



# C A B I N E T

Monday, 27 November 2023 at 6.00 pm  
Council Chamber, Hackney Town Hall,  
Mare Street, London, E8 1EA

Live stream link: <https://youtube.com/live/NkA7DSfjjL0>

Back up link: <https://youtube.com/live/q1oaMxtmy2U>

## **Members of the Committee:**

Mayor Caroline Woodley, Mayor (Chair)

Councillor Anntoinette Bramble, Statutory Deputy Mayor and Cabinet Member for Education, Young People and Children's Social Care (Chair)

Councillor Robert Chapman, Cabinet Member for Finance, Insourcing and Customer Service

Councillor Mete Coban MBE, Cabinet Member for Climate Change, Environment and Transport

Councillor Susan Fajana-Thomas, Cabinet Member for Community Safety and Regulatory Services

Councillor Christopher Kennedy, Cabinet Member for Health, Adult Social Care, Voluntary Sector and Culture

Councillor Clayeon McKenzie, Cabinet Member for Housing Services

Councillor Guy Nicholson, Deputy Mayor for housing supply, planning, culture and inclusive economy

Councillor Carole Williams, Cabinet Member for Employment, Human Resources and Equalities

Councillor Caroline Woodley, Cabinet Member for Families, Parks and Leisure

## **Deputy Cabinet Members**

Councillor Sem Moema

Councillor Sade Etti

**Dawn Carter-McDonald**

**Interim Chief Executive**

**Published on: Friday, 17 November 2023**

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# Cabinet

## Monday, 27 November 2023

### Order of Business

#### 1 Apologies for Absence

#### 2 Declarations of Interest

Members are invited to consider the guidance which accompanies this agenda and make declarations of interest as appropriate.

#### 3 Urgent Unrestricted Business

The Chair will consider the admission of any late items of Urgent Unrestricted Business which will be considered under the agenda item where they appear.

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

On occasions part of the Cabinet meeting will be held in private and will not be open to the public if an item is being considered that is likely to lead to the disclosure of exempt or confidential information. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (the "Regulations"), members of the public can make representations about why that part of the meeting should be open to the public.

This agenda contains exempt items as set out at the **Exclusion of the Press and Public** agenda item. No representations with regard to these have been received.

This is the formal 5 clear day notice under the Regulations to confirm that this Cabinet meeting will be partly held in private for the reasons set out in this Agenda.

#### 5 Questions/Deputations

##### 5.1 To the Cabinet Member for Climate Change, Environment and Transport, from Nick de Bunsen

With the Council's own July traffic monitoring data for Lordship Park showing almost 1000 vehicles a day driven above the ACPO limit and some in excess of 120mph, how many killed and seriously injured will it take for the Council to take action on dangerous speeding on this residential road?

##### 5.2 To the Cabinet Member for Climate Change, Environment and Transport, from Joanna Carr

With traffic volumes on Lordship Park now materially higher than before the Stoke Newington LTN was introduced – from the Council's July data – when is

the Council going to follow through on its plans to engage with residents and implement plans to reduce and calm traffic on Lordship Park?

**6 Unrestricted Minutes of the Previous Meeting of Cabinet** (Pages 9 - 16)

To confirm the minutes of the previous meeting of Cabinet held on 23 October 2023 as a correct record.

**7 Unrestricted Minutes of the Cabinet Procurement and Insourcing Committee** (Pages 17 - 22)

To note the minutes of the Cabinet Procurement and Insourcing Committee (CPIC) held on 4 September 2023.

**8 Hackney Youth Parliament Presentation**

**9 F S206 Capital Update and Property Disposals And Acquisitions Report** (Pages 23 - 60)

**10 F S207 2023/24 Overall Financial Position Report - September 2023** (Pages 61 - 98)

**11 CHE S277 Hackney Hate Crime Strategy 2023/26** (Pages 99 - 134)

**12 CHE S268 Statutory Transfer Scheme for the transfer of Planning Powers from the London Legacy Development Corporation to Hackney** (Pages 135 - 216)

**13 Review of Underwood Street Conservation Area** (Pages 217 - 272)

**14 Review of Hoxton Street Conservation Area** (Pages 273 - 346)

**15 Schedule of Local Authority School Governor Appointments** (Pages 347 - 350)

**16 Exclusion of the Press and Public**

Note from the Governance Team Leader:

Item 17 allows for the consideration of exempt information.

**Proposed resolution:**

That the press and public be excluded during discussion of the remaining items on the agenda, on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act 1972.

**17 Urgent Exempt Business**

The Chair will consider the admission of any late items of Urgent Exempt Business

## Public Attendance

The Town Hall is open. Information on forthcoming Council meetings can be obtained from the Town Hall Reception.

Members of the public and representatives of the press are entitled to attend Council meetings and remain and hear discussions on matters within the public part of the meeting. They are not, however, entitled to participate in any discussions. Council meetings can also be observed via the live-stream facility, the link for which appears on the agenda front sheet of each committee meeting.

On occasions part of the meeting may be held in private and will not be open to the public. This is if an item being considered is likely to lead to the disclosure of exempt or confidential information in accordance with Schedule 12A of the Local Government Act 1972 (as amended). Reasons for exemption will be specified for each respective agenda item.

For further information, including public participation, please visit our website <https://hackney.gov.uk/menu#get-involved-council-decisions> or contact: [governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)

## Rights of Press and Public to Report on Meetings

The Openness of Local Government Bodies Regulations 2014 give the public the right to film, record audio, take photographs, and use social media and the internet at meetings to report on any meetings that are open to the public.

By attending a public meeting of the Council, Executive, any committee or sub-committee, any Panel or Commission, or any Board you are agreeing to these guidelines as a whole and in particular the stipulations listed below:

- Anyone planning to record meetings of the Council and its public meetings through any audio, visual or written methods they find appropriate can do so providing they do not disturb the conduct of the meeting;
- You are welcome to attend a public meeting to report proceedings, either in 'real time' or after conclusion of the meeting, on a blog, social networking site, news forum or other online media;
- You may use a laptop, tablet device, smartphone or portable camera to record a written or audio transcript of proceedings during the meeting;
- Facilities within the Town Hall and Council Chamber are limited and recording equipment must be of a reasonable size and nature to be easily accommodated.
- You are asked to contact the Officer whose name appears at the beginning of this Agenda if you have any large or complex recording equipment to see whether this can be accommodated within the existing facilities;
- You must not interrupt proceedings and digital equipment must be set to 'silent' mode;
- You should focus any recording equipment on Councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to

respect the wishes of those who do not wish to be filmed or photographed. Failure to respect the wishes of those who do not want to be filmed and photographed may result in the Chair instructing you to cease reporting or recording and you may potentially be excluded from the meeting if you fail to comply;

- Any person whose behaviour threatens to disrupt orderly conduct will be asked to leave;
- Be aware that libellous comments against the council, individual Councillors or officers could result in legal action being taken against you;
- The recorded images must not be edited in a way in which there is a clear aim to distort the truth or misrepresent those taking part in the proceedings;
- Personal attacks of any kind or offensive comments that target or disparage any ethnic, racial, age, religion, gender, sexual orientation or disability status could also result in legal action being taken against you.

Failure to comply with the above requirements may result in the support and assistance of the Council in the recording of proceedings being withdrawn. The Council regards violation of any of the points above as a risk to the orderly conduct of a meeting. The Council therefore reserves the right to exclude any person from the current meeting and refuse entry to any further council meetings, where a breach of these requirements occurs. The Chair of the meeting will ensure that the meeting runs in an effective manner and has the power to ensure that the meeting is not disturbed through the use of flash photography, intrusive camera equipment or the person recording the meeting moving around the room.

## Advice to Members on Declaring Interests

If you require advice on declarations of interests, this can be obtained from:

- The Monitoring Officer;
- The Deputy Monitoring Officer; or
- The legal adviser to the meeting.

It is recommended that any advice be sought in advance of, rather than at, the meeting.

### Disclosable Pecuniary Interests (DPIs)

You will have a Disclosable Pecuniary Interest (\*DPI) if it:

- Relates to your employment, sponsorship, contracts as well as wider financial interests and assets including land, property, licenses and corporate tenancies.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to DPIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner.
- Relates to an interest which should be registered in that part of the Register of Interests form relating to DPIs, but you have not yet done so.

If you are present at any meeting of the Council and you have a DPI relating to any business that will be considered at the meeting, you **must**:

- Not seek to improperly influence decision-making on that matter;
- Make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent; and
- Leave the room whilst the matter is under consideration

You **must not**:

- Participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business; or
- Participate in any vote or further vote taken on the matter at the meeting.

If you have obtained a dispensation from the Monitoring Officer or Standards Committee prior to the matter being considered, then you should make a verbal declaration of the existence and nature of the DPI and that you have obtained a dispensation. The dispensation granted will explain the extent to which you are able to participate.

### Other Registrable Interests

You will have an 'Other Registrable Interest' (ORI) in a matter if it

- Relates to appointments made by the authority to any outside bodies, membership of: charities, trade unions,, lobbying or campaign groups, voluntary organisations in the borough or governorships at any educational institution within the borough.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to ORIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner; or
- Relates to an interest which should be registered in that part of the Register of Interests form relating to ORIs, but you have not yet done so.

Where a matter arises at any meeting of the Council which affects a body or organisation you have named in that part of the Register of Interests Form relating to ORIs, **you must** make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent. **You may** speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

### **Disclosure of Other Interests**

Where a matter arises at any meeting of the Council which **directly relates** to your financial interest or well-being or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. **You may** speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Where a matter arises at any meeting of the Council which **affects** your financial interest or well-being, or a financial interest or well-being of a relative or close associate to a greater extent than it affects the financial interest or wellbeing of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you **must** declare the interest. You **may** only speak on the matter if members of the public are able to speak. Otherwise you must not take part in any discussion or voting on the matter and must not remain in the room unless you have been granted a dispensation.

In all cases, where the Monitoring Officer has agreed that the interest in question is a **sensitive interest**, you do not have to disclose the nature of the interest itself.

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**DRAFT MINUTES OF A MEETING OF THE CABINET  
MONDAY, 23 OCTOBER 2023**

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

Councillors Present: **Deputy Mayor Anntoinette Bramble in the Chair**  
**Cllr Robert Chapman, Cllr Mete Coban MBE (Part),  
Cllr Susan Fajana-Thomas, Cllr Christopher  
Kennedy, Cllr Carole Williams, Cllr Caroline Woodley**

Apologies: **Cllr Clayeon McKenzie and Cllr Guy Nicholson**

Officers in Attendance: **Mark Agnew, Governance Officer  
Dawn Carter-McDonald, Interim Chief Executive  
Louise Humphreys, Acting Director of Legal,  
Democratic & Electoral Services  
Tessa Mitchell, Team Leader, Governance Services  
Jackie Moylan, Interim Group Director, Finance**

**1 Apologies for Absence**

1.1 Apologies were received from Cllr Nicholson and Cllr McKenzie.

**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 No questions were received.

**6 Unrestricted Minutes of the Previous Meeting of Cabinet**

**RESOLVED: That the minutes of the previous meeting of the Cabinet held on 25  
September 2023 be agreed as a true and accurate record of proceedings.**

**7 Unrestricted Minutes of the Cabinet Procurement and Insourcing Committee**

7.1 Due to the rescheduling of the Cabinet Procurement and Insourcing Committee (CPIC) minutes were not available to be noted at this meeting.

**8 FCR S204 Capital Update and Property Disposals And Acquisitions Report**

8.1 Deputy Mayor Bramble, Chair of Cabinet and Cabinet Member for Education, Young People and Children’s Social Care, confirmed the Council’s continued investment into capital assets to support communities, businesses, and residents.

8.2 Cllr Robert Chapman, Cabinet Member for Finance, Insourcing and Customer Service, introduced the report and highlighted the extension of the lease for the Old Fire Station in Stoke Newington, enabling it to continue as a valuable community asset; the highway works on Clapton Road, to benefit children accessing the Olive School; and the redevelopment works at Millfields Depot.

8.3 Cllr Mete Coban, Cabinet Member for Climate Change, Environment and Transport, and Cllr Susan Fajana-Thomas, Cabinet Member for Community Safety and Regulatory Services, both spoke in support of the measures in the report.

Cllr Coban left the meeting before the vote and returned for agenda item 10.

**RESOLVED:**

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

**Millfield Waste Depot Rectification Works:** Resource and spend approval of **£897k (£65k in 2023/24, £772k in 2024/25 and £60k in 2025/26)** is requested to enable Council officers to proceed with the rectification works associated with various long standing, latent ground defects at the site.

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

**Olive School:** Resource and spend approval of **£391k (£274k in 2023/24 and £117k in 2024/25)** is requested to enable Council officers to carry out Highway Works at this school site.

- 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	0	44	44
<b>Total Capital S106 for Approval</b>	<b>0</b>	<b>44</b>	<b>44</b>

4. That the s106 Capital scheme summarised below and set out in section 12 be noted:

S106	2023/24 £'000
Capital	140
<b>Total Capital S106 for Approval</b>	<b>140</b>

5. That the capital adjustments of the budgets outlined in section 12 be noted and summarised below be noted:

Current Directorate	Budget 2023-24	Change	Updated Budget 2023-24	Budget 2024-25	Change	Updated Budget 2024-25	Budget 2025-26	Change	Updated Budget 2025-26
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Non Housing	2,624	1,900	4,524	8,674	(1,454)	7,220	6,512	(446)	6,066
<b>Total</b>	<b>2,624</b>	<b>1,900</b>	<b>4,524</b>	<b>8,674</b>	<b>(1,454)</b>	<b>7,220</b>	<b>6,512</b>	<b>(446)</b>	<b>6,066</b>

6. Authorise entering into an agreement to lease (“the Agreement”) with the Old Fire Station Stoke Newington CIO to grant a lease of up to 25 years for 61 Leswin Rd, London, N19 7NX (“the Property”) as is shown edged red on the plan attached at Appendix 1.

7. To agree that the terms of the agreement be that, prior to the grant of the lease, the Old Fire Station Stoke Newington CIO should:

- a. Submit a viable project plan which details the development plans and the associated fundraising strategy, to be agreed by the Council, within 6 months from the date of the Agreement.
- b. Submit a business plan setting out how the OFS will operate for the benefit of local residents, which includes provision for full maintenance of the premises, to be agreed by the Council.
- c. Provide evidence that planning permission has been granted for the proposed scheme within 18 months from the date of the Agreement.
- d. Provide written confirmation from funders, within 18 months from the Agreement, that all finance for the development is available to proceed to a start on site.
- e. Submit final construction plans to the Council for approval prior to commencement of works.
- f. Submit relevant documents certifying the practical completion of construction works within 2 months of completion.
- g. Enter into a Community Agreement with the Council which will set out services and benefits to be delivered to local residents and include provision for ongoing monitoring and reporting.
- h. To commence and complete the works and meet all terms and conditions of the agreement to lease within 4 years of the date of that agreement.
- i. To authorise the Acting Director of Legal, Democratic and Electoral Services to terminate this agreement for lease if the conditions above are not met within the specified deadlines.

8. To authorise the Acting Director of Legal, Democratic and Electoral Services and the Director of Strategic Property Services to agree all commercial terms of the Agreement to Lease and lease on the basis of these conditions and to incorporate a covenant that a lease will be granted upon the full performance of these terms.
9. To delegate authority to the Interim Group Director, Finance and the Acting Director of Legal, Democratic and Electoral Services to agree all necessary documentation and enter into a lease of up to 25 years, and to agree all other terms of the lease provided that the requirements of S123 Local Government Act 1972 are met.

#### REASONS FOR DECISION

The reasons for the decision were included in the printed decisions, published on the 24 October 2023, and can be [found here](#).

#### DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

**Proposed lease of The Old Fire Station, 61 Leswin Road N16 7NX:** The Council has considered and rejected a number of alternative options as set out below. It is important to note, however, that if the OFS is not able to meet the conditions set out in the Agreement to Lease, these options will have to be reconsidered.

**Continue Current arrangement:** The option to continue to lease the premises on the current basis - standard VCS lease terms would not enable the tenant to secure the significant investment the building requires. If we proceeded on this basis the asset would not be upgraded and modernised, services to local residents would not be enhanced, and the Council would continue to bear the annual maintenance and repair cost (approximately £20k) of this complex asset. The current rent paid by the tenant does not cover these costs so the building would continue to run at a loss. It is unlikely that the rent could be increased without putting the operation at risk. It is anticipated that within the next 3 - 5 years the Council would have to invest a significant capital sum to address further repairs, Minimum Energy Efficiency Standards (MEES) and other statutory obligations in order to continue to let the building. There is also a risk in the medium to longer term, that the OFS would find it challenging to continue operating the building if there was no agreement from the Council to grant a longer term lease to facilitate investment. If the building is not improved this will affect the future income, viability and sustainability of the OFS. This could leave the Council with a very challenging asset management issue, with the 6 sub occupiers expecting to remain in situ.

**Letting on Commercial Terms:** The current operation of the building, i.e. being used by not-for-profit organisations and community groups, would not be sustainable on a commercial rent. The only way a commercial rent option could be implemented would be to terminate the current arrangement and the occupation of existing users, and re-let to commercial operators. This would present a number of significant challenges, including legal and practical implications of getting vacant possession; planning restrictions; and financial viability of converting the building to suit modern, commercial occupier needs, such as Minimum Energy Efficiency Standards (MEES) obligations, upgraded mechanical and electrical services and a lift. This option is therefore not likely to be practically or financially viable.

**Development for residential use:** This option presents similar challenges; the legal and practical implications of getting vacant possession; lack of financial viability to convert to affordable housing in line with Council Policies; and planning restrictions.

**Freehold Disposal of the Asset:** This is a locally listed heritage asset that is a unique and longstanding asset in the Council's portfolio and is considered to be a landmark building by local residents and wider community and also a key part of the wider VCS portfolio. A freehold disposal would likely attract residential developers and, whilst the organisation in occupation may well want to bid, it is likely that they would struggle to raise the capital to fund a purchase and the renovations they would like to undertake. A freehold disposal would in all probability mean the end of the tenure of the current organisation, the loss of the services they provide to local residents and the conversion of the premises to residential use. A disposal of the freehold to the current occupiers in an 'off market' transaction is another option that has been discounted as, in all probability, it would have to be at a substantial discount to market value, as indeed is the approach recommended in this report. This would be without the control that a leasehold transaction allows at the end of the lease, ultimately, the premises returning to the Council.

## **9 FCR S205 2023/24 Overall Financial Position Report - August 2023**

- 9.1 Deputy Mayor Bramble reminded attendees of the requirement upon the Council to set a balanced budget, and that rising costs and demand for services had been putting pressure on finances. Although Officers, under Cllr Chapman's leadership, had worked hard to resolve this, local authorities would also require long term solutions from the Government.
- 9.2 Cllr Chapman introduced the report noting the small increase in the overspend to £9.3m, and thanked colleagues and Officers for their hard work. Deputy Mayor Bramble also highlighted the important role that Scrutiny had played.

### **RESOLVED:**

**To note the overall financial position of the Council as at August 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

## **10 Executive Response to the Overarching Scrutiny Panel Investigation into Net Zero - For Noting**

- 10.1 Deputy Mayor Bramble restated the Council's ambition to achieve Net Zero, as reflected in the Council's declaration of a climate emergency in 2019 and the adoption of the Climate Action Plan.
- 10.2 When introducing the report, Cllr Coban welcomed the work of the Scrutiny Panel, whose insights had assisted the Council develop its plans in a more

cross-cutting way. Cllr Coban also highlighted the focus on social justice and that this would be a continually evolving workstream.

**RESOLVED: That Cabinet approves the Executive response, found in Appendix 1, to the Scrutiny Panel Overarching Review into Net Zero.**

REASONS FOR DECISION

Hackney Council is required to produce an Executive response to the Scrutiny Panel Overarching Review into Net Zero. The response draws on work underway or planned and is in line with principles, values and priorities held by Hackney Council.

DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Scrutiny Reviews follow a set process that involves recommendations and responses by officers resulting in a report to Cabinet and hence there are no alternative options to be considered.

**11 Schedule of Local Authority School Governor Appointments**

11.1 Deputy Mayor Bramble introduced the report confirming the important role that Governors play in assisting the Council to deliver high standards of education to Hackney's children and young people, and that 97% of Hackney's schools are 'good' and 'outstanding'.

**RESOLVED:**

**To approve the following nominations as set out below:**

<b>Governing Body</b>	<b>Name</b>	<b>Date Effective</b>
Our Lady's Catholic High School	Leonard Benn	23 October 2023

**12 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 13 - 14 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.**

**13 FCR S204 Capital Update and Property Disposals And Acquisitions Report - Exempt Appendix**

13.1 The Cabinet agreed that no further consideration of the exempt appendices in relation to agenda item 8 was required.

**14 Urgent Exempt Business**

14.1 There were no new exempt items for consideration.

**Duration of the meeting:** 6.03 - 6.33 pm

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## MINUTES OF A MEETING OF THE CABINET PROCUREMENT AND INSOURCING COMMITTEE

**MONDAY, 4 SEPTEMBER 2023**

**Councillors Present:**                    **Councillor Robert Chapman in the Chair**  
  
**Cllr Christopher Kennedy, Cllr Caroline Woodley and Cllr Mete Coban**

**Officers in Attendance:**                Rotimi Ajilore - Head of Procurement  
Leila Gillespie - Procurement Category Lead for Corporate Services  
Rabiya Khatun - Governance Officer  
Rob Miller - Strategic Director Customer & Workplace  
Jackie Moylan - Group Director, Finance

**Officers in Attendance Virtually:**        Joe Baxter - Contracts & Commissioning Officer  
Suhana Begum - Senior Public Health Specialist,  
Colin Cowdrey - Head of Colleague Experience  
Divine Ihekwoaba - Procurement Category Lead for Construction  
Justin Feltham - Programme Management Office Manager  
Merle Ferguson - Procurement Strategy and Systems Lead  
Hayley Craig - Major Capital Projects Delivery Lead  
Lesley Hill - Strategic Commissioner  
Louise Humphreys - Acting Director of Legal, Democratic and Electoral Services  
Timothy Lee - Procurement Category Lead for Health and Social Care  
Tessa Mitchell - Governance Services Team Leader  
Lola Olawole - Public Health Commissioning Manager  
Patrick Rodger - Senior Lawyer  
Paul Saunders - Facilities Operations and Contracts Manager  
Charlotte Smith - Senior Commissioning Officer  
Jayne Taylor - Consultant in Public Health  
Peter Varey - Commissioning Specialist in Public Health  
Monsur Zaman - Senior Digital Analyst

**1        Apologies for Absence**

1.1 There were no apologies for absence.

**2 Declarations of Interest**

2.1 Councillor Chapman informed the Committee and it was recorded that Kings Hall Leisure Centre at item 11 of the agenda was in his Homerton Ward.

**3 Urgent Business**

3.1 There was no urgent business to consider.

**4 Notice of Intention to Conduct Business in Private and Representations Received**

4.1 There were no representations to consider.

**5 Deputations/Petitions/Questions**

5.1 There were no deputations, petitions or questions to consider

**6 Unrestricted Minutes of the Cabinet Procurement and Insourcing Committee held on**

**RESOLVED**

**That the unrestricted minutes of the Cabinet Procurement and Insourcing Committee held on 3 July 2023 be agreed as a true and accurate record of proceedings.**

**7 AHI S186 Integrated Telecare Service Contract Extension Award Report**

7.1 Charlotte Smith, Senior Commissioning Officer for Older People and Long Term Conditions, introduced the report seeking approval to extend the Hackney Integrated Telecare Service contract with the incumbent provider for a period of 18 months, plus 6 months plus 6 months options to allow for continued service delivery whilst the service completed the necessary transition from analogue to digital ensuring the continued safety of the most vulnerable residents and commissioned a future Technology-Enabled Care service enabling the move towards delivering a proactive and preventive digital offer that can help improve the quality of life for residents and reduce reactive care costs.

7.2 In response to a question from a Member of the Committee regarding why the contract extension had been requested retrospectively after the contract had expired in February 2023, it was stated that due to health funding issues it had not been possible to achieve a successful tender in February 2023. The City and Hackney Place-Based Partnership Delivery Group had been unable to agree to recurrent funding for any project or service due whilst transitioning to an Integrated Care System. A request for an increase in funding from the Better Care Fund contribution was submitted in August 2022 and a £50,000 recurrent increase to its annual contribution was agreed in May 2023. The budget was now sufficient to meet the forecast spend for a period of two and half years.

**RESOLVED:**

**To award an extension to the contract with Millbrook Healthcare Limited for the delivery of the Hackney Integrated Telecare Service, for a period of 18-months + 6-months + 6-months options to extend; full 30-month contract extension period 26 February 2023 to 25 August 2025. The total projected contract value for the full period is c.£2,080k. This includes an estimated c.£204k cost of equipment that will be reimbursed by health partners.**

**8 AH1 S176 Stop Smoking Service Reprourement Business Case**

8.1 Suhana Begum, Senior Public Health Specialist introduced the report requesting the authority to recommission the City and Hackney Stop Smoking Service for a further 5 years from the 1st of July 2024. The recommissioning would result in £124k savings annually and the specification included some insourcing of the service.

8.2 Members noted the error at paragraphs 6.10.3 and 6.10.4 of the report and the amendments to the KPIs. This should read that, 'as a minimum, 50% of people setting a quit date should achieve a 4 week quit and a stretch target of 60% will be in place'. The target for the service is to encourage 1600 people per year to set a quit date and that at least 50% of those achieve a successful quit.

8.3 In response to a question from a Member regarding managing and recycling e-cigarettes available under the Swap to Stop scheme, the officer replied that this service was under development and that this treatment would only be offered to smokers to help them quit. The service would educate and encourage smokers to use refills instead of single disposable e-cigarettes.

8.4 Members emphasised that the message to people should be that e-cigarettes or vaping should be used as an aid to quit smoking and to discourage the use of disposable e-cigarettes because of its environmental impact.

**RESOLVED:**

**1. Agree the commissioning of the City and Hackney Stop Smoking Service for a period of up to five (5) years (3+1+1) beginning 01/07/2024 at a maximum value of £4m (Option number 4 in section 6). This will include within this financial envelope, a budgeted amount of £80,000 per annum for an insourced PO7 post to provide an enhanced community engagement function and work with the provider to develop partnerships with high prevalence and high risk communities.**

**2. Such commissioning shall include the option to award further funding to the successful bidder of up to £500k (in total, over the lifespan of the contract, depending on allocation from central government) for optional additional work packages to deliver national initiatives. The potential scope of these work packages is described in section 6.5.7 of the submitted report.**

**9 FCR S230 Security Framework Extension**

9.1 Members noted the Supplementary Papers circulated prior to the meeting.

9.2 Rob Miller, Strategic Director Customer and Workplace, introduced the report seeking approval to extend the current security framework contract for Council regular and reactive security requirements and concierge services for Hackney residential blocks for a 24 month period. This will provide the time required to retender service lots which have been assessed as not feasible for insourcing and develop further analysis of potential savings that can be achieved from this contract for reinvestment in insourcing elements of the service that are considered viable for insourcing (subject to expected cost increases set out in the report).

9.3 Following the introduction, in response to a query from a Member of the Committee regarding the insourcing of the service leading to an increase in staff from 120 to over 140, it was stated that based on the current service hours being delivered if the service was insourced under the Council's terms and conditions and 36 hour working week more permanent staff would be needed to employed to deliver this service.

**RESOLVED:**

**1. To note the work undertaken on the possible insourcing of major parts of this service.**

**2. To agree a 24 months extension of the current Corporate Security contract with CIS Security Ltd with 12 and 18 month break clauses, while these options are actively pursued.**

**10 FCR S235 Replacement Unified Communication as a Service (UCaaS) & Contact Centre as a Service (CCaaS) Telephony System 2023**

10.1 Rob Miller, Strategic Director Customer and Workplace introduced the report outlining the proposal to replace the current cloud based service for telephony and contact centre software and seeking to award a contract for the procurement of a new 'Unified Communication as a Service' telephony service that included an omnichannel contact centre solution.

10.2 Members noted the exempt appendices.

**RESOLVED:**

**1. To authorise the award of a contract for the procurement of a new 'Unified Communication as a Service' telephony service that includes an omnichannel contact centre solution to Supplier 1.**

**11 FCR S244 Kings Hall Leisure Centre Refurbishment Project contractor Procurement Business Case Part 1**

11.1 Hayley Graig, Major Capital Projects Delivery Lead, introduced the report setting out the case for the contractor procurement to support the delivery of the Kings Hall Leisure Centre refurbishment project, the two stage design and build and procurement process. The procurement would be split at 70% quality and 30% cost. The project governance and management structure put in place for this refurbishment project also ensured that lessons learned across the Council's broader capital delivery programmes including the Britannia Leisure Centre project could be fed into the

project team and help secure the project's success. The project was anticipated to be achieved within the existing budget.

11.2 Following the introduction, Members of the Committee noted the following:

- The importance of Kings Hall Leisure Centre to the local community and that doing nothing would not be an option, and that the staged approach would mitigate the risks for this complex site.
- It had been reassuring that the officers working on this project had previous experience of working on the successful multi award-winning Britannia Leisure Centre.
- In response to a question regarding the timeline of the report to Cabinet, the officer explained that the tender document would be issued in a few days which would enable a contractor to be appointed and a pre-construction services agreement to be signed by end of January 2024, the Stage three design would be reviewed from February to March 2024 and it was anticipated that a full business case including a better understanding of the risks and costs could be submitted to Cabinet by spring 2024.

11.3 The Chair thanked officers for their work on this project.

**RESOLVED to:**

**1. Approve the commencement of a two stage design and build procurement for Kings Hall Leisure Centre Refurbishment Project through the Southern Construction Framework Lot 3.**

**2. Delegate authority to the Group Director, Finance, in consultation with the Hackney Kings Hall Leisure Centre Development Board, in respect of the award of a Pre-Construction Services Agreement (PCSA) to the recommended contractor.**

**3. Authorise the Director of Legal, Democratic and Electoral Services to agree and enter into all necessary legal documentations relating to a Pre-Construction Service Agreement with the recommended contractor.**

**CPIC is requested to note that:**

**4. Following a review of the Stage 3 cost plan by the PCSA contractor, a Full Business Case requesting budget approval for the whole project will be brought back to Cabinet for consideration.**

**5. Subject to Cabinet approving such Full Business Case, the project will proceed by submitting a planning application and continuing to complete the second stage of the procurement process (including the open book market testing of the Stage 4 design with the PCSA contractor's supply chain).**

**6. At the completion of the second stage of the procurement process, a report recommending the award of the main design and build contract to the recommended contractor will be brought back to CPIC for consideration and approval.**

12 **Exclusion of the Public and Press**

**RESOLVED**

**THAT the press and public be excluded from the proceedings of the Cabinet Procurement Insourcing Committee during consideration of Exempt Appendices at item 13 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 paragraph 3 of Schedule 12A to the Local Government Act 1972 as amended.**

13 **FCR S235 Replacement Unified Communication as a Service (UCaaS) & Contact Centre as a Service (CCaaS) Telephony System 2023 - Exempt Appendices**

13.1 The discussion and decision relating to this item are set out in item 10.

14 **Urgent Exempt Business**

14.1 There was no restricted urgent business to consider.

**Duration of the meeting:** 5.00 - 5.42pm

Cllr Robert Chapman  
Chair of Cabinet Procurement and Insourcing Committee



<b>Title of Report</b>	Capital Update and Property Disposals and Acquisitions Report	
<b>Key Decision No</b>	FCR S206	
<b>For Consideration By</b>	Cabinet	
<b>Meeting Date</b>	27 November 2023	
<b>Cabinet Member</b>	Cllr Robert Chapman, Cabinet Member for Finance, Insourcing and Customer Service	
<b>Classification</b>	Open	
<b>Ward(s) Affected</b>	All	
<b>Key Decision &amp; Reason</b>	Yes	Spending or Savings
<b>Implementation Date if Not Called In</b>	6 December 2023	
<b>Group Director</b>	Jackie Moylan, Interim Group Director, Finance	

## 1. CABINET MEMBER'S INTRODUCTION

- 1.1 This report updates members on the capital programme agreed in the 2023/24 budget.
- 1.2 Through the proposals in this report we demonstrate our commitment to meeting our manifesto pledges as well as continuing to deliver against the Council's Strategic Plan.
- 1.3 This month we are recommending that Cabinet approve the sale of the freehold of 234-238 Mare Street which has been empty for a number of years and is in need of significant investment to bring it back into productive use. Through selling the site, we will be generating a capital receipt, which will be used to fund projects in the Council's capital programme, such as much needed investment to buildings that are used by Voluntary and Community groups, this includes investing in fire safety improvements. The sale will also save revenue costs as we are incurring £167,000 per year to retain this empty property. The sale will also enable this empty building to be brought back to productive use and play a positive role in Hackney Town Centre.

- 1.4 We are also seeking approval for the use of £123k of S106 monies to start planning for the Hackney Carnival which we committed to deliver in 2024. By allocating this funding now we can contract with our partners much earlier to start planning for a successful Carnival next year. The early start to planning will enable an artistically stronger, more accessible carnival with good fundraising opportunities which will see improved community partnerships. Carnival supports our Arts and Cultural Strategy delivering on all five of the strategy's themes: community cohesion, education, health and wellbeing, employment and the economy.
- 1.5 Finally, this month approval is sought for the use of £500k of S106 monies for the development of Phase 4 of the Woodberry Down Cultural plan which will provide opportunities for the community at Woodberry Down to come together to participate in creative and cultural activity. Phase 4 of the Woodberry Down development includes the 'central square', which will form the heart of Woodberry Down. The cultural strategy and creative projects will include integrated bespoke artworks developed with community involvement and will also embed opportunities to support the local economy, local employment, health and well being and education.
- 1.6 I commend this report to Cabinet.

**2. INTERIM GROUP DIRECTOR'S INTRODUCTION**

- 2.1 This report updates Members on the current position of the Capital Programme and seeks approval as required to enable officers to proceed with the delivery of those schemes as set out in section 3 of this report.
- 2.2 **Proposed Disposal of 234-238 Mare Street, London, E8 1HE:** These premises are currently empty and require substantial works of redevelopment and refurbishment to bring the buildings back into productive use. Development by the Council is highly resource intensive, and scarce resources are better employed on larger more viable sites where they can make more impact. Doing nothing is not a viable option as the building costs a significant sum to keep empty and therefore it will be a benefit to the Council's capital and revenue position to dispose of this asset. While it remains empty, the building does not play a positive role in the Town Centre. The sale will also generate a much needed capital receipt which can be used to fund projects in the Council's capital programme.

**3. RECOMMENDATION(S)**

- 3.1 **That the CIL Revenue scheme summarised below and set out in section 11 be approved:**

Project Description	2023/24 £'000
Carnival 2024	123
<b>Tota CIL Revenue for Approval</b>	<b>123</b>



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

S106	2023/24 £'000	2024/25 £'000	2025/26 £'000	Total
Capital	167	167	167	500
<b>Tota S106 Capital for Approval</b>	<b>167</b>	<b>167</b>	<b>167</b>	<b>500</b>

3.3 That the s106 Capital scheme summarised below and set out in section 12 be noted:

S106	2023/24 £'000
Capital	150
<b>Total Capital S106 for Noting</b>	<b>150</b>

3.4 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
<b>Total</b>	<b>(41,356)</b>	<b>45,518</b>	<b>38</b>

3.5 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)
<b>Total</b>	<b>(284)</b>

3.6 That the Quarter 2 Capital Monitoring in section 13 be noted.

3.7 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.

3.8 To authorise the sale of the freehold of 234-238 Mare Street London E8

**1HE, (as described for information purposes only in Appendix 2).**

- 3.9 **To delegate authority to the Interim Group Director of Finance to agree all commercial terms of the transaction.**
- 3.10 **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.**

#### **4. REASONS FOR DECISION**

- 4.1 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.
- 4.2 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.
- 4.3 To facilitate financial management and control of the Council's finances.
- 4.4 **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.
- 4.5 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.
- 4.6 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.
- 4.7 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.
- 4.8 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.

