

**MINUTES OF A MEETING OF THE CABINET
MONDAY, 25 SEPTEMBER 2023**

THE COUNCIL CHAMBER, HACKNEY TOWN HALL,
LONDON, E8 1EA

- Councillors Present: **Deputy Mayor Anntoinette Bramble in the Chair**
- Cllr Robert Chapman, Cllr Susan Fajana-Thomas, Cllr Christopher Kennedy (Part), Cllr Clayeon McKenzie, Cllr Guy Nicholson, Cllr Carole Williams and Cllr Caroline Woodley**
- Apologies: **Cllr Mete Coban MBE, Cllr Sem Moema and Cllr Sade Etti**
- Officers in Attendance: **Mark Agnew, Governance Officer
Lucinda Bell, Education Lawyer
Dawn Carter-McDonald, Interim Chief Executive
Dominic Cerasoli, Policy & Research Officer
David Court, Interim Assistant Director, School Estate Strategy
Louise Humphreys, Acting Director of Legal, Democratic & Electoral Services
Rickardo Hyatt, Group Director, Climate, Homes and Economy
Tessa Mitchell, Team Leader, Governance Services
Jackie Moylan, Interim Group Director, Finance
Meghan Nice, Improvement Programme Manager
Paul Senior, Interim Director of Education and Inclusion
Natalie Williams, Senior Governance Officer
Helen Woodland, Group Director Adults, Health and Integration**
- Also in Attendance: **Cllr Grace Adebayo
Cllr Zoë Garbett
Hannah Boyde
Hazel Capper
Mike Cooter
Chris Davis
Hendrik Elstein
Dorothea Kanellopoulou
Carine Lucchese
Milla Pekcan
Julien de Rosse**

1 Apologies for Absence

- 1.1 Apologies were received from Cllr Moema, and both Cllr Coban and Cllr Etti joined the meeting online.

2 Declarations of Interest

- 2.1 There were no declarations of interest

3 Urgent Unrestricted Business

- 3.1 There was no urgent business for consideration

4 Notice of Intention to Conduct Business in Private, Any Representations Received and the Response to Such Representations

- 4.1 No representations were received.

5 Questions/Deputations

- 5.1 Members of the public attended to ask questions related to agenda item 8, CE S247 School Estate Strategy, and those questions were considered during the discussion of the relevant agenda item.

6 Unrestricted Minutes of the Previous Meeting of Cabinet

RESOLVED: That the minutes of the previous meetings of the Cabinet held on 24 July 2023 and 17 August 2023 were agreed.

7 Unrestricted Minutes of the Cabinet Procurement and Insourcing Committee

RESOLVED: That the minutes of the previous meeting of the Cabinet Procurement Insourcing Committee held on 3 July 2023 be noted.

8 CE S247 School Estate Strategy

- 8.1 Deputy Mayor Anntoinette Bramble, Chair of Cabinet and Cabinet Member for Education, Young People and Children's Social Care, introduced the report and thanked those in attendance and all those who took part in the consultation. The Deputy Mayor confirmed that the Council had not wanted to be in the position where it had to contemplate the closure and amalgamation of schools, and spoke to the important role that schools play in all our lives.

- 8.2 It was noted that 97% of Hackney's schools were rated 'Good' or 'Outstanding', and that no school was in scope of the proposed decision through any fault of its own. The drivers behind the proposed decision, including a fall in the birthrate and the impacts of both Brexit and the Covid pandemic, were out of the Council's control and the measures that had been put in place had not managed to increase the uptake of school numbers. In the absence of additional funding from the Government, the Council could not be irresponsible and do nothing.

