

Housing Act 1985 Section 105 consultation report	Fiske Court, N17
Date:	November 2021

1. Introduction

- 1.1 Under the Housing Act 1985 Section 105, Haringey Council (the Council) has a legal obligation to consult its secure tenants on matters of housing management such as changes to the management, maintenance, improvement or demolition of houses let by them or changes in the provision of services or amenities.
- 1.2 In February 2021, the Council launched a Section 105 consultation based on proposals for a new housing development on Fiske Court which would result in changes to the amenities of secure tenants in the area.
- 1.3 This report:
- Outlines the proposals put forward by the Council and the impact on the amenities for secure tenants in the area.
 - Provides an overview of the consultation process conducted by the Council in accordance with its legal obligations under the Housing Act 1985 Section 105.
 - Summarises the results and outcome of the consultation.

2. Proposals

- 2.1 In the proposals outlined to residents during the Section 105 consultation, the Council stated its intention to make the following alterations to the amenities in the area:
- Remove 10 pram sheds.
 - Remove 17 parking bays from Fiske Court.
- 2.2 The Council is proposing to make the changes listed in 2.1 to build five new homes to be let at council rents. Relocation of existing refuse and recycling stores is also included in these proposals.
- 2.3 Given secure tenants will be losing amenities (2.1) a Housing Act 1985 Section 105 consultation was required.
- 2.4 The Council consulted 60 households. In addition to consulting with secure tenants as required by law, the above figure also includes resident and non-resident leaseholders. The Council consults leaseholders as part of Section 105 consultations as a matter of good practice.

2.5 The tenure of the households consulted is outlined below:

Scheme	Secure Tenants	Leaseholders
Fiske Court	42	18

2.6 The consultation period lasted from 19 February 2021 until 21 March 2021. Information provided included:

- A consultation pack posted to consultees included an outline of the impact of the proposed developments on their affected amenities and a selection of site location plans, indicative plans and associated images. The pack also included a consultation questionnaire, an equality and diversity questionnaire, a form to request the materials in different formats and languages, and a stamped addressed envelope was provided so consultees could respond by post. Contact details, including a phone number, were provided so consultees could request further information. Non-resident leaseholders received a notification of the consultation at both their home address and the address of their property.
- The information and materials detailed above were also placed on the Council’s website.
- Two online engagement sessions were held for consultees on:
 - Wednesday 10 March 2021 at 6pm
 - Thursday 18 March 2021 at 1pm
- Recordings of these meetings were available on the Council’s website immediately after the close of each event. These recordings are available until a decision is taken to proceed with construction or the scheme is withdrawn from the programme.

3. Consultation response

3.1 A breakdown of the consultation responses by tenure is outlined below:

Overall consultation audience	Number of responses	Number of secure tenant responses	Number of leaseholder responses
60	3	1	2

3.2 To understand use of the parking bays and pram sheds consultees were asked:

- Do you use the pram sheds?
- If you answered yes, how often do you use it?
- Do you use the parking bays?
- If you answered yes, how often do you use it?

3.3 Responses from consultees are outlined below. Please note that some respondents left parts of the question sections blank.

Number of overall responses to the consultation	Answered “yes” when asked if they used the pram sheds	Answered “Daily” when asked to describe their use of the pram sheds	Answered they used it for “occasionally” when asked to describe their use of the pram sheds
3 (1/2)	2 (1/1)	1 (1/0)	1 (0/1)

(Secure tenants/leaseholders)

Number of overall responses to the consultation	Answered “yes” when asked if they used the parking bays	Answered “Daily” when asked to describe their use of the parking bays	Answered they used it for “Friends/Family/Carers” when asked to describe their use of the parking bays
3 (1/2)	2 (1/1)	2 (1/1)	1 (0/1)

(Secure tenants/leaseholders)

3.4 To judge the impact of the proposed changes on secure tenants and leaseholders, consultees were asked:

- What impact would the proposals to remove the parking bays and pram sheds have on you?
- If the proposal to remove the parking bays and pram sheds goes ahead, do you have any suggestions for alternative provision?
- Do you have any other comments around the removal of the parking bays and pram sheds for Fiske Court?

3.5 The answers to these questions are summarised in the below table, including the Council's response. Please note, this is a summary of the relevant comments submitted in relation to the terms of the Section 105 consultation. This is not a record of every comment received. Individual comments on the same topic have been noted as one entry in the table.