#### **5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 5.1 **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.
- 5.2 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.
- 5.3 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.
- 5.4 The Council would be exposed to a significant construction and development risk at a time when there is great uncertainty in the market.
- 5.5 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.
- 5.6 The Council has also considered the possibility of procuring a developer.
- 5.7 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.
- 5.8 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 borrowing and that would mean granting an interest in the land at the outset.
- 5.9 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.

- 5.10 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.
- 5.11 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.
- 5.12 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.

## **6. BACKGROUND**

6.1 **Proposed Disposal of 234-238 Mare Street, London, E8 1HE:** Most of the premises at 234-238 Mare Street were until 2012 occupied by the Citizens Advice Bureau who consolidated several offices in Hackney to new Council owned premises at 300 Mare Street. The building was subsequently let to a training organisation on a short term basis but has been occupied by guardians from 2015 to 2022 and more recently protected by security from the possibility of occupation by squatters.

6.1.1 The premises are formed of three interlinked terrace houses much altered since their initial construction on the corner of Mare Street and Paragon Road.

6.1.2 The buildings whilst structurally sound now require a complete refurbishment to bring them up to modern standards and to make better use of the space available.

### **6.2 Policy Context**

6.2.1 The report to recommend the Council Budget and Council Tax for 2023/24 considered by Council on 27 February 2023 sets out the original Capital Plan for 2023/24. Subsequent update reports considered by Cabinet amend the Capital Plan for additional approved schemes and other variations as required.

### **6.3 Equality Impact Assessment**

6.3.1 **Proposed Disposal of 234-238 Mare Street, London, E8 1HE:** The planning permission as granted requires the two houses fronting Paragon Road to meet Building Regulations Optional Requirement Part M4 (2) 'accessible and

adaptable dwellings' and the commercial space is fully accessible.

6.3.2 A sale leading to the implementation of the proposal will lead to an improvement in the accessibility of these buildings.

#### 6.4 Sustainability and Climate Change

6.4.1 **Proposed Disposal of 234-238 Mare Street, London, E8 1HE:** The planning permission if implemented will result in nine extra dwellings built to modern standards whilst retaining the existing structure and therefore this proposal is inherently sustainable.

#### 6.5 Consultations

6.5.1 **Proposed Disposal of 234-238 Mare Street, London, E8 1HE:** No formal consultations are associated with this proposal save for the statutory planning consultations.

#### 6.6 Risk Assessment

6.6.1 **Proposed Disposal of 234-238 Mare Street, London, E8 1HE:** The Council Officers obtained planning permission for the redevelopment of the premises in 2021 and would ideally like to see the consented scheme implemented. Sale of the property would leave the new owner in control of any future development including implementing, or not, the consented scheme.

6.6.2 The Council is the Local Planning Authority and makes its planning decisions based on adopted policy. Any new application made by a purchaser would have to meet those policies in the round and so whilst it is likely that a purchaser would seek to change the development permitted to meet its assessment of how the site is best developed this will always be in the context of planning policy.

6.6.3 The sale proposed by this report may prove challenging; there is a great deal of uncertainty in the market with rising construction costs and a lack of confidence in the private residential market caused by rising interest rates. It appears that interest rates may have peaked and that the volatility in the construction market may be subsiding, which may calm nerves albeit the consequence of the last year of inflation pressures has been a higher cost base coupled with softer prices.

### 7. COMMENTS OF THE INTERIM GROUP DIRECTOR, FINANCE

7.1 The gross approved Capital Spending Programme for 2023/24 currently totals **£250.496m (£136.654m non-housing and £113.842m housing)**. This is funded by discretionary resources, borrowing, capital receipts, capital reserves (mainly Major Repairs Reserve and revenue contributions) and earmarked funding from external sources.

7.2 The financial implications arising from the individual recommendations in this report are contained within the main report.

- 7.3 The recommendations in this report will result in a revised gross capital spending programme for 2023/24 of **£210.723m (£107.576m non-housing and £103.147m housing)**.

Current Directorate	Revised Budget Position	Nov 2023 Cabinet	Capital Adjustments	Re-profiling 23/24	Updated Budget Position
	£'000	£'000	£'000	£'000	£'000
Chief Executive's	749	0	0	(383)	366
Adults, Health & Integration	2,447	0	(283)	(523)	1,641
Children & Education	18,633	0	0	(5,044)	13,590
Finance & Corporate Resources	73,310	1,550	0	(11,857)	63,002
Climate, Homes & Economy	41,515	150	(1)	(12,687)	28,977
<b>Total Non-Housing</b>	<b>136,654</b>	<b>1,700</b>	<b>(284)</b>	<b>(30,495)</b>	<b>107,576</b>
Housing	113,842	167	(0)	(10,862)	103,147
<b>Total</b>	<b>250,496</b>	<b>1,867</b>	<b>(284)</b>	<b>(41,356)</b>	<b>210,723</b>

- 7.4 **Proposed Disposal of 234-238 Mare Street, London, E8 1HE:** This report formally recommends authorisation for the sale of the freehold property 234 -238 Mare Street, London E8 1HE.

- 7.5 It is imperative to note that this property forms part of the Council's commercial portfolio and has been under the occupation of guardians from 2015 to 2022. Notably, the Council has recently incurred an annual expenditure of approximately £160,000 to maintain 24-hour security measures, aimed at deterring unauthorised occupants, including potential squatters. Moreover, void costs associated with maintaining this property in a vacant state have also been incurred.

- 7.6 In order to render this property suitable for leasing, a substantial capital investment is required. The Council had previously pursued development plans and obtained planning permissions in 2021; however, at this moment in time, carrying out this development project is not financially viable for the Council.

- 7.7 The sale of this property shall generate a capital receipt, which will serve to bolster the financial resources allocated to projects within the Council's capital programme. Moreover, this transaction will alleviate the financial burden stemming from the current void costs, which are adversely affecting the Council's revenue budget.

## 8. VAT IMPLICATIONS ON LAND AND PROPERTY TRANSACTIONS

- 8.1 **Proposed Disposal of 234-238 Mare Street, London, E8 1HE:** On the basis that the Council has not opted to tax the building the freehold sale will be exempt from VAT, so any VAT you incur on costs attributable to the sale, i.e. the legal costs, any works on the property prior to sale etc will need to be included

in the Council's Partial Exemption calculation.

## **9. COMMENTS OF THE ACTING DIRECTOR OF LEGAL, DEMOCRATIC AND ELECTORAL SERVICES**

- 9.1 The Interim Group Director, Finance is the officer designated by the Council as having the statutory responsibility set out in section 151 of the Local Government Act 1972. The section 151 officer is responsible for the proper administration of the Council's financial affairs.
- 9.2 In order to fulfil these statutory duties and legislative requirements the Section 151 Officer will:
- (i) Set appropriate financial management standards for the Council which comply with the Council's policies and proper accounting practices, and monitor compliance with them.
  - (ii) Determine the accounting records to be kept by the Council.
  - (iii) Ensure there is an appropriate framework of budgetary management and control.
  - (iv) Monitor performance against the Council's budget and advise upon the corporate financial position.
- 9.3 Proposals for capital spending shall be submitted to Cabinet for acceptance into the capital programme recommended to Full Council for adoption (paragraph 2.17, Financial Procedure Rule FPR2, Section A, Part Five of the Council's Constitution).
- 9.4 Once the capital programme has been approved, Cabinet exercises control over capital spending and resources and may authorise variations to the capital programme provided such variations are within available resources and are consistent with Council policy (paragraph 2.18, Financial Procedure Rule FPR2, Section A, Part Five of the Council's Constitution).
- 9.5 Section 106 Town and Country Planning Act 1990 permits anyone with an interest in land to enter into a planning obligation which is then enforceable by the local planning authority. Planning obligations are private agreements intended to make acceptable developments which would otherwise be unacceptable in planning terms. Frequently such obligations require the payment of a financial contribution to compensate for the loss or damage created by the development or mitigate against the development's impact. Local authorities must have regard to the legal tests laid down in Regulation 122 of the Community Infrastructure Levy Regulations 2010 prior to requiring a developer to enter into a s106 obligation. Hackney Council approved the Planning Contributions Supplementary Planning Document on 25 November 2015 under which contributions are secured. Once completed, s106 agreements are legally binding contracts and financial contributions can only be used for the purposes specified within the obligation itself.
- 9.6 The Council also receives payments under the Community Infrastructure Levy Regulations 2010 based upon the Council's adopted charging schedule

adopted in 2015 (this is separate to the Mayor of London's CIL). The Council's adopted Regulation 123 list details the infrastructure that the payments received will be spent upon. In addition, there is a neighbourhood element to CIL and areas where development is taking place will receive a proportion of the receipts to be spent in local neighbourhoods, this includes the Hackney Community Fund.

- 9.7 **Proposed Disposal of 234-238 Mare Street, London, E8 1HE:** The recommendation in paragraph 3 of this Report is a key decision under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as it is an executive decision, which is likely (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority. Key decisions can be made by Cabinet under Article 13.6 of the Constitution.
- 9.8 Section 123(1) of the Local Government Act 1972 provides the Council with the power to dispose of land and property, subject to Secretary of State consent, provided such disposal is made for the best consideration reasonably obtainable. The General Disposal Consent 2003 removes the requirement for local authorities to seek specific consent from the Secretary of State for any disposal of land where: the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of: (i) the promotion or improvement of economic well-being; (ii) the promotion or improvement of social well-being; (iii) the promotion or improvement of environmental well-being; and the "undervalue" (i.e. the difference between the unrestricted value of the interest to be disposed of and the consideration accepted) is £2 million or less.
- 9.9 Where the case does not fall within the terms of this General Consent then an application to the Secretary of State for a specific consent is required. The General Consent Order 2003 also specifies that it is the responsibility of the Council to satisfy itself that the land is held under powers which permit it to be disposed of under the terms of the 1972 Act which in this case is applicable depending on the valuation.
- 9.10 Provided the above mentioned requirements are satisfied, which they appear to be, and in particular the sale price does not result in an undervalue of more than £2m, the proposed course of action represents the best outcome for the Council both financially and in terms of future responsibility and reputational risk.
- 9.11 There is no perceived legal reason why the recommendations in this report should not be endorsed.



## 10. COMMENTS OF THE DIRECTOR OF STRATEGIC PROPERTY SERVICES

- 10.1 **Proposed Disposal of 234-238 Mare Street, London, E8 1HE:** The proposal is to offer the freehold of these premises for sale as there is no realistic prospect of the Council bringing forward a development on this site in a reasonable timeframe, whilst at the same time there is a large carrying cost to owning the site.
- 10.2 The Council has added value to the site by establishing residential use over the first and second floors, along with an upwards extension and two new houses on Paragon Road.
- 10.3 Private developers are likely more nimble than a local authority and whilst there can be no guarantees in the current market the site should gain interest from smaller builder developers, albeit they are likely to seek to alter the existing planning permission.
- 10.4 Advertising the premises for sale in such a fashion that is commensurate for the size of the opportunity is the best way to determine the market value of the premises and so as long as the marketing of this property is undertaken in such a fashion and offers and any conditions attached to them are weighed against one another taking into account market conditions and the ability of bidders to perform, then a sale will meet the requirements of Section 123 of the Local Government Act 1972.

## 11. FOR APPROVAL

### 11.1 CIL Revenue for approval

- 11.1.2 CIL Resource and Spend approval is requested for **£123k in 2023/24** of revenue funding to be financed by CIL contributions. This project to be carried out is in accordance with the CIL regulations.

Project Description	2023/24 £'000
Carnival 2024	123,000
<b>Tota CIL Revenue for Approval</b>	<b>123,000.00</b>

This capital expenditure is to enable the Council's Culture Team to initiate planning for the Hackney Carnival 2024. The Council has committed to delivering the Hackney Carnival in 2024. Receiving the funding this financial year means that we can contract partners much earlier, enabling planning to start six months earlier than at the start of April 2024. This planning will include an artistically stronger, more accessible carnival with good fundraising opportunities and embedding and consolidating community partnerships. The Culture team's carnival programme is delivered with a wide range of third sector partners, as follows:

- 16 Hackney-based grassroots carnival groups will be commissioned to deliver a carnival showcase and an ambitious community engagement programme

- Unappointed artistic director
- Unappointed event management company
- The carnival will also employ a wide range of artists and creative organisations to develop a relevant programme for local communities

The project will support the aims of the borough's Arts and Cultural Strategy and will deliver on all five of the strategy's themes: community cohesion, education, health and wellbeing, employment and the economy.

## 11.2 S106 Capital for approval

11.2.1 S106 Capital Resource and Spend approval is requested for **£500k (£167K in 2023/24, £167k in 2024/25 and £167k in 2025/26)** of capital funding to be financed by S106 contributions. This project to be carried out is in accordance with the terms of the appropriate S106 agreements.

Agreement No.	Project Description	Site Address	2023/24 £'000	2024/25 £'000	2025/26 £'000	Total
2010/2500	Woodberry Down Cultural Plan	Woodberry Down Estate (Kick Site Start-KSS1)	10	0	0	10
2011/3014		Woodberry Down Kick Start Site 4 (Newton Close & Block 21 (Phase 3a) N4	9	0	0	9
2012/3693		Woodberry Down Kick Start 3	147	167	167	480
<b>Tota S106 Capital for Approval</b>			<b>167</b>	<b>167</b>	<b>167</b>	<b>500</b>

This capital expenditure is to enable the Council's Officers to commence Phase 4 of the Woodberry Down Cultural plan. Phase 4 sets out a strategy and implementation plan which will provide opportunities for the community at Woodberry Down to come together to participate in creative and cultural activity. It is intended that cultural projects will bring the community together and support community cohesion. Phase 4, includes the 'central square', which will form the heart of Woodberry Down, the cultural strategy and creative projects will help embed the space as representative of Woodberry Down's unique identity, heritage and diverse communities. A number of opportunities for creative projects have been identified which will focus on key areas: The Public Realm and activation - additionality to the built environment and animation of the Central Square. Public Art - integrated bespoke artworks that add character and are co designed and developed with community involvement. The cultural projects will also embed opportunities to support the local economy, local employment, health and well being and education. Outcomes will be measured in terms of increased footfall, as well as improvements in the numbers of residents engaging in cultural/heritage activities, impactful volunteering, and improved perceptions of amenities.

A cultural Lead Officer is to be appointed who will take forward the oversight and responsibility for the delivery of the Cultural plan. This will be a part time post 2.5 days per week. Total cost over 3 years £104,883. This will be funded using UK SPF (Levelling up) revenue secured from the GLA with a small top up

from S106. The balance of the S106 funding will be used on the proposed cultural projects:

No	Project	Project Description	Estimated Cost
1	Central Square	A new library and a vibrant active community hub space are proposed for the Central Square. Opportunities for co-located facilities, outdoor seating and areas for indoor/outdoor performances (e.g. anchor artwork, drinking fountain etc.)	£300k
2	Pocket Park Mural	Community mural onto southern pocket park wall	£50k
3	Building and wayfinding signage	Tiled signage treatment for residential entrances / road names	£40k
4	St Olav's Boundary Wall/play	Deliver Public Art uplift	£50k
5	Community Engaged artist project on Nature/Food	Project on Nature/Food	£25k
6	Woodberry Sessions	Kick start drop in community engagement sessions	£30k

The cultural projects will also embed opportunities to support the local economy, local employment, health and well being and education.

## 12. FOR NOTING

### 12.1 S106 Capital for Noting

The s106/CIL Corporate Board Meeting dated 19 December 2022 and 18 September 2023 considered and approved the following bids for resource and spend approval. As a result **£150k in 2023/24** was approved to spend in accordance with the terms of the appropriate s106 agreements.

Agreement No.	Project Description	Site Address	2023/24 £'000
2020/1546	Highway Wk 61 Queens Drive, London, N4 2BG	61 Queens Drive, London, N4 2BG	5
2018/0279	Tree Planting 291 Hackney Rd	291 Hackney Road, London, E2 8NA	23
2016/0613	Tree Planting 208 Cassland Rd	208 Cassland Road, London, E9 5AJ	11
2017/3600	Tree Planting 130 Kingsland High St	130 Kingsland High Street, Hackney, London, E8 2NS	3
2017/2373	Tree Planting Garnham St Car Park	Garnham Street, Car Park Garnham Street, London, N16 7JA	23
2018/2783	CCTV for Kingsland Road	337-359 Kingsland road	85
<b>Total Capital S106 for Noting</b>			<b>150</b>

### 13. Q2 Capital Monitoring

This is the second OFP Capital Programme monitoring report for the financial year 2023/24. The actual year to date capital expenditure for the six months April 2023 to September 2023 is **£29.2m** and the forecast is currently **£209.6m**, £40.4m below the revised budget of **£250m**. This represents a forecast of 67% of the approved budget of £307m, approved by Cabinet in February 2023 (Council's Budget Report). Each financial year, two re-profiling exercises within the capital programme are carried out in order that the budgets and monitoring reflect the anticipated progress of schemes. A total of £41.4m (phase 2 re-profiling) will be transferred to future years as set out in Appendix 1. A summary of the forecast and phase 2 re-profiling by directorate is shown in the table below along with brief details of the reasons for the major variances.

**Table 1 Summary of the Capital**

Capital Programme 2023/24	Budget Set at Feb Cab 2023	Budget Position at Sept 2023	Spend	Forecast	Variance (Under/Over)	Capital Adjustments	To Re-Profile 2023/24	New Bids	Updated Budget Position
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Chief Executive's	2,310	749	0	350	(399)	0	(383)	0	366
Adults, Health & Integration	2,166	2,447	290	1,641	(806)	(283)	(523)	0	1,641
Children & Education	14,422	18,633	4,595	13,426	(5,208)	(0)	(5,044)	0	13,589
Finance & Corporate Resources	30,339	38,330	4,785	33,946	(4,384)	0	(4,610)	65	33,785
Mixed Use Development	63,113	34,915	99	28,356	(6,559)	0	(7,247)	0	27,668
Climate, Homes & Economy	37,093	41,101	6,700	28,289	(12,812)	(1)	(12,687)	731	29,143
<b>Total Non-Housing</b>	<b>149,443</b>	<b>136,175</b>	<b>16,469</b>	<b>106,008</b>	<b>(30,167)</b>	<b>(284)</b>	<b>(30,495)</b>	<b>795</b>	<b>106,192</b>
AMP Housing Schemes HRA	51,408	50,116	10,488	46,313	(3,803)	(0)	(3,803)	0	46,313
Council Schemes GF	2,621	5,886	2,409	6,524	637	0	0	0	5,886
Private Sector Housing	2,031	1,702	750	1,620	(82)	0	(82)	0	1,620
Estate Regeneration	55,713	26,174	995	20,689	(5,485)	0	(5,485)	0	20,689
Housing Supply Programme	33,048	21,153	882	19,732	(1,421)	0	(1,393)	0	19,760
New Homes	0	633	16	633	0	0	0	0	633
Woodberry Down Regeneration	12,772	8,178	(2,779)	8,079	(99)	(0)	(99)	0	8,079
<b>Total Housing</b>	<b>157,593</b>	<b>113,842</b>	<b>12,760</b>	<b>103,589</b>	<b>(10,253)</b>	<b>(0)</b>	<b>(10,862)</b>	<b>0</b>	<b>102,981</b>
<b>Total Capital Budget</b>	<b>307,036</b>	<b>250,018</b>	<b>29,229</b>	<b>209,597</b>	<b>(40,420)</b>	<b>(284)</b>	<b>(41,356)</b>	<b>795</b>	<b>209,173</b>

**CHIEF EXECUTIVE'S**

The current forecast for the overall Chief Executive's is £350k, £399k below the in-year revised budget of £750k. Below is a brief update on the main variance:

CX Directorate Capital Forecast	Budget Set at Feb Cab 2023	Budget Position at Sept 2023	Spend	Forecast	Variance
	£000	£000	£000	£000	£000
Libraries and Archives	2,310	749	0	350	(399)
<b>Total Non-Housing</b>	<b>2,310</b>	<b>749</b>	<b>0</b>	<b>350</b>	<b>(399)</b>

**Stoke Newington Library (Refurbishment)** - The forecast is £126k, £224k below the respective in-year budget of £350k. The spend is less than expected because of delays caused by a decision to reprogram some consultation, and the current lack of clarity as to whether an application for short for funding is likely to be approved. Therefore the underspend will be re-profiled to the 2024/25 budget to reflect the timeframe of the project.

### **ADULTS, HEALTH AND INTEGRATION**

The overall forecast for Adults, Health and Integration is £1.6m, £0.8m below the respective in-year budget of £2.5m. Below is a brief update on the main variance:

AHI Directorate Capital Forecast	Budget Set at Feb Cab 2023	Budget Position at Sept 2023	Spend	Forecast	Variance
	£000	£000	£000	£000	£000
Adults, Health and Integration	2,166	2,447	290	1,641	(806)
<b>TOTAL</b>	<b>2,166</b>	<b>2,447</b>	<b>290</b>	<b>1,641</b>	<b>(806)</b>

**Hackney Mortuary (Refurbishment)** - The forecast is £0.6m, £0.5m below the respective in-year budget of £1.1m. This project is the refurbishment and remodelling works to modernise and upgrade the existing facilities to current standards and provide additional capacity to reduce the reliability on 'off-site' facilities. The tenders have been returned and the contract award is currently being prepared for selected contractors. The 'start on site' date for works was pushed back to January 2024 to allow for the Mortuary to remain operational over winter/Christmas period. The variance will be re-profiled to the 2024/25 budget to reflect the likely timeframe of the project.

### **CHILDREN AND EDUCATION**

The current forecast is £13.4m, £5.2m below the in-year revised budget of £18.6m. More detailed commentary is outlined below.

C&E Directorate Capital Forecast	Budget Set at Feb Cab 2023	Budget Position at Sept 2023	Spend	Forecast	Variance
	£000	£000	£000	£000	£000

Children & Family Services	0	152	0	152	0
Education Asset Management Plan	6,937	6,676	994	3,054	(3,621)
Education Sufficiency Strategy	0	5	0	5	0
SEND and Other Education	1,036	2,122	626	1,607	(515)
Primary School Programmes	4,121	7,017	2,060	6,567	(450)
Secondary School Programmes	2,328	2,662	914	2,041	(621)
<b>TOTAL</b>	<b>14,422</b>	<b>18,633</b>	<b>4,595</b>	<b>13,426</b>	<b>(5,208)</b>

### **Children & Family Services**

There is no material variance.

### **Education Asset Management Plan**

The forecast for the overall Education Asset Management Plan is £3.1m, £3.6m below the in-year respective budget of £6.7m. Below is a brief update on the main variances:

Development AMP - The forecast is £0.05m, £0.7m below the in-year respective budget of £0.75m. This budget is the reactive budget to support the overall AMP programme and this forecast is based on the programme of works expected this financial year. The underspend will fund identified overspends in the overall programme.

Ann Taylor Children's Centre (Roof Replacement) - The forecast is £0.2m, £0.6m below the in-year respective budget of £0.8m. This forecast reflects the expenditure expected this financial year. The tenders have been returned. The project team will review the tender estimates for the scope of works. The underspend will be re-profiled to the 2024/25 budget to reflect the timeframe of this project.

Millfields PS AMP (Boiler & Roof Replacement) - The forecast is £0.1m, £0.8k below the in-year respective budget of £0.9m. This project is in the early initial stages. The tender estimates and additional works highlighted by the project team has resulted in a review of the overall scope. The majority of the works will start in 2024/25 so the budget will be reprofiled next year.

Daniel House AMP - The forecast is nil spend against the in-year respective budget of £0.5m. The project has been reviewed and there are no further works planned this financial year. It was agreed the remaining budget will fund the SEND works for the creation of Additional Resourced Provision at Daniel House. As these works are planned for future years the remaining AMP budget will be transferred to the SEND budget and re-profiled to next year to reflect the likely timeframe of the project.

## **Education Sufficiency Strategy**

There are no material variances.

## **SEND and Other Education Services**

The forecast for the overall SEND and Other Education Services is £1.6m, £0.5m below the in-year respective budget of £2.1m. Below is a brief update on the remaining significant variance:

Sebright SEND Daniel House SEND, The Bridge Academy SEND and Comet CC SEND - The forecast is £0.3m, £0.7m below the in-year respective budget of £1m. This project is funded by the Government National High Needs grant to support the delivery of new places and improve existing provision for children and young people with special educational needs and disabilities or who require alternative provision. This project is to develop plans for Additional Resource Provision (ARP) at all of these sites. This project is in the early initial stages of feasibility, procurement and design. The construction will start in 2024/25, therefore, the variance will be re-profiled.

## **Primary School Programmes**

The forecast for the overall Primary School Programme is £6.6m, £0.5m above the in-year respective budget of £7m. Below is a brief update on the main variances:

Woodberry Down Children Centre (Extension and Full Refurbishment) - The forecast is £3m, £0.3m above the in-year respective budget of £2.7m. The impact assessment of the 'variation of work' to the redesign of roof structure has now been completed resulting in an overall increase in costs. The overspend will be funded by identified underspends across the programme.

Mandeville (Facades Work) - The forecast is £0.7m, £0.4m below the in-year respective budget of £1.1m. The forecast relates to the variation of work for the additional Health and Safety works to the roof. By next quarter the team will review and determine the impact of the 'revision of the scope of works' to the overall costs. The budget 2024/25 will be brought back to cover this overspend.

William Patten (Facades Work) - The forecast is nil spend of the in-year respective budget of £0.5m. The Contract was recently awarded. The proposed works will be completed by the end of quarter 3. It is anticipated the costs will come through towards the end of the financial year therefore the variance will be re-profiled to the 2024/25 budget.

## **Secondary School Programmes**

The forecast for the overall Secondary School Programmes is £2m, £0.6m below the in-year respective budget of £2.7m. Below is a brief update on the main variance:

Lifecycle Works (Early Failure/Reactive) Contingency Budget - The forecast is £0.9m, £0.4m below the in-year respective budget of £1.3m. This is the contingency budget to support the overall programme and support the capitalisation of project manager direct costs, emergency and health and safety schemes across the programme in the year. Part of the budget will be used to fund identified overspends across the programme and the remaining budget will be re-profiled to 2024/25 to support future works.

## **FINANCE AND CORPORATE RESOURCES**

The forecast for the overall Finance and Corporate Resources is £62.3m, £10.9m below the in-year respective budget of £73.2m. More detailed commentary is outlined below.

<b>F&amp;CR Directorate Capital Forecast</b>	<b>Budget Set at Feb Cab 2023</b>	<b>Budget Position at Sept 2023</b>	<b>Spend</b>	<b>Forecast</b>	<b>Variance</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
Property Services	19,211	20,796	4,285	19,264	(1,531)
ICT	1,383	2,695	164	2,695	(0)
Other Schemes	8,640	9,534	336	7,006	(2,528)
Temporary Accommodation	1,105	5,305	0	4,980	(325)
<b>Total</b>	<b>30,339</b>	<b>38,330</b>	<b>4,785</b>	<b>33,946</b>	<b>(4,384)</b>
Mixed Use Development	63,113	34,915	99	28,356	(6,559)
<b>TOTAL</b>	<b>93,452</b>	<b>73,245</b>	<b>4,884</b>	<b>62,302</b>	<b>(10,943)</b>

## **Strategic Properties Services - Strategy & Projects**

The forecast for the overall Strategic Properties Services is £19.3m, £1.5m below the in-year respective budget of £20.8m. Below is a brief update on the main variances:

DDA (Disability) Capital Works - The forecast is £196k, £150k below the in-year respective budget of £346k. This forecast reflects the works expected this financial year. This budget will be used by the Council's Compliance Team for all the surveys, emergency and equality works on all the Council's Core Campus buildings. The variance will be re-profiled to support future works in 2024/25.

Stoke Newington Town Hall and Assembly Hall Refurbishment Works - The forecast is £0.7m, £0.3m below the in-year respective budget of £1m. This forecast reflects the works expected this financial year. The Project Manager is expecting further works for extended scaffolding works, structural support works, further works on the ceiling and asbestos removal works. The variance



will, therefore, be re-profiled to the 2024/25 budget to support the continued works.

#### Voluntary and Community Sector Fire Risk & Remedial Works (General Fund) -

The forecast is £0.8m, £0.8m below the in-year respective budget of £1.6m. The team is progressing with the schedules, although some of the sites are being subjected to an additional level of scrutiny to ensure the spend is warranted, and that the site has a future within the VCS portfolio. Any works that have been identified as a high risk/priority 1 under the CIPFA, building condition survey or Fire Risk Assessment will still be progressed and is part of the forecast spend for 2023/24. The variance will be re-profiled to the 2024/25 budget to reflect the actual spend for the works identified.

#### ICT Capital

There is no material variance.

#### Corporate Resources Other Schemes

The forecast for the overall Corporate Resources Other Schemes is £7m, £2.5m below the in-year respective budget of £9.5m. Below is a brief update on the main variance:

PSDS3b - Decarbonisation - The forecast is £6m, £2.3m below the in-year respective budget of £8.4m. This project for energy efficiency improvement works on 8 Council buildings is funded by Government grant. This forecast reflects the estimated spend expected this financial year. There is a delay in the signing of the JCT contracts. It is agreed but the Contractor has to get two signatures from their parent company which was delayed by a Director leaving thus causing the variance. The Project Manager is chasing the contractor hard to resolve this. The remaining budget will be re-profiled to the 2024/25 budget to reflect the anticipated programme of spend.

#### Temporary Accommodation

The forecast for the overall Temporary Accommodation is £0.8m, £4.5m below the in-year respective budget of £5.3m. Below is a brief update on the main variance:

Temporary Accommodation Investment - The forecast is nil spend against the in-year respective budget of £4.2m. This acquisition is delayed as the PM is awaiting an update in regards to grant expiry date. The budget has been re-profiled to the 2024/25 budget as it is anticipated this may not happen this financial year. Should the purchase materialise earlier the 2024/25 budget will cover the overspend.

#### Mixed Use Developments

The forecast for the overall Mixed Use Developments is £28.4m, £6.6m below the in-year respective budget of £34.9m. This forecast largely relates to the

Britannia site as Tiger Way and Nile Street are now complete with only retention and final payments due.

Britannia Site - The remaining budget for Phase 1a (new Leisure centre) and Phase 1b (CoLASP) is for retention payments and some small expenditure for consultants wrapping up defects. Phase 2b (Residential Private & Social Housing) now in contract with the Design and Build contractor. The payments for CIL and S106 have been reprofiled to the 2024/25 budget as per the payment plan.

## **CLIMATE, HOMES & ECONOMY**

The overall forecast in Climate, Homes & Economy is £28.3m, £12.8m under the revised budget of £41.1m. More detailed commentary is outlined below.

Climate, Homes & Economy Capital Forecast	Budget Set at Feb Cab 2023	Budget Position at Sept 2023	Spend	Forecast	Variance
	£000	£000	£000	£000	£000
Leisure, Parks & Green Spaces	17,220	15,824	3,154	12,251	(3,572)
Streetscene	14,991	21,816	2,245	12,642	(9,173)
Environmental Operations & Other	1,287	676	22	676	0
Public Realms TfL Funded Schemes	0	0	994	(0)	(0)
Parking & Market Schemes	1,457	926	0	637	(289)
Community Safety, Enforcement & Business Regulations	670	704	64	704	0
Regeneration & Economic Development	1,468	1,156	222	1,379	223
<b>Total</b>	<b>37,093</b>	<b>41,101</b>	<b>6,700</b>	<b>28,289</b>	<b>(12,812)</b>

### **Leisure, Parks and Green Spaces**

The forecast for the overall Leisure, Parks and Green Spaces is £12.3m, £3.6m below the in-year respective budget of £15.8m. Below is a brief update on the main schemes causing the variances:

Kings Hall Leisure Centre (Refurbishment): The forecast is £3m, £0.6m below the in-year budget of £3.6m. Survey work continues. The Design Team continues to close RIBA Stage 2 and then progress with RIBA Stage 3. The spend on the remedial works will be £0.5m to cover the design team fees and Pre-Construction Services Agreements (PCSA) for contractors and a £0.5m contingency budget to cover any emergency repairs that are needed. The remainder of the budget will be re-profiled into next year.

Essential Maintenance to Leisure Facilities: The forecast is £1.2m, £0.5m below the in-year budget of £1.7m. This budget is held for reactive maintenance in the

Council's leisure facilities. This forecast reflects the works expected this financial year. The remaining budget will be re-profiled to the 2024/25 budget to fund further maintenance and repair works to the Council's leisure facilities as and when required.

Play Area Refurbishments: The forecast is £0.8m, £0.8m below the in-year budget of £1.6m. This project is Phase 2 of the Park Play refurbishments in Hackney Downs, Clapton Common, Stonebridge Gardens and Well Street Common and Phase 3 refurbishment of park play areas in London Fields (x2), Clissold Park and North Millfields. The project is at the design and planning stage with construction to commence in January 2024. The works were delayed slightly due to having to 'value engineer' some elements. There were also delays due to UKPN issues at Hackney Downs. The majority of the spend will take place once the contractor is appointed, therefore, the variance will be re-profiled to 2024/25 to reflect the programme construction start date.

Abney Park Restoration Project - The forecast is £1.9m, £0.7m below the in-year budget of £2.6m. This joint restoration project is now complete and the remaining budget is for retention payments. The park now has new community spaces, a new cafe, boosted biodiversity, restored the grade II listed chapel and improved park's access. The variance has been re-profiled to reflect the agreed schedule of the retention payments.

### **Streetscene**

The forecast for the overall Streetscene is £12.6m, £9.2m below the in-year respective budget of £21.8m. Below is a brief update on the main schemes causing the variances:

Pembury Circus Improvement Works & Amhurst Rd - The forecast is £0.5m, £4.3m below the in-year budget of £4.8m. The spend is less than forecasted in Quarter 1 as this project is connected to the Levelling up Scheme for Hackney Central which has had a delay. It is expected to commence in 2024/25 so the budget has been reprofiled to anticipate this new start date.

Colvestone Crescent - The forecast is £0.05m, £0.5m below the in-year budget of £0.6m. Due to ongoing consultation on the closure of Colvestone School the consultation has been delayed to December. The project is expected to commence in 2024/25 so the majority of the budget has been re-profiled to anticipate this new start date.

Public Realm at The Stage - The forecast is £0.05m, £0.5m below the in-year budget of £0.6m. This project is a multi year project. As part of the agreement it spans over many years as phases are completed and works are carried. The majority of the phases are due to be completed in 2024/25 so the budget has been re-profiled accordingly.

### **Environmental Operations & Other**

There is no material variance.

## **Parking & Market Schemes**

The forecast for the overall Parking & Market Schemes is £0.6m, £0.3m below the in-year respective budget of £1.3m. Below is a brief update on the main scheme causing the variance:

Hackney Street Markets Strategy - The forecast is nil spend against the in-year respective budget of £0.3m. The proposals under the markets strategy plan are still under formulation and any schemes will not come forward until 2024/25. The variance will, therefore, be re-profiled to the 2024/25 budget to recognise this change.

## **Community Safety, Enforcement & Business Regulations**

There is no material variance.

## **Regeneration & Economic Development**

The forecast for the overall Regeneration & Economic Development is £1.4m, £0.2m above the in-year respective budget of £1.2m. Below is a brief update on the main schemes causing the variances:

Dalston & Hackney Town Centre Sites - The forecast is £0.4m, £0.1m above the in-year respective budget of £0.3m. The Town Centre Sites programme is conducting feasibility studies on 9 sites in Council ownership across Hackney Central and Dalston, with the aim of developing a viable portfolio of sites to take forward for development, and securing approval for delivery strategy for those sites. The spend in the year mainly relates to Architects, Quantity Surveyor services and Development Advice, as options on all of the sites are appraised. Once options have been considered, then a decision will be made on which sites will progress. Further capital bids will need to be submitted for all sites that move forward past the feasibility stage.

Morning Lane Commercial and Cultural Hub - The forecast is £0.1m above the nil in-year respective budget. This project is part of the Levelling Up Fund (DLUHC) for Hackney Central and is in the early initial stages. The budget for this project was re-apportioned last quarter to fund Pembury Circus and Amhurst Road active travel and green corridor and Town Hall Square Transformation. There is minor over spend this quarter which relates to Design Development and internal staffing charges and the budget from the 2024/25 budget will be brought back to cover this expenditure.

