

London Borough of Hackney – Decisions taken by the Cabinet on Monday 18 July 2022

Agenda Item No	Topic	Decision
----------------	-------	----------

Items considered in public

Last Date for Call in – 26 July 2022

6	Unrestricted minutes of the previous meeting of Cabinet held on 27 June 2022	The unrestricted minutes of the previous meeting of the Cabinet held on 27 June 2022, were approved.
7	Capital Update and Property Disposals And Acquisitions Report - Key Decision No. FCR S084	<p><u>RESOLVED:</u></p> <p>I. That the schemes for Children and Education as set out in section 11 be given approval as follows:</p> <p>Final Devolved Formula Capital (DFC) Allocation Capital Funding: Resource and spend approval of £416k in 2022/23 is requested for the allocation of the Department for Education (DfE) grant to individual schools maintained by Hackney Council for 2022/23.</p> <p>Ann Tayler Children's Centre: Virement and spend approval of £850k (£50k in 2022/23, £780k in 2023/24 and £20k in 2024/25) is requested to fund the new roof replacement at this children's centre.</p> <p>II. That the scheme for Finance and Corporate Resources as set out in section 11 be given approval as follows:</p> <p>Millfields Waste Depot: Resource and spend approval of £65k in 2022/23 is requested to enable Council officers to start Phase 1 of the remedial works at this site.</p> <p>III. That the scheme for Climate, Homes & Economy (Non-Housing) as set out in</p>

London Borough of Hackney – Decisions taken by the Cabinet on Monday 18 July 2022

Agenda Item No	Topic	Decision
		<p>section 11 be given approval as follows:</p> <p>Cycle Hangers: Resource and spend approval of £2,835k (£70k in 2022/23, £945k in 2023/24, £945k in 2024/25, £875k in 2025/26) is requested to enable Council Officers to roll out a further 675 cycle hangers across the borough over 3 years, providing secure cycle parking for more than 4,000 bikes.</p> <p>IV. That the scheme outlined in section 12 be noted.</p> <p>V. To approve the disposal by leasehold interest of the basement, part ground, first, second and third floors of Keltan House for a term of 15 years (as shown edged in red for indicative purposes only on the plan in Appendix 1).</p> <p>VI. To approve the disposal by leasehold interest of 74 & 75 Walrond House for a term of 15 years (as shown edged in red for indicative purposes only on the plan in Appendix 3).</p> <p>VII To authorise the Director of Legal Services to prepare, agree, settle and sign the necessary legal documentation to effect the proposed disposals and to enter into any other ancillary legal documentation required to complete the proposed disposal transactions.</p> <p>VIII To delegate authority to the Group Director of Finance and Corporate Resources to enter into a lease of 15 years, and to agree all other terms of the lease, provided that the requirements of Section 123 Local Government Act 1972 are met.</p>

London Borough of Hackney – Decisions taken by the Cabinet on Monday 18 July 2022

Agenda Item No	Topic	Decision
		<p><u>Reasons for decision</u></p> <p>The decisions required are necessary in order that the schemes within the Council's approved Capital programme can be delivered and to approve the property proposals as set out in this report.</p> <p>In most cases, resources have already been allocated to the schemes as part of the budget setting exercise but spending approval is required in order for the scheme to proceed. Where, however, resources have not previously been allocated, resource approval is requested in this report.</p> <p>To facilitate financial management and control of the Council's finances.</p>
8	2021/22 Overall Financial Position Report - May 2022 - Key Decision No: FCR S083 - TO FOLLOW	<p>RESOLVED:</p> <p>That the Cabinet:</p> <ul style="list-style-type: none"> 1. Approved the proposed Covid-19 Additional Relief Fund (CARF) scheme as set out in Section 9 1. Noted the update on the overall financial position for May covering the General Fund and HRA <p>REASONS FOR DECISION</p> <p>To facilitate financial management and control of the Council's finances and to implement the Covid-19 Additional Relief Fund proposal (section 9).</p>

London Borough of Hackney – Decisions taken by the Cabinet on Monday 18 July 2022

