

MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE HELD ON THURSDAY, 6TH DECEMBER, 2018, 19:00 – 22:30

PRESENT: Cllr Lucia das Neves (Chair), Cllr Pippa Connor (Vice-Chair), Cllr Ruth Gordon, Cllr Adam Jogee and Cllr Julie Davies

32. FILMING AT MEETINGS

Noted.

33. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Demir; Cllr Davies substituted.

34. URGENT BUSINESS

None.

35. DECLARATIONS OF INTEREST

None.

36. DEPUTATIONS/PETITIONS/PRESENTATIONS/QUESTIONS

At the outset, the Chair outlined the role of the Overview and Scrutiny Committee (OSC), highlighting their powers and the options available to them. The Chair then invited the representatives of the Deputation to address the OSC.

Before introducing the Deputation in relation to the Call In, Mr Jacob Secker clarified the Deputation was on behalf of Haringey Defend Council Housing and he was speaking, along with Mr Paul Burnham and Mr Chris Hutton, as their representatives.

The Deputation sought the OSC to refer the decision to demolish Tangmere and Northfolt without a GLA compliant ballot back to Cabinet.

Mr Secker argued that, as the Council was seeking to attain funding for new council housing through the GLA, it must, therefore, abide by the GLA rules. The decision whether to demolish Tangmere and Northfolt should only be decided through a GLA compliant ballot. This would give the residents the final decision and oblige the Council to enact any commitments made during the balloting process or risk losing the

GLA funding. He claimed that under a section 105 consultation, as was carried out, there was no obligation for the Council to commit to any promises it had made.

Mr Secker also claimed there were no details of what the Council was planning to do following the demolition of the two blocks. He stated that under GLA rules, during the ballot stage, it would be required that a master plan be created to inform residents of the Council's intentions for the estate.

Mr Secker felt the treatment of the residents during the 28 day consultation had been disgraceful and that residents were misled. He noted paragraph 4.1.3 of the report, and argued that it was incorrect to say that it was impossible to fix the water leaks. He argued this was not supported by any structural reports and that information regarding this claim had been requested from the Council but had yet to be received.

Regarding Northolt, Mr Secker claimed the residents had not been informed that re-piping would take place on the estate if demolition did not occur. He argued that residents were misled into concluding that the only viable option was demolition and the Council undemocratically withheld information. He claimed the Council had acted like a rogue private landlord.

Mr Secker disputed claims in the report prepared by Officers for the Call In and countered that it was still possible for the Council to hold a GLA compliant ballot. Citing paragraph 4.41, he claimed that GLA guidelines state that a ballot could occur following residents being moved out through a postal ballot.

Mr Secker claimed the amount of money being offered by the Council was not enough and would force residents to move out of the borough, and therefore lose their right of return.

Mr Burnham next spoke for the Deputation. He made the following comments:

- The claim by the Council that this was not a regeneration scheme and therefore there was no need for a GLA compliant ballot was erroneous. He accepted this was essentially a health and safety issue but it was also a regeneration scheme as the Council would be looking to improve the area following the rebuild.
- As the Cabinet Member informed at the November 2018 Cabinet meeting, that there would be an estate wide consultation for residents input into the estates future development, it was not the case that the proposed demolition was separate and distinct from other regeneration projects in the area.
- He argued the Council would pursue its own agenda, once the two blocks were demolished.
- Stressed it was important to note the length of time state regeneration schemes took to complete and the potential impact of future policy changes should be considered. The Deputation highlighted concern regarding the impact of the draft London Plan.

- Noted it was no longer acceptable for demolition to occur without a ballot having been completed.
- Remarked a GLA compliant ballot needed to take place in Broadwater Farm before any blocks were demolished as this was the only way there could be guarantees regarding future commitments. He asked the OSC to refer the decision back to Cabinet with such a recommendation.

The Chair thanked the Deputation and following questions by the OSC members, it was noted:

- The Deputation sought a ballot that gave the residents of Tangmere and Northfolt a meaningful choice. They wanted an option between strengthening and refurbishing the existing block with the alternative option being demolition. With demolition, there should be a master plan so that the residents were aware of the Council's future intention for the estate, once the blocks were demolished.
- Mr Secker clarified his comment regarding the 28 consultation being disgraceful. He claimed misleading information had been given during the consultation, he stated residents were informed they could either vote for demolition or continue to live in blocks that had water leaks. He commented that in a free and fair consultation, the case would be made for either option and for residents to choose, but claimed that the case was only made for demolition, the Council's preferred choice.
- Regarding the mention of there being an unused £800k fund available 6 years prior to fix the roof at Tangmere, the Deputation were not able to comment whether that was still available. Mr Secker stated this was offered in 2012 as part of Capital Homes and Decent Variation Scheme but the Council did not take this up.
- The Deputation was concerned that if the Council accepted GLA funding to rebuild, they might have to impose the mayoral rent. They asked the OSC to consider the impact of future policy changes and cited their concern as being a future with social rent homes being demolished in place of council homes at the mayoral rent.
- Mr Chris Hutton, a member of the Deputation, detailed his experience of living on Broadwater Farm since 1992. He informed the OSC of the change that had taken place since then. He noted:
 - there had been investment in the past but that for the past 30 years, felt little had been done to develop the common areas since.
 - remarked there had been a Decent Homes Scheme which was scaled back in scope.
 - there had been no effort to maintain or improve the estate.
 - claimed the lack of maintenance and preventative action created the current situation.

- there had been a lack of information provided during the consultation, with no alternative options presented other than demolition.
- Mr Secker reiterated his opposition to demolishing both blocks and claimed no evidence, such as structural reports, had been presented which convinced him that the two blocks should be demolished.
- Mr Burnham was against the principle of demolishing council homes and said there should be an increase in higher quality council homes. He noted there had been an increase in demolitions taking place since 2010, and attributed this to Conservative Party politics. He stressed the importance of the ballot and giving residents a voice in deciding their own futures.

The Chair thanked the representatives for their Deputation.

37. CALL IN - BROADWATER FARM BLOCKS

Cllr Barnes outlined the Call In and concurred with the view of the Deputation that there should be a GLA compliant ballot before demolition of Tangmere and Northolt took place. The Cllr said it had been a mistake for the Council to lead with demolition and not strengthening the existing blocks as it was for the residents to determine which of the two options they preferred.

The Cllr criticised the position of the Council and claimed having a ballot of residents on Broadwater Farm following demolition would not be of assistance to those residents who wanted to keep their existing homes. She accepted that, whilst it was true residents had already been consulted in the 28 day consultation, this was insufficient as it did not give the residents the choice to make the decision for themselves. The Cllr disputed the Council's claim that ballots were only meant for estate regeneration. She noted the proposals had included demolishing the unsuitable homes and then rebuilding newer, larger and better homes, which also addressed regeneration of the estate. The GLA rules stated that if a project involved demolition and rebuilding more than 150 homes (which it did in this case) then this would require a ballot.

The Cllr noted the Council's position that an exemption from a GLA complaint ballot was granted in cases of health and safety concerns. However, the Cllr noted this was on the premise that those health and safety concerns could not be reasonably addressed through alternative options. The Cllr claimed strengthening was an alternative measure that had not been explored as the Council led with its preferred option, demolition.

The Cllr suggested there could be a financial risk if the GLA concluded there was an available viable option in strengthening and reclaimed funding as a result. The Cllr noted paragraph 4.4.5 did not suggest an alternative plan was in place should this

circumstance occur and asked the OSC to consider the impact of deciding policy that could adversely impact the financial position of the Council.

The Cllr closed by arguing that two ballots should take place. In addition to the ballot the Council had proposed, an earlier ballot before any decision had taken place, to give the residents the option of demolition or strengthening. Whilst consultations provided a transfer of views, the Cllr claimed a ballot gave power to residents to have the final decision.

Cllr Palmer next addressed the OSC concerning preserving the right of return for those leaseholders affected by the demolition of Tangmere and Northolt. The Cllr noted that displaced leaseholders who moved out of the borough could lose their right of return. The Cllr claimed this was disproportionate and unnecessary, especially given Broadwater Farm was within 1 mile from the London Borough of Enfield and residents may financially have no choice but to look beyond Haringey. The Cllr noted the report accepted residents who moved out of the borough for financial purposes would be able to claim a right of return, but only once it had been approved by a Discretion Panel, which the Cllr felt was unfair. The Cllr stated the Discretion Panel would cause displaced residents additional stress and anxiety and urged the OSC to recommend removing such right of return restrictions.