## **HOUSING**

The overall forecast in Housing is £103.6m, £10.3m below the revised budget of £113.8m. More detailed commentary is outlined below.

Housing Capital Forecast	Budget Set at Feb Cab 2023	Budget Position at Sept 2023	Spend	Forecast	Variance
	£000	£000	£000	£000	£000
AMP Housing Schemes HRA	51,408	50,116	10,488	46,313	(3,803)
Council Schemes GF	2,621	5,886	2,409	6,524	637
Private Sector Housing	2,031	1,702	750	1,620	(82)
Estate Regeneration	55,713	26,174	995	20,689	(5,485)
Housing Supply Programme	33,048	21,153	882	19,732	(1,421)
New Homes	0	633	16	633	0
Woodberry Down Regeneration	12,772	8,178	(2,779)	8,079	(99)
<b>Total Housing</b>	<b>157,593</b>	<b>113,842</b>	<b>12,760</b>	<b>103,589</b>	<b>(10,253)</b>

### **AMP Housing Schemes HRA**

The overall scheme forecast is £46.3m, £3.8m below the in-year respective budget of £50.1m. Below is a brief update on the main schemes causing the variances:

HiPs Central - The forecast is £6m, £2m above the in-year respective budget of £4m. This will be funded by underspends from within the overall Capital programme. Seaton Point continues to be plagued with access issues; it has been extended several times, the latest completion date is December 2024 costing an estimated £6.1m. The projected final account is anticipated to be £10.1m. Works involve removing asbestos, replacing window frames that are non fire compliant, maintaining scaffolding infrastructure all of which have seen general price increases. Fermain Court is now complete and the final account is expected to be £2.6m, £1.6m higher than originally anticipated due to cost overruns on materials and delays in the supply chains.

HiPs North West - The forecast is £3m, £1m above the in-year respective budget of £2m. This will be covered by underspends from within the overall capital programme. The extended programme of kitchen and bathrooms at Lincoln Court will complete by October/November with final accounting estimated at £2m. The overall forecast includes two new items: a provision of £0.4m for outstanding fees to Wates in connection with Contract 1 (discussions on-going), and an estimate of £0.750m for Holcroft Street Properties (16 units).

Fire Risk Works - The forecast is £1m, £2m below the in-year budget of £3m. The forecast is reduced following longer delivery lead times in front entry doors (FEDs) sourced from Ireland. Stage 1 of the rollout remains 1,400 doors rising to 5,000 doors over the life of the programme. Both contractors (Equans and Chas Berger) expect to start their respective installations in mid Quarter 3.

Integrated Housing Management Systems (IT) - The forecast is £1.5m, £1.5m below the in-year budget of £3m. The forecast reflects estimated in-house recharges for the 'Modern Tools Programme' and capitalisation of anticipated

Revenue charges at the end of the year. No material allowances have been included within the forecast for the implementation of the new Housing system. This expenditure relating to this will become clearer later in the year, but at the current stage it is not expected to be significant during 2023/24.

Capitalised Salaries and Fees - The forecast is £4.7m, £0.4m below the in-year budget of £5.2m. The forecast includes estimated costs for staff engagement on capital works; consultancies in connection with Quantity Surveyors services and professional fees from the Social Housing Decarbonisation project. This forecast is at risk following the end of the capital works framework (Contract 1) and there is a need for continuing Quantity Surveyor services currently provided by MACE at daily rates. PAM currently has 31 vacancies.

High Value Repairs - The forecast is £2.9m, £0.1m below the in-year budget of £3m. This forecast is at risk, given the high volume of reactive work normally associated with winter months and the on-going absence of a 'job-in job-out' database. The latest review of costs suggests a possible outturn of £2.2m to £2.5m however, caution is advised regarding any reconciliation of invoices against job orders completed by external contractors. There are also plans to replace the entire 'flat' roof at Lakeside Court estimated at £0.4m, this is subject to an external tender.

Lateral Mains - The forecast is £0.8m, £0.9m below the in-year budget of £1.7m. The contractor needed more time to complete their quota of tests which included 138 blocks. This programme will roll into next year.

Street Lighting - The forecast is £0.5m, £0.4m below the in-year budget of £0.9m. The underspend reflects the current programme of works to upgrade lanterns and wall lighting across the borough. There is, however, a possible business case for additional works estimated at £0.5m but the timing of this report is uncertain.

Estate Lighting - The forecast is £520k, £350k above the in-year budget of £170k. This will be funded by underspends from within the overall Capital programme. The forecast reflects the current programme of works following the issue of a new LED works programme.

Lifts Major Components - The forecast is £300k, £300k below the in-year budget of £600k. Currently awaiting procurement and award of contract which is expected in mid 2025. The forecast is based on a recent assessment of repairs and their low values recorded during the first half of the year.

Drainage - The forecast is £60k, £140k below the in-year budget of £200k. This is largely reactive by nature and to date there have been no high value emergency works qualifying for capitalisation.

Play Equipment - The forecast is £310k, £290k below the in-year budget of £600k. This is largely reactive by nature and to date there have been no high value emergency works qualifying for capitalisation.

Roads & Footpaths - The forecast is £50k, £150k below the in-year budget of £200k. This is largely reactive by nature and to date there have been no high value emergency works qualifying for capitalisation.

Hardwire Smoke Alarms - The forecast is £0.6m, £0.3m below the in-year budget of £0.9m. Surveys are currently taking place to formalise a full programme to replace and enhance hard wire fire alarms and to ensure that legal safety standards are met over a mixture of large blocks and street properties.

Recycling Scheme - The forecast is £0.5, £0.3m below the in-year respective budget of £0.8m. Spend relates to phase 5 of the Recycling programme. 60% of the costs are expected to be incurred this financial year, with the works being finished in 2024/25.

### **Council Schemes GF**

The overall forecast is £6.5m, £0.6m above the in-year respective budget of £5.9m. Below is a brief update on the main schemes causing the variances:

Temp Accommodation Voids Works - The forecast is £1.0m, £0.6m above the in-year respective budget of £0.4m. There is likely to be an overspend on this budget line, as the majority of all voids on Regen sites are still being utilised as TA due to the lack of overall accommodation in the borough. Each unit is checked on an individual basis to ensure that the works are financially viable before proceeding. Additional funding is likely to be requested from CASB later in the year, however it should be noted that any capital budget will be fully repaid over the remaining life of the unit, through rental income.

Purchase Leasehold Properties - The forecast is £5.2m, which is in line with the current budget. 4 units completed in the first half of 2023/24 relating to the Local Space deal, with a further 3 expected to complete before the end of the financial year which will conclude this arrangement.

### **Private Sector Housing Schemes**

The forecast is £1.6m, which is in line with the current budget. The majority of the spend relates to disabled adaptation works, which are funded in full by the Disabled Facilities Grant (DFG). Any underspend against the grant will be utilised by Adult Social Care.

### **Estate Regeneration**

The forecast is £20.7m, £5.5m below the in-year respective budget of £26.2m. Below is a brief update on the main schemes causing the variances:

Estate Renewal Implementation - The forecast is 10.4m, £0.1m below the in-year respective budget of £10.5m. A large portion of the forecast spend (£7.7m) relates to the Mayor of Hackney's Housing Challenge, where a number of large payments are expected this financial year. All of this spend is fully

financed through RTB receipts. The remainder of the spend relates to capitalised staffing charges.

Kings Crescent 3&4 - The forecast is £2.0m, £2.3m below the in-year respective budget of £4.3m. The contract for this project has been signed and the cost optimisation period has begun, with a view to reducing costs and improving the viability of the project. Some of the budget has been re-profiled to future years to reflect the latest cash flow estimate.

Colville Phase 4,5,6 & 7 - The forecast is £2.0m, £0.2m above the in-year respective budget of £1.8m. 4 Buybacks are currently expected across these phases during the 2023/24 financial year, however this number may increase if sellers approach the council and therefore this number will be monitored throughout the year. If the units can be used as TA, 30% of the purchase price can be funded from RTB receipts.

Marian Court Phase 3 - The forecast is £2.1m, £0.6m below the in-year respective budget of £2.6m. The contract for this project has been signed and the cost optimisation period has begun, with a view to reducing costs and improving the viability of the project. Some of the budget has been re-profiled to future years to reflect the latest cash flow estimate.

Colville Phase 2C - The forecast is £2.6m, £1.0m below the in-year respective budget of £3.6m. The site is currently in a pre-construction services agreement (PCSA) phase with the preferred contractor. Final costs are imminent, but it is likely a further period of cost optimisation will be required before the project can progress and therefore the spend profile has been updated to reflect this. Demolition should all be complete by the end of the financial year.

Nightingale - All phases - The forecast is £0.8m, £1.7m below the in-year respective budget of £2.5m. The contract for this project has been signed and the cost optimisation period has begun, with a view to reducing costs and improving the viability of the project. Some of the budget has been re-profiled to future years to reflect the latest cash flow estimate. Additional funding is being sought from the GLA relating to the Social Rented units, which will improve viability.

### **Housing Supply Programme**

The forecast is £19.7m, £1.4m below the in-year respective budget of £21.2m. Below is a brief update on the main schemes causing the variances:

Wimbourne Street and Buckland Street - The forecast is £16.4m, £1.0m below the in-year respective budget of £17.5m. The sites are now under contract and the works have started. The slight underspend compared to budget is due to the project being behind schedule compared to the Quarter 1 forecast, owing to the delayed delivery of major parts of the building fabric. This delay has been caused by the contractor and therefore no financial liability sits with the Council. It will cause a delay to handover and Liquid Ascertained Damages (LAD's) will be applied to recover some of the loss where possible. The cash flow from the



Quantity Surveyors will be closely monitored for the rest of the year, as there is a risk that this could change again over the coming months.

Mandeville Street - The forecast is £0.5m, £0.3m above the in-year respective budget of £0.2m. An allowance has been made in the forecast for a claim from the contractor for an 'extension of time'. This is currently being investigated with the Employers Agent and our Internal Legal team to confirm our liability and various options and legal routes are being considered.

De Beauvoir Phase 1 (Balmes Road, Down Road East/West, 81 Downham Road and Hertford Road) - The forecast is £0.2m, £0.2m below the in-year respective budget of £0.3m. Options appraisals have been carried out and the spend for the remainder of the year will relate to design development for the current preferred option. It is likely that this site will be procured and delivered alongside De Beauvoir phase 2 (below).

Frampton Park (Woolridge Way and Tradescant House) - The forecast is £0.1m, £0.2m below the in-year respective budget of £0.3m. Viability remains an issue on these sites and the spend in year mainly relates to the demolition of the community centre and consultants fees. Options are being considered to improve viability before going out to tender for a construction contractor.

### **New Homes Programme**

There is no material variance.

### **Woodberry Down Regeneration**

The forecast is £8.1m, £0.1m below the in-year respective budget of 8.2m. 37 'in phase' Buybacks are required to complete before July 2025. 16 Buybacks have been estimated to complete during this financial year, with a large number likely to be used as Temporary Accommodation. These costs will be reimbursed by Berkeley Homes as part of their Land Assembly charges. The spend relating to these Buybacks is £6.5m and remainder of the spend relates to capitalised revenue charges.

## **APPENDIX**

Appendix 1 - Re-profiling Phase 2 and Capital Adjustments

Appendix 2 - Site plan of 234-238 Mare Street, London, E8 1HE

## **BACKGROUND DOCUMENTS**

**In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background**

**Papers used in the preparation of reports is required.**

None.

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## Appendix 1

Summary of Re-Profiling Phase 2	To Re-Profile 2023/24	To Re-Profile 2024/25	To Re-Profile 2025/26
	£'000	£'000	£'000
<b>Chief Executive's</b>			
Library Security	(25,000)	25,000	0
Library Capital Works	(95,000)	95,000	0
Library Refurb Programme	(19,075)	19,075	0
Stoke Newington Library Refurbishment	(224,000)	224,000	0
2nd Gen Library Self Issue Machines	(20,000)	20,000	0
<b>Adults, Health &amp; Integration</b>			
Hackney Mortuary	(523,250)	523,250	0
<b>Children &amp; Education</b>			
Berger School Works	100,677	(100,677)	0
AMP Contingency	200,000	(200,000)	0
Hillside CC AMP	(260,000)	260,000	0
Daubeney School & CC AMP	(69,645)	69,645	0
Development AMP	134,930	(134,930)	0
Ann Tayler CC	(641,676)	641,676	0
Lauriston PS AMP	(250,000)	250,000	0
Gayhurst PS AMP	(400,000)	400,000	0
Millfields PS AMP - Boiler & Roof	(840,000)	840,000	0
Daniel House	60,000	(60,000)	0
Education Asbestos Removal	(40,000)	40,000	0
Education SEND Strategy	(53,220)	53,220	0
Simon Marks SEND	12,313	(12,313)	0
Nightingale SEND	35,562	(35,562)	0
Sebright SEND	(235,100)	235,100	0
Daniel House SEND	(797,800)	797,800	0
Comet CC SEND	(185,500)	185,500	0
Contingency SEND	(117,941)	117,941	0
Daubeney Façade	(8,603)	8,603	0
Harrington Hill Façade	(99,251)	99,251	0
Mandeville Façade	(418,756)	418,756	0
William Patten Façade	(530,212)	530,212	0
BSF LC Early Failure Contingency	(446,469)	446,469	0
Temp Sec School Audrey St site	(136,626)	136,626	0
The Urswick School Expansion	(56,306)	56,306	0

## Appendix 1

Summary of Re-Profiling Phase 2	To Re-Profile 2023/24	To Re-Profile 2024/25	To Re-Profile 2025/26
<b>Finance &amp; Corporate Resources</b>			
HTH Essential Works	(138,000)	0	138,000
14 Andrews Rd Roof Renewal	(187,109)	187,109	0
SFA - Stoke Newington Assembly	(275,000)	275,000	0
DDA	(196,496)	196,496	0
Reactive Maintenance	(31,237)	31,237	0
Asbestos Surveys	(35,262)	35,262	0
Core Campus Life Cycle Costing	41,000	(41,000)	0
Millfields Disinfecting Station	(35,728)	35,728	0
161 Northwold Rd	(33,358)	33,358	0
Landlord Wks 12-14 Englefield Rd	40,000	(40,000)	0
Landlord Wks 329 Queensbridge	(20,764)	20,764	0
61 Leswin Road	(96,250)	96,250	0
VCS Fire Risk & Rem Wks (GF)	(743,614)	743,614	0
Property Overall	(250,000)	250,000	0
Vehicle Maintenance Workshop	(28,015)	28,015	0
Installation of AMR's	5,000	(5,000)	0
PSDS3b - Decarbonisation	(2,300,000)	2,300,000	0
Temporary Accommodation Investment	0	4,200,000	0
Hostel Fire Risk & Remedial Wk	(325,028)	325,028	0
Britannia Site	(7,247,439)	7,247,439	0
<b>Climate, Homes &amp; Economy</b>			
Kings Hall Leisure Centre	(575,000)	575,000	0
Essential Maintenance to Leisure	(500,000)	500,000	0
Clissold Park Old Paddling Pool	(150,000)	150,000	0
London Fields Learner Pool	103,000	(103,000)	0
Parks Public Conveniences & Cafes	(300,000)	300,000	0
Play Area Refurbishments	(754,781)	754,781	0
Fairchild's Gardens	(110,186)	110,186	0
Abney Park	(694,500)	694,500	0
Litter Bin Replacement	(30,390)	30,390	0
Parks Depot	(250,809)	250,809	0
Greens Screens	(467,052)	467,052	0
Bridge Maintenance Schemes	(162,289)	162,289	0
Borough Wide 20mph	(83,174)	83,174	0
Street Lighting	(160,149)	160,149	0

## Appendix 1

Summary of Re-Profiling Phase 2	To Re-Profile 2023/24	To Re-Profile 2024/25	To Re-Profile 2025/26
Road Safety	(369,423)	369,423	0
Develop Borough Infrastructure	(257,604)	257,604	0
LED Lights on Highways	(171,298)	171,298	0
Schools Streets	(24,048)	24,048	0
Olive School Street S106	(129,804)	129,804	0
Street Lighting Column Structure	(100,000)	100,000	0
Colvestone Crescent	(550,000)	550,000	0
Hackney Central Station	(112,000)	112,000	0
Pembury Circus & Amhurst Rd	(3,524,060)	3,524,060	0
Marvin Street	(100,000)	100,000	0
Worship St & Clifton St	(300,000)	300,000	0
Tree Planting Principal Place	(5,000)	5,000	0
Cycle stands at New Inn Yard	(12,853)	12,853	0
H/ways Oak wharf (0040-08) S106	(81,000)	81,000	0
Denne Terrace Retaining Wall	(290,000)	290,000	0
Regents Canal Denne Terr Wall	(31,000)	31,000	0
Legible London Wayfinding	(1,616)	1,616	0
Traffic Calming Measure	(190,000)	190,000	0
Highway Works 8-10 Paul Street	(26,041)	26,041	0
Shoreditch Village	(15,459)	15,459	0
Gascoyne Road	(15,364)	15,364	0
Highway Wk 112-118 Kingsland	(5,350)	5,350	0
Highway Wk 357-359 Kingsland Rd	(68,626)	68,626	0
Highway works 130 Cazenove	(23,539)	23,539	0
Highway works 11-15 Tudor Road	(17,737)	17,737	0
Pembury Circus Improvement Wks	(872,886)	872,886	0
Highway Wks 145 City Road	(49,502)	49,502	0
Highway Wks at The Lion Club	(5,149)	5,149	0
Highway Wks at The Stage	(13,137)	13,137	0
Public Realm at The Stage	(531,152)	531,152	0
Highway Wks Great Eastern St	(55,803)	55,803	0
Highway Wk Bridge Hse & Marian Crt	(46,942)	46,942	0
Highway Wk 420-424 Seven Sister	(22,547)	22,547	0
Public Realm New Inn Broadway	(39,359)	39,359	0
St Thomas's Rec Shelter	(1,463)	1,463	0
Highway Wks 8-10 Long Street	(26,407)	26,407	0

## Appendix 1

Summary of Re-Profiling Phase 2	To Re-Profile 2023/24	To Re-Profile 2024/25	To Re-Profile 2025/26
Highway Wks Woodberry Down 1b+2	(196,517)	196,517	0
Highway Wks 17 Corsham Street	(16,636)	16,636	0
Leonard St (West) Public Realm	(104,473)	104,473	0
H'way Wk 392-394 Seven Sisters	(32,121)	32,121	0
Highway Wks 100 Hassett Road	(35,300)	35,300	0
H'way Wk Bridport Place & Wiltshire Row	(15,564)	15,564	0
Hackney Street Markets Strategy	(289,408)	289,408	0
Dalston & Hackney Town Centre	113,212	(113,212)	0
Hackney Wick Regeneration	53,442	(53,442)	0
Fashion Work	868	(868)	0
Hoxton Public Realm	(50,000)	50,000	0
Dalston Public Realm	6,700	(6,700)	0
Morning Lane	100,000	0	(100,000)
<b>Housing</b>			
Fire Risk Works	85,678	(85,678)	0
Street Lighting SLA	(441,000)	441,000	0
Disabled Adaptations	(700,000)	700,000	0
Integrated Housing Management System	(1,456,760)	1,456,760	0
Planned & Reactive Water Mains	(9,184)	9,184	0
High Value Repairs/Improvement & Wks	(100,000)	100,000	0
Capitalised Salaries	(427,416)	427,416	0
Major Legal Disrepairs	(20,000)	20,000	0
Recycling Scheme	(257,267)	257,267	0
VCS Fire Risk & Rem Wks (HRA)	(477,334)	477,334	0
Disabled Facilities Grant	(132,368)	132,368	0
General repairs grant (GRG)	50,000	(50,000)	0
Estate Renewal Implementation	(86,930)	86,930	0
Bridge House Phase 2	(180)	180	0
ER1 Tower Court	(10,818)	10,818	0
Kings Crescent Phase 3+4	(2,319,201)	2,319,201	0
ER1 Colville phase 5	233,776	(233,776)	0
Marian Court Phase 3	(564,983)	564,983	0
Colville Phase 2C	(1,027,859)	1,027,859	0
Nightingale - Block E	(1,708,879)	1,708,879	0
Wimbourne Street	(743,861)	743,861	0
Buckland Street	(294,839)	294,839	0

## Appendix 1

Summary of Re-Profiling Phase 2	To Re-Profile 2023/24	To Re-Profile 2024/25	To Re-Profile 2025/26
Murray Grove	(58,312)	58,312	0
Downham Road 1	(10,180)	10,180	0
Downham Road 2	(78,220)	78,220	0
Balmes Road	(29,080)	29,080	0
Pedro Street	189,651	(189,651)	0
Lincoln Court	680	(680)	0
Rose Lipman Project	(66,100)	66,100	0
Woolridge Way	(168,707)	168,707	0
81 Downham Road	(97,120)	97,120	0
Daubeney Road	(30,020)	30,020	0
Hertford Road	(6,400)	6,400	0
Other Heads	(64,935)	64,935	0
Woodberry Down Phase 2-5	(33,638)	33,638	0
<b>Total</b>	<b>(41,356,347.72)</b>	<b>45,518,347.72</b>	<b>38,000.00</b>

Summary of Capital Adjustments	Revised Budget 2023/24	Change	Updated Revised Budget
	£	£	£
<b>Adults, Health &amp; Integration</b>			
Fully accessible toilets - P H	282,780	(282,780)	0
<b>Children &amp; Education</b>			
Jubilee Primary	10,000	0	10,000
Benthal AMP	40,679	(35,000)	5,679
Morningside AMP	179,527	6,727	186,255
Parkwood AMP	7,642	1,406	9,047
AMP Contingency	403,116	(41,406)	361,711
Development AMP	750,000	(834,930)	(84,930)
Daniel House	540,000	(600,000)	(60,000)
DFC Holding Code	88,353	296,131	384,484
Daniel House SEND	395,000	600,000	995,000
Woodberry Down CC Relocation	2,717,752	268,121	2,985,872
Façade Development & Professional Cost	110,411	123,155	233,566
Daubeney Façade	34,134	(3,200)	30,934
Contingency Façade Repairs	83,305	0	83,305

## Appendix 1

Summary of Capital Adjustments	Revised Budget 2023/24	Change	Updated Revised Budget
Colvestone Façade	241,674	(194,419)	47,256
Gayhurst Façade	772,765	0	772,765
Grasmere Façade	8,144	(0)	8,144
Hoxton Gardens Façade	201	0	201
Millfields Façade	18,138	77,885	96,023
Morningside Façade	13,384	(13,383)	1
Orchard Façade	188,634	128,288	316,922
Springfield Façade	387,962	160,735	548,697
Old Hill Façade	358,966	59,609	418,575
BSF Whole Life Costing	9,986	18,143	28,129
BSF LC Early Failure Contingency	1,302,700	(18,143)	1,284,557
<b>Finance &amp; Corporate Resources</b>			
Decant to MBH & Moves to CAH	77,071	14,404	91,476
HSC Flooring Replacement Works	12,228	3,753	15,981
HSC Restack	180,979	(18,157)	162,822
39-43 Andrews Road Works	10,725	(10,725)	0
40-43 St Andrews Road	79,769	10,725	90,494
Landlord Wks 12-14 Englefield Rd	70,639	1,249,828	1,320,467
Landlord Wks 329 Queensbridge	1,353,887	(1,249,828)	104,059
Britannia Phase 1a & 1b	(0)	(5,000)	(5,000)
Britannia Phase 2a	0	5,000	5,000
<b>Climate, Homes &amp; Economy</b>			
Essential Maintenance to Leisure Centres	997,000	103,000	1,100,000
London Fields Learner Pool	912,645	(103,000)	809,645
Wick Road	10,284	15,153	25,436
Road Safety	1,275,691	(15,153)	1,260,539
Legible London Wayfinding	4,255	(2,639)	1,616
The Shoreditch Public Realm	128,624	(106,801)	21,823
Highway Wk 183-187 Shoreditch	205,707	11,032	216,739
Legible London Signing	15,338	2,639	17,976
New North Rd Public Realm	29,731	10,770	40,501
Charles Square Public Realm	60,682	84,999	145,681
Hackney Wick Regeneration	117,500	(15,333)	102,167
80-80a Eastwy(GLA)	3,137	15,333	18,470
Fashion Work	868	(868)	0

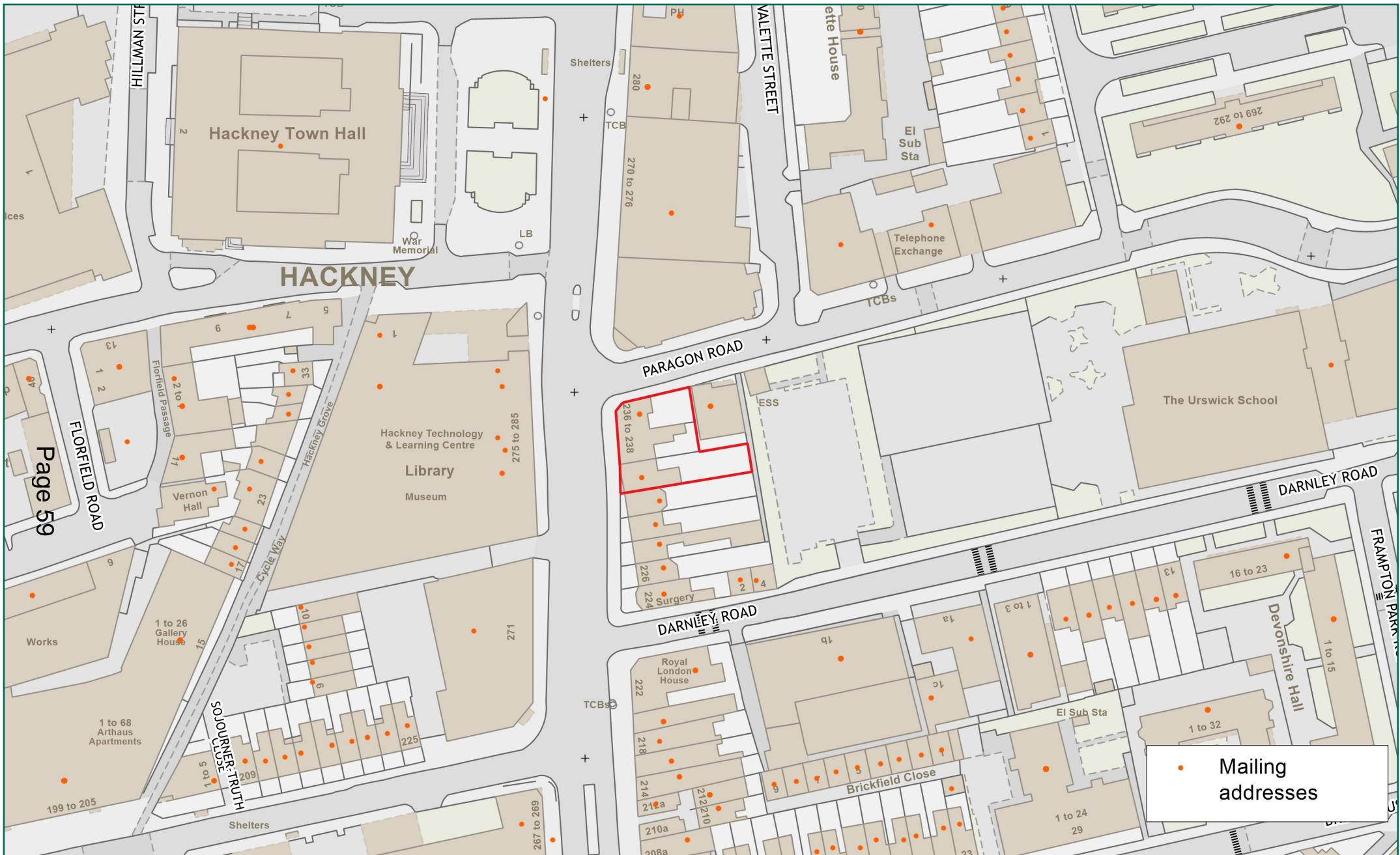


## Appendix 1

Summary of Capital Adjustments	Revised Budget 2023/24	Change	Updated Revised Budget
Highways Wks - Tariro House	7	(7)	0
<b>Housing</b>			
HiPs North West	2,149,000	1,035,035	3,184,035
HiPs Central	4,050,000	2,175,231	6,225,231
Estate Lighting	170,000	350,000	520,000
Ventilation Systems	100,000	50,000	150,000
Lifts Major Components	600,000	(300,000)	300,000
Water Mains/Boosters	100,000	(50,000)	50,000
Boiler Hse Major Works	2,000,000	5	2,000,005
Fire Risk Works	3,110,000	(2,145,678)	964,322
Lateral Mains	1,671,107	(871,107)	800,000
Cycle Facilities	116,162	14,000	130,162
Hardware Smoke Alarms	857,486	(257,486)	600,000
Drainage	200,000	(140,000)	60,000
Replace Play Equipment	600,000	(309,885)	290,115
Road & Footpath Renewals	200,000	(150,000)	50,000
Disabled Adaptations	1,700,000	700,000	2,400,000
Planned & Reactive Water Mains	159,299	(100,115)	59,184
Estate Renewal Implementation	10,489,708	(240)	10,489,468
Lyttelton House	0	240	240
Housing Supply Programme	2,220,801	(77,633)	2,143,168
Pedro Street	30,000	(179,052)	(149,052)
Mandeville Street	227,656	256,685	484,341
Phase 2 & Other Heads	6,553,480	(55,480)	6,498,000
Woodberry Down Phase 2-5	80,481	55,245	135,726
Woodberry Down Tenancy Agreement	0	235	235
<b>Total</b>	<b>51,877,201</b>	<b>(283,937)</b>	<b>51,593,265</b>

Summary of Capital Adjustments	Revised Budget 2024/25	Change	Updated Revised Budget
	£	£	£
Ickburgh Expansion SEN	45,963	(45,963)	0
<b>Total</b>	<b>45,963</b>	<b>(45,963)</b>	<b>0</b>

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<b>Title of Report</b>	2023/24 Overall Financial Position - September 2023		
<b>Key Decision No</b>	FCR S207		
<b>For Consideration By</b>	Cabinet		
<b>Meeting Date</b>	27 November 2023		
<b>Cabinet Member</b>	Cllr Robert Chapman, Cabinet Member for Finance, Insourcing and Customer Service		
<b>Classification</b>	Open Report		
<b>Ward(s) Affected</b>	All Wards		
<b>Key Decision &amp; Reason</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; text-align: center;">Yes</td> <td>Result in the Council incurring expenditure or savings which are significant having regard to the Council's budget for the service / function</td> </tr> </table>	Yes	Result in the Council incurring expenditure or savings which are significant having regard to the Council's budget for the service / function
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<b>Implementation Date if Not Called In</b>	4th December 2023		
<b>Group Director</b>	Jackie Moylan, Interim Group Director, Finance		

**1. Cabinet Member's Introduction**

- 1.1 This is the fourth Overall Financial Position (OFP) report for 2023/24. It shows that as at September 2023, the Council is forecast to have an overspend of £9.124m on the General Fund, a decrease of £0.176m from the previous month. However, this position includes the application of a backdated refund from HMRC of £867k. If this had not been applied the overspend would have increased by £691k from the previous month.
- 1.2 As can be seen below, the overspend relates to various pressures including:- Adult Social Care (primarily Care Packages, Mental Health and Provided Services); Climate, Homes and Economy (Environmental Operations); Children and Education (Corporate Parenting, Looked After Children and Leaving Care, Disabled Children and Safeguarding and Quality Assurance); F&CR (staffing pressures in Revenues and Benefits and web based computing costs in ICT).
- 1.3 In this financial year, the Council is in a very challenging position and, as set out in paragraph 2.5 below, we are not unique in this regard. The Council must, of course, deal with its own position and the Corporate Leadership Team will continue to work on actions to mitigate and contain the forecast, reporting back here on actions taken. It is essential that we

continue to address this challenge head on if we are to remain financially stable over the longer term.

- 1.4 Despite the recent small reduction in inflation, and taking into account the provision in the budget for increases in energy and fuel costs, this will still significantly impact on the Council's services. Hackney's residents also continue to face significant financial pressures as the inflation surge continues; we set out below details of what the Council is doing to assist residents to manage the impact of the cost of living crisis.
- 1.5 As Cabinet are aware, in 2023-24 we continued our participation in the localised business rates pooling scheme which we entered into in 2022-23 comprising the City of London and 6 other London boroughs. In 2022-23 and 2023-24, we have received a significant financial benefit, estimated to be £5.1m over the two years. Initial work by the scheme's financial advisers, LG Futures, suggests that if we continue our participation in the scheme in 2024-25, this will deliver a financial benefit of £1.6m to £2m to the Council. We are proposing therefore to continue to participate in the scheme in 2024-25.
- 1.6 I commend this report to Cabinet

## **2. Interim Group Director's Introduction**

- 2.1 The OFP shows that the Council is forecast to have an overspend of £14.615m after the application of reserves but before the application of the additional in-year savings set out in the July OFP and two further mitigations both of which are one off. The first mitigation is the budget provision for demand pressures, cost pressures and the ongoing impact of Covid and Cyber (£3.500m); and the second is a recently received backdated refund from HMRC (£0.867m). The application of the savings and mitigations reduces the overspend to £9.124m.

- 2.2 The main areas of overspend are: -

**Children's and Education** - £3.179m primarily in the area of Corporate Parenting (i.e. looked after children placements). There are also smaller overspends in Looked After Children Leaving Care and Family Intervention Support Services.

**Adults, Health and Integration** - £8.966m primarily in the area of Care Support Commissioning with smaller overspends in Provided Services and Mental Health.

**Climate, Homes and Economy** - £0.849m primarily in Environmental Operations with a smaller overspend in Community Safety, Enforcement and Business Regulation.

**F&CR** - £1.999m - primarily in Benefits and Revenues and ICT. In Benefits and Revenues the primary cause of the overspend is £1.24m of costs

associated with additional staff working on debt recovery, demand caused by the cost of living crisis and manual processes which are required while automation software is restored post cyber. The primary cause of the £666k overspend in ICT relates to the costs of cloud computing, which is being reviewed and will be in part mitigated by work that has recently completed to exit the Council's legacy data centre.

**SEND** - there is also uncertainty around the DSG high needs deficit and the treatment of any deficit post 2025/26. The brought forward SEND deficit in 2023/24 is circa £17.1m, based on current forecasts this will increase to circa £21.4m by the end of this financial year. The statutory override which allowed this deficit balance to be carried in the Council's accounts has been extended from 31 March 2023 to 31 March 2026 by Government. However, this continues to remain a long term risk for Hackney in the event there is no further funding provided by the Department for Education (DfE) to mitigate this balance. Hackney is included in Tranche 2 of the Delivering Better Value (in SEND) programme which aims to help local authorities maintain effective SEND services, however the programme aims to provide assistance on deficit recovery actions and/or mitigations through a grant of up to £1m, rather than provide direct funding to address the deficit, hence the potential risk to the Council. The grant application has been successful and will be received in October 2023.

- 2.3 There will also be further pressure as a result of the 2023/24 pay award. This will be met from the use of one-off reserves this year but will need to be factored in the budget on an ongoing basis from next year.
- 2.4 Given the direction of travel of the forecast towards the end of 2022/23 the fact that we have a considerable forecast overspend is not a surprise. It is also worth noting that this overspend, with the exception of the Chief Executive's directorate, is Council-wide.
- 2.5 While these pressures are not unique to Hackney, and indeed in areas such as homelessness other boroughs are reporting much more extensive pressures, we have to look to address our own position. There is a concern that if action is not taken the forecast overspend will increase as the year progresses. We need to address this as a leadership team. We have undertaken measures to mitigate the overspend as reported in the July OFP and the leadership team will continue to identify further actions to reduce the forecast overspend.
- 2.6 The General Fund financial position for September is shown in the table below.