Agenda Item No	Topic	Decision
9	Acquisition of Local Space properties - Key Decision No: FCR S078	<p>RESOLVED:</p> <p>That the Cabinet:</p> <ul style="list-style-type: none"> I. Authorised budget provision and spend of up to £4.25m from for the purchase of former Right-to-Buy properties in the market to support the increased supply of temporary accommodation available to the borough. II. Allocated the properties purchased for one time only nomination by Local Space as part of the agreed decant programme III. Gave delegated authority to the Director of Strategic Property Services, in consultation with the Group Director of Neighbourhoods and Housing and the Group Director of Finance and Corporate Resources, to negotiate final terms, conditions on the above purchases, including price and purchase of the property. IV. Authorised the Director of Legal and Governance Services to prepare, agree, settle and sign the necessary legal documentation to effect the proposals contained in this report and to enter into any other ancillary legal documentation as required. <p>Reasons for decision</p> <p>As outlined within the report, there is a significant need to expand the stock of social housing in Hackney.</p> <p>As set out within Part 7 of the Housing Act 1996, the Council has a statutory duty to</p>

London Borough of Hackney – Decisions taken by the Cabinet on Monday 18 July 2022

Agenda Item No	Topic	Decision
		<p>provide interim temporary accommodation to homeless households to whom it has a duty to provide permanent housing.</p> <p>By agreeing to purchase the 10 properties, we will not only immediately increase the number of affordable units in response to the increasing demand, but will potentially have access to more units of affordable settled accommodation for those currently within our temporary provision, freeing up this stock for a speeded up programme of Local Space re-provision properties.</p>
10	Woodberry Down Principal Development Agreement updates - Key Decision No: CHE 112	<p>RESOLVED:</p> <p>That the Cabinet:</p> <ul style="list-style-type: none"> I. Authorised entering into a a Side Letter to the Woodberry Down Principal Development Agreement (Phases 2-8) with Berkeley Homes and Notting Hill Genesis. II. Authorised <ul style="list-style-type: none"> (i) the variations to the Woodberry Down Development Compulsory Purchase Order Indemnity Agreement (as set out in Schedule 7 of the Principal Development Agreement) for Phase 4 with Berkeley Homes as set out in this Report; and (ii) entering into such Compulsory Purchase Order Indemnity Agreement on such terms as are agreed between the parties.

London Borough of Hackney – Decisions taken by the Cabinet on Monday 18 July 2022

Agenda Item No	Topic	Decision
		<p>III. Delegated authority to the Group Director of Climate Homes and Economy and Group Director of Finance and Corporate Resources to agree to the market value purchase with vacant possession of leasehold properties in Phase 4 of the Woodberry Down regeneration, and the award of compensation to the leaseholders affected by the purchase.</p> <p>IV. Authorised entering into the Fifth Deed of Variation to the Woodberry Down Principal Development Agreement (Phases 2-8).</p> <p>V. Delegated authority to the Group Director of Finance and Corporate Resources in consultation with the Mayor to enter into the Block D Supplemental Agreement to the Woodberry Down Principal Development Agreement (Phases 2-8).</p> <p>VI. Delegated authority to the Group Director of Climate Homes and Economy to approve any further necessary variations to the Principal Development Agreement (Phases 2-8).</p> <p>VII. Authorised the Director of Legal Democratic and Electoral Services to prepare, agree, settle and sign the necessary legal documentation to effect the proposals contained in this report and to enter into any other ancillary legal documentation as required.</p> <p><u>Reasons for decision</u></p>

London Borough of Hackney – Decisions taken by the Cabinet on Monday 18 July 2022

Agenda Item No	Topic	Decision
		<p>Side Letter to the Principal Development Agreement</p> <p>The Side Letter between Berkeley Homes and the Council will enable the regeneration of Woodberry Down to continue to progress in line with the target delivery programme, and will therefore ensure the delivery of much needed high quality homes.</p> <p>The partners agree it is appropriate to carry out a review of the masterplan, which was approved in 2014, however there is not sufficient time to progress a hybrid application for Phases 4-8 without delaying the target start on site date for Phase 4. The Side Letter will therefore enable the partners to bring forward a standalone planning application for Phase 4, with a clear timetable and process in place for agreeing a revised masterplan.</p> <p>The separation of Phase 4 from the masterplan will also allow more time to consult and develop the wider masterplan; work on which will commence once the Phase 4 application has been submitted.</p> <p>The Side Letter sets out the process for agreeing a new masterplan including the key stages and target timetable for submission. The document is still in draft form, however further details on the principles of the legal agreement are included in exempt Appendix 1. As this agreement will be a Deed, Cabinet authority is sought for the Council to enter into it.</p> <p>CPO Indemnity Agreement (Variation to the Agreed Form)</p> <p>On 28 February 2022, as part of a wider report seeking authority to commence preparations to make a Compulsory Purchase Order (CPO) for Phase 4, Cabinet approved the commencement of negotiations with leaseholders in Phase 4 to buy back their properties. The purchasing of leasehold properties is a critical step in achieving vacant possession, which is necessary to enable the redevelopment of Woodberry Down to progress.</p> <p>The previous Cabinet Report set out that purchases and compensation would not be</p>