The Chair thanked the Cllrs for their Call In and after questions from the OSC members, the following was noted:

- Cllr Barnes accepted the health and safety concerns of Tangmere and Northolt were serious and therefore decanting should continue. However, the Cllr claimed it was possible to then ballot residents on demolition or strengthening, once they had been safely decanted and rehoused.
- It was insufficient that the residents only had the option of whether they agreed with demolition during the consultation and Cllr Barnes claimed residents should firstly be provided with a ballot option to choose between demolition and strengthening. This should include all the information regarding the merits and demerits of both options.
- Cllr Barnes accepted there were real concerns about the blocks but they should have been addressed with the residents so they could make an informed decision, and that it was not fair to make a decision about demolition without fully consulting the residents with all the facts.
- Were the residents to choose demolition, Cllr Barnes stated a master plan must be in place that ensured they would be able to return to the estate as soon as possible.
- Cllr Palmer noted the historical significance of Broadwater Farm as an important landmark for Tottenham, and that the estate showed the merits of social and mixed housing.
- Regarding engagement with the local residents, Cllr Palmer had spent considerable time talking to residents and engaging with casework in the area.

- The Cllr highlighted two concerned leaseholders not understanding what was being offered to them and that she felt there was a culture of fear in which residents were being led to believe a particular point of view.
- Cllr Palmer highlighted the Call In was seeking an absolute guarantee that residents who were displaced by the demolition of Tangmere and Northfolt had a right of return, and argued the Discretion Panel did not guarantee this.
 - Cllr Palmer felt the key issue with the consultation was trust and, as the Deputation highlighted, there had been a lack of belief that the residents were being provided all the information.
 - The Call In sought the OSC to refer the decision back to Cabinet with a recommendation that a meaningful ballot must take place.

Cabinet Member response to the Call In

The Cabinet Member next responded to the Call In and answered questions, along with Officers, put by the OSC.

Regarding the specific points raised by the Call In and the Deputation, the following was noted:

Consultation

- All decisions had been taken in line with the Housing Strategy and a detailed consultation had taken place. The Cabinet Member was confident that there was a high level of support for demolition and subsequent rebuilding of the two blocks by the leaseholders. There was a high response rate of 50% to the 28-day consultation and 90% of those supported demolition.
- The Cabinet Member rejected the Deputations claim that there had been a lack of transparency regarding the structural surveys carried out on the two blocks, and that they had, in fact, received the information before the Council had. The publication of the structural surveys were released soon after their completion by Homes for Haringey.
- The Cabinet Member refuted suggestions that the Council had acted in any way other than appropriate during the consultation. It was accepted that at a meeting with residents, the issue of a ballot had been raised but it was apparent the large majority were more concerned with other matters.
- Having visited residents of the two blocks, the Cabinet Member informed the OSC that a large number of those residents were living in overcrowded properties and there was greater concern by them about their accommodation being fit for purpose.
- The Cabinet Member acknowledged a complaint had been received by Mr Jacob Secker and this had been forwarded onto Officers so that the appropriate complaints process could be initiated. Officers confirmed the allegations regarding improper conduct during the consultation process had

- been previously investigated and the independent tenor and advisory team strongly disputed any allegations of wrongdoing.
- The Cabinet Member maintained the consultation question was entirely consistent with how a GLA ballot question would be phrased, in the form of a yes/no answer. The Section 105 consultation was on the preferred option of demolition. The Council had received legal advice regarding being open about its preferred option with residents. The residents had the opportunity to decide whether they agreed with the Council's preferred option or not and it was noted a minority of residents had not agreed with demolition but the large majority did.
 - Regarding whether the consultation could have been done better, the Cabinet Member noted that several changes had occurred such as moving the date of the 28-day consultation from August 2018 as it was not considered fair to hold over the summer holiday. Additionally, language support had been available for residents who required it.
 - The Cabinet Member assured the OSC the consultation had been comprehensive and noted the high response rate for a local authority consultation from residents (50%). Officers noted the benefit of the delay to the official 28-day consultation being residents had a longer period of information being provided to them. Officers also noted changes had been made during the consultation, such as to the rehousing policy, following dialogue with the residents. Additionally, the OSC were informed that engagement with residents on Broadwater Farm had been constant in the past few months as several other works were taking place concurrently on the estate which they were being consulted on.

Ballot

- The circumstances did not allow for a GLA compliant ballot to take place as the Council had a deadline to decant residents and holding such a ballot would have caused a delay and put residents at risk of harm. The Council had requested an exemption from the GLA. If the exemption was to be rejected, then a ballot would have to be held.
- The Cabinet Member noted confusion by the Call In and Deputation as to how a GLA compliant ballot was conducted and noted it only allowed for a yes or no answer. It would therefore not have been possible to ask residents which of the two options, strengthening or demolishment, they preferred. The Council would have to make a proposal, as it had during the consultation, and residents would have to agree or disagree.
- Once a master plan was in place, the Council had committed to balloting the whole estate.
- If the GLA rejected the exemption request, Officers would seek to consult with the GLA to find a way by which a GLA ballot could be held in the circumstances, given the health and safety concerns.