**Table 1: Overall Financial Position (General Fund) September 2023**

Revised Budget £000	Service Area	Forecast Variance Before Reserves £000	Appropriation to Reserves £000	Reserves Usage £000	Forecast Variance After Reserves £000	Change in Variance from last month £000
£k		£k	£k	£k	£k	£k
94,996	Children and Education	7,122	79	-4,021	3,179	643
126,025	Adults, Health and Integration	13,917	160	-5,112	8,966	231
33,803	Climate, Homes & Economy	4,309	70	-3,530	849	-3
25,243	Finance & Corporate Resources	4,601	241	-2,842	1,999	-177
15,062	Chief Executive	1,886	161	-2,425	-378	-1
60,307	General Finance Account	0	0	0	0	0
<b>355,436</b>	<b>SUB TOTAL</b>	<b>31,835</b>	<b>711</b>	<b>-17,930</b>	<b>14,615</b>	<b>693</b>
	Less the budget provision for demand pressures, cost pressures and the ongoing impact of Covid and Cyber				-3,500	
	Less Corporate Savings				-1,124	
	Less Backdated HMRC Refund				-867	
	<b>GENERAL FUND TOTAL</b>	<b>31,835</b>	<b>711</b>	<b>-17,930</b>	<b>9,124</b>	<b>-176</b>

- 2.7 We are forecasting a significant but not full achievement of the 2023/24 budgeted savings. Climate, Homes and Economy (CHE) has achieved £2.508m of the 2023/24 savings plans of £2.858m. The Hackney Commercial Services company saving of £0.350m is being forecast as not being achieved this year given the company is a year behind schedule and this was a saving expected in year three of operations. The company has not established its market share base yet to deliver the 2023/24 savings target.
- 2.8 We are also on course to achieving a significant proportion of the 2023/24 vacancy savings. In CHE, the vacancy factor savings agreed as part of the 2021/22 budget are not being achieved in two of the directorate services, Environmental Operations and Community Safety, Enforcement & Business Regulation (CSEBR). The total of non delivery is £753K. The Heads of Service are reviewing services and budget lines to mitigate the impact of this non delivery.
- 2.9 In 2023-24, Hackney continued its participation in the localised business rates scheme together with the City of London and six other boroughs (Tower Hamlets, Brent, Barnet, Enfield, Haringey and Waltham Forest). This scheme is on course to deliver £5.1m additional income over the period 2022-23 to 2023-24. Following the decision of the boroughs not to reconstitute the London rates pooling arrangement in 2024-25, we are proposing to continue with the current localised pooling scheme with the same participants. The scheme is forecast to deliver the Council significant financial benefit, of between £1.6m to £2m. The proposed scheme is set out



in detail in Appendix 1 together with the detailed recommendations which require approval for Hackney to participate in the pool and Cabinet is asked to approve these.

### **Cost of Living Crisis**

- 2.10 As the Council feels the pressure of rising inflation and interest rates, and increased fuel costs, so do our residents. Hackney already had high levels of poverty and this worsened during the pandemic, and now poverty is entrenching and more people are falling into difficulty. The cost of living crisis disproportionately impacts lower income groups, as more of their income goes on essential costs.
- 2.11 Tackling Poverty has been a key priority for the Council in recent years and we adopted a poverty reduction framework in March 2022. This was informed by work during the pandemic when we tried, from the outset, to focus our response on how those on lower incomes were going to be impacted and campaigning for more funding. We have continued to work closely with the community organisations at the heart of the pandemic response because we always knew more people would be struggling financially coming out of the pandemic.
- 2.12 The response to the cost of living crisis, which is set out below, is in line with the third objective of the poverty reduction framework which is about responding to material needs, by developing a more coordinated emergency support and advice offer, with more preventative help, linking emergency support with income maximisation and advice and supporting frontline services and community partners on the ground who are best placed to support residents. Ultimately we are trying to create one connected system of support, with the Council, statutory partners and community organisations working together.
- 2.13 The Council has established the Money Hub - a team of specialist advisors who will support those in severe hardship, who have no other source of monetary support available. In terms of the financial support the Council is able to offer to residents through the Hub, we have the Hackney Discretionary Crisis Support Scheme (HDCSS), which provides one-off payments for emergencies and items that are difficult to budget for. In addition, we also support residents having temporary difficulty meeting housing costs through the discretionary housing payments (DHPs) and have the Council Tax Reduction Discretionary Fund, which allocates out a small cash limited fund to provide discretionary financial help for council tax payers in hardship. Finally the Hub is allocating out £475k of Household Support Fund monies (see below for detail on the Housing Support Fund).
- 2.14 As well as paying out discretionary funds, the Money Hub works to increase benefits take-up and connect residents with other financial support, including providing housing navigation support and signposting to debt advice. So far:

- 7,500 residents requested support since the team launched in November 2022. More than half of applicants are already in rent or Council Tax arrears.
- The team has distributed £1m of discretionary funds, and delivered £1.32m worth of increased incomes through benefits uptake work, mainly through the Council Tax Reduction Scheme (CTRS), Housing Benefit, Universal Credit and Pension Credit.
- The team is delivering a positive in year return on Investment: £1.49 worth of increased incomes for every £1 invested in staffing. This rises to £1: £2.47 over a three year period. We will be continuing to monitor the Return on Investment and we expect that this will rise further.

2.15 On funding distributed from the various funds, thus far we have made the following payments:

- *CTRS Discretionary Hardship Scheme - £17k paid out*
- *Discretionary Housing Payments - £406k paid out*
- *Hackney Discretionary Crisis Support Scheme - £117k paid out*

2.16 Government has awarded a total of £5.6m of Household Support Funding (HSF) from April 2023 to March 2024. The focus remains on emergency support although there is now some ability to fund the following initiatives:

#### **Children and families 0-19**

**Total allocation: £3,099,000**

##### **Rationale:**

- An estimated 32,786 (48%) children in Hackney are living in poverty (on household incomes of less than £14,000) after housing costs are deducted.
- An estimated 49% of children in poverty live in families where the youngest child is aged 4 or under (total population estimated 20,000)
- There are an estimated 25,000 people in the Orthodox Jewish community and 11,000 (44%) are under 14 and 6,600 (60%) live in households in receipt of benefits, although a very low number claim free school meals even in maintained schools (1% compared with 32% overall).

#### **Vulnerable people known to the Council**

**Total allocation: £879,900**

##### **Rationale:**

There are groups of people identified in the Poverty Reduction Framework and analysis of risks and needs, who the Council is able

to reach directly. These groups include: residents in temporary and supported accommodation (TA/SA), disabled adults and their unpaid carers, foster carers, Special Guardians, Shared Lives Carers and Children in Need.

**Breaking down the barriers to reach a wider group of vulnerable residents who are at risk of poverty**

**Total allocation: £1,406,946**

**Rationale**

There are a wide range of groups identified in the Poverty Reduction Framework and analysis of risks who we need to reach, and, in some cases, they face multiple barriers to accessing help, such as learning disability or language needs, or they would not access help from the Council because of stigma or lack of trust in statutory services.

We need to ensure that a mixed economy approach is taken so we can maximise reach into diverse communities. This means that a range of routes are being employed to reach residents with a financial help offer, as outlined below:

**Money Hub £520,946** Government requires us to maintain an open application route to local Household Support Fund (HSF) spend - we are delivering this through Money Hub. This is being spent on food and fuel vouchers to residents in need - 12% of those who have received a voucher have also increased their benefits income through support from the Money Hub.

From Quarter 3, an additional £70,000 has been allocated to the Money Hub to support households moving into social housing from temporary accommodation with large household items.

**Income maximisation advice £80,000** The Money Hub team employs two advice workers to enable residents to maximise their incomes by claiming benefits they are entitled to.

**Trusted referral partners £241,000** - The **direct referral route for frontline workers from across sectors enables us** to reach residents in need who are least likely to contact a Council helpline, and offer timely support.

**Hackney Giving £240,000** - Grant funding community organisations who are set up to deliver financial help to residents enables us to tap into the community reach that grassroots organisations have and offer timely support on the ground.

**Community infrastructure organisations £75,000**

Grant funding community organisations who will be able to deliver food/fuel help as well as advice to the community.

**Citizens Advice £70,000** - Citizens advice will deliver help with fuel costs through the scheme they have already been running in HSF 2 and HSF 3. Residents will be able to top up their metres with a voucher or get a cash alternative if not using a metre.

### **Food Banks and low cost shops £140,000**

We are also retaining 6% toward administration, management, grant management and monitoring, as this is becoming more difficult to sustain across Here to Help (Income Maximisation) and the Policy and Strategic Delivery Teams.

2.17 Our November 2022 OFP report identified a further £600k to support poverty reduction. The team has distributed £1m of discretionary funds, and delivered £1.32m worth of increased incomes through benefits uptake work. The focus is on either developmental interventions or those that meet the needs of groups that Household Support Fund cannot support, and specifically those with no recourse to public funds. In summary resources will support:

- £300k - Tackling Food Poverty in Schools: A task group **has reviewed food poverty affecting children in schools**. The task group has listened to schools and community organisations to inform thinking about how we might expand the Free School Meals offer in a financially sustainable way to a wider group of children and look at models that reduce unit cost, improve quality, but do not simply rely upon Councils picking up the funding. The task group produced a report outlining practical measures for use of the £300k allocation. The announcement that the Mayor of London will be funding universal free school meals for the 2023/24 academic year in primary schools is welcomed and will compliment our work
- Money Hub support: topping up grant funding support for in home appliances and investing further in income maximisation officers
- Hardship support and preventative help for those who have no recourse to public funds - this £65k scheme was launched in September.

2.18 Alongside the direct support that the Council is putting in place, we are doing what we can to support organisations on the ground, who are struggling with rising costs and demands. This is vitally important because it is these organisations that have the greatest reach into diverse communities, can ensure that residents are supported in a more ongoing way at community level, and can access *independent* advice and accredited financial, debt and legal advice when appropriate. For example:

- We worked in partnership with Food Hubs to bring in £170k over three years. We supported the Hackney Food Bank to apply for GLA funding to employ a Coordinator for the Hackney Food Network and

are now supporting further fundraising to make the best use of surplus food.

### **3. Recommendations**

**3.1 To approve the 2024-25 Local London Business Rates Pool recommendations set out in Appendix 1**

**3.2 To note the overall financial position of the Council as at September 2023 as set out in this report.**

### **4. Reasons for Decision**

**4.1 To facilitate financial management and control of the Council's finances and to approve the localised pool proposal as set out in Appendix 1.**

### **5.0 Details of Alternative Options Considered and Rejected**

**5.1 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.**

### **6.0 Background**

#### **6.1 Policy Context**

This report describes the Council's financial position as at the end of September 2023. Full Council agreed the 2023/24 budget on 1st March 2023.

#### **6.2 Equality Impact Assessment**

Equality impact assessments are carried out at budget setting time and included in the relevant reports to Cabinet. Such details are not repeated in this report.

#### **6.3 Sustainability and Climate Change**

As above.

#### **6.4 Consultations**

Relevant consultations have been carried out in respect of the forecasts contained within this report involving the Cabinet Member for Finance, Insourcing and Customer Service, Heads and Directors of Finance and Service Directors through liaison with Finance Heads, Directors and Teams.

## 6.5 Risk Assessment

The risks associated with the Council's financial position are detailed in this report.

## 7. Comments of the Interim Group Director of Finance

7.1 The Interim Group Director of Finance financial considerations are included throughout the report.

## 8. Comments of the Acting Director of Legal, Democratic and Electoral Services

8.1 The Interim Group Director of Finance is the officer designated by the Council as having the statutory responsibility set out in section 151 of the Local Government Act 1972. The section 151 officer is responsible for the proper administration of the Council's financial affairs.

8.2 In order to fulfil these statutory duties and legislative requirements the Section 151 Officer will:

- (i) Set appropriate financial management standards for the Council which comply with the Council's policies and proper accounting practices and monitor compliance with them.
- (ii) Determine the accounting records to be kept by the Council.
- (iii) Ensure there is an appropriate framework of budgetary management and control.
- (iv) Monitor performance against the Council's budget and advise upon the corporate financial position.

8.3 Under the Council's Constitution, although Full Council sets the overall budget, it is the Cabinet that is responsible for putting the Council's policies into effect and responsible for most of the Council's decisions. The Cabinet must take decisions in line with the Council's overall policies and budget.

8.4 Paragraph 2.6.3 of FPR2 Financial Planning and Annual Estimates states that each Group Director in charge of a revenue budget shall monitor and control Directorate expenditure within their approved budget and report progress against their budget through the Overall Financial Position (OFP) Report to Cabinet. This Report is submitted to Cabinet under such provision.

8.5 Article 13.6 of the Constitution (Part Two) states that key decisions can be taken by the Elected Mayor alone, the Executive collectively, individual Cabinet Members and officers. Under the Mayor's Scheme of Delegation financial matters are reserved to Cabinet, therefore, this report is being submitted to Cabinet for approval.

8.6 All other legal implications have been incorporated within the body of this report.

## 9. Children and Education

Revised Budget	Service Area	Forecast Variance After reserves
£k		£000
94,996	Children and Education	3,179

9.1 Children and Families Services (CFS) are forecasting a £3.179m overspend as at the end of September 2023 after the application of reserves totalling £3.9m and after the inclusion of the Social Care Grant allocation of £13m. The forecast has increased by £0.6m since August driven mainly within Corporate parenting due to an increase in client numbers but also an increase in the cost of a number of placements due to increasing provider rates, although rate increases are always challenged, annual increases to unit costs do have to be negotiated and agreed.

9.2 As has been the practice since the grant was announced in 2019/20, the Social Care Grant for both children's and adult social care has been split equally across both services. In 2023/24 the grant was increased by a further £1.5bn nationally, Hackney's allocation is a total of £26.7m this year, which represents a £9.7m increase from 2022/23. Except for a specific Independent Living Fund element of £0.7m which has been allocated to Adult Social Care, the remaining £26m has been equally shared between Children's Services and Adult Social Care.

9.3 There is a gross budget pressure in staffing across CFS of £1m. In 2023/24 corporate savings of £500k have been agreed with a further £500k to be delivered in 2024/25. The service is working towards implementing these proposed changes to the structure from January 2024 via a review of services that will achieve the following:

- Provide best outcomes for children and families
- Enhance the development of the service
- Protect front line practice
- Simplify and provide clearer management oversight
- Creating career development opportunities for staff
- Ensure service resilience and meet business continuity requirements
- Provide cost savings

9.4 The main areas of pressure in CFS continue to be in Corporate Parenting which is forecast to overspend by £3.2m after the use of £1.2m commissioning reserves. Since 2019/20, we have monitored unit costs in different placements types and have seen them significantly increase during this period. This is illustrated in the table below.

Unit Costs	LAC Residential Average		Independent Fostering Average		LAC Semi Independent Average		LC Semi Independent Average	
	Per Week	No. of Young People	Per Week	No. of Young People	Per Week	No. of Young People	Per Week	No. of Young People
2019-20	£3,725	32	£967	143	£1,211	41	£390	104
2020-21	£3,979	35	£987	126	£1,309	36	£529	103
2021-22	£5,399	35	£1,080	131	£1,667	40	£515	166
2022-23	£6,346	30	£1,241	114	£1,996	35	£558	162
2023-24 (at period 5)	£6,122	29	£1,348	114	£2,618	43	£543	96
% increase over 5 year period	64%		39%		116%		39%	

9.5 The increase in unit costs has been coupled with a relative increase in the profile of placements linked to the complexity of care for children and young people coming into the service. For example children with very complex mental health needs, which can carry a constant risk of self harm and require round the clock supervision. In addition restricted supply nationally coupled with higher demand results in an extremely competitive market for placements, which drives up costs. At the start of 2023/24 we saw a reduction in residential placements, however placement costs are increasing in residential care and semi-independent placements due to care providers being faced with the challenges of rising inflation linked to the cost of living crisis. The forecast has increased by £0.8m since August due to an increase in individual placements in a very challenging market. The forecast generally increases over the summer period due to education provisions finishing for the year leading to children and young people having less structured times. This, combined with carers having holiday plans makes finding new care arrangements particularly challenging leading to the use of more expensive residential homes rather than foster care. As care arrangements settle and as schools resume we would expect the forecast to shift downwards in the Autumn, and this shift downwards has already been factored in and will be monitored during the next few months. The forecast is susceptible to variation due to the demand-led nature of the service and the complexity of the arrangements for new clients can add a considerable cost.

9.6 The Family Intervention Support Services is showing an overspend of £0.4m which is related to over established posts and agency staff, as well as higher spend in LAC incidental costs.



- 9.7 The Access and Assessment and Multi Agency Safeguarding Hub have an overspend of £0.2m primarily related to increased staffing costs from over established staff and agency.
- 9.8 Looked After Children & Leaving Care Services are expected to overspend by £0.4m, and this relates to an increase in commissioning costs and some staffing cost pressures linked to additional posts and agency staff usage to respond to increasing demands in the service.
- 9.9 The Workforce Development Board has a rolling Social Worker recruitment process which should address the agency premium costs, providing the successful permanent appointment of candidates. Competition for social workers, particularly in London, is challenging. This applies both in permanent and agency recruitment. Local authorities are now frequently offering 'golden handshakes' and 'retention bonuses' along with promises of competitive salaries, career development opportunities and a variety of other benefits.
- 9.10 The Disabled Children Services is showing an overspend of £0.1m, and this primarily relates to the demand in short break services which is a statutory requirement.
- 9.11 The Safeguarding and Quality Assurance services are showing an overspend of £0.2m. The quality assurance and improvement team and the safeguarding and reviewing team both have staffing overspends primarily related to agency premium, maternity and long term sickness cover pressures.
- 9.12 **Hackney Education (HE)** Hackney Education (HE) is forecast to overspend by around £4.317m in 2023/24. The underlying overspend across the service is £5.447m, and this is partially offset by mitigating underspends of £1.130m. The main driver is a £4.836m pressure in SEND as a result of a continuing increase in recent years of children and young people with Education and Health Care Plans (EHCPs), and this increase is predicted to continue in 2023/24. The forecast has been reviewed at the midpoint in the year based on trend and reduced by £0.5m from the previous month. Discussions with Newton Europe/CIPFA, who are working on behalf of the Department of Education (DfE) and the development of a grant application to secure £1m through the SEND Developing Better Value (DBV) programme have continued in 2023/24. The process started in February 2023 and the now approved grant application includes an action plan to spend the £1m allocation towards targeted workstreams which may help to mitigate some elements of the high needs budget pressures which have contributed towards year on year overspends.
- 9.13 **SEND** is forecasting a £975K budget pressure in 2023/24 due to increased activity coupled with continuing increases in fuel prices and transport costs (this is included in the overall £4.836m overspend above). Given the volatility seen in fuel prices since last financial year, this area will continue

to be monitored closely. Other areas of overspend are within School Standards and Performance (£5k) and Early Years which includes Children's Centres (£565K), and reduced income levels are expected to continue within our Early Years service as a result of lower activity levels within services, that has been the pattern post-pandemic. There has also been a change in legislation which means previously traded services for attendance and specialist intervention provided to schools are now required to be delivered free of charge.

9.14 **Outcomes, Business Intelligence & Strategy (OBIS) directorate** - the OBIS directorate has been formed with a mandate to drive transformation across Children and Education. There are two main service areas in OBIS – the Education Operations team and the OBIS Transformation team. There are four priority programmes currently in place which are planned to yield significant benefit for the organisation. These include:

- Creating a universal practice model informed by STAR principles. The aim of this work is to develop and embed a new practice model across Children & Education teams.
- Transforming our existing monitoring, supporting and improving services across C&E.
- Reviewing our traded services and increasing revenue generation.
- Realising the benefits of the recent restructure across our Education Operations team ensuring that the short, medium and long term operational support that is provided to schools, settings and the Education directorate is of a consistently high quality.

The OBIS directorate is expected to break even after the use of £0.5m reserves specifically set aside for the transformation programme. Funding for beyond 2023/24 needs to be identified from existing resources within Children and Education.

9.15 **The Savings/Vacancy Factor** Savings for Children's Services and Education in 2023/24 include £250k through the consolidation of the Children, Education and Health commissioning functions which will allow more effective market engagement and more effective joint commissioning; and £500k from a review of the Children and Families staffing structure which is expected to be in place from January 2024. A further £650k has been delivered through a wide-range of targeted and specialist interventions for young people that need extra support, as well as a range of play and sports opportunities on a universal basis, including through Youth Hubs and adventure playgrounds. The £650k is an addition to £350k of savings in 2022/23 from our early help services. All savings are currently forecast to be delivered this year.

9.16 A vacancy rate savings target of £1.7m has been set for the directorate in 2023/24 (£0.9m for Children and Families and £0.8m for Education) and the forecast assumes that this will be achieved or mitigated within respective service budgets. Progress against the target is carefully monitored and

tracked by the C&E Senior Management Team and this will continue to be monitored closely and reported through this monthly finance report.

- 9.17 Many of the **financial risks** to the service that were present in 2022-23 have continued into 2023-24.

One of the main risks for the directorate is the cost of living and fuel price crisis, and the potential impact that it will have on the cost of service delivery going forward. It is difficult to estimate the impact that the cost of living crisis will have across services, however we can expect care providers to seek greater inflationary uplifts to care placements than in previous years and this has had an impact in the movement in September's forecast. In Education, the trend data does illustrate that taxi fares within SEND transport are experiencing increased rates for journeys.

**SEND** - there is also uncertainty around the DSG high needs deficit and the treatment of any deficit post 2025/26. The brought forward SEND deficit in 2023/24 is circa £17.1m, based on current forecasts this will increase to circa £21.4m by the end of this financial year. The statutory override which allowed this deficit balance to be carried in the Council's accounts has been extended from 31 March 2023 to 31 March 2026 by Government. However, this continues to remain a long term risk for Hackney in the event there is no further funding provided by the Department for Education (DfE) to mitigate this balance. As stated earlier in this report Hackney is included in Tranche 2 of the Delivering Better Value (in SEND) programme which aims to help local authorities maintain effective SEND services, however the programme aims to provide assistance on deficit recovery actions/mitigations through a grant of up to £1m, rather than provide direct funding to address the deficit, hence the potential risk to the Council. The grant application has been successful and will be received in October 2023.

**Early Years** - The National reform of the free early years entitlement is expected to have a significant impact on demand for childcare placements, with the greatest shift expected to be for two year olds 30 hours care. There is likely to be significantly more demand for childcare through the proposed reform, specifically for two year olds. Further funding details are awaited and implementation of the reforms will commence from September 2024, the scale of the potential impact is to be assessed when further details are available.

- 9.18 In addition to budgeted savings further cost reduction measures have been developed for 2023/24.

For CFS, management actions of £1.5m have been identified and these have been factored into the forecast. These include reductions in the number of high cost placements (£0.5m); review of the top 30 high cost placements (£0.3m); a Foster First Approach (£0.5m); and review of agency spend through maximising permanent recruitment and greater challenge through the workforce development board (£0.2m).

For Hackney Education, the focus of cost reduction measures this year will be through further development of in-borough SEND provision and reviewing SEND transport eligibility. Detailed plans continue to be developed for these proposals, and these will be part of discussion alongside the deficit recovery plans being developed with the DfE and CIPFA.

## 10. Adult, Health and Integration

Revised Budget	Service Area	Forecast Variance After reserves
£k		£000
126,025	Adults, Health and Integration	8,966

- 10.1 Adult Social Care is forecasting an overspend of £8.966m (2022/23 outturn position was £7.7m) after the application of reserves of £5m and the inclusion of the Social Care Grant allocation of £13.7m.
- 10.2 As has been the practice since the Social Care Grant was announced in 2019/20, the grant allocation for both children's and adult social care has been split equally across both services. This financial year the grant was increased by a further £1.5bn nationally and this has meant the Council has received a total of £26.7m, which represents a £9.7m increase on the previous year. Children's Services have been allocated £13m and Adult Social Care have each been allocated £13.7m (including the Independent Living Fund £0.7m, now rolled into Social Care grant in 23/24) respectively, and this has been fully factored into the current forecast.
- 10.3 In 2023-24, the Government introduced the Market Sustainability and Improvement Fund (MSIF) designed to support local authorities to make improvements in adult social care capacity, services and market sustainability. The MSIF Grant is payable in 2023-24 and 2024-25. In total, the fund amounted to £400 million of new funding for adult social care in 2023-24. There is a further £683 million expected in 2024-25. In 2023-24, the MSIF funding was combined with £162 million of continued Fair Cost of Care funding rolled forward from 2022-23 to yield a total allocation of £562m. Hackney's 2023-24 MSIF grant allocation was £3.3m. The Government has now announced that an additional £600m will be provided to adult social care across 2023-24 and 2024-25. £570m will be payable in 2023-24 and 2024-25 through the new MSIF Workforce Fund (£365m in 2023-24 and £205m in 2024-25). The remaining £30m of the announced funding will be paid to "local authorities in the most challenged health systems". Hackney's share of the £365m grant in 2023-24 is £2.1m.
- 10.4 Local authorities will be able to decide how they choose to focus the funding, in line with local circumstances and priorities but the Statement does draw attention to the same target areas of improvement that are set out for the MSIF.

These are:

- increasing fee rates paid to adult social care providers in local areas
- increasing adult social care workforce capacity and retention
- reducing adult social care waiting times

10.5 Adult Social Services in Hackney is already taking action and pursuing initiatives to support the workforce and provide more capacity within the adult social care sector. The current MSIF funding has been used primarily to support provider fee uplifts based on the Fair Cost of Care exercise completed in 2022, as well as allocating funding towards helping to reduce social care waiting times. This additional round of MSIF funding will continue to help fund these initiatives and any necessary expansion.

10.6 The forecast continues to be adversely impacted by the challenging situation on a number of fronts. Firstly, there has been increased demand, particularly from hospital discharge for people requiring ongoing social care, and also due to mitigations required to be in place to manage the risk to vulnerable adults as a result of recent strike action by NHS staff. This includes significant increases in care package costs to allow care agencies to manage increased risk in the community, additional funding invested in securing taxi transportation for clients to and from hospital in the place of ambulance services, additional commissioned step down and care home placements to help the hospital manage flow, and an increase in staffing to support the hospital with discharge. This increase in demand, and consequent increase in cost to Adult Social Care is predicted to continue for at least for the next quarter. The Discharge Fund from the DLUHC has provided a grant of £2.3 million for the 23/24 period. However, it's important to note that this funding is specifically designated for additional initiatives aimed at facilitating discharges. It does not address the substantial rise in expenses and demand associated with ongoing care packages. Secondly, there is increasing demand and complexity coming from the community, including new adults requiring long term care, due to deterioration in health or circumstances, higher prevalence of severe mental ill health in Hackney compared to other authorities, and multiple intersecting complexities, including substance use and trauma.

10.7 **Care Support Commissioning** is the service area with the most significant budget pressure in Adult Social Care with a £6.3m budget pressure (after reserve usage of £2.7m) against an overall budget of £47m. The position has moved adversely by £0.4m compared to the previously reported position, driven by increases in long term care costs (Nursing +£0.3m, Home Care +£0.5m & Supported Living +£0.1m) partially offset by MSIF (round 2) grant funding of £0.5m this month. The increased cost of care continues to be primarily driven by growth in new clients as well as increased complexity of care needs for existing service users. The service records the costs of long term care for service users including their primary support reason, and the budget overspend reflects both the growth in client activity and increasing complexity of care provision being commissioned. The service has seen a 30% increase in the total number of people

receiving care and support since 2019/20. For some services such as home care, the increase is even more significant (43%). In addition to rising demand, unit costs have also increased significantly since 2019/20 due to inflationary pressures including London Living Wage (LLW) coupled with greater complexity of care in care packages. The ASC budget faces mounting challenges due to both escalating demand and growing costs, which together exert significant pressure on the overall service budget. The tables below illustrate both the rise in demand, and increase in unit costs:

#### ASC Demand 2019/20 v 2022/23

	2019/20	2022/23	% increase
Overall number of ASC service users	2610	3390	30%
Home care provided (hours)	915,297	1,312,959	43%
Residential care (number of placements)	619	626	1%
Supported living (number of placements)	305	398	30%

#### Snapshot Unit costs trend

Service type	2019/20			2022/23			% Change in Unit Cost
	# of Service Users/ Hours	Avg unit cost (£)	Total cost (£m)	# of Service Users/ Hours	Avg unit cost (£)	Total cost (£m)	
Home care*	915,297	17.97	16.45	1,312,959	19.16	25.16	7%
Supported Living	279	911	13.79	342	1,241	21.83	36%
Residential	347	970	18.75	388	1,068	21.56	10%
Nursing	157	766	6.72	155	879	7.83	15%

10.8 The council and North East London Integrated Care Board were allocated discharge funding (£2.3m and £1.1m respectively) for 2023-24 for Hackney. From this overall allocation, £1m of discharge funding has been allocated to support the cost of care packages and to enable the efficient discharge of people from hospital, of which £0.4m is currently in the forecast. The overall funding received in relation to supporting care package costs from discharge funds has reduced by £0.8m compared to the previous year. The ICB also contributes a total of £9.2m of funding towards health care costs for service users with learning disabilities as part of the integrated commissioning arrangements with the council.

10.9 **Provided services** are forecast to overspend by £1.7m against a £10.3m budget. This represents a £0.1m favourable movement compared to the

August position, due to a reduction in staffing costs through rationalising agency usage and sickness management. The £1.7m overspend is made up primarily of an overspend on Housing with Care (HwC) scheme costs of £2.5m, offset by underspends on day services of £0.8m. This HwC forecast overspend of £2.5m reflects both the impact of £1m of undelivered savings from 21-22 and 22-23, as well as high levels of staff sickness and the service engaging agency staff to cover these roles alongside additional capacity required to maintain the service. The service is currently undertaking a number of management actions to address both the high level of sickness and agency staff usage, this includes working closely with HR, and Occupational health to reduce sickness levels, medically retiring staff that are no longer able to work, addressing the issues relating to staff members who are on reduced capacity due to medical conditions, as well as offering fixed term contracts to long term agency staff to reduce the dependency on agency usage. The majority of the day service underspend of £0.8m is from the Oswald Street day centre which continues with a limited number of service users as a result of maintenance work needed for the ventilation at the premises. A capital bid for the work required at Oswald Street was submitted, and agreed by the June 23 Cabinet. Currently there is a delay in the maintenance work commencing due to the fact that the planning application submitted has yet to be approved. Once approved works should commence in the latter part of the year.

- 10.10 **Mental health** is forecast to overspend by £1.2m against a £8.6m budget. There is negligible movement compared to the previous report position. The Mental Health budget overspend is primarily attributed to an overspend on externally commissioned mental health care services. Adult Services continue to work in collaboration with East London Foundation Trust to reduce the budget overspend as part of the agreed cost reduction measures.
- 10.11 **Preventative Services** reflects a £0.2m budget underspend against a budget of £7.6m. This is primarily due to the Interim bed facility at Leander Court (£0.2m) experiencing lower than expected demand for these services.
- 10.12 The **Care Management and Adult Divisional Support's** budget position is an overall underspend of £0.4m, which is primarily due to staff vacancies across the ASC management team, as a result of delays in recruitment.
- 10.13 The **ASC commissioning** budget position reflects a £0.1m budget overspend, a favourable movement of £0.03m compared to the previous reported position, driven by a reduction in locum staff costs as agency contracts have ceased. The ASC commissioning position also includes one-off funding of £0.8m which is supporting various activities across commissioning. This includes additional staff capacity across the Brokerage Team, Direct Payment teams, and funding of extracare services at Limetrees and St Peters. The forecast also includes £1.4m of Discharge Funds (from the £2.3m LBH, £1.1m ICB total allocations), which is

supporting the funding of various hospital discharge facilities including interim accommodation and nursing care block placements.

10.14 This directorate is coordinating the council response for the support required for Refugees, Migrants and Asylum Seekers, including the Homes for Ukraine scheme, Afghan Resettlement schemes, as well as asylum seekers residing in the Borough in Home Office accommodation. There is Government support for the costs being incurred under these schemes and so no cost pressure is currently forecasted. However there is uncertainty about the level of funding we will receive to support Refugees (including Ukrainians), Migrants and Asylum Seekers in future years.

10.15 **Public Health** Public Health (PH) is forecasting a breakeven position. The Grant funding allocation for local authorities in 2023/24 has risen to £3.5 billion nationally, representing a 3.3% cash terms increase compared to the previous year's allocation. Hackney's share of the increased allocation is £1.1 million. The 2023/24 grant includes an adjustment to cover the cost of implementing the Botulinum Toxin and Cosmetic Fillers (Children) Act 2021 (our allocation is £15k). The 2023/24 grant will continue to be subject to conditions, including a ring-fence requiring local authorities to use the grant to deliver public health outcomes. This may include public health challenges arising directly or indirectly from the legacy impact of the COVID-19 pandemic. To ensure the allocated Public Health budget is managed effectively, demand-led services, such as sexual health, are carefully monitored by the service. This monitoring process aims to maintain service provision within the allocated budget for the current and future financial years.

The Hackney Mortuary position reflects a £0.2m budget overspend, primarily attributable to ongoing cost pressures in relation to the council's contribution towards the coroner's costs.

10.16 Adult Social Care has **Savings** of £1.4m to deliver in 2023/24. Savings related to efficiencies of housing related support contracts (£650k), housing related support review (£194k), ASC commissioning (£100k), increased care charging (£250k) and Daycare review (£200k). All of these savings are on track to be delivered this financial year, and are factored into the forecast. There still remains £1m of undelivered savings from previous years in relation to the Housing with Care service 2021/22 (£0.5m) and 2022/23 (£0.5m). In previous years these savings have been mitigated by efficiencies across our Housing related Support contracts, but currently there is real cost pressure of £1m.

10.17 **A vacancy rate savings** target of £0.3m has been set for the directorate in 2023-24. The forecast assumes that this will be achieved or mitigated within respective service budgets. Progress against the target is carefully monitored by the AH&I Senior Management Team and reported through this monthly finance report.



- 10.18 Many of the financial risks to the service that were present in 2022-23 continue into 2023-24. Following the recovery of the social care system (Mosaic) in November 2022, further work is ongoing to develop the system further, including improving important case management functionality. The majority of care package information has now been loaded on to Mosaic and the service teams are following up to ensure that all information is up to date and correct. However, until this task is completed and the data verified we cannot be certain that we are fully capturing and monitoring the cost of any additional demand for care. The service is working proactively to ensure that packages are loaded accurately and in a timely manner.
- 10.19 One of the main risks for the directorate is the ongoing cost of living and fuel price crisis, and the potential impact that it will have on the cost of service delivery going forward. It is difficult to estimate the impact that the cost of living crisis will have across services, however we can expect care providers to seek greater inflationary uplifts to care placements than in previous years. Inflation rates are currently 6.7% as at August 2023, and this not only presents challenges to the Council but also to care providers.
- 10.20 The current forecast includes only existing service users and does not include any potential costs arising from additional demand above estimated initial demographic growth assumptions. Actual care costs have risen by £7m per year on average over the last 5 years. The table below illustrates the year on year increase on external commissioned care spend.

#### **Gross Outturn - External care commissioned services**

	2018-19 (£m):	2019-20 (£m):	2020-21 (£m):	2021-22 (£m):	2022-23 (£m):
<b>Total Outturn</b>	58.9	65.3	72.5	77.9	87.8
<b>Movement on Previous Year</b>	5.8	6.4	7.2	5.4	9.9
<b>% Increase on Previous Year</b>	11.0%	10.9%	11.1%	7.5%	12.7%

#### **10.21 Management Actions to reduce the overspend**

In addition to budgeted savings, further cost reduction measures have been developed for 2023/24. For Adult Social Care, management actions of £1.25m have been identified and these are factored into the forecast. These include continuation of the multi-disciplinary panel process (£0.25m); double-handed care package review (£0.2m); direct payment monitoring of accounts (£0.1m); review of agency spend through tighter controls with Head of Service and greater challenge through the Workforce Development Board (£0.1m); working with ELFT to manage the Mental Health overspend (£0.35m) and a commissioning review team (£0.25m).