- 8.3 The Deputy Mayor, using her discretion as Chair of Cabinet, confirmed that one hour had been allocated to receive questions from members of the public. Members of the Save Colvestone Primary School campaign asked the Cabinet whether they were aware the Council had been served with a pre-action notification; whether the financial performance of the new school leadership team had been considered; about the logic of writing off debt, rather than allowing the school to pay it down over time; whether the policy would drive pupils and staff into private, Free and academy provision; whether a Hackney school with vacancies over 10% should seek to join a Free School multi-academy trust (MAT); whether the consultation approach had been undemocratic and liable to legal challenge; what the point of the consultation was; whether Hackney Labour was seeking to promote an increased share for the for-profit education sector; about the long-term impact of the Dalston Plan; whether pupils from De Beauvoir Primary School could attend Colvestone Primary School; the impact on children with protected characteristics of moving schools; whether Cabinet had seen a cost-benefit analysis of a proposed closure; what support would be provided to families of SEND children; and, about the impact of the latest school vacancy statistics, that were confirmed after the report was published, on available places.
- 8.4 Deputy Mayor Bramble and Cllr Caroline Woodley, Cabinet Member for Families, Parks and Leisure, responded and confirmed that;
- Cabinet had been made aware of the pre-action notice, and the report publication had been delayed to allow Officers to take note of the issues raised;
 - the school's new management team had helped to improve the school's finance, but the Council still had to provide financial support;
 - the school's financial model was not sufficient to ensure the school's sustainability;
 - the Council had no power to influence Free Schools and academies;
 - the Council encouraged grant maintained schools to remain grant maintained, but every headteacher had to decide what was best for their school;
 - the Council's Legal service had approved the approach that was taken by Officers;
 - the purpose of the consultation had been to hear the views of parents;
 - neither Officers nor Councillors had engaged with any Free Schools about buildings;
 - the projections from the Dalston Plan showed that there would still not be enough children of the right age to impact school admissions;
 - no parents from De Beauvoir Primary School had indicated they they wanted to send their children to Colvestone Primary School;
 - all Hackney's special schools were rated 'Good' or 'outstanding';
 - there was a school improvement service in place to support schools to improve;
 - the Council was trying to make the best decisions at the right time for all Hackney's children;
 - cost projections had shown that the schools in scope would see debt increase over time;
 - there was a commitment to parental choice that would be supported by Councillors and Officers;
 - more SEND provision had been commissioned across the Borough;

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- and, that six schools were in the scope of the report, but every school in Hackney was looked at as part of the Schools Estate Strategy work.
- 8.5 Cllr Zoë Garbett discussed the overall consultation process and asked Cabinet whether there were any reflections on how the process had gone, and noting that the decision was to move to a consultation on statutory proposals to close, how would people be able to fully engage in the process.
- 8.6 Deputy Mayor Bramble disagreed that the process had resulted in schools in Hackney having been made to compete against each other and provided details of the engagement with schools that had been undertaken by Councillors and Officers. In addition the Deputy Mayor confirmed that the aim had always been to ensure that schools, parents, teachers and carers learned of any proposals through the Council first.

RESOLVED:

Cabinet proceed to publish statutory proposals to:

- 3.1 close De Beauvoir Primary School from September 2024.**
- 3.2 close Randal Cremer Primary School from September 2024.**
- 3.3 close Colvestone Primary School from September 2024, guarantee all children a place at Princess May Primary School if they want it.**
- 3.4 close Baden Powell Primary School from September 2024, guarantee all children a place at Nightingale Primary School if they want it.**
- 3.5 increase the published admission number of Nightingale Primary School by adding an additional form of entry to all year groups. This proposal is related to the decision at 3.4.**

REASON FOR DECISION

The reasons for the decision were included in the printed decisions, published on the 26 September 2023, and can be [found here](#).

DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND NOT FAVOURED

Option 1 - No action

The Council has a responsibility to manage school places effectively, ensure that schools provide high quality education for children, and deliver Best Value, and continuous improvement through the efficient, effective and economic management of our school estate.

The Council is ambitious for Hackney children, our schools achieve excellent results and we want to ensure they remain among the very best in the country.

If no action is taken it is inevitable that quality of education and outcomes for Hackney children are at risk and the Council will be liable for the costs of schools worst affected

by falling rolls as they move into debt or increase their deficit and eventually close for financial reasons.

As outlined in section 4, the operational and financial challenges affecting schools with falling rolls will continue to increase with a negative impact on pupils and the Council's financial position. Taking no action to the issues affecting schools with falling rolls is not an acceptable option available to the Council.

Option 2 - Phase implementation of the current proposals over 2 or more years

This option was rejected as there is an urgent need to take action and any delay is very likely to result in increased financial liability for the council as schools at risk move toward or increase their deficit position.

Additionally, further measures to address falling rolls are likely to be required in the coming years to bring the primary school estate in line with current and projected demand. If taken forward, the proposals outlined in this report would begin to address the issue of falling rolls by removing 90 reception places; however, in isolation, this is unlikely to resolve the problem and, based on current projections, further action to bring surplus reception places under 10% is likely.

Option 3: Close/merge more schools than those currently proposed.

Further measures to address falling rolls, over and above those proposed in this paper, are likely to be required in the coming years to bring the primary school estate in line with current and projected demand.

Action to address falling rolls that involve more schools than the six that would potentially be affected by the current proposals was considered. This option might be considered by some to be favourable because it could provide greater reassurance that children, forced to move school as a result of their school closing, would be less likely to have to move primary school again if further action is required in the future.