London Borough of Hackney – Decisions taken by the Cabinet on Monday 18 July 2022

Agenda Item No	Topic	Decision
		<p>completed and paid until the Council had entered into a CPO Indemnity Agreement (CPOIA) with Berkeley Homes, to indemnify the Council against all of the costs involved in achieving vacant possession of the phase.</p> <p>Under the terms of the PDA, the Council enters into a CPOIA further to planning consent being achieved and a successful (or waived) post-planning viability test (an agreed form of the CPOIA is included in Schedule 7 of the PDA). This trigger point is currently expected to be reached in summer 2023, however Berkeley Homes are targeting an earlier start on site for Phase 4, which would require the Council to achieve Vacant Possession by January 2025.</p> <p>There are currently 41 leasehold properties remaining in Phase 4. Waiting until summer 2023 would allow just eighteen months to complete all property purchases before the scheduled demolition date. It is therefore recommended that the process of buying back properties commences sooner - in order to ensure the continuity of delivery of new homes.</p> <p>Under the terms of the PDA the Council could progress and complete buy-backs from leaseholders without a CPOIA in place (and other activities related to vacant possession). While the Council's costs involved with this would ultimately be recouped by the CPOIA, once entered into, they would only be repaid if Phase 4 proceeded, and these costs would therefore be incurred at risk to the Council.</p> <p>The Council and Berkeley Homes have therefore agreed to enter into a variation to the agreed form of the CPOIA for Phase 4 which would allow the programme for vacant possession to be brought forward.</p> <p>This variation to the agreed form of the CPOIA will indemnify the Council against 50% of all of the 'Relevant Expenses' for Phase 4 (primarily the compensation payments paid to leaseholders over and above the purchase price of the properties, as well as any professional fees incurred), in the unlikely circumstance that Phase 4 does not come forward (i.e. a satisfactory planning permission is not received, or the phase is not viable). Berkeley Homes</p>

London Borough of Hackney – Decisions taken by the Cabinet on Monday 18 July 2022

Agenda Item No	Topic	Decision
		<p>would not compensate the Council for the purchase price of the properties, however the properties would remain as an asset in Council ownership to be managed as appropriate.</p> <p>If Phase 4 does proceed as expected, the usual PDA process will apply, and Berkeley Homes will reimburse the Council for all land assembly costs incurred (including any third party property purchases) on the trigger date as set out in the PDA. The document is still in draft form, however further detail on the principles of the CPOIA is included in Exempt Appendix 1.</p> <p>The Council has already begun to purchase properties back in Phase 4 on an ‘out-of phase’ basis. To date fifteen properties in Phase 4 have been re-purchased. As these were early buy-backs, no compensation was paid to leaseholders. The variation to the CPO indemnity will enable the Council to negotiate with the remaining 41 leaseholders, who will be eligible for compensation payments.</p> <p>The Council’s preference is always to reach agreement by negotiation with leaseholders and freeholders regarding the buy-back of their properties, however it is recognised this may not be possible in all cases. In such cases, the Council would need to exercise its compulsory purchase powers in order to acquire the properties, as well as any other rights and interests together with adjoining roads and any private rights, including utilities, within the redline boundary of the property. Without the exercise of such powers, vacant possession of the Phase cannot be guaranteed and this could cause delays to the regeneration programme.</p> <p>A further report will be submitted to Cabinet in due course to request authorisation to make a Compulsory Purchase Order for Phase 4.</p> <p>Block D Community Facilities - Deed of Variation to the PDA and Supplemental Agreement to the PDA</p> <p>Block D is a residential block in Woodberry Down, which was completed in early 2021. The ground floor area was initially designed to be used as a private gym and swimming pool for</p>