#### **11.0 Climate, Homes and Economy**

Revised Budget	Service Area	Forecast Variance After reserves
£k		£000
33.803	Climate, Homes and Economy	849

- 11.1 The directorate is showing a £0.849m overspend after the use of £3.53m in reserves. There is no material movement from the August 2023 reported position. The directorate's main areas of underlying overspend are Environmental Operations, Community Safety, Enforcement and Business Regulation (CSEBR) and Streetscene.
- 11.2 Previous OFP reports to Cabinet detailed how the Directorate Leadership Team has worked with the finance team to take actions to reduce spend and increase income. This yielded an in-year cost reduction of £1.2m reflected which arose from holding uncommitted budgets on non staff budget lines, factoring income which is exceeding budgets into the forecast and forecasting underspend on budgets to deliver manifesto and other commitments due to delays in recruiting staff.
- 11.3 All possible levers to call underspends have been considered. This is a continually moving picture and the position will change over the coming months. We are introducing monitoring processes to ensure that the saving forecast can be fully delivered but accept that there are items of expenditure that are essential, such as equipment replacement, and will need to happen to deliver services that may well reduce the forecast saving. In the same way a downward trend in income will impact what we have forecast this month. All Heads of Service in the directorate are aware of the financial challenge facing the Council and will use their best endeavours to deliver the cost reductions.
- 11.4 The net overspend for Environmental Operations (EO) and Environment Strategy & Recycling (EWS) is £1.346m. The projected overspend in EO of £1.436m which is partially offset by an underspend of £0.090m in EWS, is due to a range of demand-driven challenges, including housing growth, population increases (including temporary influxes), responding to the aftermath of ASB, and emergency responses, all of which have put strain on current resources. Inflation and the cost of living crises have had an additional impact on the service, particularly in the areas of vehicle maintenance and increased consumable expenses, such as PPE and receptacles (sacks and bins).
- 11.5 Other priorities in terms of addressing the climate emergency, mitigation and adaptation, have also had an influence on the service budget, the combination of which has implications for the operation of our street cleaning function. This is both in terms of how resources are allocated and additional time taken to cleanse areas.
- 11.6 The principal cost pressures within the service are as follows:

- £0.687m - overspend relating to the impact of increased demand on the service; Since 2013 Hackney has seen household numbers rise by 13,530; this increase in households and the waste they produce has, up until last year, been absorbed into existing rounds and other services as far as possible. This demand pressure has also resulted in more non-funded services, such as responsive cleansing of the highways and estates, night time economy cleansing; being delivered to maintain our cleanliness standards across the public realm. However, this increased pressure on services for both refuse collection and street cleansing can no longer be contained within the existing budgets.
  - £0.562m - non delivery of previously approved vacancy factor savings. This saving approved in 2021/22 is proving increasingly difficult to deliver especially given the increased pressure on the services as outlined above.
  - £0.350m - non delivery of the saving relating to the establishment of the Commercial Waste company. Due to the impact of the pandemic there was a delay in establishing the company and this saving was to be delivered in year 3 following the establishment of the Company. We are just entering year 2 and therefore this saving will not be achieved until 2024/25.
  - £0.268m - due to the impact of inflation on material purchasing such as refuse bins and refuse sacks and the cost of a route optimisation system.
- 11.7 The overall overspend of £1.931m is being mitigated in part by steps offered by the Head of Service, which results in £0.496m of savings and reduces the overspend to £1.436m. These have been implemented from October 2023 and this is reflected in this month's forecast. These recommendations should have little effect on service delivery and performance. The Head of Service will continuously analyse service budgets to seek cost-cutting possibilities in order to reduce overspend while maintaining existing levels of service.
- 11.8 **Community Safety, Enforcement and Business Regulation** is projected to overspend by £0.201m. The overspend relates to the service's continued need to generate vacancy factor savings, which is proving difficult in this vital front-line service. The Head of Service continues to evaluate budget lines in order to uncover opportunities to contain spend.
- 11.9 **Leisure, Parks & Green Spaces** are forecasting a small overspend of £0.015m, but there is a risk that the water charges may be a problem where the utilities companies are trying to locate the exact position of an underground water leak on Hackney Marshes.
- 11.10 **Economy, Regeneration & New Homes** There is a £0.223m underspend forecast for the service. The forecast underspend is due to the actions taken by management to hold unspent non staff budgets, mainly within the Area Regeneration and Economic Development, to mitigate the Council's forecast overspend. Private Sector Housing (PSH) is forecasting an

underachievement in income arising from enforcement notices and inspection fees of £0.140m and licence fee income of £0.072m which has been mitigated by an underspend in staffing budgets due to the delay in appointing Environmental Health Officers to deliver the commitment to enhance the Council's response to Damp and Mould in the private rented sector. There is a further risk relating to PSH licensing income, with the old scheme coming to an end in October 2023 and a new scheme not expected to be rolled out until the 2024/25 financial year. There currently appears to be enough in the PSH licensing reserve to cover this gap, but this also depends on what income is received for the last few months of the current scheme. This risk will be mitigated by use of the reserve funding.

- 11.11 **Employment, Skills and Adult Learning** are forecasting a small underspend of £0.039m as the majority of expenditure in Adult Learning is covered by grants.
- 11.12 **Markets** Markets and Shop Front Trading are showing a £0.180m underspend, representing a £0.175m positive movement from August 2023. This adjustment is related to a modification of the income forecast, which is likely to exceed the budgeted target as a result of new initiatives such as Sunday trading at Broadway Market. This is despite the Indoor Markets not being able to meet their target income for this financial year. The team responsible for the markets is actively engaging with both the contractor and the legal services to explore options for compensation due to the missed deadline.
- 11.13 **Parking** is showing an underspend of £0.158m. While parking revenue is projected to broadly balance, a significant concern is the possible inability to generate expected revenue from Penalty Charge Notices (PCNs). There are two primary reasons for this decline. Firstly is the continuous acts of vandalism directed at CCTV cameras in the Low Traffic Neighbourhoods and School Streets. This situation is aggravated by the high costs of fixing and maintaining these cameras. A secondary cause is the maturation of existing CCTV schemes (where compliance has improved), and a reduction in new moving traffic restrictions being implemented. As a result, income from PCNs has dropped by approximately 30% compared to last year. Another area of concern that is emerging is parking suspension. Income over the first 5 months is down by 9% compared to the first 5 months of last year, despite inflationary price increases having been applied. The Head of Service has proposed a number of solutions to mitigate the risk posed by recurring acts of vandalism; these proposals are awaiting approval. The estimated impact and risk to the revenue projections is £1.4m which is being closely monitored.
- 11.14 **Streetscene** is projecting an overspend of £0.078m. The challenges posed by inflation and the prevailing cost of living crisis have brought about notable changes in the utilisation of services, consequently diminishing the demand for licences and associated fees. This trend is particularly evident in the context of contributions from companies such as G Network, which has reduced activity across the borough, and a reduction in the issuance of

Highways Act Licences. This marked decline in activity across the Service is due to the broader economic challenges in the wider economy.

11.15 **Planning and Regulatory Services** is forecast to underspend by £0.091m which is an adverse movement of £0.164m from August 2023 position. The movement is due to an adjustment being made to the recovery of income from Proceeds of Crime Act (POCA) and what proportion of that income can be retained within Planning as there are specific conditions attached to the receipt of POCA income. There is further ongoing review being carried out in collaboration with Planning to ensure the figures forecast are robust.

11.16 **Savings/Vacancy Savings.** The directorate has achieved £2.508m of the 2023/24 savings plans of £2.858m. The Hackney Commercial Services company saving of £0.350m is being forecast as not being achieved given the company is a year behind schedule and this was a saving expected in year three of operations. The company has not established its market share base yet to deliver the 2023/24 savings target.

The vacancy factor savings agreed as part of the 2021/22 budget is not being achieved in two of the directorate services, Environmental Operations and CSEBR. The total of non delivery is £753K. The Heads of Service are reviewing services and budget lines to mitigate the impact of this non delivery. The Directorate is, though, achieving a significant proportion of its vacancy savings.

11.17 **Management Actions to reduce the overspend in 2023/24.** Heads of Services are continually reviewing their overspends and working to identify strategies to mitigate the level of overspend. Strategic Directors will review all service areas to hold non essential spend to mitigate the overspending areas. A review of non-essential spend last period resulted in forecasts being reduced by £1.2m

### 11.18 Risks

	Amount £'000
Decline in TfL funding impacting capitalised salaries in Streetscene - we are keeping	TBA

	Amount £'000
a watching brief	
Vehicle Maintenance cost in Environment Operations - based on expenditure in 22/23 exceeding the budget significantly. This is due, in part, to more extensive maintenance work to lengthen the life of vehicles. This is being closely monitored to pick up trends early.	510
Assumed savings from operational changes in Environmental Operations - close monitoring of the mitigating actions will be undertaken to track delivery of the savings.	500
NLWA levy for non household waste - increase in tonnage projections reported show an increase in the estimated cost for 23/24. Final 22/23 rebate from NLWA plus the estimated rebate for 23/24 has reduced the risk down to £100k from £500k.	100
Parking Income - reduction in PCN and parking suspension income due to acts of vandalism and reduced activity from companies in requesting parking bay suspensions to carry out work.	1.400
	<b>2,510</b>

## 12.0 Finance and Corporate Resources

Revised Budget	Service Area	Forecast Variance After reserves
£k		£000
25,243	Finance & Corporate Resources	1,999

- 12.1 Finance and Corporate Resources are currently forecasting an overspend of £1.999m after a reserve drawdown of £2.6m. This is an improvement of £177k on last month's forecast. The service continues to be impacted by the Cyberattack and the associated recovery work, and the cost of living crisis, with significant overspends in Revenues, Benefits and ICT totalling £2.9m
- 12.2 **Financial Management and Control** are currently forecast to budget after a reserve drawdown of £56k.
- 12.3 **Education Client** is currently forecast to budget after a reserve drawdown of £14k. The reserve funding is being used to offset the costs associated with the legal fees for the withdrawal of lifecycle funding to the VA schools. Currently, there are 4 schools that have been impacted by this decision and an external legal team has been procured to ensure that there is a resolution. It is anticipated that the costs could change and as a result, we will continue to monitor and report any changes. The overall impact is unknown, and the total overspend will be supported by reserves.
- 12.4 **Strategic Property Services** Strategic Property Services are forecasting to break even for the 2023/24 financial year after reserve movements. Commercial Property continues to be affected by the under recovery of income, this being the main budgetary pressure on the service. The Head of Commercial Estates has expressed concerns about the high risk

associated with income collection and deferred rents, considering the current fragility of the market. We continue to monitor this and it is anticipated that the pressure in this area could potentially increase. Other budgetary pressures include additional security services expenditure at the Englefield Road site and Wally Foster Community Centre in order to prevent squatting. These pressures will be mitigated by reserves set aside last year for the fluctuations in commercial property income.

12.5 **Housing Benefits** Housing Benefits are currently forecasting an overspend of £1.24m after reserve drawdown of £315k. There has been no movement on the previous month's forecast. The reason for the overspend is due to a need for additional agency staff to work on the backlog of work as part of Cyber recovery and additional demand in the service. The agency forecast is currently £2m, of which £750k is being funded from specific grant funding or absorbed by the underspend on permanent staff due to vacancies. The Net Cost of Benefit (NCOB) forecast is not currently included in the above table. Eligible error continues to be significantly higher than pre-cyber levels which poses a financial risk however it is too early to provide an accurate forecast. Once the figures have been refined the overspend will be included in the forecast

12.6 **Customer Services** are currently forecast to budget.

12.7 **Revenues** are currently forecasting an overspend of £643k. This relates to the following:

- £0.5m off-site resources required to access and process the backlog of outstanding work across Council Tax and Non Domestic Rates using the Council's existing software systems Comino (document imaging) and Academy (revenues system) due to Cyber.
- The remaining overspend relates to the ongoing need for additional staff in the Customer Services Contact Centre who are working on the increase in the level of customer calls relating to council tax and business rates.

There is a possibility that additional grant funding will be awarded to help fund new burdens within the service. If awarded, this will reduce the following months' forecasts.

12.8 **Soft Facilities Management** is currently forecast to budget.

12.9 **Support Services** is currently forecast to budget.

12.10 **Registration Services** are currently forecast to underspend by £113k. There is no movement on last month and the underspend is a result of overachieving on income targets.

12.11 **Housing Needs** are currently forecast to budget after a reserve drawdown of £983k. There has been no movement on last month's forecast. The reserve drawdown relates to grant funding received in advance. There is a

£850k agency staffing pressure as a result of the increased demand for temporary accommodation (TA) services. Since 2017/18 the number of TA approaches has increased by 65%. Currently, this can be mitigated by reductions in temporary accommodation rental spend as a result of:

- 1) Higher levels of TA placements in hostels which are the most cost effective type of accommodation within our portfolio.
- 2) Greater focus on prevention work and the reduction in the supply of temporary accommodation (especially private sector lettings) which currently means that only 30% of TA approaches will be placed in temporary accommodation.

This will be reviewed on an ongoing basis and the forecast will be updated to reflect any changes in the availability of TA properties.

12.12 **ICT** are forecasting an overspend of £666k after a reserve drawdown of £733k. The primary cause of the overspend can be attributed to the on-demand cloud computing platforms provided by Amazon Web Services (AWS). Recognising the need to address this cost pressure, management is actively working to identify strategies that will help alleviate the overspend. One such strategy involves discontinuing the utilisation of some legacy data centres. By doing so, the service aims to reduce the annual costs associated with data centre hosting and network connectivity. This step will lead to cost reductions and optimise the service's cloud infrastructure. Furthermore, a comprehensive assessment is underway to evaluate data migration and recovery efforts following the cyberattack. This assessment aims to identify areas where expenditure related to cloud hosting can be minimised without compromising data security and operational efficiency.

By implementing these measures, the service anticipates a decrease in the overspend and a more cost-effective utilisation of cloud computing resources. Additionally, it is worth noting that the service is already offsetting the overspend in the current position due to holding a number of vacant posts resulting from a recent restructure. Management is reviewing the possibility of delaying recruitment to these vacant posts to ease the budget pressure in the current financial year.

12.13 **The Audit and Anti-Fraud** service is forecasting an underspend of £149k. The overall underspend is due to the service holding vacant posts and a reduction in agency expenditure.

13.14 **Directorate Finance Support** Teams are forecasting an underspend of £159k. There has been no movement on last month's forecast.

12.15 **Procurement** is currently forecast to overspend by £9k. There has been no movement on last month's forecast. The overspend relates to the approval to award 10% market supplements on new and existing posts to increase staff retention, which is partially offset by underspends across the service.



- 12.16 **HR & OD** Human Resources and Organisational Development is currently forecast to underspend by £140k. There is no movement on last month's forecast and the forecast underspend is due to holding posts vacant for an extended period of time pending the restructure for which the DPR is imminent.
- 12.17 All of F&CR **Savings** and the **Vacancy Savings** are forecast to be achieved
- 12.18 The main areas of potential financial risks within F&R, where the forecast may see increases in the coming months are:
- Net Cost of Benefits - Loss of subsidy from Local Authority (LA) error & increase in the Bad Debt Provision (BDP).
  - Customer service costs depending on the level of demand.

### 13.0 **Chief Executive**

Revised Budget	Service Area	Forecast Variance After reserves
£k		£000
15,062	Chief Executive	-378

- 13.1 The Chief Executive's Directorate is forecasting an underspend of £0.378m following the use of £2.4m of reserves. This is in line with the August forecast and continues to reflect the impact of cost reduction actions taken by the directorate to support the Council's forecast overspend.
- 13.2 **Communications, Culture & Engagement** is forecasting an underspend of £0.18m in line with the August forecast. This underspend is arising from a forecast overachievement in venues and film location income. All the income streams are monitored closely to identify trends and pick up any potential fall in activity which reduces income so that mitigating actions can be taken to respond.
- 13.3 **Legal, Democratic & Electoral Services** is forecasting an underspend of £0.24m in line with the forecast as at August. The underspend reflects the directorate's response to the Council's overall overspend which arises from underspends due to the delay in filling posts to improve member casework (the forecast for this service assumes full implementation by 1st October); and holding unspent non staff budgets across the service. In addition, the forecast underspend reflects a number of vacancies across the services. The service is achieving its vacancy factor and will be recruiting to vacant posts over the coming months. This is reflected in the forecast.
- 13.4 **Libraries & Heritage** is currently forecasting a £0.045m overspend, a minimal increase on the August position. The main drivers for the

overspend position are non delivery of income targets, along with additional premises operational costs.

13.5 The directorate is on target to deliver the approved **Savings**.

13.6 A summary of **risks** to the service going forward are:

- There is a small risk of not achieving the £0.108m vacancy savings in the Library Services due to the time it is taking to recruit to all the new posts in the restructured service and the need to retain some old unbudgeted posts during the transition period to keep this frontline service open.
- Not achieving the external income target of £0.563m in legal services is a risk. Income was £67K (13%) below target in 2022/23 and this may continue into 2023/24. The income risk is due to the slowdown in the development activity across the borough. The income generated from capital recharges, property and S106 agreements has reduced in the last couple of years. This forecast shows achievement to budget and a review of activity will be carried out to inform the forecast for the end of financial quarter three. We continue to monitor this risk closely.
- Whilst we are currently forecasting an overachievement of income from our venues and film location service and so the non delivery of income remains a risk. The cost of living crisis and high inflation continues and these income streams are particularly sensitive to the impact of the current economic situation. We will continue to monitor income streams closely as part of our OFP reporting.

13.6 **Management Actions to reduce any overspends.** The Directors and Heads of Service will continually review their budgets to identify opportunities to reduce reserve use and mitigate any potential income shortfalls.

#### 14.0 **HRA**

14.1 The HRA is forecasting to draw down £1m from reserves in order to breakeven for 2023/24. This reflects the decision taken in April to phase the increase to the Council's district heat networks over two years. The forecast outturn position and future performance remain subject to the risk factors described in this report.

#### 14.2 **Income**

A review of HRA income was undertaken based on the Housing Finance system report, which has led to variances across all income categories.

Further refinement of the income forecasts was undertaken during the period.

- **Dwelling rents.** An increase of £277k income is forecast. The rental income forecast for temporary accommodation, reflecting the use of vacant homes across our housing regeneration programme estates, has reduced which reflects the decanting of properties for the next phases of the developments. This has been more than offset by an increase in the forecast for rent which is due to the new permanent and shared tenancies starting in-year reflecting an improvement in void turnaround times.
- **Non-dwelling rent** is forecast to be £789k over budget as a result of increased income from garages and community halls generated by the new online booking system, along with a forecast increase in commercial rent income.
- **Income from Tenant Charges** is forecast to be £959k over budget as a result of increased income collected within the Housing Finance System, which largely relates to Landlord lighting reflecting increased costs of energy.
- **Other Charges for Services and Facilities**, the reduction in forecast income of £717k is mainly due to the management fee collected as part of major works billing. A review of major works bills is currently being undertaken by the homeownership team to establish the level of income expected for 2023/24.

### 14.3 Expenditure

- **Housing Repairs Account** - overall there is no significant change from the previous month. The forecast for the year is just under a £1m overspend primarily driven by the DLO (£600k), due to increased labour and materials costs; and an additional resources requirement in legal disrepair and building maintenance (£640k) to tackle the demand for legal cases/complaints. This is offset by a £200k underspend within community halls and R&M forecast.
- **Special Services** - the overspend (£2.475m) mainly relates to gas and electricity. Energy prices have significantly increased for 2023/24 which has been reflected in the forecast. Also, there is an overspend on lift repairs due to works required on maintenance and renewal. The lift procurement contract has been delayed resulting in a forecast overspend. There is also a forecast overspend on ground maintenance due to additional agency staff and forecast increased spend on hardware maintenance fees.

The repairs contract centre (RCC) is forecast to overspend by £300k but this could increase during the rest of the year. The volume of phone calls is significantly high and we are yet to enter the winter period which is usually the peak time of the year. The overspend is being driven by the increased demand in the number of reactive

repairs, including damp and mould works along with average length of the phone calls.

- **Supervision and Management** - there is an underspend due to a reduction in allowances to be paid to TMO's as service responsibilities were handed back to the Council after the 2023/24 budget was set. Also there are a number of vacancies within Asset Management - a recruitment drive is currently underway though and staff are expected to be in place for the last quarter of the year. There are also some additional forecast overspends in other areas including £200k on the call centre.
- **Rents, Rates, Taxes and Other Charges** - the variance is mainly due to an increase in the cost forecast for business rates on Community Halls and Housing Management Offices. There has been minimal change since the August forecast.

#### 14.4 **Variances from the Previous Month**

**Special Services** - the forecasts for utilities on Community Halls have been adjusted positively by £215k to reflect the fact actual bills have now been issued and credits applied to the accounts.

**Supervision and Management** - the adverse movement in the forecast of £398k from the previous period is predominantly due to increased staffing costs across all service areas.

#### 14.5 **Management Actions to reduce the overspend in 2023/24**

Heads of Service are continually reviewing their overspends and working to identify strategies to mitigate the level of overspend. The Strategic Director will review all service areas to hold non essential spend to mitigate the overspending areas. A review of non-essential spend will be carried out in order to identify further savings.

#### 14.6 **Risks**

Area	Amount £000's
Bills relating to gas and electricity are often based on estimated usage. If the estimates are higher than the usage assumed in the budgets there may be a risk to the HRA. The estimated charges are yet to be verified by the Energy Management Team.	TBC
The 2023/24 pay award is yet to be agreed by trade unions, however the current award would add an additional £2m to the cost of the HRA. There are currently a number of areas of spend under review within the HRA, unless additional efficiencies can be identified the additional cost may need to be funded from Reserves.	2,000
DLO - the forecast overspend could increase up to £1.9m, this may be offset against the capitalisation of revenue works.	0
	<b>2,000</b>

There remain several other risks within the HRA budgets which could have a further financial impact as detailed in the commentary above. These will be continuously monitored and communicated to Senior Management as the year progresses. In addition, these risks will be fed into the HRA 30 Year Business Plan. The Business Plan is being reviewed and updated over the next few months and will then set a strategic level budget for 2024/25 to inform detailed budget setting.

### **Appendices**

Appendix 1: Business Rates Retention and Pooling

### **Background documents**

None.

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**BUSINESS RATES RETENTION AND POOLING 2023-24**

1. The Local Business Rate retention scheme came into effect from 2013/14 as part of the changes to Local Government funding in the Local Government Finance Act 2012.
2. In essence, the scheme allowed Local Government to keep 50% of any Business Rate growth from its baseline position. For Hackney and all other London Boroughs the remaining 50% share was split on a 60/40 basis with the Greater London Authority (GLA). Over the period 2016/17 until 2020/21, there have been various changes to the proportion of the funding that Hackney and the GLA can retain but since 2020-21, the proportions have been fixed at Hackney 30%, GLA 37%; and Central Government 33%.
3. In 2020/21, even though the financial benefits of the London Business Rates Retention and Pooling Pilot scheme were expected to be lower than in previous years, the boroughs decided to continue with the pooling arrangement. This decision in part was made for strategic reasons as boroughs regarded the scheme as a key milestone on the journey towards greater fiscal and functional devolution, demonstrating the clear benefits of collective working between London authorities. However, the onset of the pandemic during 2020/21 had a significant impact on the collection of business rates, which led to an estimated £14.2m loss to be shared by pool participants. Further modelling for future years showed a mix of risks across London, which, matched with the comparatively estimated low level of financial return meant that it was agreed that the London Pool would not continue in 2021/22. No plans have been made to reconstitute the London Pool since then.
4. However, given the way pools work, there was an opportunity for a smaller and more localised pooling arrangement in London in 2022/23, to generate additional income for the pooling boroughs with a very limited risk. Hackney joined this scheme together with the City of London Corporation, Tower Hamlets, Brent, Barnet, Enfield, Haringey and Waltham Forest. A similar opportunity existed for 2023/24 and continues to exist in 2024/25. This report proposes that as in 2022/23 and 2023/24, we join the Localised Pooling scheme in 2024/25
5. The scheme is identical to that in 2022/23 and 2023/24 and will continue to generate additional income with very limited risk.
6. It should be noted that forming a pool in no way dilutes the sovereignty of each participating authority as each is still responsible for the collection of business rates within its locality. However, forming a pool alters the framework which determines how much business rate income is retained locally with the aim of increasing this amount.

7. The way the Pool operates and its advantages have been set out previously in various reports but suffice to say, detailed research by the Pool's advisers (who were also advisers to the London wide pool), London Futures, has determined a composition of boroughs which will maximise the financial benefit to the participating boroughs in 2024/25. The composition is the same as in 2023-24 and 2024-25
8. Given the benefits and risks (set out below), Hackney along with all the boroughs communicated its intent to join the scheme in early October 2023. However this does not mean that we are committed to joining the scheme. All members of the Pool will be able to review their positions and withdraw from the scheme if necessary. The cut-off date for withdrawal is 28 days after the 2024-25 Provisional Settlement is announced (likely to be in mid December). So this will give us the opportunity to assess the impact of the 2024-25 Provisional Settlement on the viability of the scheme before we are committed to the scheme.
9. As stated previously, there is a significant financial benefit from localised pooling in 2024/25 as there was in 2022/23 and 2023/24. The Pool's advisers have forecast that the scheme will deliver £1.6m to £2m to the Council in 2024/25. In 2022-23 and 2023-24, we received a financial benefit, estimated to be £5.1m over the two years
10. Turning to the risks, these remain limited whilst there could be an impact from the cost of living crisis. In order to lose all business rate growth, the City Corporation would need to experience a 20% loss in the value of business rates, something which has not been experienced to date. Also, the business rate system has a floor funding level, which the pool will become responsible for should participating authorities fall below this level. These payments would be triggered with significant reductions in business rate income. The make-up of the selected authorities though, makes this circumstance unlikely.
11. In view of the benefits and limited risks, it is proposed the LBH continues in the localised pool in 2024/25 along with the 2023/24 participants. The agreed distribution agreed in 2022/23 will be rolled forward into 2024-25, i.e.the City will receive 40% of the financial benefit (appropriate as the City is taking most of the risk) with the balance being shared out to the remaining boroughs on the basis of equal shares.
12. The detailed recommendations which require approval for Hackney to participate in the pool are listed below and Cabinet is asked to approve these.

### **Recommendations**

- 3.1 **To delegate the authority to the Mayor and Interim Group Director of Finance to accept the designation by the Secretary of State as an authority within the London Business Rates Pilot Pool pursuant to 34(7)(1) of Schedule 7B Local Government Finance Act 1988. The designation will be published alongside the 2024-25 Provisional Local Government Finance Settlement in December 2023.**



- 3.2 To participate in the Local London Business Rate Pool as described above with effect from 1 April 2024 to 31 March 2025;**
- 3.3 To delegate the authority administrative functions as a billing authority pursuant to the Non-Domestic Rating (Rates Retention) Regulations 2013, to the City of London Corporation ("COLC") acting as the Lead Authority;**
- 3.4 To authorise the Lead Authority to sub-contract certain ancillary administrative functions [regarding the financial transactions [payment of tariffs and top-ups] within the Pool to the GLA as it considers expedient];**
- 3.5 To delegate authority to the Interim Group Director of Finance in consultation with the Mayor to withdraw from the scheme if this proves necessary (i.e. depending on the outcome of the 2024-25 Provisional Local Government Finance Settlement.);**
- 3.6 To delegate authority to the Group Director of Finance in consultation with the Mayor to agree to the operational details of the pooling arrangements with the participating authorities;**
- 3.7 To authorise the Mayor to represent the authority in relation to consultations regarding the London Business Rates Pilot Pool consultative as may be undertaken by the Lead Authority pursuant to the Memorandum of Understanding.**

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<b>Title of Report</b>	Hackney Hate Crime Strategy (HCS) 2023/26		
<b>Key Decision No</b>	CHE S277		
<b>For Consideration By</b>	Cabinet		
<b>Meeting Date</b>	27 November 2023		
<b>Cabinet Member</b>	Cllr Susan Fajana Thomas OBE, Cabinet Member for Community Safety and Regulatory Services		
<b>Classification</b>	Open		
<b>Ward(s) Affected</b>	All		
<b>Key Decision &amp; Reason</b>	<table border="1" style="width: 100%;"> <tr> <td style="width: 20%;">Yes</td> <td>Significant in terms of its effects on communities living or working in an area comprising two or more wards</td> </tr> </table>	Yes	Significant in terms of its effects on communities living or working in an area comprising two or more wards
Yes	Significant in terms of its effects on communities living or working in an area comprising two or more wards		
<b>Implementation Date if Not Called In</b>	4th December 2023		
<b>Group</b>	Rickardo Hyatt , Group Director, Climate, Homes and Economy.		

**1. Cabinet Member's introduction**

- 1.1. I am pleased to present the Hackney Hate Crime (HHC) strategy for approval.
- 1.2. This document sets out four main objectives to ensure that those that are victims are supported by key stakeholders are every part of the process.
- 1.3. Contained within the document are the following objectives:-
  - To increase the reporting of hate crime and incidents by making it easier for those affected to report hate.
  - Protecting people from harm by implementing an integrated first class response and ongoing support to survivors and communities affected by hate.
  - Building community trust and confidence by improving support for the victims of hate.
  - Preventing hate crime by tackling the beliefs and attitudes that can lead to hate crime.
- 1.4 Each of the objectives contains direct interventions that will ensure sustainable action for the benefit of people in Hackney.

1.5. The interventions include:-

- The implementation of Community Hate Crime Champions.
- Our continued support of Hate Crime Awareness Week, which is in October of each year.
- The creation of a Hate Crime Community Forum to ensure that our communities have their concerns listened to and acted upon.
- Continued support to the Heartstone school “story circles” in support of our young people to recognise and challenge prejudice.

1.6. Finally, we have consulted with many individuals and groups to ensure that the strategy meets their needs. These include:-

- Hackney Safer Neighbourhood Board.
- Hackney CVS- LGBTQI plus forum.
- A Community event attended by key community stakeholders and councillors.
- The Hackney Shomrim.
- The Hackney Advisory Round Table.
- Hackney Policy and Strategy Group.
- Hackney Community Safety Statutory Officers Group.

2. **Group Director's introduction**

- 2.1. The Hackney Hate Crime Strategy 2023/26 brings together a range of partnership interventions under four main objectives.
- 2.2. The Community Safety Statutory Officers Group will provide strategic oversight of the delivery of the objectives contained within a Hate Crime Action Plan.
- 2.3. The HCS also attempts to place victims of hate crime at the centre of our approach by ensuring that their needs are identified and addressed.
- 2.4. The delivery of a first class service to victims of hate crime is dependent upon effective internal and external partnerships that work in an integrated way to prevent hate crime whilst bringing offenders to justice. This strategy goes some way to achieving this aim.
- 2.5. Therefore, I recommend that the Hackney Hate Crime Strategy is approved by Cabinet.

3. **Recommendations**

**It is recommended that Cabinet:**

- 3.1 **Approves the Hackney Hate Crime Strategy 2023/26.**

4. **Reason(s) for decision**

- 4.1. 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.

5. **Details of alternative options considered and rejected**

- 5.1. Not applicable.

6. **Background**

Policy Context

- 6.1. The Hackney Hate Crime Strategy 2023/26 replaces the previous strategy.
- 6.2. The Hate Crime Strategy (HCS) will be monitored at the Community Safety Statutory Officers Group and via the soon to be created Hackney Hate Crime Forum.
- 6.3. The HCS contains four objectives (*ibid*) together with an action plan that supports the delivery of the objectives.

Sustainability and climate change

- 6.4. Not Applicable

Consultation

- 6.5. It was agreed that consultation with key community stakeholders and groups was the most effective method of seeking feedback. This decision was taken following a very low response rate to the formal consultation associated with the previous Hate Crime Strategy. The feedback of the key stakeholders was incorporated into the Hate Crime Strategy
- Hackney Safer Neighbourhood Board (SNB). The Hate Crime Strategy was an agenda item at the SNB meeting attended by a variety of community representatives including, Ward Panels, Shomrim, Community LGBTQI Plus, Police, Neighbourhood Watch, Victim Support.
  - Hackney CVS- LGBTQI plus forum. This was taken to the LGBTQI forum but the HCVS representative and feedback provided to inform the strategy.
  - A Community event attended by key community stakeholders and councillors. Representation was from a cross section of our diverse communities in Hackney. This event was held within Hackney Town Hall and attended by representatives from all of our diverse communities. This event was primarily focused onto scrutinising the Hate Crime Strategy with improvement in mind.

- The Hackney Shomrim were consulted with via the President of Shomrim taking the document to the Shomrim Forum and providing them with the opportunity to feed back any areas suitable for amendment,
- The Hackney Advisory Round Table was consulted with by our Prevent Programme Officer and feedback provided.
- Hackney Policy and Strategy Group. The Hate Crime Strategy was an agenda item at the Policy and Strategy Group and all members were given the opportunity to provide amendments to the document.
- Hackney Community Safety Statutory Officers Group. The Hate Crime Strategy was supported and signed off at this forum.
- Muslim Communities via our North London Mosque network were consulted at the SNB and during the Hate Crime Community event.

7. **Comments of the Group Director of Finance and Corporate Resources.**

- 7.1. Budget is held within the Community Safety, Enforcement and Business Regulation Service.

8. **VAT implications on land and property transactions**

- 8.1. None

9. **Comments of the Acting Director of Legal, Democratic and Electoral Services**

- 9.1 Currently the Mayor's scheme of delegation reserves to the Mayor and Cabinet, approval of all corporate policies and strategies and all formal service strategies.
- 9.2 The Mayor and Cabinet are authorised to approve the recommendation set out in 3.1 of this report.

10. **Equality Impact Assessment**

- 10.1 The Hate Crime Strategy will have a positive impact on our diverse communities as it covers the statutory range of protected characteristics defined by the Equality Act 2010 and delivers an integrated partnership approach to ensure that we encourage reporting of hate crime whilst ensuring that we provide a service to survivors that meets their needs.
- 10.2 The corresponding Hate Crime Delivery Plan does not discriminate against any group by providing a service to everyone who may be affected by hate crime in Hackney. The Hackney Hate Crime Forum will have representation from all of our diverse communities that are contained within the Equality Act 2010 to ensure that everyone is provided an effective response to their hate crime concerns.

## **Appendices**

Appendix 1 - Hackney Hate Crime Strategy 2023 to 2026

Appendix 2 - Equality Impact Assessment

## **Background documents**

None

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**NO  
PLACE  
FOR  
HATE**

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# Foreword

The prevention of Hate Crime in Hackney is one of our main priorities and we are committed to working with partners, including our communities, to ensure that Hackney is “No Place for Hate” and that survivors receive a response that is first class, first time, every time.

I am pleased that reducing hate-motivated crime in Hackney is a priority, which is why we have appointed a Councillor as our “No Place for Hate” Champion. Cllr Joseph Ogundemuren is committed to working with me and the community to make sure our borough is free from hate.

Hackney is a vibrant and diverse community which is renowned for its community cohesion and staunch commitment to opposing hate crime in all its forms. That is why our Hate Crime Strategy 2023 to 2026 will ensure that survivors and communities affected by hate crime will receive an integrated partnership response that is sensitive to their needs and proactive in protecting them from Hate.

I am pleased to say that since our last strategy we have invested in the position of a Hate Crime Coordinator who has already made significant strides to enhance our excellent relationships with our diverse communities whilst influencing key stakeholders to respond effectively to hate crime whilst placing victims at the centre of our service.

In addition, we have also delivered many hate crime awareness interventions together with community consultation to ensure that our communities are listened to and they are able to shape our priorities in a way that meets their needs. In particular we received positive feedback from our communities in response to our activities during the October 2022 Hate Crime Awareness Week and we intend to

deliver an array of community focussed events throughout the year to continue with to support and empower communities to stand together to reduce hate crime in Hackney.

In the coming year I intend to introduce a volunteer Hate Crime Champions initiative in Hackney to be a visible, supporting presence in our Hackney communities and to act as the main point of contact for anyone wanting to discuss a hate crime or get advice. In addition we will introduce a Hate Crime Forum to be attended by community representatives to ensure that we are held accountable by the community for the delivery of this strategy.

I am, therefore, pleased to present our Hackney “No Place for Hate” Strategy, together with our corresponding priorities. I am determined to act on your behalf to ensure that this strategy delivers on our priorities to make Hackney Safer.

This will go a long way to ensuring that our response to Hate Crime is integrated, community focused and is able to make a real positive difference to people’s lives by taking a firm stance in making Hackney No Place for Hate.



A handwritten signature in black ink, appearing to read 'Susan'.

**Cllr Susan  
Fajana-Thomas OBE**



A handwritten signature in black ink, appearing to read 'Joseph'.