This option was not preferred due to limited resourcing and capacity to effectively manage and mitigate impact of a greater number of closures/mergers.

Option 4: Alternative options for De Beauvoir primary

Alternative pairings for the proposals were considered and detailed in the May Cabinet report, additional suggestions have been put forward in the consultation summarised below:

Merging De Beauvoir and Randal Cremer on either site was suggested however it was not considered a feasible option for all families as the schools are 1.1 miles apart, walking distance which is a 25 minute walk, and the distance would be a barrier for those living for example, north of De Beauvoir or south of Randal Cremer.

Merging De Beauviour and Princess May on either site was suggested however it was not considered a viable option as it was considered unlikely to lead to sufficiently stabilising numbers of pupils at either school. Although a merger with Princess May was not proposed, at 16 minute walk (0.7 miles away) it is likely the school will have capacity to accommodate any families from De Beauvoir if that is what they want.

Colvestone was considered a better school to merge being 0.4 miles and 8 minute walk away from Princess May.

Option 5: Alternative options for Colvestone primary

Merging Colvestone and Princess May on the Colvestone site was suggested however this option was considered unfeasible as the Colvestone site is unable to accommodate all the children from Princess May. The decision to propose a merger onto the Princess May site is expected to positively impact that schools' falling roll and unused capacity.

Merging Colvestone with other schools in the Blossom Federation was suggested however these options were considered unsuitable due to the distance between Colvestone and other schools in the federation.

Merging De Beaviour and Colvestone on the Colvestone site was suggested however, based on pupil numbers at the time, Colvestone appears to not be able to accommodate all the children from De Beauvoir. The subsequent drop in pupil numbers at both schools makes this option feasible in terms of pupil numbers, however this is not favoured due to Colvestone's financial position.

It has also been proposed by those in support of Colvestone remaining open, that it could be a school for pupils with SEND. However in the short term this option is unfeasible because the school would need to be closed while building modifications and arrangements were made requiring all children to move to other schools. However all options regarding future use will be considered for medium to long term should be school close as a result of these proposals.

Option 6: Alternative options for Randal Cremer Primary

Options for merging the school were considered but there was no single school located near enough with the sufficient places to accommodate all of the pupils. However, there are sufficient schools nearby with surplus places that could accommodate the pupils from Randal Cremer. Hoxton Garden, Sebright, St Monica's and St John the Baptist are likely alternative schools and all rated Good or Outstanding by Ofsted.

Option 7: Alternative options considered for Baden Powell Primary School

Options to merge Nightingale and other schools with surplus places rather than Baden Powell, were considered. This option was not progressed primarily because Nightingale did not have capacity to guarantee all children at neighbouring schools with surplus capacity a place, based on pupil roll data at the time, and because the distance between these other schools was less optimal than between Baden Powell and Nightingale.

9 FCR S202 Capital Update and Property Disposals And Acquisitions Report

9.1 Cllr Robert Chapman, Cabinet Member for Finance, Insourcing and Customer Service, introduced the report and confirmed that although the Council faced a difficult financial position it continued to invest in services. Cllr Chapman

highlighted the investment into network connectivity, leisure facilities, and parks.

- 9.2 Cllr Guy Nicholson, Deputy Mayor for Delivery, Inclusive Economy and Regeneration, spoke in support of the report and noted the section 106 investment into projects including libraries, street scene, and public open spaces, and the funding for the Principal Climate Change and Sustainability Officer within the Planning team.

RESOLVED:

1. That the scheme for Finance and Corporate Resources Directorate as set out in section 11 be given approval as follows:

Network Equipment Upgrades and Maintenance: Spend approval of **£500k (£300k in 2023/24 and £200k in 2024/25)** is requested to enable the Council ICT department to deliver further upgrades to network connectivity (including Council offices, Temporary Accommodation hostels and Community Halls).

Targeted Services Systems Development: Spend approval of **£750k (£300k in 2023/24 and £450k in 2024/25)** is requested to enable the Council ICT Department to build on existing ICT investments, as well as designing and building new digital products and assets.

Liveable Hackney: Spend approval of **£1,006k (£906k in 2023/24 and £99.7k in 2024/25)** is requested to enable the Council's ICT Department to deliver further system and data upgrades to support modernisation across Planning and Building Control; Licensing; Land charges; Environmental Operations; Community Enforcement and Business Regulation; and Public Realm, Highways and Streetscene.

