



London Borough of Hackney – Decisions taken by the Cabinet on Monday 27 November 2023

This document outlines the decisions taken by Cabinet on Monday, 27 November 2023.

Decisions listed below that are Key Decisions will come into force and may then be implemented on the expiry of 5 clear working days, unless called-in by at least 5 non-executive members in writing and submitted to the Monitoring Officer using the attached form;

[Executive Decision Call-in Request](#)

Date of Publication: 28 November 2023

Last Date for Call-In: 5 December 2023

Contact: Mark Agnew, Governance Officer, governance@hackney.gov.uk, 020 8356 2398

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

Part A – Items considered in public

| 9 | F S206 Capital Update and Property Disposals And Acquisitions Report | <p>RESOLVED:</p> <p>1. That the CIL Revenue scheme summarised below and set out in section 11 be approved:</p> <table border="1" data-bbox="936 1114 1709 1246"> <thead> <tr> <th>Project Description</th> <th>2023/24 £'000</th> </tr> </thead> <tbody> <tr> <td>Carnival 2024</td> <td>123</td> </tr> <tr> <td>Total CIL Revenue for Approval</td> <td>123</td> </tr> </tbody> </table> <p>2. That the s106 Capital scheme summarised below and set out in section 11 be approved:</p> <table border="1" data-bbox="936 1382 2085 1417"> <thead> <tr> <th>S106</th> <th>2023/24</th> <th>2024/25</th> <th>2025/26</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> | Project Description | 2023/24 £'000 | Carnival 2024 | 123 | Total CIL Revenue for Approval | 123 | S106 | 2023/24 | 2024/25 | 2025/26 | Total | | | | | |
|---------------------------------------|--|---|---------------------|---------------|---------------|-----|---------------------------------------|------------|------|---------|---------|---------|-------|--|--|--|--|--|
| Project Description | 2023/24 £'000 | | | | | | | | | | | | | | | | | |
| Carnival 2024 | 123 | | | | | | | | | | | | | | | | | |
| Total CIL Revenue for Approval | 123 | | | | | | | | | | | | | | | | | |
| S106 | 2023/24 | 2024/25 | 2025/26 | Total | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |

London Borough of Hackney – Decisions taken by the Cabinet on Monday 27 November 2023

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

| | £'000 | £'000 | £'000 | |
|--|------------|------------|------------|------------|
| Capital | 167 | 167 | 167 | 500 |
| Total S106 Capital for Approval | 167 | 167 | 167 | 500 |

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

| S106 | 2023/24 £'000 |
|--------------------------------------|---------------|
| Capital | 150 |
| Total Capital S106 for Noting | 150 |

4. 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 | (30,495) | 34,657 | 38 |
| Housing | (10,862) | 10,862 | 0 |
| Total | (41,356) | 45,518 | 38 |

5. 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 | (284) |
| Housing | (0) |
| Total | (284) |

London Borough of Hackney – Decisions taken by the Cabinet on Monday 27 November 2023

| Agenda Item No | Topic | Decision |
|-----------------------|--------------|---|
| | | <p>6. That the Quarter 2 Capital Monitoring in section 13 be noted.</p> <p>7. To note the Council has secured additional grant funding (DELUCH LAHF 2) which will enable the budget increase of the Council’s Temporary Accommodation investment by £1.55m to £5.75m.</p> <p>8. To authorise the sale of the freehold of 234-238 Mare Street London E8 1HE, (as described for information purposes only in Appendix 2).</p> <p>9. To delegate authority to the Interim Group Director of Finance to agree all commercial terms of the transaction.</p> <p>10. To delegate authority to the Acting Director of Legal, Democratic and Electoral Services to settle, agree and enter into all documentation necessary for this transaction.</p> <p>REASONS FOR DECISION</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> |

London Borough of Hackney – Decisions taken by the Cabinet on Monday 27 November 2023

| Agenda Item No | Topic | Decision |
|----------------|-------|--|
| | | <p>Proposed Disposal of 234-238 Mare Street, London, E8 1HE: The property is in need of significant investment and to facilitate that the Council obtained a planning permission for the partial extension, partial demolition and partial refurbishment of the premises.</p> <p>It is not financially feasible for the Council to undertake direct development, and such an approach would require resources that could be applied more productively to other schemes to be diverted to this and carries with it significant risks for little gain.</p> <p>Similarly procuring a developer would be problematic for a development of this size and very likely a futile course of action, without lowering the risk profile to the Council significantly.</p> <p>Due to the risk of squatting the property is costing the Council approximately £160,000 pa on security charges and c. £7,000 on utility bills.</p> <p>With no realistic prospect of the Council developing the premises and holding costs of approximately £167,000 pa, disposal of the property will achieve a capital receipt and stop a considerable loss on the revenue budget.</p> <p>DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</p> <p>Proposed Disposal of 234-238 Mare Street, London, E8 1HE: The Council has considered the possibility of direct development of this site as a housing regeneration scheme. Officers have considered it as a policy-compliant 50% affordable housing option and a 100% Hackney Living Rent (intermediate rent) option.</p> <p>The conclusion of this exercise was that at nine dwellings the site is at the smaller end of the Council's programme and would consume disproportionate staff resources for a limited outcome.</p> |