London Borough of Hackney – Decisions taken by the Cabinet on Monday 18 July 2022

Agenda Item No	Topic	Decision
		<p>residents.</p> <p>In 2017 the Council and the Woodberry Down Community Organisation (WDCO) objected to this proposed ground floor use as not being tenure blind or supporting the delivery of a mixed community. Subsequent negotiation with Berkeley Homes resulted in the ground floor being redesignated as a community space for the wider Woodberry Down community.</p> <p>A set of principles relating to Block D were agreed, which are captured in the Deed of Variation to the PDA (Phases 2-8) and the Supplemental Agreement to the PDA (Phases 2-8). This includes that the space (approximately 1,000 sqm) will be leased to the Council at a peppercorn rent. The eventual use for the space in Block D must serve the community and meet the definition below:</p> <p><i>‘Any uses which the London Borough of Hackney or any statutory successor shall reasonably designate shall be for the benefit of the local community and/or any parts of the local community including (without limitation) use as a community centre, care centre, local advice centre, nursery, crèche, health centre, medical centre, doctors or dentists surgery, housing management or advice centre, job clubs, education and/or training centre, use as meeting rooms, clubs, sports, social and other facilities for local residents generally and specific sections of the community including young people, parents and carers, children, toddlers and the elderly.’</i></p> <p>The Supplemental Agreement establishes that overall the community space must remain cost neutral to the regeneration partners. The Council must not take any surplus from letting the units, and if a surplus arises it must be reinvested back into Woodberry Down. The details of the cost involved will be brought to the Group Director of Finance and Corporate Resources for approval before entering into the agreement.</p>

London Borough of Hackney – Decisions taken by the Cabinet on Monday 18 July 2022

Agenda Item No	Topic	Decision
		<p>Further details on the legal agreements are included in Exempt Appendix 1.</p> <p>The Council has two years and six months from Practical Completion (PC) of the building to instruct the lease from Berkeley Homes. PC was achieved in March 2021 and the Council has until September 2023 to draw down the lease.</p> <p>A draft lease is appended to the Supplemental Agreement, negotiated by the Council's Strategic Property Services (SPS). Due to the length of the lease, SPS will seek separate Cabinet or equivalent authority to enter into it.</p> <p>The Council is committed to working with WDCO and the regeneration partners to agree a use for the building. A Working Group including WDCO, Berkeley Homes, Notting Hill Genesis and the Council has overseen feasibility and marketing for Block D, and is in the process of reviewing proposals. The Council will seek to agree the approach to Block D with the Working Group, with input from the wider community where possible.</p> <p>Cabinet authority is sought to vary the PDA and to enter into the Supplemental Agreement in relation to Block D.</p>
11	Article 4 Direction to remove permitted development rights for change of use from Use Class E to residential in Hackney's designated industrial areas - Key Decision No: NH S111	<p><u>RESOLVED:</u></p> <p>That the Cabinet:</p> <ol style="list-style-type: none"> I. Approved the making of a non-immediate Article 4 Direction (A4D) (Appendix 1) to withdraw the permitted development ("PD") rights granted by Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GDPO") for changes of use from Class E to a dwellinghouse (Class C3) in

London Borough of Hackney – Decisions taken by the Cabinet on Monday 18 July 2022

Agenda Item No	Topic	Decision
		<p align="center">Hackney's Designated Industrial Areas (as shown in Appendix 2).</p> <p>II. Delegated authority to the Director of Legal Democratic and Electoral Services to carry out all publicity/consultation arrangements set out in paragraph 10.1-10.2 of this report and to disapply paragraph 1(1)(c) of Schedule 3 of the GPDO (not to serve individual owner or occupier notice of the A4D because their number makes individual service impracticable).</p> <p><u>Reasons for decision</u></p> <p>The Council considers that the PDR allowing change of use from Use Class E (commercial, business and services) to C3 (dwellinghouse) without planning permission may constitute a threat to the economy, jobs and amenities of the Borough and would be prejudicial to the proper planning of the Borough, in particular the Council's ability to prevent the loss of uses which contribute to the wider strategic aims for the area.</p> <p>This A4D is considered necessary because the Council's employment and retail planning policies are based on robust evidence which establishes a need to protect employment and commercial uses to ensure the vitality and viability of Hackney's economy. The permitted development rights would undermine the operation of these policies and may impact negatively on the provision of employment and industrial spaces, and jobs in the Borough.</p>
12	A Place for Everyone Hackney Voluntary and Community Sector Grants - Key Decision No: CED S115	<p><u>RESOLVED:</u></p> <p>That the Cabinet:</p>