2. That the scheme for Climate, Homes & Economy Directorate as set out in section 11 be given approval as follows:

Leisure, Parks and Green Spaces: Resource and spend approval of **£2,075k** is requested for additional funding for three projects: **Abney Park Restoration (£875k in 2023/24), London Fields Lido Teaching Pool (£700k in 2024/25) and West Reservoir Improvements (£500k in 2024/25).**

3. That the s106 Capital scheme summarised below and set out in section 11 be approved:

| S106 | 2023/24 £'000 | 2024/25 £'000 | Total |
|--|------------------|------------------|--------------|
| Capital | 614 | 562 | 1,176 |
| Total Capital S106 for Approval | 614 | 562 | 1,176 |

4. That the s106 Revenue scheme summarised below and set out in section 11 be approved:

| S106 | 2023/24 £'000 | 2024/25 £'000 | Total |
|--|------------------|------------------|-----------|
| Revenue | 67 | 10 | 77 |
| Total Revenue S106 for Approval | 67 | 10 | 77 |

5. That the s106 Capital scheme summarised below and set out in section 11 be noted:

| S106 | 2023/24 £'000 |
|--------------------------------------|------------------|
| Capital | 38 |
| Total Capital S106 for Noting | 38 |

6. That the schemes outlined in section 12 and 13 be noted.

7. That the expenditure plans and associated resources to be carried from 2022/23 to 2023/24 as set out in Appendix 1 and summarised below be approved:

| Current Directorate | Carry Forward Budget to 23/24 |
|---------------------|----------------------------------|
| | £'000 |
| Non Housing | 21,925 |
| Housing | 15,426 |
| Total | 37,351 |

8. That the re-profiling of the budgets as set out in Appendix 1 and summarised below be approved:

| Current Directorate | Re-Profiling 23/24 | Re-Profiling 24/25 | Re-Profiling 25/26 |
|---------------------|--------------------|-----------------------|-----------------------|
| | £'000 | £'000 | £'000 |
| Non Housing | (49,176) | 20,787 | 28,389 |
| Housing | (65,844) | 65,844 | 0 |
| Total | (115,020) | 86,631 | 28,389 |

9. That the capital adjustments of the budgets as set out in Appendix 1 and summarised below be approved:

| Current Directorate | Capital Adjustments |
|---------------------|---------------------|
| | £'000 |
| Non Housing | (127) |
| Housing | (150) |
| Total | (277) |

REASONS FOR DECISION

The reasons for the decision were included in the printed decisions, published on the 25 July 2023, and can be [found here](#).

DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

None.

10 FCR S203 2023/24 Overall Financial Position Report - July 2023

- 10.1 Deputy Mayor Bramble thanked both the Council's Finance team and Cllr Chapman for their management of the pressures that had challenged other local authorities such as Birmingham City Council.

Cllr Kennedy left the meeting and did not return.

10.2 Introducing the report, Cllr Chapman confirmed that the Council's finances were sound. Though there were financial challenges, including a projected overspend of c£9m, these were being addressed as per the report.

RESOLVED:

- 1. To agree a refund of £2.56m to a ratepayer and its rating agent as described in 2.13 above**
- 2. To note the overall financial position of the Council as at July 2023 as set out in this report.**

REASONS FOR DECISION

To facilitate financial management and control of the Council's finances.

DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

This budget monitoring report is primarily an update on the Council's financial position and there is also a recommendation to approve a refund for a duplicate business rates payment and a small overpayment.

11 AHI S232 City & Hackney Safeguarding Adults Board Annual Report 2022 -23

- 11.1 Deputy Mayor Bramble confirmed the Council's commitment to safeguarding and the duty to tackle abuse and neglect in all its forms, and that all Hackney's residents should enjoy the right to be safe and live in communities that did not tolerate abuse of any kind.
- 11.2 Dr Adi Cooper OBE, Independent Chair of the City and Hackney Safeguarding Adults Board, highlighted the work by partners across Hackney, the progress being made in relation to improvement and development, and confirmed that all duties in relation to Safeguarding Adults Reviews had been met.

RESOLVED: Cabinet is recommended to note the Annual Report.

12 CHE S228 Confirmation of Article 4 Direction to remove permitted development rights for change of use from Use Class E to residential in Hackney's Designated Industrial Areas

- 12.1 Deputy Mayor Nicholson confirmed that the new Direction would apply to approximately 10 wards in the Borough, was focused on priority industrial areas, and would require any developer to come forward to seek planning permission before any development would be approved.

RESOLVED: Cabinet is recommended to approve the confirmation of an 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)

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(“the GDPO”) for changes of use from Class E to a dwellinghouse (Class C3) in Hackney’s Designated Industrial Areas (as shown in Appendix 2).