Consultation comment	Consideration and response
<p>Parking issues in the surrounding area</p> <p>Concerns were raised about the removal of the parking bay amenity as part of these proposal, specifically that this would:</p> <ul style="list-style-type: none"> • Exacerbate the current lack of parking provision in the local area. • Impact on resident safety, particularly residents who would feel safer parking in parking bays outside their homes, as opposed to walking from their cars parked on the surrounding roads. 	<p>The Council understands that the availability of parking spaces is an important issue for residents, especially those with mobility issues or caring responsibilities. To address these concerns:</p> <ul style="list-style-type: none"> • Following feedback from residents, the Council has reviewed its proposals and intends to reduce the maximum number of parking bays it will remove from 17 to 8, meaning that 14 parking bays will remain in use for residents should the development proceed. This is in part being achieved by a reduction in the number of homes planned for the site, with the Council now intending to build 4 homes instead of the 5 homes originally proposed. • The Council will be carrying out further parking surveys to assess the traffic implications of its proposals and ensure appropriate mitigations, where possible.
<p>Impact on resident's storage facilities from the removal of pram sheds</p> <p>Respondents raised concerns and questions about the proposals to remove the pram shed amenity, including:</p> <p><i>Concerns</i></p> <ul style="list-style-type: none"> • These changes will limit the storage space of existing residents. <p><i>Questions</i></p> <ul style="list-style-type: none"> • Would the new homes have adequate internal storage space? • Can the Council consider building replacement storage facilities for residents? 	<p>The Council understands the need for residents to have access to storage space. Under its proposals for Fiske Court:</p> <ul style="list-style-type: none"> • The Council is currently proposing to retain 45 pram sheds on Fiske Court for the use of all residents: only 10 pram sheds will be removed under this proposal. This should leave adequate storage space for residents. • The new homes will have adequate internal space for storage. • There will be no replacement pram sheds constructed as the land available from the removed pram sheds will be used for both the new council homes and green space.

3.6 Additional comments were received regarding the potential impact of the development which are outside the remit of this consultation. These included:

- Queries over whether sunlight and daylight will be restricted to the existing homes from the proposed new development.
- Whether existing residents' use of the green space will be restricted, or used less, due to more residents moving into the area because of the new development.
- Concerns about the current standard of the pram sheds.

These comments will be considered as proposals for this site are further developed. The Council has undertaken a community engagement exercise with residents in the autumn of 2021 in which these issues were explored in more depth.

3.7 Across both online engagement events, no attendees joined the sessions.

4. Equality and Diversity

4.1 Under the public sector equality duty outlined in the Equality Act 2010, the Council must have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not.
- Foster good relations between people who share a relevant protected characteristic and people who do not.

4.2 The public sector equality duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In relation to the protected characteristic of marriage and civil partnership, the Council only needs to comply with the first aim of the duty.

4.3 The report outlines proposals to build new homes and remove 10 pram sheds and 17 parking bays. The Council has undertaken a consultation on these proposals with residents who may be affected. The results of the consultation and an assessment of the potential impact were assessed in an Equality Impact Assessment (EqIA) for this project.

4.4 There is potential for both positive and negative impacts of these proposals. Provision of new homes may be considered a positive for people who need a council home. The removal of parking bays and pram sheds may be considered a negative for disabled residents, older residents, and residents with young children who are more reliant on parking bays near their homes or who require additional storage space. As noted in the EqIA, the Council monitors feedback and consultation responses to assess the likelihood of these potential negative impacts and mitigate where reasonable and proportionate.

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5. Assessment

5.1 The responses received during the Section 105 consultation have been considered by the Council. Responses to comments from residents have been answered in 3.5.

5.2 It is acknowledged that the removal of the parking bays and pram shed storage could have an impact on residents. However, the Council will:

- Reduce the maximum number of parking bays it will remove from 17 to 8, meaning that 14 parking bays will remain in use if the proposals are progressed.
- Conduct parking surveys on the impact of the proposals on parking provision in the area.
- Retain 45 pram sheds on Fiske Court and ensure that the new homes have adequate storage facilities, as outlined during the Section 105 consultation.

6. Recommendations

6.1 Based on responses received from the consultation, the Council recommends that:

- The mitigations outlined in 3.5 and 5.3 in response to the feedback from residents regarding the loss of amenity spaces under these proposals are reasonable and fair.
- Proposals should proceed as outlined in 2.1.