**Cllr Joseph  
Ogundemuren**

# Knowing our Communities in Hackney

The London Borough of Hackney has a diverse and vibrant community and is one of the most diverse areas in London. The population of Hackney has increased in size by 5.3 % from around 246,300 in 2011 to 259,200 in 2021. Hackney is the third most densely populated of the 33 local authorities in London (Appendix A).

We have a well established Caribbean, Turkish and Kurdish, Vietnamese and Orthodox Jewish communities as well as communities of people from African countries and Eastern Europe. The 2011 Census estimates Hackney's population to be 246,300 which is expected to grow to 316,500 by 2041. Around 40 % of the population come from Black and Global Majority groups with the largest group (approximately 20 %) being Black or Black British and 36 % of the population are White British and 16 % are "other White."

Hackney has one the largest communities of Orthodox Jewish people in Europe who predominantly live in the north east of the

borough and represent 7 % of the borough's overall population. At least 4.5 % of Hackney's residents are of Turkish heritage and are mainly concentrated in the South, East and Central parts of the borough. At least 89 different languages are spoken in the borough.

Hackney is a relatively young borough with 25 % of its population under 20 and a further 23 % aged between 20-29 years old. People aged over 55 make up 18 % of the population. According to the 2011 Census, 14.6 % of the population of Hackney or 35,709 people, reported that they were disabled or that they experienced long-term limiting illnesses.

Hackney's communities represent a diversity of religions and beliefs. Nearly 40 % say that they are Christian, 28 % say they have no religious belief, 14 % say they are Muslim and 6 % say they are Jewish.

We have a well established and thriving LGBTQIA+ community in Hackney and whilst progress has been made over a number of years to increase hate crime reporting there is still much to be done. Both the fear and experience of being a victim of hate is still too high and can dramatically affect the quality of life of our LGBTQIA+ communities.

Hackney and our partners are determined to tackle all forms of hate crime and incidents working in partnership, to hold perpetrators to account, support victims and to ensure that we do this as quickly as possible, whilst maintaining open communication with victims to support them through the process.



# What is a Hate Crime and Hate Incident ?

## **A hate crime or incident takes place when someone is targeted because of their:**

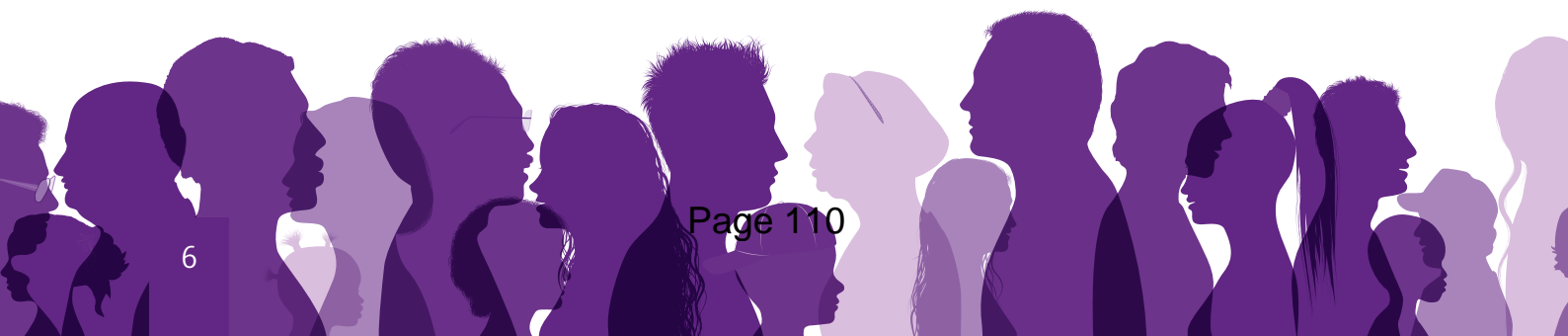
- religion or belief
- race or ethnic identity
- immigration status or nationality
- gender or gender identity
- disability
- sexual orientation

A hate crime is any criminal offence which is perceived by the survivor or any other person to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability or motivated by "hostility or prejudice" against a person who is transgender or perceived to be transgender.

Any criminal offence can be a hate crime if the person who commits it intends to harm an individual, group or community, because of their actual or perceived characteristics.

A hate incident is any incident which does not meet the criminal threshold but the survivor, or anyone else, thinks is based on someone's prejudice towards them because of their race, religion, sexual orientation, disability or because they are transgender.

In Hackney we are determined to ensure that everyone receives the support they need regardless of whether they are reporting a Hate Crime or Incident. That is why we have worked with the Police to ensure that they record all incidents of Hate as we know the importance of early identification to prevent further incidents.



# Hate crime context

In 2019/20, there were 105,090 hate crime offences recorded nationally, by the police, in England and Wales. Much of this increase has been driven by significant improvements in crime recording by the police but there have been spikes following on from certain events such as the EU Referendum and other world events that have impacted on hate crime incidents. The table below shows the year on year increases in hate crimes across England and Wales from 2012 to 2020. (Appendix B).

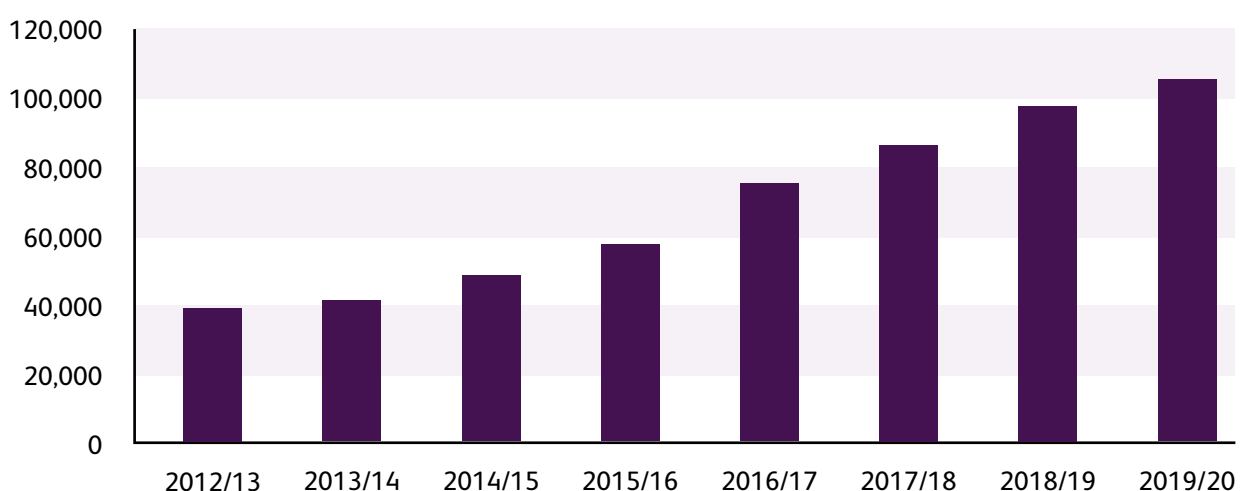
As in previous years, the majority of hate crimes were race hate crimes, accounting for around three-quarters of offences (72%; 76,070 offences). These increased by six per cent between year ending March 2019 and year ending March 2020.

Religious hate crimes fell by five per cent (to 6,822 offences), down from a peak of 7,203 in the previous year. This was the first fall in religious hate crimes since the year ending March 2013.

Sexual orientation hate crimes increased 19 per cent (to 15,835), disability hate crimes by nine per cent (to 8,469) and transgender identity hate crimes by 16 per cent (to 2,540). These percentage increases are smaller than seen in recent years.

We are aware that Hate Crime is notoriously underreported and we have been working closely with our diverse communities to raise the awareness of hate crime and to support survivors to report incidents to ensure that support is provided to all survivors.

That is one of the reasons why we have seen an increase in reports of hate crime in Hackney over the last three years in line with national hate crime trends. It is crucial that we continue to encourage hate crime reporting to ensure that we have an accurate picture of incidents to effectively inform our partnership response. Our “No Place for Hate” Strategy will, therefore, incorporate increased reporting as one of its main priorities.



# Our Successes

Improving awareness of the impact of discrimination, prejudice and hate for school children and tackling this at the earliest opportunity.

We worked in partnership with the Heartstone 'Story Circles' Project to educate and support young people in finding solutions to tackling discrimination, prejudice and hate behaviours. The project has been successfully delivered to over 300 young people aged 9 - 12 from January to July 2022. The Project is currently running in its second year, 2023, with another 300+ young people, with more schools involved than in 2022.

## **Improving security in places of worship.**

We supported several of our Faith communities to secure Home Office funding to enhance security at four of our places of worship in 2022. This has increased their engagement with us and enhanced engagement opportunities with them. One of the positive outcomes is future participation in our Hate Crime Champions Scheme. Over the coming years, we will continue to work with our Faith communities to support trust and confidence in their reporting of hate crimes.

## **Enhance staff knowledge of hate incidents/crimes and how to improve support to victims.**

Over 25 workshops have taken place across our council department teams to enhance staff awareness, resulting in regular consultation with our Hate Crime Coordinator, for advice on supporting victims of hate crime and identifying perpetrator motivation and hostility.

## **Increase community engagement and knowledge of hate incidents/crimes.**

We have participated in National Hate Awareness Weeks in October 2021 and 2022, supporting community awareness of hate incidents/crimes, using these and other public engagement events to raise awareness of hate crime reporting, and options available for community members to seek support.

Two hate crime information films were produced in 2021 and 2022 to support community messaging of the importance of reporting hate crimes. Each of the films were launched ahead of Hate Crime Awareness Week to improve awareness of the difference between hate incidents/crimes, reporting options and support available to victims and witnesses.

## **Improve our awareness of where hate incidents/crimes are taking place.**

Working with our police partners, Housing and Neighbourhood Teams, we have been able to identify and focus on hotspot areas across the borough. This has resulted in increased patrols and proactive use of CCTV to monitor and better respond to incidents when they are identified. This has supported our targeting of Community Enforcement Officers and the local Police.



## **Dealing effectively with perpetrators.**

In partnership with our Police partners, we have identified and brought to justice several antisemitic hate crime perpetrators that had been targeting members of our Orthodox Jewish community. One of these involved tracing the perpetrator via social media, resulting in charges and sentencing of the perpetrator, demonstrating to our Jewish community that reports are actioned swiftly, supporting community confidence of how we deal with hate crimes.

Our Hate Crime Coordinator is fully engaged with and supports our Antisocial Behaviour Case Review Panel process, giving advice and identifying hate incident reports. This has improved identification of perpetrator motivation and triggered police investigations in at least 20 cases. This supports community confidence in bringing the perpetrator/s to justice, where the victim or witness has agreed to support the investigation process.

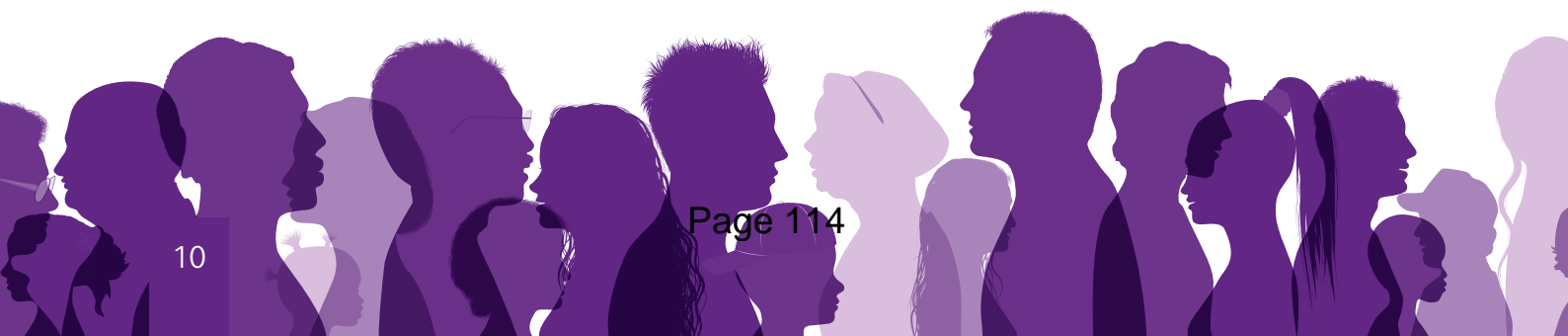
## **Improve engagement with our vulnerable communities.**

We have delivered hate crime workshops to our Hong Kong and South East Asian communities to support their awareness of our response to hate crimes. This community was particularly negatively impacted during the period of the Covid pandemic and were subjected to violent hate incidents and crimes on a regular basis. As a result of these workshops, there is renewed engagement and greater openness for partnership working opportunities.



# Our Vision for Hackney

“We will work with our partners, communities and survivors to ensure that Hate crime is not tolerated and Hackney is “No Place for Hate”. This will be achieved by working in partnership to increase hate crime reporting, providing a first class response to those targeted by such crimes, preventing its occurrence, whilst bringing perpetrators to justice.”



# Hackney is “No Place for Hate” Priorities

Hackney’s No Place for Hate Strategy recognises that our communities will not accept or tolerate the disempowering impact that hate crimes and incidents have on victims. We know that hate crimes and incidents create fear, division, mistrust and destabilises our community cohesion. That is why we have listened to survivors and community representative to identify the following priorities:-

1. To increase the reporting of hate crime and incidents by making it easier for those affected to report hate.
2. Protecting people from harm by implementing an integrated first class response and ongoing support to survivors and communities affected by hate.
3. Building community trust and confidence by improving support for the victims of hate.
4. Preventing hate crime by tackling the beliefs and attitudes that can lead to hate crime.

Our priorities have been identified having considered the tenets of the London Mayor’s Office for Policing and Crime together with the Home Office Hate Crime Strategies (Appendix C)



# Delivering our “No Place for Hate” Priorities

Hackney’s “No Place for Hate” Strategy will ensure that the voices of those affected by hate crime are heard and effectively responded to. This will be achieved by ensuring that all partners act in an integrated way to take responsibility to tackle Hate crime whilst supporting survivors.

Progress towards the delivery of our priorities will be monitored at the Community Safety Partnership Statutory Officer Group and through local community scrutiny including the Hate Crime Forum. Our priorities and deliverables include:-

## 1. **To increase the reporting of hate crime by making it easier for those affected to report hate crime.**

- To work with our diverse communities to identify reporting barriers and to seek their support and guidance to increase hate crime reporting.
- We will undertake a number of community hate crime and incident awareness sessions to highlight the importance of hate crime reporting.
- We will ensure there is clear knowledge and understanding of the differences between hate crimes and hate incidents through presentations to community groups and networks.
- Implementation of an effective communication process that supports information sharing across our partnership to address hate incidents and crimes.

- To raise the awareness of the effectiveness of third party and confidential reporting mechanisms.
  - We will establish and implement a Hate Crime Media Strategy to support Hate crime reporting in Hackney.
  - Working with our Hackney Young Futures and other community youth projects we will ensure that young people have a voice in the process and know how to report hate crime.
  - We deliver hate crime awareness training to our front-line staff and partners including Enforcement and Housing Officers.
  - Develop programmes to work across school groups to facilitate diversity dialogues across school year programmes
- ## 2. **Protecting people from harm by implementing an integrated first class response and ongoing support to survivors and communities affected by hate crime.**
- Analyse community safety partnership data on hate crime patterns, hotspots, and perpetrators to enable the council to act to prevent hate crime.
  - We will monitor all reports of hate crime to ensure that our response is integrated, coordinated and meets the needs of survivors.



- Provide a consistent and coordinated response to perpetrators of hate crime within council owned housing and housing association properties.
- Improve support for victims of hate crime and reduce repeat victimisation.
- To keep victims informed of the progress of their case via regular communication and contact with the relevant and appropriate people and support organisations.
- To work with local businesses and organisations to establish a network of designated places of safety across the Borough
- To deal effectively with those who perpetrate hate crimes and to engage with those that are responsible for hate incidents, to hold them to account and where necessary to utilise our range of civil remedies
- Making best use of our community led Safer Neighbourhood Board, CCTV and Enforcement Officers to support collection of intelligence and collaborative work with our police partners in gathering evidence to deal with perpetrators.

### 3. **Building community trust and confidence by improving support for the victims of hate crime.**

- To establish Hate Crime Champions across the borough who will be able to support and advise survivors and witnesses subject to hate incidents and crimes.
- Create safe places where victims and witnesses can access support, advice and seek protection if they feel they are in danger.
- To introduce a local Hate Crime Forum, consisting of community members, represented across the protected characteristic, to support the key aims of our Hate Crime Strategy and to provide regular updates of community concerns with regard to specific hate crime categories.
- To monitor and give feedback to survivors and our communities of successes in dealing with perpetrators of hate.
- Provide specialist support to victims of hate crime in collaboration with our internal and external partner agencies, such as ,MIND, Age Concern, Stop Hate UK and CATCH.
- Encourage community cohesion activities through increased engagement during Hate Crime Awareness Week and the use of social media.
- Increase educational hate crime workshops for young people raising awareness.
- To utilise the support of our Hackney Faith Forum to challenge and provide feedback on our approach with improvement in mind.

#### 4. **Preventing hate crime by tackling the beliefs and attitudes that can lead to hate crime.**

- To deliver training and support to our designated Hate Crime Champions, supported through our local Hate Crime Forum.
- To provide our support to diversity awareness campaigns such as Hate Crime Awareness Week to highlight the negative impact of hate whilst celebrating difference.
- Through the work of the Hate Crime Champions we will encourage greater cultural understanding to celebrate diversity within the borough.
- Working with the Police we will target online hate crime, making the internet a safer space for residents.
- We will introduce quarterly Hate Crime Advice Surgery, in partnership with community organisations covering each strand of hate crime. The surgeries are

a confidential drop-in service for victims of hate crime to be offered advice and support.

- A hate crime information leaflet and wallet card will be developed, which signpost victims to appropriate support services across the different strands of hate crime.

# Conclusion

The Hackney “No Place for Hate” Strategy clearly sets out our priorities and commitment to people in Hackney to ensure that we are effective in delivering an integrated partnership approach to tackle Hate in a way that places survivors’ needs at the centre of our response.

Having listened to community feedback we have identified a number of strategic priorities that will go a long way to raising the awareness of the devastating impact of hate whilst encouraging survivors and witnesses to report hate whenever and wherever they see it.

The strategy is complemented with explicit delivery interventions that will ensure that the priorities contained within the plan are effectively progressed. Progress will be monitored at the Community Safety Partnership Statutory Officers Group and at the soon to be constituted Community Hate Crime Forum and through local scrutiny supported by our Hate Crime Champions.

Finally, it is our intention that this strategy enhances our community relationships in a way that empowers people in Hackney to safely tackle hate, by changing behaviour amongst people of all ages and backgrounds to collectively stand united against hate to make Hackney No Place for Hate.



# Appendices

1. Appendix A- “Knowing our Communities”  
<https://hackney.gov.uk/knowing-our-communities>
2. Appendix B- National Hate Crime Data  
<https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2021-to-2022/hate-crime-england-and-wales-2021-to-2022>
3. Appendix C- MOPAC and Home Office Hate Crime Strategies <https://www.london.gov.uk/publications/police-and-crime-plan-2021-25>

# Notes



A handprint is visible on a background of cracked glass. A white rectangular box is superimposed over the handprint, containing the text "NO PLACE FOR HATE" in bold, black, sans-serif capital letters. The text is arranged in four lines: "NO", "PLACE", "FOR", and "HATE".

**NO  
PLACE  
FOR  
HATE**



## **STEP 1: DEFINING THE ISSUE**

The Hackney Hate Crime Strategy 2023/26 is required to be implemented on the expiration of the Hate Crime Strategy 2020/23, and contains our vision, objectives and delivery structure to support our commitment to make Hackney “No Place for Hate”.

This strategy outlines our reducing hate crime objectives for 2023/26 and includes:-

1. To increase the reporting of hate crime and incidents by making it easier for those affected to report hate.
2. Protecting people from harm by implementing an integrated first class response and ongoing support to survivors and communities affected by hate.
3. Building community trust and confidence by improving support for the victims of hate.
4. Preventing hate crime by tackling the beliefs and attitudes that can lead to hate crime.

The Protected Characteristics outlined within legislation include:-

- race
- religion
- sexual orientation
- transgender identity
- disability

In addition to those people covered by the definition of Protected Characteristics this strategy is aimed at making the lives of everyone in Hackney safer and free from Hate. Therefore, this includes residents, staff and anyone in Hackney.

## **STEP 2: ANALYSING THE ISSUES**

### **2. What information and consultation have you used to inform your decision making?**

- 1.1. It was agreed that consultation with key community stakeholders and groups was the most effective method of seeking feedback. This decision was taken following a very low response rate to the formal consultation associated with the previous Hate Crime Strategy. The feedback of the key stakeholders was incorporated into the Hate Crime Strategy

- Hackney Safer Neighbourhood Board (SNB). The Hate Crime Strategy was an agenda item at the SNB meeting attended by a variety of community representatives including, Ward Panels, Shomrim, Community LGBTQI Plus, Police, Neighbourhood Watch, Victim Support.
- Hackney CVS- LGBTQI plus forum. This was taken to the LGBTQI forum but the HCVS representative and feedback provided to inform the strategy.
- A Community event attended by key community stakeholders and councillors. Representation was from a cross section of our diverse communities in Hackney. This event was held within Hackney Town Hall and attended by representatives from all of our diverse communities. This event was primarily focused on scrutinising the Hate Crime Strategy with improvement in mind.
- The Hackney Shomrim were consulted with via the President of Shomrim taking the document to the Shomrim Forum and providing them with the opportunity to feed back any areas of suitable for amendment,
- The Hackney Advisory Round Table was consulted with by our Prevent Programme Officer and feedback provided.
- Hackney Policy and Strategy Group. The Hate Crime Strategy was an agenda item at the Policy and Strategy Group and all members were given the opportunity to provide amendments to the document.
- Hackney Community Safety Statutory Officers Group. The Hate Crime Strategy was supported and signed off at this forum.
- Muslim Communities via our North London Mosque network were consulted at the SNB and during the Hate Crime Community event.

### Equality Impacts

The Council has considered the potential impact of the injunction of those with protected characteristics as defined by section 4 of the Equality Act 2010. This impact is summarised in the table below:

<b>Age</b>	<b>A person of a particular age or being within an age group</b>
<b>Disability</b>	<b>A person has a disability if s/he has a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities.</b>
	As set out above, the impact on all members of the community has been considered and the following reasonable adjustments have been made. <ul style="list-style-type: none"> <li>● The HCS includes a process for third party reporting of incidents online through True Vision.</li> </ul>

	<ul style="list-style-type: none"> <li>Options to report a Hate Crime to the Police can be accessed via the police 101 telephone number, 999 in an emergency and online At <a href="https://www.met.police.uk/report-hate-crime">Met.Police.Uk/report hate crime</a>.</li> <li>LBH has identified and published a <a href="mailto:noplaceforhate@hackney.gov.uk">noplaceforhate@hackney.gov.Uk</a> email address to support people who may need advice and guidance to report hate crime.</li> </ul>
<b>Gender reassignment</b>	<b>This is the process of transitioning from one sex to another. This includes person who consider themselves to be trans, transgender, transsexual.</b>
	We have undertaken work to raise the awareness of supporting LGBTQI plus communities to report hate crimes particularly through campaigns in our night time economies in Shoreditch and Dalston. We have also gained the support of Hackney CVS to disseminate third party reporting mechanisms within the LGBTQI plus communities and we intend to implement a Community Hate Crime Forum with representatives from our LGBTQI plus communities. In addition we have implemented Community Hate Crime Champions in Hackney covering all Protected Characteristics to ensure that our service meets the diverse needs of our communities.
<b>Marriage and civil partnership</b>	<b>Marriage: a union between a man and a woman, or of the same sex, which is legally recognised in the UK as a marriage.</b> <b>Civil partnership: civil partners must be treated the same as married couples on a range of legal matters.</b>
	Marriage and Civil Partnership does not form part of the Hate Crime Strategy as it is not yet a Protected Characteristic.
<b>Race</b>	<b>A group of people defined by their colour, nationality (including citizenship), ethnic origins or race</b>
	Hate Crime associated with race has the highest number of reports across all characteristics. The Hate Crime Strategy 2023/26 has/will implement the following interventions to support people who may be experiencing race hate:- <ul style="list-style-type: none"> <li>To work with our diverse communities to identify reporting barriers and to seek their support and guidance to increase hate crime reporting.</li> <li>We will undertake a number of community hate crime and incident awareness sessions to highlight the importance of hate crime reporting.</li> </ul>



	<ul style="list-style-type: none"> <li>● We will ensure there is clear knowledge and understanding of the differences between hate crimes and hate incidents through presentations to community groups and networks.</li> <li>● Implementation of an effective communication process that supports information sharing across our partnership to address hate incidents and crimes.</li> <li>● To raise the awareness of the effectiveness of third party and confidential reporting mechanisms.</li> <li>● We will establish and implement a Hate Crime Media Strategy to support Hate crime reporting in Hackney.</li> <li>● Working with our Hackney Young Futures and other community youth projects we will ensure that young people have a voice in the process and know how to report hate crime.</li> <li>● We deliver hate crime awareness training to our front-line staff and partners including Enforcement and Housing Officers.</li> <li>● Develop programmes to work across school groups to facilitate diversity dialogues across school year programmes</li> </ul>
<p><b>Religion or belief</b></p>	<p><b>Religion means any religion. Belief includes religious and philosophical beliefs including lack of belief (for example Atheism)</b></p>
	<p>Religious hate crime receives the second highest reports of hate crime in Hackney either through formal or third party reporting channels. Therefore the Hate Crime Strategy 2023/26 is focused upon supporting people to report hate crime whilst receiving an integrated service from partners to alleviate their concerns. Are interventions will include:-</p> <ul style="list-style-type: none"> <li>● To establish Hate Crime Champions across the borough who will be able to support and advise survivors and witnesses subject to hate incidents and crimes.</li> <li>● Create safe places where victims and witnesses can access support, advice and seek protection if they feel they are in danger.</li> <li>● To introduce a local Hate Crime Forum, consisting of community members, represented across the protected characteristic, to support the key aims of our Hate Crime Strategy and to provide regular updates of community concerns with regard to specific hate crime categories.</li> <li>● To monitor and give feedback to survivors and our communities of successes in dealing with perpetrators of hate.</li> <li>● Provide specialist support to victims of hate crime in collaboration with our internal and external partner</li> </ul>

	<p>agencies, such as ,MIND, Age Concern, Stop Hate UK and CATCH.</p> <ul style="list-style-type: none"> <li>● Encourage community cohesion activities through increased engagement during Hate Crime Awareness Week and the use of social media.</li> <li>● Increase educational hate crime workshops for young people raising awareness of faith based Hate.</li> <li>● To utilise the support of our Hackney Faith Forum to challenge and provide feedback on our approach with improvement in mind.</li> </ul>
<p><b>Sexual Orientation</b></p>	<p><b>Hate Crime Associated with Sex and Sexual Orientation is an under reported crime in Hackney and the Hate Crime Strategy 2023/26 Will undertaken the following interventions to support people who may be experiencing hate based on their sexual orientation:-</b></p>
	<ul style="list-style-type: none"> <li>● Implementation of an effective communication process that supports information sharing across our partnership to address hate incidents and crimes.</li> <li>● To raise the awareness of the effectiveness of third party and confidential reporting mechanisms.</li> <li>● We will establish and implement a Hate Crime Media Strategy to support Hate crime reporting in Hackney.</li> <li>● Working with our Hackney Young Futures and other community youth projects we will ensure that young people have a voice in the process and know how to report hate crime.</li> <li>● Provide a consistent and coordinated response to perpetrators of hate crime based on Sexual orientation within council owned housing and housing association properties.</li> <li>● Improve support for victims of hate crime and reduce repeat victimisation.</li> <li>● To keep victims informed of the progress of their case via regular communication and contact with the relevant and appropriate people and support organisations.</li> <li>● To work with local businesses and organisations to establish a network of designated places of safety across the Borough.</li> <li>● To deal effectively with those who perpetrate hate crimes and to engage with those that are responsible for hate incidents, to hold them to account and where necessary to utilise our range of civil remedies.</li> <li>● Making best use of our community led Safer Neighbourhood Board, CCTV and Enforcement Officers to support collection of intelligence and collaborative work with our police partners in gathering evidence to deal with perpetrators.</li> </ul>


**4 (a) What positive impact could there be overall, on different equality groups, and on cohesion and good relations?**

The Hate Crime Strategy 2023/26 has at its core the aim to make Hackney No Place for Hate. Consequently, it seeks to undertake the following interventions to make a positive difference to support individuals from diverse backgrounds which will in turn have a positive impact on community cohesions.

Through the four objects outlined in paragraph 1 above a positive difference to community cohesion will be achieved through the following interventions:-

- The establishment of a Hate Crime Forum consisting of representatives from all of the Protected Characteristics contained within Hate Crime Legislation and guidance.
- Through our third party reporting mechanisms and awareness raises which will make it easier to report hate crimes and incidents within the borough.
- Our Community Hate Crime Champions will support people from diverse backgrounds throughout the process offering advice and guidance at each stage of the process.
- We will work towards ensuring that all stakeholders within Hackney are working in an integrated way to respond effectively to all reports of hate crime.
- We will ensure that survivors of hate crime receive regular updates on the progress of their case.
- Through our Heartstone initiative in schools we will raise the awareness of the pernicious effects of hate crime at an early stage offering young people support to challenge and report hate.

**4 (b) What negative impact could there be overall, on different equality groups, and on cohesion and good relations?**

The Hackney Hate Crime Strategy 2023/2026 will only present negative implications for our diverse communities if our aims are not fulfilled, or there is a gap between community needs and the service we provide. To mitigate against this we will introduce the following interventions:-

- The strategic oversight of the partnership delivery of the Hate Crime Strategy will be undertaken by the Community Safety Statutory Officers Group chaired jointly by the Hackney Chief Executive Officer and Police Borough Commander.
- Community feedback and accountability for the delivery of the Hate Crime Strategy 2023/26 will be sought at the Community Hate Crime Forum.
- The Community Hate Crime Champions have received training to support them to identify community or survivor concerns and to provide developmental feedback at Community Hate Crime Champions Forum. This will provide an opportunity to build

community or survivor feedback into our delivery plan to achieve continuous improvement.

- The delivery of the Hate Crime Strategy 2023/2026 will receive scrutiny at the Hackney Community Resilience Forum chaired by the Cabinet Member for Community Safety and attended by community leaders.

### STEP 3: REACHING YOUR DECISION

#### 5. Describe the recommended decision

It is recommended that the Hate Crime Strategy 2023/26 is agreed by Cabinet to support its delivery and publication on the Community Safety external website. This Equality Impact Assessment will also be published.

### STEP 4 DELIVERY – MAXIMISING BENEFITS AND MANAGING RISKS

#### 6. Equality and Cohesion Action Planning

No	Objective	Actions	Outcomes highlighting how these will be monitored	Timescales / Milestones	Lead Officer
1	To implement a Hate Crime delivery action plan predicted on the Hate Crime objectives	To implement the Delivery Action Plan	Please see 4 (b) above for a summary of the delivery monitoring process.	2023/2026	Maurice Mason
2	To implement a Community Hate Crime Forum (HCF)	1 To develop a term of reference for the forum. 2 To identify and select community representatives across all hate crime protected characteristics.	Please see Paragraph 4 (b) above.	End of March 2024	Maurice Mason

		3 To build Equality based HCF feedback into our delivery plan to support our commitment of equality whilst implementing a process of continuous professional development.			
3	To Implement Community Hate Crime Champions into Hackney across all Protected Characteristics.	1 To develop a term of reference for Hate Crime Champions. 2 To identify and select community representatives across all hate crime protected characteristics. 3 To build Equality based Hate Crime Champions feedback into our delivery plan to support our commitment of equality whilst implementing a process of continuous professional development.	Please see paragraph 4 (b) above	End of March 2024	Maurice Mason
4	To increase reporting of Hate Crime within Hackney	1 Through our third party reporting mechanisms and awareness raises which will make it easier to report hate	Please see paragraph 4 (b) above	November 2023 through to 1/4/2026.	Maurice Mason

		<p>crimes and incidents within the borough.</p> <p>2 We will establish and implement a Hate Crime Media Strategy to support Hate crime reporting in Hackney.</p> <p>3 We will provide specialist support to victims of hate crime in collaboration with our internal and external partner agencies, such as ,MIND, Age Concern, Stop Hate UK and CATCH.</p> <p>4 Working with our Hackney Young Futures and other community youth projects we will ensure that young people have a voice in the process and know how to report hate crime.</p>			
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<b>Title of Report</b>	Approval of the Statutory Transfer Scheme for the transfer of Planning Powers from the London Legacy Development Corporation to Hackney	
<b>Key Decision No</b>	<a href="#">CHE S268</a>	
<b>For Consideration By</b>	Cabinet	
<b>Meeting Date</b>	27 November 2023	
<b>Cabinet Member</b>	Cllr Guy Nicholson, Deputy Mayor for Delivery, Inclusive Economy & Regeneration	
<b>Classification</b>	Open	
<b>Ward(s) Affected</b>	Hackney Wick Kings Park	
<b>Key Decision &amp; Reason</b>	Yes	Significant in terms of its effects on communities living or working in the affected wards
<b>Implementation Date if Not Called In</b>		
<b>Group Director</b>	Rickardo Hyatt, Group Director of Climate, Homes and Economy	

## 1. Cabinet Member's Introduction

- 1.1. Approving the Statutory Transfer Scheme for the transfer of Planning Powers back to the Council from the London Legacy Development Corporation (LLDC) creates a moment to not only reflect on the success of the London 2012 Olympic & Paralympic Games themselves but also the delivery of an extraordinary legacy. Hackney was instrumental in both shaping and ensuring that the legacy for Hackney and East London formed part of London's Bid to Host the Games, and then set about delivering the legacy through partnership with the Mayor of London.
- 1.2. We have now passed the ten year point from the closing ceremony of the Paralympic Games and as had been planned by all partners it is a timely moment to look forward to the next chapter of the Queen Elizabeth Olympic Park and the ongoing development of a new town centre for Hackney Wick. With the stepping back of the LLDC and the Council stepping forward to re-adopt the Planning powers for this part of Hackney.
- 1.3. The LLDC was established as the first ever London Mayoral Development Corporation, designed to take forward the legacy commitments made in the original

London 2012 Olympic bid for the physical and socio-economic regeneration of Hackney, Waltham Forest, Newham and Tower Hamlets. In Hackney, this area included Hackney Wick, and the Council has been working in close partnership with the LLDC since its inception ensuring that Hackney Wick, both within the Park boundary and adjacent to it, benefited from the legacy opportunity brought about by London 2012.

- 1.4. The report seeks approval for the Statutory Transfer Scheme so that Planning policy, plan making, application determinations and Planning gain, such as Section 106 and Community Infrastructure Levy, can be transferred to Hackney enabling locally accountable decision making on all matters to do with development in and around Here East and the wider Hackney Wick neighbourhood.
- 1.5. This is a key step in ensuring that the Council will be able to make planning decisions to support the future of this important, vibrant part of the borough from 1st December 2024.
- 1.6. I commend this report to Cabinet.

## 2. **Group Director's Introduction**

- 2.1 On 1st December 2024, the London Legacy Development Corporation will transfer planning powers back to the four boroughs of the Olympic Growth Boroughs: Hackney, Newham, Tower Hamlets and Waltham Forest.
- 2.2 To enable the transfer of planning powers back to Hackney, alongside new legislation (a Statutory Instrument) a Statutory Transfer Scheme is required. Section 216 provides that the Mayor may at any time make a transfer scheme transferring to a permitted London Borough Council, upon such terms as the Mayor considered appropriate, any property, rights or liabilities which are for the time being vested in a Mayoral Development Corporation the London borough Council must consent to the transfer. This report seeks Hackney's consent to the transfer.
- 2.3 The Statutory Transfer Scheme includes details of information to be transferred such as planning records, live planning applications, enforcement cases and appeals as well as details of money to be transferred relating to Section 106 legal agreements and Community Infrastructure Levy Funding.
- 2.4 This report seeks Cabinet approval from Hackney for its Statutory Transfer Scheme.