- The GLA outlined circumstances where exemptions may apply and the Council felt strongly this was a case where one should be issued. Officers noted the health and safety concerns were not removed once the residents had been decanted from the two blocks as there was still the immediate threat to the surrounding estate and its residents, should there be an event which could cause the blocks to collapse. It was therefore not considered an option to decant the residents from the two blocks and ballot them once safely removed.
- In order to hold a GLA compliant ballot, a master plan would need to be created. Officers referred members to the November 2018 Cabinet report in which it was outlined the master plan was at an early stage of looking at the redevelopment phase of the project, addressing the basic issues such as capacity of development sites. That information would then be used to inform the master plan to be presented in early 2019. The residents of the estate and those decanted from the two blocks would be invited to provide their views on the master plan.
- Officers accepted the use of the words redevelopment, regeneration and renewal could have been clearer in the report. Officers noted the circumstances as being unusual and clarified redevelopment was the best descriptor of the situation, as it usually followed a process of demolition.
- To strengthen the buildings, as opposed to demolishing them, would cost the Housing and revenue budget £30million. The Cabinet Member emphasised it was important the Council took into account the needs of all of its estates that it had a duty to and the £30million would have been too costly and taken from other estates needing investment.

Right of return

- Officers informed none of the resident leaseholders had been rehoused outside the borough. It was confirmed there was an error in the report and the number of resident leaseholders at Tangmere was six, not nine. Officers noted the difficulty in engaging with resident leaseholders but reassured the OSC that the Council had put maximum effort into engaging with them.
- The Cabinet Member confirmed that residents returning to the estate, would continue to pay social rent.
- Regarding succession rights to any equity loan offered by the Council, Officers confirmed this would be offered to spouses and partners but not to their children. However, children would be offered the opportunity to buy out the Council's share of the property. In deciding such policy, it was important a balance was struck between wanting to do the best for those children, but also recognising the money was provided by the HRA. The HRA was funded by rent from tenants and officers had to determine the appropriate use of that money. It was not deemed appropriate for children to also be offered succession rights to their parents equity loan.

- Officers reiterated the commitment to replacing the same number of homes at Tangmere and Northfolt but it was unlikely that the mix of bedroom sizes would be the same. Northfolt was comprised of just one bedroom properties and the intention was to increase some of the bedroom sizes to assist the problem of overcrowding within the borough. Officers accepted some of the properties may be vacant if residents did not exercise their right to return but those properties would then house those next on the housing waiting list and they would pay council rent, not mayoral rent.
- Regarding replacement homes, the Cabinet Member reiterated the commitment made at the November 2018 Cabinet meeting to replace the demolished properties with 100% social housing at council rent.
- Officers clarified that it was not the intention of the policy to prevent a right of return for residents who moved a short distance and wished to return to the estate once the properties were rebuilt. Officers accepted the policy could be better worded to reflect this.

Discretion Panel

- Officers clarified the issue of Home Loss Payment's and rent arrears. It was accepted at times the general principles of the policy might not be applicable,, such in as in home loss cases. In those situations, it was general policy to deduct rent arrears from compensation payments but there may be some cases where discretion was shown. The Discretion Panel would exist to consider such cases where it would have the option to offer, for example, higher equity loans. The Panel would be comprised of officers from both Homes for Haringey and Haringey Council, advice would be provided by the Council's legal team. The Panel would make a recommendation on cases and the Head of Housing would then make the final decision and informed the resident. The resident had the option to appeal the decision to the Director for Housing and Growth. The sum of Home Loss payments was set out in legislation and the current amount was £6,300, which was paid to all those eligible. Officers highlighted to the OSC page 48 of the report pack, which detailed the '*Payments made to tenants and residents leaseholders*'.
- The Cabinet Member informed the OSC that no politicians played any part in the Discretion Panel and contended it would not be good practice to involve politicians into individuals' financial affairs. The Cabinet Member stated it would be appropriate for politicians to support residents through the process and flag decisions they felt needed review but play no active part in the decision making process. Officers confirmed that no members were on the Discretion Panel as it was essentially about interpreting Council policy.
- Officers clarified residents would put forward their own case to the Discretion Panel, with assistance from Officers as necessary. Officers also noted residents interests would be protected by the appeal process but the Chair

queried how satisfied members of the public would be that the Discretion Panel and the subsequent appeal process was to be handled entirely by Officers.