London Borough of Hackney – Decisions taken by the Cabinet on Monday 27 November 2023

| Agenda Item No | Topic | Decision |
|-----------------------|--------------|--|
| | | <p>The financial return using standard Housing Regeneration assumptions indicates a loss for all options, and generally a weaker value for money indication than the Regeneration portfolio.</p> <p>The Council would be exposed to a significant construction and development risk at a time when there is great uncertainty in the market.</p> <p>There is a substantial reputational risk linked largely to the construction risk and the fall out should something go wrong, particularly in the context of the adjacent listed terrace. The Council would also be responsible for the full after care of all the residential properties.</p> <p>The Council has also considered the possibility of procuring a developer.</p> <p>This would follow a model similar to that adopted for Dalston Lane Terrace (DLT) whereby the chosen developer would be obliged to build out the scheme as consented and take the risk of construction onto themselves. Their reward would be to sell the residential units, whilst the Council could either take money or a mixture of the money and the commercial space in payment. The Council taking the letting risk of the commercial space on would make the site much more attractive to residential developers and could even go so far as to fund the construction of the commercial space in return for a larger share payment at completion.</p> <p>This approach has some resource implications in running a procurement process with close involvement thereafter and it does provide a fair amount of flexibility prior to the start of procurement. Procurement may be an issue though as developers who are both sufficiently experienced in this type of development but small enough to be interested who are prepared to go through that process simply may not exist. The types of developer who may be interested will probably mean a departure from the DLT model where close control was exercised by not giving an interest in the land until practical completion. The size of the firm likely to come forward would probably not have sufficient resources to be able to finance the build without</p> |

London Borough of Hackney – Decisions taken by the Cabinet on Monday 27 November 2023

| Agenda Item No | Topic | Decision |
|-----------------------|---|---|
| | | <p>borrowing and that would mean granting an interest in the land at the outset.</p> <p>There is significant doubt that any firm of the size where this development might be of interest to them and who would be prepared to enter into the procurement process necessary and who has recourse to sufficient funds to build this without the need for borrowing exists. If the Council embarked on this course there is a very real chance that no suitable firm would be forthcoming causing more delay, holding costs and deterioration of the building.</p> <p>This approach does mitigate risk to some degree, with the developer owning both the construction and the development risk, but the reputational risk of a failed development would still sit largely with the Council.</p> <p>Officers also considered a structure whereby a developer was under no obligation to build but if they did they would be obliged to develop out the consented scheme. This has the advantage of avoiding a formal procurement and so opening up the market but comes with risks that without any obligation to develop, the developer may choose not to and at the end of the contract, could choose to walk away leaving the Council in a position where it currently is but with a great deal more time passed.</p> <p>The final option is maintaining the building empty, which is in effect the absence of a decision and would leave the Council with the security bill of approximately £160,000 pa, and the ongoing costs of looking after a deteriorating asset, and the opportunity cost to the Town Centre of an inactive building.</p> |
| 10 | F S207 2023/24 Overall Financial Position Report - September 2023 | <p>RESOLVED:</p> <p>1. To approve the 2024-25 Local London Business Rates Pool recommendations set out in Appendix 1.</p> |

London Borough of Hackney – Decisions taken by the Cabinet on Monday 27 November 2023

| Agenda Item No | Topic | Decision |
|-----------------------|--|--|
| | | <p align="center">2. To note the overall financial position of the Council as at September 2023 as set out in this report.</p> <p>REASONS FOR DECISION</p> <p>To facilitate financial management and control of the Council's finances and to approve the localised pool proposal as set out in Appendix 1.</p> <p>DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</p> <p>This budget monitoring report is primarily an update on the Council's financial position. With regards to the Pooling proposal we either enter into it or we don't, and if we don't we will forgo a significant amount of income in 2024-25.</p> |
| 11 | CHE S277 Hackney Hate Crime Strategy 2023/26 | <p>RESOLVED:</p> <p>That Cabinet approves the Hackney Hate Crime Strategy 2023/26.</p> <p>REASONS FOR DECISION</p> <p>A Cabinet decision is required as the Hackney Hate Crime Strategy affects the entire borough, is a key decision and is one of the main community safety priorities under the Community Safety Plan 2023/26.</p> <p>DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</p> <p>Not applicable.</p> |
| 12 | CHE S268 Statutory Transfer Scheme for the transfer of Planning Powers | <p>RESOLVED:</p> |