London Borough of Hackney – Decisions taken by the Cabinet on Monday 18 July 2022

Agenda Item No	Topic	Decision
		<p>Approved the allocation of Community Infrastructure Grant £289,500 across the pool of organisations outlined in Appendix 1.</p> <p>Delegated powers to the Head of Policy and Strategic Delivery to review and award the Community Infrastructure Grant in consultation with the Cabinet Portfolio Lead, the allocation of £110,500 to support community infrastructure development work including the management of any gaps in provision either geographically or by community. The specific awards will be confirmed through collaboration with the successful providers, to shape the final design including delivery configuration and resource allocation.</p> <p>Agreed in principle, approval for a second and third year of funding for Community Infrastructure organisations for 2023/24 and 2024/25, as set out in Appendix 1 and subject to future budget availability. These would be subject to annual review in consultation with the Cabinet Portfolio Lead.</p> <p>Delegated powers to the Head of Policy and Strategic Delivery to review and award the Community Chest Grants for 2022/23 in consultation with the Cabinet Portfolio Lead.</p> <p>Noted the awards of project-based grants to organisations, including those funded through a budget that in previous years has been deployed for one-off commissioning of youth activity by the Children and Families Service in Appendix 2. Approval of these grants was delegated by Cabinet to the Head of Policy and Strategic Delivery.</p> <p>Noted that the review of project based and Specialist grants is still being progressed and in view of this agree in principle to continued funding for 2023/24.</p> <p>Agreed to the launch of an open process of applications for advice grants in August 2022. Recommendations on awards for three years, subject to future budget availability,</p>

London Borough of Hackney – Decisions taken by the Cabinet on Monday 18 July 2022

Agenda Item No	Topic	Decision
		<p>will be brought back to Cabinet in January 2023.</p> <p>Agreed to delegate powers to the Head of Policy and Strategic Delivery in consultation with the Cabinet Portfolio Lead, to reinvest in the advice system £35K previously awarded to HCVS over four years in order to develop that organisation's knowledge and skills in systems thinking.</p> <p><u>Reasons for decision</u></p> <p>The recommendation to launch a VCS grants programme was agreed by Cabinet on 24th January 2022 based on the budget for 2022/23. Cabinet is asked to agree the recommended awards for the Community Infrastructure Grants, the launch of an open application process for the advice grant programme and note progress on the review of Specialist and open, project-based grants. This is a key decision of the Council as it affects two or more wards and is related to Council spend.</p> <p>A grants review was planned for 2020, and the intention was to build on continuous learning about the best ways to make grant investments in a complex environment, learning in particular from earlier work with advice providers. The direction of travel for this grant review had already been summarised in the Council's Voluntary and Community Sector Strategy 2019. The formal review was delayed following the onset of the pandemic because of the need to focus on grant making that responded to the immediate crisis. However the Council was able to put the learning into practice in the way we funded organisations during this period, when we had to accelerate plans to change the way we understood grant funding.</p> <p>From this learning we know that there are much more effective and impactful ways to invest in the voluntary and community sector than the traditional approaches to grant making and to commissioning. This traditional approach is transactional and arms-length and assumes</p>

London Borough of Hackney – Decisions taken by the Cabinet on Monday 18 July 2022

Agenda Item No	Topic	Decision
		<p>complex challenges can be addressed through short term, separate projects and measurable outputs.</p> <p>The future of the grants programme is being shaped by the Council's experience of working with the sector during the pandemic, the knowledge we have gained from working with our advice providers, and the change and transformation we are trying to achieve as a Council. We do not intend to change the objectives of the grant programme and the two main aims are still relevant, if not more so given the refresh of the Council's Corporate Plan:</p> <p>To promote social inclusion, encourage independence and develop personal resilience To build positive relations between different groups and communities that will maintain the high levels of community cohesion in Hackney</p> <p>The next phase of the review of the grants programme will be progressed over the next six months focussing on the project-based grants and Specialist grants. This will include exploring further opportunities to build in equality focussed and anti-racist approaches to the delivery of the investment e.g. in the application process.</p>
A1		
A2		