## 3. **Recommendation**

**Cabinet is recommended to:**

- 3.1. **Approve the Statutory Transfer Scheme for the transfer of Planning Powers from the London Legacy Development Corporation to Hackney (appendix 1)**
- 3.2. **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)**

**3.3. Delegate any subsequent amendments to the Statutory Transfer Scheme and supporting documents to the Group Director, Climate, Homes and Economy**

**4. Reasons for Decision**

4.1. 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.

**5. Details of Alternative Options Considered and Rejected**

5.1 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

**6. Background**

6.1 London Legacy Development Corporation (LLDC) was established as the first ever Mayoral Development Corporation under the Localism Act 2011, to take forward commitments made in the original London 2012 Olympic bid in relation to the physical and socio-economic regeneration of Stratford and the surrounding area including Hackney Wick.

6.2 Under section 215 of the Localism Act 2011, the Mayor of London is required “to review, from time to time, the continuing existence of any existing Mayor Development Corporations”.

6.3 In September 2022 the Mayor of London, approved a recommendation for London Legacy Development Corporation (LLDC) to maintain its status as a Mayor Development Corporation beyond 1 April 2025 with a reconstituted Board and governance structure; the removal of its Town Planning functions from 1 December 2024 subject to the necessary Parliamentary procedures; and (subject to consultation) a reduced Mayoral development area from the same date.

6.4 Hackney’s Planning Service along with LLDC and the other growth boroughs have been working with the Department of Levelling Up, Housing and Communities (DLUHC) to make the necessary legislative arrangements to enable the town planning functions to be transferred from the LLDC. The Statutory Instrument will make it clear that the LLDC Local Plan (and CIL Charging Schedule) will continue to be the development plan for Hackney Wick until this is replaced by an updated Hackney Local Plan (and CIL Charging Schedule) thereby ensuring that the whole of the borough continues to have a development plan in place.

- 6.5 Alongside the Statutory Instrument, Statutory Transfer Schemes have been developed for each Olympic growth borough in partnership with the LLDC.

7. **Policy Context and Impacts**

- 7.1. Under the terms of the Localism Act 2011, the transfer of any rights and liabilities between the Mayor of London and the Growth Boroughs must be set out in a Statutory Transfer Scheme agreed by the relevant parties: the transferor (LLDC) and transferee (relevant Borough). In relation to the transfer of statutory town planning functions, the Community Infrastructure Levy Regulations 2010 (as amended) also require the Statutory Transfer Scheme to confirm that each Borough will become the relevant authority for charging, collecting and spending CIL monies from the date of transfer of planning powers.
- 7.2. The Statutory Transfer Schemes cover planning data and finance (principally related to Community Infrastructure Levy and s106 planning obligation funding). They include lists of what is available to transfer to each Borough at present. This includes all grant funding (Neighbourhood CIL and S106 Carbon Offset) and s106 agreements currently in place.
- 7.3. It should be noted that final lists, including final sums of CIL, s106 and any other fee income to be transferred, will be provided on 30 November 2024. This is because LLDC will continue to operate as the planning authority, and therefore receive planning applications and CIL and s106 monies, up to the point of planning powers transfer.
- 7.4. In light of the above, the Cabinet report seeking approval of the STS in November 2023 will include a recommendation for the final version of the STS to be delegated to the Group Director of Climate, Homes and Economy.
- 7.5. LLDC and the Boroughs have been working collaboratively to prepare for the transfer of town planning functions, via a number of joint working groups. Development management protocols have been drafted covering major pre-applications and applications, non major pre-application and applications, planning enforcement, planning appeals, development (LLDC Developments i.e. developments managed and operated by LLDC) and the London Legacy Scheme (London Legacy Development Corporation (LLDC) Legacy Communities Scheme (LCS) outline planning permission) (appendix 2).
- 7.6. The 'Protocol for transfer of LLDC CIL and S106 monies' is set out in appendix 3. The approach confirms that where any CIL monies held by the LLDC at 30th November 2024 and are associated with a finalised Grant Funding Agreement, the money specified in the Agreement will be passed to the borough in which that project is based or most closely associated with. Where there is CIL money remaining unallocated that money will be split between the Four Boroughs proportionally according to land area with Hackney receiving 16%. Where a S106 financial contribution has not been allocated to a project that money will be transferred to the borough in which the development that paid the contribution sits, alongside the S106 Agreement that specifies how that money can be spent.

- 7.7. A Data Transfer Plan is included as appendix 4. This sets out the full scope of data to be transferred and the processes of transferring it ensuring compliance with data protection regulations.
- 7.8. It has been agreed by LLDC and the Boroughs that neither TUPE nor the Cabinet Office Statement of Practice (CoSoP) apply in this situation, therefore staff are not included in the Statutory Transfer Schemes. A MOU (appendix 5) has been prepared to provide opportunities to retain staff talent.

### **Next Steps**

- 7.9. Approval of the Statutory Transfer Scheme is required now to enable clarity of the nature of what is being transferred and to enable work to commence - including work on the data transfer. It should be noted that the three other Olympic Growth Boroughs (Newham, Tower Hamlets and Waltham Forest) are going through the same process in seeking approvals. Once the Statutory Transfer Schemes are agreed by the boroughs and any minor changes are made under delegated powers, the LLDC will seek approval for them from the Mayor of London via the Mayoral Decision process. This will provide certainty for all parties on the detail of what will be transferred from LLDC to each Borough and will enable programmed work to commence in relation to the first transfer of data to the Boroughs scheduled for summer 2024.

- 8. **Equality Impact Assessment**

- 8.1 There are no equalities implications associated with the STS.

- 9. **Sustainability**

- 9.1 There are no direct sustainability implications relating to the STS

- 10. **Consultations**

- 10.1 The STS does not require consultation.

- 11. **Risk Assessment**

- 11.1 A risk register has been established as part of the programme management for the transition of planning powers

- 12. **Comments of the Interim Group Director, Finance**

- 12.1. The report talks about how planning powers are shifting from the London Legacy Development Corporation to the Council. This change will have a financial impact. LLDC offered to cover reasonable costs from the transfer of data. The LLDC has agreed to provide £47k to support the data transfer. Funding for the LLDC project has also been requested as part of a capital bid through ICT.

12.2. A significant part of the financial implications involves the transfer of funds, specifically related to Community Infrastructure Levy (CIL) and Section 106 (S106) planning obligation funding. The Statutory Transfer Scheme (STS) covers the transfer of these financial aspects. The report mentions that final lists, including the final sums of CIL, S106, and any other fee income to be transferred, will be provided at the end of November 2024.

12.3. This report is anticipated to have some resource impact on the planning team. The planning team's workload and responsibilities will rise as a result of the transfer of planning authority from the London Legacy Development Corporation (LLDC) to the Council, making it the designated planning authority for the region. This will be funded in part through new planning application fees. This transition will call for interim modifications to protocols and procedures, including those pertaining to appeals, enforcement cases, and cases involving planning applications

### 13. **Comments of the Acting Director of Legal, Democratic and Electoral Services**

13.1 The return of LLDC's statutory town planning functions will be put into effect through Statutory Instrument/s laid by the Secretary of State at DLUHC, which will be subject to the negative resolution parliamentary procedure.

13.2 As set out above, under the terms of the Localism Act 2011 and the Community Infrastructure Levy Regulations 2010 (as amended), the transfer of any rights and liabilities between the Mayor of London and the Growth Boroughs must be set out in a Statutory Transfer Scheme which confirms that each Borough will become the relevant authority for charging, collecting and spending CIL monies from the date of transfer of planning powers. A Transfer Scheme may provide:

- a) modification by agreement
- b) modifications to have effect from the date when the original scheme came into effect.

### **Appendices**

Appendix 1 - Statutory Transfer Scheme

Appendix 2 - Joint working protocol for Development Management and Enforcement: major pre-applications and applications, non major pre-application and applications, planning enforcement, planning appeals, development and the London Legacy Scheme

Appendix 3: Protocol for transfer of LLDC CIL and S106 monies

Appendix 4: Data Transfer Plan

Appendix 5: MOU for Staff

### **Background Papers**

None

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<b>Comments for and on behalf of the Interim Group Director, Finance</b>	Nurur Rahman Group Accountant <a href="mailto:nurur.rahman@hackney.gov.uk">nurur.rahman@hackney.gov.uk</a>
<b>Comments for and on behalf of the Acting Director of Legal, Democratic and Electoral Services</b>	Christine Stephenson Specialist Planning Lawyer <a href="mailto:christine.stephenson@hackney.gov.uk">christine.stephenson@hackney.gov.uk</a>

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## **Localism Act 2011**

### **The London Legacy Development Corporation and London Borough of Hackney Transfer Scheme 2023 in relation to transfer of Town Planning powers**

The Mayor of London, in exercise of the powers conferred by section 216(1) and 218 of the Localism Act 2011, and all other powers so enabling, makes this Scheme.

#### **Interpretation**

1. The Scheme shall be cited as the “London Legacy Development Corporation and London Borough of Hackney Transfer Scheme 2023”.
2. In this Scheme: –
  - “the Act” means the Localism Act 2011;
  - “the Council” means the London Borough of Hackney;
  - “LLDC” means the London Legacy Development Corporation established under the London Legacy Development Corporation (Establishment) Order 2012<sup>1</sup>;
  - “CIL” means the Community Infrastructure Levy, the charge provided for in Part 11 of the Planning Act 2008; and
  - “S106” means such obligations as secured by agreement pursuant to Section 106 of the Town and Country Planning Act 1990

#### **Citation and Transfer date**

3. This Scheme shall be cited as the London Legacy Development Corporation and London Borough of Hackney Transfer Scheme 2023 (“the Scheme”) and shall come into force on 30 November 2024 (“the transfer date”).

#### **Transfer of rights and liabilities of the LLDC to London Borough of Hackney**

4. On the transfer date, the property, rights and liabilities of the LLDC described in the Schedules to this Scheme, are transferred to the Council.

#### **Continuity Provision**

5. Anything done (or having effect as if done) before the transfer date by or in relation to the LLDC in respect of anything transferred by this Scheme, has effect on and after that date as if done by or in relation to the Council.
6. Anything which before the transfer date is in the process of being done by, on behalf of, or in relation to the LLDC in respect of anything transferred by this Scheme (including legal proceedings) may be continued on and after that date by, on behalf of, or in relation to the Council.

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<sup>1</sup> SI 2012 No. 310

7. Any reference to the LLDC (or any body from which the LLDC has inherited property, rights or liabilities) in an enactment, instrument or other document in respect of anything transferred by this Scheme is to be treated on or after the transfer date as a reference to the Council.

### **Modifications of Scheme**

8. This scheme may be modified by agreement in writing between LLDC and the Council and any such modification agreement:
  - a. may provide for it to be deemed to have effect from the Transfer Date; and
  - b. may include modification of any agreement, contract, instrument or other document to, or from, those currently listed in the Schedule and may make provision for transitional arrangements in relation to any matter relating or connected to them

### **Unspent sums**

9. Any unspent CIL and S106 monies at the transfer date will be divided between the London Borough of Hackney, the London Borough of Newham, the London Borough of Tower Hamlets and the London Borough of Waltham Forest according to the arrangements set out and agreed by LLDC and the Council in the 'Approach to Transfer of LLDC CIL and S106 monies' Protocol (Appendix 1). This details how the monies will be apportioned and transferred as records will remain active until the date of transfer.

### **Transfer of CIL Charging and collecting powers and monies to the borough**

10. The Scheme provides for the transfer of LLDC CIL monies to the Council who will also become the permitted recipient of CIL monies liable from relevant chargeable development under the terms of the London Legacy Development Corporation CIL Charging Schedule (LLDC CIL1) and the London Legacy Development Corporation Community Infrastructure Levy Charging Schedule 2 (LLDC2 CIL2) after the transfer date in accordance with the provisions of Regulation 63B of the Community Infrastructure Levy Regulations 2020 (as amended). The Council shall continue to charge CIL as specified within the relevant LLDC CIL charging schedule until such time as it has withdrawn or replaced these. Monies transferred to the borough will be transferred in accordance with the agreed provisions of the 'Approach to Transfer of LLDC CIL and S106 monies' Protocol (Appendix 1).

11. As per 10 (3) of the CIL Regulations 2010 (as amended), the LLDC will continue to act as the collecting authority for all Mayoral CIL liabilities falling due before the date of transfer. The Council will become responsible for any Mayoral CIL liabilities falling due thereafter. Mayoral CIL liabilities shall be calculated in accordance with the Mayor's CIL Charging Schedules that are in place at the time of the liability being determined in accordance with Schedule 1: Calculation of chargeable amount etc of the CIL Regulations 2010 (as amended).

**Name: Sadiq Khan**



The Mayor of London

**Signed** .....

**Dated** .....

## SCHEDULE 1

### FUNDING AGREEMENTS: CONTRACTS

#### OTHER TYPES OF CONTRACTS, RIGHTS & LIABILITIES

1. Grant funding agreements (GFAs) for which monies are not fully drawn down, or for which there are outstanding monitoring obligations. Noting this table is accurate in August 2023, and subject to amendment [Clause 8] on the transfer date, 30 November 2024 a final list will be defined as per the 'Approach to Transfer of LLDC CIL and S106 monies' protocol (Appendix 1).
2. In accordance with the Appendix 1, the London Borough of Hackney shall assume responsibility for the following GFAs in their capacity as grant awarding authority. Where any money pursuant to a GFA remains to be drawn down, this money will be passed to the Council, so that it can administer the remaining draw down of funds.
3. GFAs also include requirements for monitoring of project progress until completion. Consequently, the Council will become responsible for monitoring the following projects as the grant awarding authority, including the receipt of the required project monitoring reports.
4. Grant recipients will remain as defined in the existing GFAs.

<b>Project Name</b>	<b>Responsible Borough</b>	<b>Funding awarded</b>	<b>Grant Funding Agreement Signed</b>	<b>Signatory 1 (Grant awarding authority)</b>	<b>Signatory 2 (Grant recipient)</b>
Red Path	LB Hackney	£59,990.02	01/08/2023	London Legacy Development Corporation	Build Up Foundation
Hackney Wick North-South Route	LB Hackney	£342,750.00	07/02/2023	London Legacy Development Corporation	London Legacy Development Corporation
Hackney Wick School Street	LB Hackney	£43,360.00	24/06/2021	London Legacy Development Corporation	London Legacy Development Corporation
Source: Micro-AD	LB Hackney	486,685.00	08/12/2022	London Legacy Development Corporation	Mad Leap CIC
St Mary of Eton/XLP	LB Hackney	136,521.00	01/04/2019	London Legacy Development Corporation	St Mary of Eton
Core Arts Eastway Community Hub	LB Hackney	166,073.00	01/12/2019	London Legacy Development Corporation	Core Arts
Arbeit Projects Ltd.:	LB Hackney	29,481.00	14/12/2022	London Legacy	Arbeit Projects Limited

Artists in Residence				Development Corporation	
Gainsborough Primary School/Yard Theatre	LB Hackney	30,000.00	24/01/2023	London Legacy Development Corporation	Gainsborough Primary School
Badu: The Hidden Talent	LB Hackney	29,125.00	13/01/2023	London Legacy Development Corporation	Badu Community C.I.C
Sirlute: Young Stars Create	LB Hackney	30,000.00	19/12/2022	London Legacy Development Corporation	Sirlute
UnAge: Secret Sauce	LB Hackney	30,000.00	10/12/2022	London Legacy Development Corporation	Un-Age
Chippy & Chips	LB Hackney	22,974.00	25/01/2023	London Legacy Development Corporation	Groundworks London
Hackney Wick and Fish Island Community Development Trust	LB Hackney	30,000.00	10/01/2023	London Legacy Development Corporation	Hackney Wick and Fish Island Community Development Trust (HWFI CDT)
Groundworks London Slow Crafts Club	LB Hackney	22,172.50	23/01/2023	London Legacy Development Corporation	Groundworks London
Hackney Wick and Fish Island Community Interest Company	LB Hackney	10,000.00	09/03/2023	London Legacy Development Corporation	Hackney Wick and Fish Island CIC
Hackney Tree Musketeers	LB Hackney	15,114.49	13/01/2023	London Legacy Development Corporation	Hackney Tree People

## SCHEDULE 2

### PLANNING RELATED MATTERS AND MONIES

#### Community Infrastructure Levy (CIL):

1. LLDC CIL Charging Schedules, which will continue to set the local CIL charge in the LLDC area post transfer until specific decision by borough to withdraw or replace.
2. CIL notices/records and formal correspondence, including that relating to any CIL enforcement action. Table below shows records accurate to August 2023, noting this is subject to amendment [Clause 8] on the transfer date, 30 November 2024. Final list will be defined as per the Appendix 1.

<b>Permission Reference No.</b>	<b>Development</b>	<b>Liability Notice Reference(s)</b>	<b>Borough</b>
13/00449/FUL	61 Wallis Road, Hackney Wick, London, E9 5LH	13/00449/FUL/MCIL	London Borough of Hackney
13/00534/FUM	Site Comprising The International Broadcast Centre (IBC), Main Media Conference Room (MMCR), Multi Storey Car Park (MSCP) And Adjoining Land Within The North Western Part Of PDZ 5: South Of Eastway And West Of Waterden Road In LB Hackney	13/00534/FUM/MCIL	London Borough of Hackney
14/00260/FUL	4 Roach Road, Fish Island, London, E3 2PA	14/00260/FUL/MCIL	London Borough of Hackney
14/00275/FUL	Hackney Wick Station, White Post Lane, Hackney, London, E9 5ER	14/00275/FUL/MCIL	London Borough of Hackney
14/00387/FUL	80-84 & 88, Wallis Road, Hackney, LONDON, E9 5LW	14/00387/FUL/LCCIL and 14/00387/FUL/MCIL	London Borough of Hackney
15/00338/FUL	75-89 Wallis Road and 59 Berkshire Road, Hackney Wick, London, E9 5LN	15/00338/FUL/LCCIL and 15/00338/FUL/MCIL	London Borough of Hackney
16/00467/VAR	80-84 & 90b Wallis Road, Hackney, London, E9 5LW	16/00467/VAR/LCCIL and 16/00467/VAR/MCIL	London Borough of Hackney
16/00520/REM	Eastwick Phase 1, Development Parcels 5.5 and 5.9, Planning	16/00520/REM/MCIL	London Borough of Hackney

	Delivery Zone 5, Queen Elizabeth Olympic Park, London		
20/00264/FUL	61-63, Wallis Road, Hackney, LONDON, E9 5LH	20/00264/FUL/LCIL and 20/00264/FUL/MCIL	London Borough of Hackney
20/00482/REM	East Wick Phase 2, Development Parcel 5.6, Planning Delivery Zone 5, Queen Elizabeth Olympic Park, London	20/00482/REM/MCIL	London Borough of Hackney
21/00542/FUL	Land adjacent to 331, Wick Road, Hackney, LONDON, E9 5DH	21/00542/FUL/LCIL and 21/00542/FUL/MCIL	London Borough of Hackney
22/00095/REM	Hackney Wick Masterplan Plot E/F, Plot J East and Plot K2 North, (comprising land at 62-62 Wallis Road, 31 White Post Lane, 66-78 White Post Lane, and 67 Rothbury Road), London, E9 5EN	22/00095/REM/LCIL and 22/00095/REM/MCIL	London Borough of Hackney; London Borough of Tower Hamlets
22/00320/FUL	Vacant site between, 32 Eastway and St Mary's Village, Hackney, London, E9 5JB	22/00320/FUL/LCIL and 22/00320/FUL/MCIL	London Borough of Hackney

**Section 106 Agreements:**

3. Section 106 agreements, including monitoring and discharge of obligations records. Electronic, and where required hard copies, of S106 Agreements to be transferred.
4. In accordance with the Appendix 1, the London Borough of Hackney shall assume responsibility for the following Section 106 agreements. For the avoidance of doubt, these responsibilities shall only entail local planning authority functions. Where the London Legacy Development Corporation is a signatory to a Section 106 agreement as a Developer or Landowner, it shall retain its obligations in this capacity.
5. Any monies either received or secured through the following agreements shall be managed in accordance with the 'Approach to Transfer of LLDC CIL and S106 monies' Protocol (Appendix 1).
6. Table below shows records accurate to August 2023, noting this is subject to amendment [Clause 8] on the transfer date, 30 November 2024. A Final list will be defined as per the Appendix 1.

<b>Permission Reference No.</b>	<b>Development</b>	<b>Date Agreement Signed</b>	<b>Borough</b>
21/00542/FUL	Land adjacent to 331, Wick Road, Hackney, London, E9 5DH	28/06/2022	London Borough of Hackney

21/00121/DOV	80-84 & 90b Wallis Road, Hackney, London, E9 5LW	26/05/2021	London Borough of Hackney
20/00197/NMA	Land comprised within Planning Delivery Zone 4 (Sweetwater) and Planning Delivery Zone 5 (East Wick), Queen Elizabeth Olympic Park, London	11/05/2021	London Borough of Newham; London Borough of Hackney; London Borough of Tower Hamlets
20/00287/DOV	75-89 Wallis Road and 59 Berkshire Road, Hackney Wick, London, E9 5LN	02/02/2021	London Borough of Hackney
16/00704/FUL	57 Berkshire Road, Hackney Wick, London, E9 5NB	21/11/2019	London Borough of Hackney
18/00325/FUL	90 Monier Road, London, E3 2ND	09/10/2019	London Borough of Hackney
16/00520/REM	Eastwick Phase 1, Development Parcels 5.5 and 5.9, Planning Delivery Zone 5, Queen Elizabeth Olympic Park, London	01/10/2019	London Borough of Hackney
18/00471/VAR	Site known as Stratford Waterfront (also known as East Bank), bound by the Waterworks River to the south-west, London Aquatics Centre and F10 Bridge to the south-east, and Carpenters Road to the north and east ( <b>LCS Slot-Out Agreement</b> )	25/07/2019	London Borough of Newham; London Borough of Hackney; London Borough of Tower Hamlets
16/00166/OUT	Site known as 'Hackney Wick Central' comprising land to the north and south of (although excluding), Hackney	14/03/2019	London Borough of Hackney; London Borough of Tower Hamlets

	Wick Overground Station; bounded to the east by the Lee, Navigation, to the south by Rothbury Road, to the west by Hepscoot Road, Wallis Road		
18/00103/FUL	Former International Broadcast Centre, Here East, Waterden Road, London, E20 3BS	17/05/2018	London Borough of Hackney
15/00338/FUL	75-89 Wallis Road and 59 Berkshire Road, Hackney Wick, London, E9 5LN	16/08/2017	London Borough of Hackney
16/00467/VAR	80-84 & 90b Wallis Road, Hackney, London, E9 5LW	09/02/2017	London Borough of Hackney
16/00003/FUL	99 Wallis Road, Hackney, E9 5LN	04/01/2017	London Borough of Hackney
14/00387/FUL	80-84 & 88 Wallis Road, Hackney, LE9 5LW	30/06/2016	London Borough of Hackney
15/00296/FUL	Former International Broadcast Centre (Here East), Waterden Road, (PDZ 5), London	10/09/2015	London Borough of Hackney

14/00036/VAR	Land Within The Olympic Park And Land At Pudding Mill Lane, Land At Bridgewater Road And Land At Rick Roberts Way	04/09/2015	London Borough of Newham; London Borough of Hackney; London Borough of Tower Hamlets
14/00461/NMA	First Primary School (PDZ5 East Wick) as part of the Legacy Communities Scheme, Queen Elizabeth Olympic Park	04/09/2015	London Borough of Hackney
13/00449/FUL	61 Wallis Road, Hackney Wick, London, E9 5LH	27/03/2015	London Borough of Hackney
13/00534/FUM	Site Comprising the International Broadcast Centre (IBC), Main Media Conference Room (MMCR), Multi Storey Car Park (MSCP) And Adjoining Land Within The North Western Part of PDZ 5: South of Eastway and West of Waterden Road in LB Hackney	01/04/2014	London Borough of Hackney
11/90621/OUTODA	Land Within The Olympic Park And Land At Pudding Mill Lane, Land At Bridgewater Road And Land At Rick Roberts Way (LCS)	28/09/2012	London Borough of Newham; London Borough of Hackney; London Borough of Tower Hamlets



11/90330/FULODA	Multi Storey Car Park (MSCP), PDZ5, Olympic Park, London	16/12/2011	London Borough of Hackney
11/90325/FULODA	Olympic Park, Stratford, London, E15	16/12/2011	London Borough of Newham; London Borough of Hackney; London Borough of Tower Hamlets; London Borough of Waltham Forest
07/90010/OUMODA	London Olympic Site - Land North Of Stratford Town Centre, East Of The Lea Valley Navigation, South Of Eastway And The A12 And West Of The Lea Valley Railway'	06/06/2008	London Borough of Hackney; London Borough of Tower Hamlets; London Borough of Newham; London Borough of Waltham Forest
07/90011/FUMODA	Legacy Transformation within Lower Lea Valley	28/09/2007	London Borough of Newham; London Borough of Hackney; London Borough of Tower Hamlets; London Borough of Waltham Forest

### SCHEDULE 3

#### **INTELLECTUAL PROPERTY, RECORDS AND DATA RELATED MATTERS AND UNDETERMINED PLANNING APPLICATION FEE INCOME**

##### **Electronic Planning Data includes:**

- Historic & Live (Active) Development Management Planning Application Data (note this includes any applicable appeal data)
- Live (Active) Development Management Pre-Planning Application Data
- Historic & Live (Active) Development Management Enforcement Data
- Spatial Layers - Graphical Information Systems (GIS) Data (Redline Planning Boundaries)
- Policy, S106 & CIL Data
- Historic Olympic Delivery Authority Planning Application Data (note this includes any applicable appeal data)
- Planning application fee income for undetermined planning applications at the date of transfer (**proportionate to the work undertaken prior to handover** and as agreed with the Borough in advance of 30 November 2024).

##### **London Borough of Hackney**

<b><u>Type of Data</u></b>	<b><u>Record / Folder Numbers and/or Data Sizes (accurate at 31.05.23)</u></b>
APAS Data:	<b><u>Approximately 900</u></b> closed and live planning records (this includes planning, pre-app, enforcement and appeal data) - 135GB in size
APAS / GLA Spatial Data (Planning Redlines)	<b><u>Approximately 5-10MB in size</u></b>
LLDC (Network Data) Planning, Appeal, Pre-App and Enforcement Records	<b><u>Approximately 10% of 87,654 Folders</u></b> (approximately 310GB in size)
LLDC (Network Data) ODA Data	<b><u>Approximately 51,589 Folders (301GB in size)</u></b>
LLDC (Network Data) Policy	<b><u>Approximately 11 files</u></b>

Further details relating to transfer are available in Data Transfer Plan.

# Planning Appeals Protocol

## Planning Policy Decisions Team (PPDT) and Growth Boroughs

### Introduction

This protocol outlines the objectives, principles and programme for the transition of PPDT development management powers to the Borough Local Planning Authorities, in so far as they relate to planning appeals, and concerns such matters up to August 2024. A 'Last 3 Months Protocol' will be agreed between PPDT and the Boroughs in 2024 covering, amongst other things, planning appeals.

The aim is to ensure a smooth transfer of responsibilities and maintain effective development management processes for each of the Borough areas with respect to planning appeals.

The numbers of applications LLDC have received over the past full 5 years (plus 2023 to mid-May) is set out below. See table 1.

YEAR	2018	2019	2020	2021	2022	2023 (to mid-May)
<b>No. of appns</b>	579	602	491	588	533	202
<b>No. of majors</b>	22	22	10	19	8	3

Table 1: number of applications received by year (all types)

45-50% of planning applications received are details applications, which are all approved.

PPDT refuse an extremely low number of planning applications per year (c.1-2%).

In the past 5 year there has been one major appeal per year. See table 2.

2018	2019	2020	2021	2022
2-12 Stratford High Street (affordable housing)	Swan Wharf	Marshgate	Bow River Village	Rothbury Road
Hearing – appeal withdrawn	Inquiry	Inquiry	Inquiry	Hearing
<b>NEWHAM</b>	<b>TOWER HAMLETS</b>	<b>NEWHAM</b>	<b>TOWER HAMLETS</b>	<b>TOWER HAMLETS</b>

Table 2: number and type of major appeals by year, and borough

## Task

PPDT prepared a draft appeals protocol circulated to the Boroughs in advance of discussion at the DM Transition Working Group on 7 June 2023, where agreement was reached on the way forward. PPDT were open to receive any further comment on the protocol until June 21, 2023, extended to July 17 2023. The protocol was agreed by officers at the 27 July meeting, and will be adopted from August 2023.

## Protocol Objectives

- a. Provide clarity and certainty to all stakeholders that arrangements are in place to ensure 'business as usual' with regard to planning appeals up to August 2024, in the context of the upcoming transfer of powers
- b. Allow effective stakeholder engagement in planning appeals
- c. Agree a method for Borough involvement in appeals cases
- d. Enable Boroughs to undertake, where required, continuing successful appeals work on cases inherited from PPDT
- e. Enhance Borough decision-making
- f. Streamline planning procedures and improve efficiency
- g. Strengthen accountability and transparency

## Principles and Process

- LLDC retains control over all types of appeals
- PPDT will share a list of appeals cases monthly, and discuss the cases at regular catch-up meetings with the Boroughs, as necessary
- Boroughs may choose to become involved in a case of importance to them, identified from the list
- Major cases the subject of appeal will have a PDC decision in the case of refusal, or (as expected) a PDC decision to endorse officers' recommendation to refuse in the case of non-determination appeals ('would have been empowered to decide' scenario) to support an appeal (inquiry/hearing)
- The aim is, as is reasonable, to present a jointly supported (Borough/PPDT) case/evidence
- Boroughs may choose to brief appeals to their committees
- For any case the borough has an interest in, written communications to the appellant and documents to be submitted to PINS (statement of case, SOCG etc) to be prepared by the Lead Authority (PPDT) and drafts and final versions shared in advance with the Boroughs for joint agreement
- For any case the borough has an interest in, any meetings with appellants, including concerning SOCG, S106, conditions etc will involve both the LLDC and the boroughs and will involve officer pre-meets to try and ensure a consistent message
- The agreed resolution mechanism for any fundamental differences on approach to appeals is for the Borough to make 3<sup>rd</sup> party representations to PINS
- Commitment to resource and to reviews to ensure working effectively
- Offer to fund retention of Pinsents Masons' legal service for a period of up to 3 months post handback of powers to assist the Boroughs, also Arup (environmentals) and Jacobs (transport)

- Boroughs use of LLDC consultants will need to be organised via direct award by the boroughs, with boroughs managing the contracts; Boroughs to send funding requests
- For a planning inquiry/hearing case that a borough will inherit the anticipated (quoted) cost of any legal, or other representation, to support the inquiry/hearing to be agreed in advance with the borough
- PPDT to resolve/close as many cases as practicable, with minimum handover of live appeals cases

### **Programme**

- PPDT will share the list of on-hand appeals cases monthly from August 2023
- Joint Publicity for handover of powers will include reference to planning appeals
- The Statutory Instrument (SI) for the transfer of powers confirms that costs received post-transfer of powers will be picked up by the Boroughs, and costs granted by the courts, for example, following successful prosecution post-transfer, will be granted to the Boroughs. The scope of the SI has been agreed with DLUHC in April 2023. This is also consistent with the LLDC Planning Functions Order and the transitional arrangements set out in that SI

### **Conclusion:**

This protocol provides a process for Borough involvement with respect to planning appeals until August 2024, towards a smooth transition/handback of PPDT's development management powers. By following this protocol, clarity and certainty can be provided to all stakeholders that effective arrangements are in place to provide advice and to make decisions.

### **Agreement**

**Borough agreement on the protocol (dated [to be completed following Borough cabinet])**

# LLDC Developments Protocol

## Planning Policy Decisions Team (PPDT) and Growth Boroughs

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### Introduction

This protocol outlines the process and procedures for the transition of PPDT development management powers in so far as they relate to London Legacy Development Corporation (LLDC) Developments i.e., developments managed and operated by LLDC.

The aim is to ensure a smooth transfer of responsibilities and maintain effective development management processes for each of the Growth Boroughs with respect to LLDC Development.

Post the 2012 Olympic & Paralympic Games, i.e., between 2012 to 2014, an extensive transformation programme was implemented by the LLDC, ahead of the long-term opening, operation of the venues and parklands.

To date, the venues, infrastructure and parklands have been managed and operated by LLDC.

The LLDC Local Planning Authority and landowner boundary captures venues such as the London Stadium, London Aquatics Centre, Copper Box Arena, Lee Valley Hockey and Tennis Centre as well as the Lee Valley Velodrome. These venues are split across the boroughs of Newham, Hackney and Waltham Forest.

There are also other significant parklands and infrastructure planning permissions which fall within and across the Boroughs of Tower Hamlets, Hackney, Waltham Forest and Newham.

### Task

LLDC to prepare a range of documents and plans, which supplement the planning register data, and provide a chronological planning context and current status report for each venue, key infrastructure and parklands within each of the Growth Boroughs.

The protocol was agreed by officers at the 27 July meeting, and will be adopted from August 2023.

### Protocol Objectives

- a. Provide knowledge and clarity to the Growth Borough on LLDC Development planning permissions.
- b. Enable the Growth Boroughs successful monitoring of planning conditions and legal obligations post transition.
- c. Enable Growth Boroughs to undertake where required successful enforcement.
- d. Enhance Growth Borough decision-making and community participation in the planning process.
- e. Streamline planning procedures and improve efficiency.
- f. Strengthen accountability and transparency.

### Work Schedules

The following documents and plans encompassing the venues, infrastructure and areas of parkland will be prepared by PPDT for each of the Growth Boroughs:

- Word document stating each Individual Venue Planning History and Context highlighting 'live' planning permission and subsequent amendments.
- Excel spreadsheet relating to each individual Venue 'live' planning permission documenting the status of all relevant planning conditions and obligations.
- Word document stating key infrastructure planning history and context highlighting 'live' planning permissions and subsequent amendments.
- Word document stating the Queen Elizabeth Olympic Park Parklands History and Context highlighting 'live' planning permissions and subsequent amendments.
- Excel spreadsheet relating to Queen Elizabeth Olympic Park parklands 'live' planning permissions documenting the status of all relevant planning conditions and obligations.
- Queen Elizabeth Olympic Park Venue and Parklands site wide map highlighting venue and parklands redline boundaries.
- Queen Elizabeth Olympic Park Venue and Parklands split between each Borough highlighting venue and parklands permissions redline boundaries.
- Full Master Excel spreadsheet for all Queen Elizabeth Olympic Park Venue and Parklands completed and 'live' planning permissions.
- The list above is in addition to the transfer of Borough Filtered Development Management Planning Application Data covered in the Data Transfer Plans.

#### **Programme**

- LLDC draft of work schedules listed above to be completed October 2023
- Borough review and comment on draft work schedules - November 2023
- Borough workshop at Borough location TBA to go through the main points of the QEOP permissions and what is programmed for submission/change December 2023
- Work schedules to be agreed and completed January 2024
- *For noting - supplemental planning register data relating to LLDC Developments (set out above) to be provided as per the Borough Data Transfer Plan agreement.*

#### **Conclusion:**

This protocol provides a roadmap for the smooth transition of PPDT's development management powers with respect to LLDC Development to the Growth Boroughs. By following this protocol, the Growth Boroughs can maintain effective development management processes, and engage stakeholders in the decision-making process.

#### **Agreement**

**Borough agreement on the protocol (dated [to be completed following Borough cabinet])**

# Planning Enforcement Protocol

## Planning Policy Decisions Team (PPDT) and Growth Boroughs

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### Introduction

This protocol outlines the objectives, principles and programme for the transition of PPDT development management powers to the Borough Local Planning Authorities, in so far as they relate to planning enforcement, and concerns such matters up to August 2024. A 'Last 3 Months Protocol' will be agreed between PPDT and the Boroughs in 2024 covering, amongst other things, enforcement matters.

The aim is to ensure a smooth transfer of responsibilities and maintain effective development management processes for each of the Borough areas with respect to planning enforcement.

The numbers of enforcement cases PPDT have received over the past full 5 years (plus 2023 to mid-May) is set out below. Compared to the boroughs case numbers are extremely low. See table 1.