London Borough of Hackney – Decisions taken by the Cabinet on Monday 27 November 2023

| Agenda Item No | Topic | Decision |
|-----------------------|--|---|
| | <p>from the London Legacy Development Corporation to Hackney</p> | <ol style="list-style-type: none"> 1. Approve the Statutory Transfer Scheme for the transfer of Planning Powers from the London Legacy Development Corporation to Hackney (appendix 1) 2. Note the supporting documents that have been established to support the Statutory Transfer Scheme including: Joint working protocol for Development Management and Enforcement (appendix 2), Protocol for transfer of LLDC CIL and S106 monies (appendix 3), a Data Transfer Scheme (appendix 4), and MOU for Staff (appendix 5) 3. Delegate any subsequent amendments to the Statutory Transfer Scheme and supporting documents to the Group Director, Climate, Homes and Economy <p>REASONS FOR DECISION</p> <p>A Cabinet decision is needed to approve the Statutory Transfer Scheme which sets out details of matters to be transferred such as planning records, live planning applications, enforcement cases and appeals and Section 106 legal agreements and Community Infrastructure Levy Funding.</p> <p>DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</p> <p>None. A Cabinet decision on the Statutory Transfer Scheme is required to support the transfer of planning powers from the London Legacy Development Corporation to Hackney</p> |
| 13 | <p>Review of Underwood Street Conservation Area</p> | <p>RESOLVED:</p> <ol style="list-style-type: none"> 1. Approve the adoption of the Underwood Street Conservation Area Appraisal and Management Plan (Appendix A) 2. Approve the revised Underwood Street Conservation Area Boundary map |

London Borough of Hackney – Decisions taken by the Cabinet on Monday 27 November 2023

| Agenda Item No | Topic | Decision |
|----------------|---|---|
| | | <p align="center">(Appendix B)</p> <p>REASONS FOR DECISION</p> <p>This decision is required in order to ensure that the area’s heritage is recognised and a full and up to date conservation area appraisal clearly sets out the area’s qualities and identifies threats, weaknesses and opportunities for enhancement of the historic built environment.</p> <p>This decision is required in order to ensure that guidance for development proposals and alterations to existing buildings is in place in the form of a management plan that provides ways to address weaknesses and manage change in the conservation area while preserving and enhancing its special interest and character.</p> <p>This decision is required in order to ensure that the conservation area boundary accurately reflects the special architectural character and heritage context of the area and ensures that appropriate policy protections are in place.</p> <p>DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</p> <p>Consideration was given to including other sites close to the existing conservation area boundary. However, following a thorough site visit of sites bordering the boundary, no further areas meeting the tests for inclusion were identified.</p> <p>The option of doing nothing was rejected as the buildings’ heritage significance is currently not recognised adequately. Moreover, there has been no appraisal or management plan since its designation. Historic England advice is that each Conservation Area be reviewed at least every five years.</p> |
| 14 | Review of Hoxton Street Conservation Area | RESOLVED: |

London Borough of Hackney – Decisions taken by the Cabinet on Monday 27 November 2023

| Agenda Item No | Topic | Decision |
|----------------|-------|---|
| | | <p>1. Approve the adoption of the Hoxton Street Conservation Area Appraisal and Management Plan (Appendix A)</p> <p>2. Approve the revised Hoxton Street Conservation Area Boundary map (Appendix B)</p> <p>REASONS FOR DECISION</p> <p>This decision is required in order to ensure that the area’s heritage is recognised and a full Conservation Area Appraisal is adopted. The Appraisal assesses the area’s qualities and identifies threats, weaknesses and opportunities for conservation and enhancement of the historic built environment.</p> <p>This decision is required in order to ensure that guidance for development proposals and alterations to existing buildings is in place. This is provided in the Management Plan that sets out guidance to preserve and enhance the special interest and character of the area.</p> <p>This decision is required in order to ensure that the conservation area boundary accurately reflects the special character and heritage context of the area and ensures that appropriate policy protections are in place.</p> <p>DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</p> <p>Consideration was given to including other sites close to the existing conservation area boundary. However, following a thorough site visit of sites bordering the boundary, no further areas meeting the tests for inclusion were identified.</p> <p>The option of doing nothing was rejected as the heritage significance of the Hoxton Street Conservation Area is not adequately recognised at present. The lack of an Appraisal or</p> |

London Borough of Hackney – Decisions taken by the Cabinet on Monday 27 November 2023

| Agenda Item No | Topic | Decision | | | | | | |
|-----------------|--|---|----------------|------|----------------|-----------------|------------------|------------------|
| | | Management Plan for the area was identified as a weakness in the 2017 Conservation Area Review programme, which this proposal seeks to remedy. | | | | | | |
| 15 | Schedule of Local Authority School Governor Appointments | <p>RESOLVED:</p> <p>Cabinet is recommended to approve the following nominations as set out below:</p> <table border="1" data-bbox="842 643 2040 839"> <thead> <tr> <th data-bbox="842 643 1240 740">Governing Body</th> <th data-bbox="1240 643 1639 740">Name</th> <th data-bbox="1639 643 2040 740">Date Effective</th> </tr> </thead> <tbody> <tr> <td data-bbox="842 740 1240 839">Ickburgh School</td> <td data-bbox="1240 740 1639 839">Patrick Corrigan</td> <td data-bbox="1639 740 2040 839">28 November 2023</td> </tr> </tbody> </table> | Governing Body | Name | Date Effective | Ickburgh School | Patrick Corrigan | 28 November 2023 |
| Governing Body | Name | Date Effective | | | | | | |
| Ickburgh School | Patrick Corrigan | 28 November 2023 | | | | | | |