could cause. The Committee further took into account the information provided by the call in, on their contact with residents in Broadwater Farm through casework matters.
- 2.6 A key consideration in the call in and responses to Member questions was the right of return for leaseholders. It was felt that the Broadwater Farm Rehousing and Payments Policy did not take account that some resident leaseholders may, for rehousing purposes, be located outside of the borough and the Committee agreed, this situation should not mean that they do not have a right of return. In response, the Committee noted that it was intention of the policy to provide leaseholders with absolute right of return. It was accepted that the example, in the policy document, of the type of case to be considered by the panel, may have led to miss- interpretation about right of return. Officers accepted that resident leaseholders may move outside the borough for rehousing purposes given the closeness of the estate to the boundary line and could update the wording to make the policy clearer on resident leaseholder's right of return.
- 2.7 A further appropriate consideration, identified by the Committee, was the governance and oversight of the discretion panel. The Committee were concerned that residents would be making representations to an officer body which would not have any public accountability or involve councillors. In response, it was noted that councillors could not be involved in a panel making, essentially, financial decisions at a local level on home loss payments or rehousing due to their overarching policy making role. Members could receive factual information of the decisions taken by the discretion panel without involvement in the governance process. The Committee noted that the interests of the resident are protected through a 3 stage process including housing and legal officers input. Internally, there was felt to be adequate oversight of this process but it was accepted that residents may feel that this is an officer led process.

In relation to the discretion panel making decisions on succession rights to equity loan agreements, the Council will need to consider the fair use of public funds and balance the rights of the leaseholder's family against the rights of existing tenants whose rent contributes to the HRA account.

- 2.8 The Committee addressed the issues raised by the deputation and call in on the number of number of properties and rent levels that would be applied in the redevelopment of the two blocks. It was noted that the same number of front doors

as existed in the two blocks would be replaced with tenants paying council rent as confirmed at the Cabinet meeting on the 13th of November. The Council could look to increase bedroom numbers as Northolt had only one bedroom properties, when there was a need for a better mix of bedroom numbers in properties. This would be considered in the design stage of the blocks. However, essentially, there would not be less properties available after the re-development, than before. Council rents policy would still be applied even with GLA mayoral funding.

- 2.9 There was also discussion about the interchangeable use of the terms regeneration, re-development and renewal in the documentation which could cause confusion for residents on understanding the potential outcomes for their area and the Committee agreed that careful consideration is given to the use of these terms in reports to ensure that they are applied in the appropriate context.
- 2.10 The Committee agreed that they had received no evidence to suggest that the decisions taken on Broadwater Farm on the 13th of November were outside the budget Framework nor Policy Framework. The Committee, subsequently, unanimously, agreed that the decisions taken were inside the Budget Framework and further agreed that the decisions were inside the Policy Framework.
- 2.11 Taking account the key role of Overview and Scrutiny as the advocate for community engagement and the changes required to the Broadwater Farm Rehousing and Payments policy, a Cabinet document, the Committee proceeded to agree to refer the matter back to the Cabinet, as the decision maker, to reconsider its decision of 13th of November 2018 before taking a final decision, as set out in paragraph 10(b) of the Call-In Procedure rules set out in Part 4 Section H of the Council's Constitution. To assist with this, the Committee makes a number of recommendations to the Cabinet, as follows.

3. Recommendations

- a) That section 3.3 of the Broadwater Farm Rehousing and Payments policy is clarified to reflect the right of Tangmere and Northolt resident leaseholders to return to the Broadwater Farm Estate, following a move outside of the borough for rehousing purposes.
- b) That consideration is given to increasing and strengthening the voice of residents on the discretion panel to support confidence in this process and provide a sense that their representations will be fully considered. This will further involve considering the governance around the discretion panel to enable this.
- c) To consider extending the succession arrangements of equity loans provided to leaseholders beyond its current provision to partners of leaseholders.
- d) For Cabinet to commit to a fully participative process for engaging residents and leaseholders on the master plan and its future consultation for Broadwater Farm.
- e) To increasing communication about the Council's commitment to replacing the council homes demolished in Tangmere and Northolt with the same

number of council homes at council social rent and to make clear that rents will not increase.

- f) To make clear the Council's policy on ballots in relation to regeneration schemes in the borough.

4. Background

The papers considered by the Overview and Scrutiny are attached to provide the background to this paper. They are:

- Copy of the Call-in requests
- Excerpt from the draft cabinet minutes of the meeting held on the 13th of November
- Report to the Cabinet – Broadwater Farm
- Report of the Monitoring Officer and Chief Finance Officer
- Report of the interim director for Housing, Planning and Regeneration