REASONS FOR DECISION

The reasons for the decision were included in the printed decisions, published on the 26 September 2023, and can be [found here](#).

DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The alternative option is not to confirm the Article 4 Direction. This has been rejected because the Council would be unable to protect commercial, business and service floorspace in accordance with adopted planning policies and this would negatively impact on the provision of jobs, and in the longer term possibly change the character, function and commercial viability of the designated industrial areas.

13 CHE S239 Business Support Programme Grant Funding Agreement

13.1 Introducing the report Deputy Mayor Nicholson confirmed it authorised a grants payment to an organisation identified in the exempt appendix. The money came from the UK Shared Prosperity Fund, which was the replacement for the European Social Fund and the European Regional Development Fund. Deputy Mayor Nicholson confirmed that the amount available was relatively insignificant in comparison to the sums that had been available when the UK was a member of the European Union.

RESOLVED:

That Cabinet gives approval for the Council to enter into a Grant Funding Agreement with Allia Impact for the delivery of the Hackney Business Support Programme under which the Council would provide to Allia Impact the maximum sum of £627,971 over a period of 18 months.

REASONS FOR DECISION

The reasons for the decision were included in the printed decisions, published on the 26 September 2023, and can be [found here](#).

DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Do Nothing

The Council could opt not to deliver any business support. However, this would constitute a breach of the funding agreement resulting in the return of essential funds to the GLA that can be used to benefit local businesses.

Opting not to establish a programme mechanism to deliver business support would also be a considerable missed opportunity to support local businesses and deliver the Council’s inclusive economy commitments at a time when businesses are in great need of support.

Alternative procurement approach: Procurement of business support provider via a services contract

The Business Support Programme could have been secured through a contract for services achieved through a standard procurement exercise. A traditional procurement approach would have drawn on the same potential providers and may have resulted in the same preferred provider. However, a services contract drives contractual and output focussed behaviour within a supply chain that most often undermines collaborative and outcomes focussed approaches.

Additionally, a procurement exercise requires the purchaser to be more prescriptive and stipulate how services are to be delivered. By comparison, a grant award focuses on outcomes and impact, while allowing the supplier flexibility in the delivery approach that enables positive iteration and refinement of delivery in response to input from partners and feedback from beneficiaries. A Grant Funding Agreement allows greater flexibility, innovation and a more responsive approach to achieving the intended outcomes.

The chosen approach draws on experience gained through the Council's successful business support programme that utilised Central Government grant funding to help businesses recover from pandemic related lockdowns.

14 FCR S261 St Mary's School, Transfer of three titles to The London Diocesan Board for Schools (LDBS)

14.1 Cllr Chapman noted that the Council was required to transfer the land that was part of the St. Mary's School site, from its ownership to the school's. Deputy Mayor Bramble confirmed that St. Mary's School played an important part in its local community and the Council would continue to offer the same levels of support and partnership.

RESOLVED:

- 1. To authorise the transfer of freehold titles LN169992, LN173983, LN173984 at the School as set out in paragraph 4 below.**
- 2. 3To authorise the Group Director of Finance and the Director of Strategic Property Services to determine the most cost effective options in terms of transferring the land in ways that represent best value on the part of the Council.**
- 3. To authorise the Acting Director of Legal, Democratic & Electoral Services to negotiate, sign, settle and complete the contracts envisaged to complete the transactions set out in this report, and all other relevant and ancillary legal documents arising thereto on behalf of the Council.**

REASONS FOR DECISION

The reasons for the decision were included in the printed decisions, published on the 26 September 2023, and can be [found here](#).

DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

LDBS are entitled under the Act to the transfer to them of land forming part of a school site and the Diocesan Board has requested the Council to carry out these transfers.

15 Delegated Powers Reports - For Noting

RESOLVED: Cabinet is recommended to note the Delegated Powers Report.

16 Exclusion of the Press and Public

RESOLVED: THAT the press and public be excluded from the proceedings of the Cabinet during consideration of Exempt items 17 - 18 on the agenda on the grounds that it is likely, in the view of the nature of the business to be transacted, that were members of the public to be present, there would be disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972 as amended.

17 CHE S239 Business Support Programme Grant Funding Agreement - Exempt Appendix

17.1 The Cabinet agreed that no further consideration of the exempt appendices in relation to agenda item 13 was required.

18 Urgent Exempt Business

18.1 There were no new exempt items for consideration.

Duration of the meeting: 5.34 - 7.00 pm