Health and Safety

- The Cabinet Member accepted there had been a level of neglect historically towards the estate but as soon as the Cabinet in office became aware of the pressing concerns regarding the structural integrity of the two blocks, Tangmere and Northfolt, it took the difficult but necessary decision to demolish them as its primary concern was the safety of residents.
- The issue with leaks at Tangmere was due to design faults and the water draining through the building caused severe water ingress. The Cabinet Member noted witnessing significant adverse effects at residents properties due to the water leaks and stressed these were not appropriate living conditions.
- The Cabinet Member rejected the Deputations view that the Council was acting like a rogue landlord and, on the contrary, countered it would have been the act of a rogue landlord to keep residents in such conditions as those created by the water leaks.
- The Cabinet Member confirmed an Equality Impact Assessment had been carried out in relation to the report.
- The Cabinet Member was resolute that the Council had to act at the earliest opportunity, as it should, in matters regarding health and safety concerns.

Monitoring Officer's report

The Deputy Monitoring Officer outlined the Monitoring Officer's report to the OSC. The report covered firstly the process as required by the constitution, and secondly, the advice of the Monitoring Officer whether or not the decision taken by Cabinet was within the budget and policy framework.

If the OSC were of the view that the decision was within the budget and policy framework, it could, firstly, do nothing at all, secondly, refer the decision back to cabinet with recommendations, or thirdly, refer the decision to full council. If the OSC concluded the decision was outside the budget and policy framework, then it could refer the decision back to Cabinet for reconsideration. The OSC were referred to the relevant policy framework - Housing Strategy document, paragraphs 4.2, 4.3, 7 (all), and 8.4.

The advice of the Monitoring Officer was the decision taken by Cabinet did fall within the policy framework. Additionally, the advice of the Chief Finance Officer, included within the report, was the decision taken by Cabinet was within the budgetary framework. It was also noted the Call In and Deputation cited concerns there would be a financial risk to the Council in potentially having to return GLA funding. The Chief Finance Officer in the report stated no decision had been made in respect of GLA

funding, and therefore this was not relevant. The OSC were required to consider the advice of the Monitoring Officer and Chief Finance Officer before making its final decision.

OSC Debate

The Chair reminded the OSC of the matters raised in the Call In that it was being asked to consider. These were:

- The GLA's capital guidelines for securing funding i.e. ballot and the future risk of having to repay GLA capital funding;
- The obligations and aspirations of the housing strategy in terms of engagement and working with residents;
- Mayors of London's ballot requirement for estate regeneration schemes;
- The claim of non-compliance of the Broadwater Farm rehousing and Payments policy with the Housing strategy section 4.2 and supporting strong mixed communities;
- Amendment of equity loans for residents leaseholders;
- The information on Rent and service charge arrears being deducted from home loss payments;
- The information on holding a pre demolition ballot; and
- The Call In claim that there would be a precedent set for future ballot schemes by not holding a pre -demolition ballot.

Following discussion, the OSC noted the clarity of arguments put forward by residents in the Deputation as convincing and compelling. The OSC felt strongly that residents should have been confident all dealings with the Council were transparent and open. Further, they should be satisfied that the Council had kept them fully informed at every stage. If residents felt they had not been consulted properly, then there should be an obligation to be responsive and conscious to that concern.

The OSC noted the strength of arguments presented and that there appeared to be a level of misinformation between the Council and residents. However, the OSC were satisfied the consultation had been rigorous and thorough.

The OSC considered referring the decision back to Cabinet for greater clarification over issues raised, such as the governance of the Discretion Panel and leaseholder rights. The OSC felt strongly the master plan should entail a fully participative process.

OSC Decision

Following a closed session, the Committee agreed unanimously the Cabinet decision was within the policy and budget framework.

However, the OSC decided it would refer the decision back to Cabinet with recommendations, covering some of the matters discussed above, such as:

- Further clarifying the rights of leaseholders;
- Consider increasing the voice of residents within the governance of the Discretion Panels;
- Looking at offering the equity loans beyond partners;
- Proposing a process on the master plan that was participative and took into account the view of residents; and
- Clarifying the exact number of replacement homes and at what rent these would be; and
- A comprehensive communications strategy that detailed how the council was to engage with the residents.

Cllr Connor agreed with the rest of the Committee but put on record that she would like to see Cabinet also reconsider holding a ballot before the demolition of Tangmere and Northolt took place.

CHAIR: Councillor Lucia das Neves

Signed by Chair

Date