Over the past 5 years activity around formal enforcement proceedings has been minimal. An enforcement notice was served on the occupiers of 616 Wick Lane (LBTH) in Nov 2019 to remove caravans/C3 use and to restore the site; followed by successful prosecution.

The main issues that come to LLDC from residents (or ward councillors, on their behalf – mainly in LBTH) for consideration under planning enforcement are emissions arising from ground disturbance (contaminated land) and noise/disturbance and traffic arising from demolition/construction; all of which are controlled through planning condition. Also, noise from existing uses can be an issue in Hackney Wick Fish Island as more new residents move into the area.

Boroughs are already involved in LLDC enforcement as necessary – usually the EHO/EPD, or Highways teams.

As it stands (early June 2023) there are 35 live planning enforcement cases, though work is ongoing to actively reduce numbers; and a number are currently under consideration (c.8 are expected to be soon closed).

2018	2019	2020	2021	2022	2023 (to mid-May)
30	41	17	14	15	11

*Table 1: number of enforcement cases received by year (all types)*

### Task

PPDT prepared a draft protocol circulated to the Boroughs in advance of discussion at the DM Transition Working Group on 7 June 2023, where agreement was reached on the way



forward. PPDT were open to receive any further comment on the protocol until June 21, 2023, extended until 17 July 2023. The protocol was agreed by officers at the 27 July meeting, and will be adopted from August 2023.

### Protocol Objectives

- a. Provide clarity and certainty to all stakeholders that arrangements are in place to ensure 'business as usual' with regard to planning enforcement up to August 2024, in the context of the upcoming transfer of powers
- b. Agree a method for Borough involvement in enforcement cases
- c. Enable Boroughs to undertake, where required, continuing successful enforcement on cases inherited from PPDT
- d. Enhance Borough decision-making
- e. Streamline planning procedures and improve efficiency
- f. Strengthen accountability and transparency

### Principles and Process

- PPDT retains control over enforcement matters
- Commitment for PPDT and Boroughs to resource and to involvement, communication, effective and timely reviews and feedback, to ensure working together effectively in delivering Planning services
- PPDT will share a list of enforcement cases monthly, and discuss the cases at regular catch-up meetings with the Boroughs, as necessary
- Boroughs may choose to become involved in a case of importance to them, identified from the list
- For cases the borough expresses an interest in, written responses to the breacher will be prepared by the Lead Authority (PPDT) and drafts and final versions shared with the Borough for joint agreement
- For any fundamental differences on approach identified towards any enforcement cases, a meeting between PPDT, the Borough and their legal representatives (if required), shall be held and an agreed resolution reached
- Where PPDT considers it may be appropriate to serve a planning or listed building enforcement notice, breach of condition notice or stop notice, they will notify the Borough and take their view into account on the expediency of such action
- Commitment to resource and to reviews to ensure working effectively
- Offer to fund retention of Pinsents Masons' legal service for a period of up to 3 months post handback of powers to assist the Boroughs, albeit TfL legal are PPDT's legal advisors for enforcement purposes; also Arup (environmentals) and Jacobs (transport)
- Boroughs use of LLDC consultants will need to be organised via direct award by the boroughs, with boroughs managing the contracts; Boroughs to send funding requests
- PPDT to resolve/close as many cases as practicable, with minimum handover of live enforcement cases

### Programme

- PPDT will share the list of on-hand enforcement cases monthly
- Joint Publicity for handover of powers will include reference to planning enforcement
- The Statutory Instrument (SI) for the transfer of powers confirms that costs received post-transfer of powers will be picked up by the Boroughs, and costs granted by the

courts, for example, following successful prosecution post-transfer, will be granted to the Boroughs. The scope of the SI has been agreed with DLUHC in April 2023. This is also consistent with the LLDC Planning Functions Order and the transitional arrangements set out in that SI

**Conclusion:**

This protocol provides a process for Borough involvement with respect to planning enforcement until August 2024, towards a smooth transition/handback of PPDT's development management powers. By following this protocol, clarity and certainty can be provided to all stakeholders that effective arrangements are in place to provide advice and to make decisions.

**Agreement**

Borough agreement on the protocol (dated *[to be completed following Borough cabinet]*)

# LLDC LCS Development Protocol

## Planning Policy Decisions Team (PPDT) and Growth Boroughs

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### Introduction

This Protocol outlines the process and procedures for the transition of PPDT development management powers in so far as they relate to London Legacy Development Corporation (LLDC) Legacy Communities Scheme (LCS) outline planning permission.

The aim is to ensure a smooth transfer of responsibilities and maintain effective development management processes for each of the Growth Boroughs with respect to LLDC Development.

### Background

The LCS was originally granted outline planning permission in 2012 (11/90621/OUTODA). It consisted of residential-led mixed use development across seven Planning Delivery Zones (PDZs) within Queen Elizabeth Olympic Park. These included:

- PDZ1 – Marshgate Wharf (now Stratford Waterfront);
- PDZ2 – Marshgate Wharf (now UCL East);
- PDZ4 – Sweetwater;
- PDZ5 – East Wick;
- PDZ6 – Chobham Manor;
- PDZ8 – Pudding Mill; and
- PDZ12 – Rick Roberts Way.

A plan with the location of the relevant PDZs is attached at Appendix 1 of this note. The original planning permission granted consent for:

“Comprehensive, phased, mixed use development within the future Queen Elizabeth Olympic Park, as set out in the Revised Development Specification & Framework (LCS-GLB-APP-DSF-002). The development comprises up to 641,817 sqm of residential (C3) uses, including up to 4,000 sqm of Sheltered Accommodation (C3); up to 14,500sqm of hotel (C1) accommodation; up to 30,369 sqm (B1a) and up to 15,770 sqm (B1b/B1c) business and employment uses; up to 25,987 sqm (A1-A5) shopping, food and drink and financial and professional services; up to 3,606 sqm (D2) leisure space and up to 31,451sqm (D1) community, health, cultural, assembly and education facilities, including two primary schools and one secondary school; new streets and other means of access and circulation, construction of open and covered car parking; landscaping including laying out of open space with provision for natural habitats and play space; new and replacement bridge crossings, re-profiling of site levels, demolition and breaking out of roads and hardstanding, utilities diversions and connections; and other supporting infrastructure works and facilities”.

The LCS has been subject to four completed variation applications under Section 73 (in addition to a number of non-material amendments):

- 2014 (14/00036/VAR) – which amended the phasing for PDZ4 and 5;
- 2017 (17/00236/VAR) – which “slotted out” PDZ2 for academic use;
- 2018 (18/00471/VAR) – which slotted out PDZ1 for other residential and cultural uses; and
- 21/00561/VAR (resolved to approve in July 2022) – which will slot out the eastern edge of Pudding Mill Lane (Bridgewater Triangle) for a replacement higher density residential scheme.

A further variation is also currently being determined by the LLDC PPDT:

- 22/00216/VAR – which will slot out the remainder of PDZ8 at Pudding Mill Lane for a replacement higher density residential-led mixed use scheme (the slot in proposal for a revised masterplan development has been resolved to be approved by LLDC Planning Decisions Committee) with a decision expected end of July 2023.

Assuming that the above variation will be approved, and all variations implemented, this will leave the LCS with four remaining Planning Delivery Zones – Chobham Manor, East Wick, Sweetwater and Rick Roberts Way. However, due to the later implementation of the Bridgewater and Pudding Mill planning permissions which will now be post-Transition, PDZ8 may need to be retained within the new relevant LCS permission (LBN) to be “slotted-out” in due course”.

Of the other remaining PDZs:

- Chobham Manor (PDZ6) is completed and occupied;
- East Wick (PDZ5) is partly occupied (Phase 1 only) with reserved matters approval secured for future phases;
- Sweetwater (PDZ4) has not commenced but has reserved matters approval secured for future phases; and Rick Roberts Way remains approved in outline with no detailed design work on reserved matters. The intention is also to “slot-out” this PDZ from the LCS in due course. A ‘slot-in’ application for housing development is programmed to be submitted to LLDC PPDT in early 2024. It should be noted that the red line for Rick Roberts Way will change given the land swap agreement with LBN.

In addition to this, various parts of the LCS social and physical infrastructure have been delivered independent on the new residential-led communities including Canal Park (PDZ4 and 5), upgraded roads and bridges (PDZ4) and a new secondary and two new primary schools (PDZ4 and 5).

A plan with the residual LCS with the identified slotted-out zones is attached at Appendix 2.

### **Operation of the LCS**

The LCS permission has over 300 planning conditions and a detailed section 106 agreement which 15 schedules of obligations. Although there are a number of PDZ-specific conditions, many of the planning conditions and obligations are generally split between site-wide requirements (e.g., strategies, payments) and those that apply to all individual PDZs..

This structure has worked well whilst there has been a lead developer (LLDC Development) and a single local planning authority (LLDC PPDT). PPDT recognise that post-Transition the LCS as a single consent straddling the administrative planning boundary of three London boroughs – Newham (PDZ6 and 12), Hackney (PDZ5) and Tower Hamlets (PDZ4) may prove somewhat unwieldy for the three boroughs to navigate:

- Developers may need to discuss and directly consult with three separate planning authorities when implementing their consents and/or dealing with amendments or variations to their schemes;
- Applications under Section 73 or Section 96A would need to be made to each of the Boroughs. As well as the resource implications there could be the potential issue of addressing representations made by boroughs in relation to the determination of applications or variation of permissions outside their boundary; and
- For the (residual) LLDC as landowner it is unclear who would discharge site-wide planning conditions, and how any site-wide payments might be split.

### **Task - Proposed Re-Structure of the LCS Permission**

LLDC PPDT together with LLDC Development propose to restructure the outline planning permission and associated section 106 legal obligations /Unilateral Undertakings (UU).

The LCS would be split into **three** separate section 73 permissions, each with a reduced redline. This would be drawn up on borough boundaries so there would be one for PDZ4 (London Borough of Tower Hamlets), PDZ5 (London Borough of Hackney), and PDZ6, PDZ8 and 12 (London Borough of Newham). Conditions and obligations would be reimposed on a PDZ-basis only. Concurrent applications under section 96A would also be made to amend the description of development.

### **Protocol Objectives**

- a. Replace the existing LCS permission and associated section 106 legal agreements /Unilateral Undertakings (UU) with **three** borough-specific permissions and UUs so that the planning conditions and obligations are reapplied where necessary to each of the residual Planning Delivery Zones (PDZs).
- b. Ensure existing LCS development and any mitigation secured under conditions/obligations is PDZ-specific i.e., to sit distinctly within each Borough boundary for relevant Borough (LBN, LBTH and LBH).
- c. Remove obligations/conditions relating to site-wide requirements and rely on PDZ-specific requirements only.
- d. Ensure triggers for delivery or payment are specific to a PDZ, rather than a cumulative site-wide trigger.
- e. Provide knowledge and clarity to the Growth Borough on the LCS Development planning permission.
- f. Prepare a range of documents and plans, which supplement the planning register data.
- g. Enable the Growth Boroughs successful monitoring of planning conditions and legal obligations post transition.
- h. Enable Growth Boroughs to undertake where required successful enforcement.
- i. Enhance Growth Borough decision-making and community participation in the planning process.
- j. Streamline planning procedures and improve efficiency.
- k. Strengthen accountability and transparency.

## Programme

A detailed programme will be prepared and shared with the boroughs by September 2023. Tasks and actions will include:

- LLDC to review the conclusions of the original Environmental Statement and its updates following the previous section 73 applications.
- LLDC to review how site-wide conditions and obligations (including financial payments and delivery triggers) are reimposed on a PDZ basis.
- Borough review and comment on draft work schedules – monthly updates to boroughs to commence from September 2023.
- Borough workshop at Borough location TBA to go through the main points of the LCS permission and what is programmed for submission/change November 2023
- LLDC to prepare planning red line for each section 73 application by November/December 2023.
- LCS split out decisions determination expected first quarter 2024.
- *For noting - supplemental planning register data relating to LLDC LCS Development (set out above) to be provided as per the Borough Data Transfer Plan agreement.*

## Conclusion:

This protocol provides a roadmap for the smooth transition of PPDT's development management powers with respect to LLDC LCS Development to the Growth Boroughs. By following this protocol, the Growth Boroughs can maintain effective development management processes, and engage stakeholders in the decision-making process.

The protocol was agreed by officers at the 27 July meeting, and will be adopted from August 2023.

## Agreement

Borough agreement on the protocol (dated [to be completed following Borough cabinet])

# Appendix 1



## Appendix 2





# Major Preapps and Applications Protocol

## Planning Policy Decisions Team (PPDT) and Growth Boroughs

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### Introduction

This protocol outlines the objectives, principles, process and programme for managing major preapps/applications with the Boroughs, in the context of the transition of PPDT development management powers to the Boroughs, and concerns such matters up to August 2024. A 'Last 3 Months Protocol' will be agreed between PPDT and the Boroughs in 2024 covering, amongst other things, major planning applications and preapplications.

The aim is to maintain effective development management processes for each of the Borough areas with respect to major preapps and applications which will be submitted and considered/determined by PPDT as the Local Planning authority before September 2024, and to ensure a smooth transfer of responsibilities to the Boroughs at transition.

### Task

PPDT prepared a draft protocol circulated to the Boroughs in advance of discussion at the DM Transition Working Group on 26 April 2023, where agreement was reached on the way forward. PPDT were open to receive any further comment on the protocol until 19 May 2023, extended until 17 July 2023. The protocol was agreed by officers at the 27 July meeting, and will be adopted from August 2023.

### Protocol Objectives

- a. Provide clarity and certainty to all stakeholders that arrangements are in place to ensure 'business as usual' with regard to major preapps / applications until August 2024, in the context of the upcoming transfer of powers
- b. Allow effective stakeholder engagement in preapps / applications
- c. Agree a method for Borough involvement in preapps / applications
- d. Enable Boroughs to undertake, where required, continuing successful preapp / application work on cases inherited from PPDT
- e. Enhance Borough decision-making
- f. Streamline planning procedures and improve efficiency
- g. Strengthen accountability and transparency

### Principles and Process

- LLDC leads on all major preapps and applications
- Commitment for PPDT and Boroughs to resource and to involvement, communication, effective and timely reviews and feedback, to ensure working together effectively in delivering Planning services
- PPDT will share a list of major preapp / application cases monthly, and discuss at regular catch-up meetings with the Boroughs, as necessary
- Pre-applicants to separately pay PPDT and Borough for preapp advice

- PPDT will copy in the Borough reps on the weekly email circulation of planning applications received, and discuss those cases at regular catch-up meetings with the Boroughs, as necessary
- Boroughs may choose to become involved in a case of importance to them, identified from the list/email

**PREAPPS:**

- For any preapp case the Borough has an interest in, any meetings with preapplicants will involve both PPDT and the Boroughs (unless otherwise agreed between the LPAs) and will involve officer pre-meets to try and ensure a consistent message; and no individual meetings are to take place between a single LPA and the preapplicant (unless otherwise agreed between the LPAs)
- Any written preapp responses to be prepared by PPDT, with drafts and final versions shared with the Borough for joint agreement (for those cases the Borough has expressed an interest in/attended meetings)
- The agreed resolution mechanism for any fundamental differences on approach to the preapp response/advice is for PPDT to clearly set out where PPDT and the Borough differ on their views in the written response

**APPLICATIONS:**

- For any application the Borough has an interest in and they wish to be involved in a meeting will take place between the PPDT case officer and the Borough planner to discuss how best to achieve this
- The Boroughs will continue to be formally consulted on applications and retain the right to comment on the application in response
- Borough colleagues' comments will be taken into account in the consideration of planning applications and will be set out in officer reports
- Where there is a difference of opinion on a proposal, the LLDC Local Plan policies will prevail as the current Development Plan for the area
- Commitment to resource and to reviews to ensure working effectively
- LLDC Quality Review Panel, Built Environment Access Panel and Community Review Panel to be used for external design/community review

**GENERAL:**

- Boroughs may choose to brief preapps/applications to their committees
- Offer to fund retention of Pinsents Masons' legal service, Arup for environmentals and Jacobs for transport advice, for a period of up to 3 months post handback of powers to assist the Boroughs
- Boroughs use of LLDC consultants will need to be organised via direct award by the boroughs, with boroughs managing the contracts; Boroughs to send funding requests

**Programme**

- PPDT will share the list of on-hand preapps / applications monthly from August 2023
- PPDT will share the list of applications received weekly from August 2023
- Joint Publicity for handover of powers will include reference to planning cases
- The Statutory Instrument (SI) for the transfer of powers confirms that costs received post-transfer of powers will be picked up by the Boroughs, and costs granted by the courts, for example, following successful prosecution post-transfer, will be granted to the Boroughs. The scope of the SI has been agreed with DLUHC in April 2023. This is also consistent with the LLDC Planning Functions Order and the transitional arrangements set out in that SI

**Conclusion:**

This protocol provides a process for Borough involvement with respect to major preapps and applications until August 2024, towards a smooth transition/handback of PPDT's development management powers. By following this protocol, clarity and certainty can be provided to all stakeholders that effective arrangements are in place to provide advice and to make decisions.

**Agreement**

Borough agreement on the protocol (dated *[to be completed following Borough cabinet]*)

# Non-Major Applications and Preapps Protocol

## Planning Policy Decisions Team (PPDT) and Growth Boroughs

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### Introduction

This protocol outlines the objectives, principles, process and programme for managing non-major preapps/applications with the Boroughs, in the context of the transition of PPDT development management powers to the Boroughs, and concerns such matters up to August 2024. A 'Last 3 Months Protocol' will be agreed between PPDT and the Boroughs in 2024 covering, amongst other things, non-major planning applications and preapplications.

The aim is to maintain effective development management processes for each of the Borough areas with respect to non-major preapps and applications which will be submitted and considered/determined by PPDT as the Local Planning Authority until August 2024, and to ensure a smooth transfer of responsibilities to the Boroughs at transition.

### Task

PPDT prepared a draft protocol which was circulated to the Boroughs in advance of discussion at the DM Transition Working Group on 29 June 2023. It was decided, following comments from Borough colleagues at that meeting, to separate out proposals around working practices for the last 3 months – Sept to Nov 2024, and that these would be discussed in early/mid 2024, by which time the pertinent matters would be clearer. That document would have a working title of 'Last 3 Months Protocol'. The protocol for non-major applications and preapps could therefore be agreed in advance of the STS programme. PPDT were open to receive any further comment on the protocol until July 21, 2023. **The protocol was agreed by officers at the 27 July meeting, and will be adopted from August 2023.**

### Protocol Objectives

- a. Provide clarity and certainty to all stakeholders that arrangements are in place to ensure 'business as usual' with regard to non-major preapps / applications until August 2024, in the context of the upcoming transfer of powers
- b. Allow effective stakeholder engagement in preapps / applications
- c. Agree a method for Borough involvement in preapps / applications
- d. Enable Boroughs to undertake, where required, continuing successful preapp / application work on cases inherited from PPDT
- e. Enhance Borough decision-making
- f. Streamline planning procedures and improve efficiency
- g. Strengthen accountability and transparency

### Principles and Process

- LLDC leads on all non-major preapps and applications
- Commitment for PPDT and Boroughs to resource and to involvement, communication, effective and timely reviews and feedback, to ensure working together effectively in delivering Planning services

- PPDT will share a list of on-hand non-major preapp cases monthly with the Boroughs, and discuss at regular catch-up meetings with the Boroughs, as necessary
- Pre-applicants to separately pay PPDT and Borough for preapp advice
- PPDT will copy in the Borough reps on the weekly email circulation of planning applications received, and discuss those cases at regular catch-up meetings with the Boroughs, as necessary
- Boroughs may choose to become involved in a case of importance to them, identified from the list/email

**PREAPPS:**

- For any preapp case the Borough has an interest in, any meetings with preapplicants will involve both PPDT and the Boroughs (unless otherwise agreed between the LPAs) and will involve officer pre-meets to try and ensure a consistent message; and no individual meetings are to take place between a single LPA and the preapplicant (unless otherwise agreed between the LPAs)
- Any written preapp responses to be prepared by PPDT, with drafts and final versions shared with the Borough for joint agreement (for those cases the Borough has expressed an interest in/attended meetings)
- The agreed resolution mechanism for any fundamental differences on approach to the preapp response/advice is for PPDT to clearly set out where PPDT and the Borough differ on their views in the written response

**APPLICATIONS:**

- For any application the Borough has an interest in and they wish to be involved in a meeting will take place between the PPDT case officer and the Borough planner to discuss how best to achieve this
- The Boroughs will continue to be formally consulted on applications and retain the right to comment on the application in response
- Borough colleagues' comments will be taken into account in the consideration of planning applications and will be set out in officer reports
- Where there is a difference of opinion on a proposal, the LLDC Local Plan policies will prevail as the current Development Plan for the area
- LLDC Quality Review Panel, Built Environment Access Panel and Community Review Panel to be used for external design/community review

**GENERAL:**

- Boroughs may choose to brief preapps/applications to their committees
- Offer to fund retention of Pinsents Masons' legal service, Arup for environmentals and Jacobs for transport advice, for a period of up to 3 months post handback of powers to assist the Boroughs
- Boroughs use of LLDC consultants will need to be organised via direct award by the boroughs, with boroughs managing the contracts; Boroughs to send funding requests

**Programme**

- PPDT will share the list of on-hand preapps monthly from August 2023
- PPDT will share the list of applications received weekly from August 2023
- Joint Publicity for handover of powers will include reference to planning cases
- The Statutory Instrument (SI) for the transfer of powers confirms that incoming fees and costs received post-transfer of powers will be by the Boroughs. The scope of the SI has been agreed with DLUHC in April 2023. This is also consistent with the LLDC Planning Functions Order and the transitional arrangements set out in that SI

**Conclusion:**

This protocol provides a process for Borough involvement with respect to non-major preapps and applications until August 2024, towards a smooth transition/handback of PPDT's development management powers. By following this protocol, clarity and certainty can be provided to all stakeholders that effective arrangements are in place to provide advice and to make decisions.

**Agreement**

Borough agreement on the protocol (dated *[to be completed following Borough cabinet]*)

## **Protocol for transfer of LLDC CIL and S106 monies**

### **Background**

One aspect of the transfer of its planning powers from LLDC to the four boroughs in December 2024 is the need to transfer the monies that it holds at that point that have been received in payment for CIL liabilities and in respect of S106 financial contributions. The broad principles of an approach to doing this was discussed at the Planning Policy Forum meeting of 7<sup>th</sup> November 2022. This paper builds on this discussion and seeks agreement to the approach being proposed.

Agreement is being sought at this point as this is a matter that will need to be addressed in the Mayor's Statutory Transfer Scheme that forms a part of the transfer of planning powers and that, taken together, boroughs will need an agreed position on by July 2023 to ensure that this is reflected in their Cabinet Reports seeking agreement to the approach to the Statutory Transfer Scheme (STS). See STS programme at Appendix 1.

Currently, decisions to provide CIL and S106 funding to specific projects are made by the LLDC's Project Proposals Group, which boroughs attend. Once funding is agreed, a Grant Funding Agreement is put in place between the LLDC as LPA and the party receiving the funding. It is anticipated that the final decision-making meeting of the Project Proposals Group will take place in either June or July 2024, allowing time for Grant Funding Agreements to be completed prior to transfer of planning powers. This paper addresses the approach to monies that have been allocated through this process and remain 'live' and also those funds which have not been allocated.

### **Proposed approach to CIL monies:**

#### **Monies associated with a project Grant Funding Agreement**

Where any CIL monies held at 30<sup>th</sup> November 2024 and are associated with a finalised Grant Funding Agreement, the money specified in the Agreement will be passed to the borough in which that project is based or most closely associated with. Where some but not all of the money specified in the Grant Funding Agreement has been drawn down before the transfer date, the remaining money will be passed to that borough so that it can administer the remaining draw down of funds.

Grant Funding Agreements include a need for monitoring of project progress until that project has been completed. The Grant Funding Agreements set out the requirements for provision of project monitoring information. The borough to which the grant funding agreement is passed will become responsible for the monitoring, including the receipt of the required project monitoring reports. This will include those Agreements where all monies have been drawn down but there is a requirement for the project to provide subsequent monitoring reports. The Grant Funding Agreements transferred to each borough will be accompanied by a schedule of those agreements and the sums of money remaining to be drawn down and/or any remaining monitoring reports required.

#### **Monies left unallocated at the final Project Proposals Group meeting.**

Where, at the date of the final Project Proposals Group meeting (anticipated in Summer 2024) there is CIL money remaining unallocated after the decisions of the final meeting have been made, that money will be split between the Four Boroughs proportionally. The proportion of that unallocated

money passed to each borough will be determined by the percentage of the LLDC land area that each borough occupies. These percentages are as follows:

- LB Hackney – 16%
- LB Newham – 63%
- LB Tower Hamlets – 16%
- LB Waltham Forest – 5%

Other methodologies been considered but discounted as not providing a sound basis for proportioning the monies. For example, using the total value of infrastructure on the LLDC Infrastructure List by borough presents practical issues with many items either not having costs identified or, where they are, being broad estimates. Infrastructure provision and need is also difficult to disaggregate from the LLDC wide approach down to a borough level, risking a skewed outcome. The geographical area apportionment approach is considered to provide a reasonably robust methodology that ensures each borough benefits in a reasonably proportionate way. As CIL money is pooled from across the LLDC area and then spent in that context, it would also not be possible to relate the relatively small amount of unallocated CIL money envisaged in this proposal to the specific schemes that have paid CIL and therefore the boroughs within which the schemes that have paid this are located.

#### **Monies received after the date of the final Project Proposals Group meeting.**

Any CIL monies received after the date of the final Project Proposals Group meeting will be recorded in a schedule against the relevant planning permission number and the sum held against that reference. The sum will then be transferred in full to the borough in which the relevant development sits on 30<sup>th</sup> November 2024.

#### **Where a significant CIL payment is received before the final Project Proposals Group meeting but has not been allocated to a project at that final meeting.**

Where sums of £500,000 or more are received before the final Project Proposals Group meeting but there is insufficient time for a funding allocation application to be made to that meeting, it is proposed that this sum is treated in the same way as any CIL sum received after the meeting date, that is the money is held against the planning application number for the development that has paid it and the money is transferred in full to the borough that development site is within on 30<sup>th</sup> November 2024.

#### **Neighbourhood Portion of CIL**

The final allocations of LLDC Neighbourhood Portion of CIL, through the Neighbourhood Priorities Fund took place in December 2022. The LLDC Neighbourhood Proportion is 15% of LLDC CIL monies received across its entire area. It is proposed that the sum held at 30 November 2024 will be distributed between the four boroughs proportionally on the percentage basis shown above, to be used in accordance with that boroughs own governance arrangements for the Neighbourhood Proportion of CIL.



The LLDC approach to Neighbourhood CIL collected within its area has been a whole LLDC area one for the benefit of all communities living within the LLDC area. The approach ensures that all borough areas will benefit from the apportionment of unallocated Neighbourhood CIL monies. Linking unallocated Neighbourhood CIL monies to the schemes that paid the original amount, for example, would be both complex and likely to skew the proportion of money provided to each borough away from some of the communities that it has been intended would benefit and, in the case of LB Waltham Forest would likely result in no money being made available.

**CIL Administration Expenses** As per Regulation 61, a CIL charging authority may apply CIL to administrative expenses that it incurs up to a value of five percent of the CIL collected each year. The budget for CIL administration is set annually by LLDC's Finance and Corporate Services Directorate, in collaboration with the Planning Policy and Decisions Directorate. The budget for the financial year 2024/2025 is yet to be agreed so it is not possible at this point to specify the exact amount of this element of CIL receipts that the LLDC will look to retain to meet the costs of running an effective CIL service in its final year.

Once the budget for 2024/25 has been agreed, the LLDC will apply 5% of all LLDC CIL receipts to administration, up to the value of the agreed budget. As per Regulation 61, the LLDC will also retain 4% of all Mayoral CIL receipts, and credit these, in their entirety, to the agreed annual budget for 2024/25. The remaining amount of the LLDC administrative portion, exceeding the annual budget, which is collected in that final financial year (April-November 2024) will be split proportionally between the four boroughs, again using the land area percentage approach outlined above. This will ensure that LLDC is able to retain sufficient funding to operate its CIL related services while providing an element of funding to each borough towards initial administration costs of CIL collection cases and grant funding related activities for cases transferred to each borough. The unallocated amount to be proportioned will remain uncertain until close to the transition date, as there is no certainty for which schemes will become liable to pay CIL in the period of time to end of November 2024.

### **S106 Monies:**

#### **S106 Monies associated with a project Grant Funding Agreement**

Where S106 money held by LLDC has been allocated to a project through completion of a Grant Funding Agreement but that money has not been drawn down by 30 November 2024, that money will be transferred alongside the relevant Grant Funding Agreement, to the borough in which the development that has paid that S106 contribution sits. That borough would then administer the draw down of the funds and any monitoring requirements written into the Grant Funding Agreement.

#### **S106 monies left unallocated at the final Project Proposals Group meeting.**

Where a S106 financial contribution has not been allocated to a project at or prior to the final Project Proposals Group meeting, that money will be transferred to the borough in which the development that paid the contribution sits, alongside the S106 Agreement that specifies how that money can be spent. Any spending of that money would then simply be subject to the boroughs own governance processes for spend and the terms of the S106 Agreement.

Any S106 financial contribution received prior to the final Project Proposals Group meeting but for which it has not been possible to allocate that sum to a project, that sum will be treated in the same

way and passed to the borough in which the relevant development sits, along with other financial sums, on 30<sup>th</sup> November 2024.

Where an S106 contribution derives from a cross-borough development, it is expected that the borough which contains the proportionally greatest share of the development will assume responsibility for the contribution, and will be transferred the monies accordingly.

**S106 monies received after the date of the final Project Proposals Group meeting.**

Where any S106 financial contributions are received after the date for the final Project Proposals Group meeting, that money will be transferred to the borough in which the development paying the contribution sits, along with the relevant S106 Agreement.

**Monitoring contributions**

In certain instances, the LLDC secures monitoring contributions by way of Section 106 obligation. Where such a contribution remains wholly or partly unspent on 30<sup>th</sup> November 2024, it will be transferred to the borough in which the relevant development sits.

From the date of this Protocol, LLDC's Planning Policy and Decisions team will take into account monitoring contribution rates published or advised on by the Boroughs, alongside those set out in the LLDC's Planning Obligations SPD, in negotiating and agreeing monitoring contributions in all Section 106 legal agreements.

**Carbon Offset Fund**

Carbon Offset Fund monies are secured through a S106 Agreement and, when paid, are held in the Carbon Offset Fund. Unlike other S106 financial monies, this money is pooled as a single fund. A final formal bidding round is currently being run by the LLDC. It is expected that the decisions allocation meeting of the Project Proposals Group will take place in the early autumn of 2023 with grant funding agreements completed by the end of the year. Given the timescales for running the bidding round through to completion of grant funding agreements, it is not considered practical to run a bidding round in 2024. Any Carbon Offset Funds paid to the LLDC after the final funding decisions have been made on the applications made to the 2023 Funding Round, would be listed against their relevant planning application reference and passed to the borough which that scheme sits on 30 November 2024. Should there be any remaining unallocated monies in the fund at the point of final funding decisions being made, these will be apportioned between the boroughs using the land area methodology outline elsewhere in this Protocol.

It is assumed that the carbon offset monies unallocated by LLDC will be administered in accordance with the individual borough governance arrangements for carbon offset funds.

**Transfer of Funds to boroughs**

It is assumed that all funds addressed in this paper will be transferred to individual boroughs on 30 November/1 December 2024. Schedules of the amounts relating to each category described above will be provided along with the relevant grant funding agreements. The practical arrangements for transferring those funds will be discussed and agreed in due course. The approach specified in this paper and the practical payment arrangements would be captured within schedules to the Statutory Transfer Scheme and/or a separate MoU.

Agreement between London Legacy Development Corporation and Growth Boroughs

<u>07/11/22</u>	<u>Planning Policy Forum to discuss the Section 106 Briefing Note</u>
<u>06/12/22</u>	<u>Planning Policy Forum to discuss the Community Infrastructure Levy Briefing Note</u>
<u>31/05/23</u>	<u>Draft paper for discussion and meeting invitation sent to attendees</u>
<u>20/06/23</u>	<u>Planning Policy Forum – additional meeting to discuss draft paper</u>
<u>23/06/23</u>	<u>Deadline for any written comments from meeting attendees</u>
<u>Early July 2023</u>	<u>Issue of revised draft Protocol Paper</u>
<u>07/07/23</u>	<u>Final comments received</u>
<u>24/07/23</u>	<u>Issue of final Protocol Paper for inclusion with draft STS</u>

Appendix 1: Statutory Transfer Scheme Programme

Borough	Lead in time	STS first draft	MoUs first draft (incl.staff transfer)	Town Planning SI first draft	Borough Review	MoUs agreed	STS final draft	Town Planning SI final draft	STS agreed	LLDC submit to Boroughs	Cabinet Dates	RAG status
Hackney	6 weeks	23-Jun	30-Jun	Tbc	1-20 Jul	31-Jul	11 Aug	Tbc	04-Sep	11-Sep	23-Oct	
Newham	8-10 weeks	23-Jun	30-Jun	Tbc	1-20 Jul	31-Jul	11 Aug	Tbc	04-Sep	05-Sep	07-Nov	
Tower Hamlets	6 weeks	23-Jun	30-Jun	Tbc	1-20 Jul	31-Jul	11 Aug	Tbc	04-Sep	13-Sep	25-Oct	
Waltham Forest	6 weeks	23-Jun	30-Jun	Tbc	1-20 Jul	31-Jul	11 Aug	Tbc	04-Sep	21-Sep	02-Nov	
Owner		TfL Legal/ LLDC	Borough and LLDC Officers	DLUHC	Borough	Borough and LLDC Officers	TfL Legal/ LLDC	DLUHC		LLDC w/c 4 Sept		

# Data Transfer Plan: London Legacy Development Corporation London Borough of Hackney

## Document Control

<b>Organisation</b>	London Legacy Development Corporation
<b>Date</b>	15 June 2023
<b>Purpose of issue</b>	Consultation
<b>Title</b>	Data Transfer Plan: London Legacy Development Corporation and the London Borough of Hackney
<b>Description</b>	Outlines the processes, principles, and scope of the transfer of data from the London Legacy Development Corporation to the London Borough of Hackney.
<b>Author</b>	Bradley Clauson
<b>File Location</b>	SharePoint
<b>Contributors</b>	Danny Budzak
<b>Distribution</b>	<p><b>London Legacy Development Corporation:</b>  Anthony Hollingsworth – Executive Director PPDT  Catherine Smyth - Head of Development Management PPDT  Anne Ogundiya - Deputy Head of Development Management PPDT  Alex Savine - Head of Policy PPDT  Bradley Clauson – Senior Transition and Technical Manager  Danny Budzak – Senior Information Manager  Jim Wood – Director of IT and Information Services</p> <p><b>London Borough of Hackney:</b>  Henry Pavey - Growth Boroughs Programme &amp; Partnership Manager [Role: Project Manager]  Farhan Aleem - Planning Innovation &amp; Customer Service Team Leader [Role: Subject Matter Expert]  Sandy Baffoe Ampomah - Technical Support Manager [Role: Subject Matter Expert]  Anna Anderson - Senior ICT Delivery Manager [Role: ICT Support]  Rob Miller – Strategic Director Customer &amp; Workplace [Role: Executive Sponsor]</p>
<b>Status</b>	Draft v0.13.1
<b>Protective marking</b>	Not Protectively Marked

## Version Control

Version	Date	Amendments	Author
v0.1	11 October 2021	Document created	BC
v0.2	13 December 2021	Content added and amended	BC
v0.3	24 January 2022	Content added and amended	BC
v0.4	26 May 2022	Content amended and annexes added	BC
v0.5	22 June 2022	Content and annexes reviewed	DB
v0.6	10 August 2022	Content and formatting amended	BC
v0.7	27 October 2022	Updates following workshop	DB
v0.8	11 November 2022	BC amendments after 03 Oct workshop	BC
v0.9	16 November 2022	Formatting and style changes	DB
v0.10 – v0.11	Jan / Mar 23	Content, formatting, and style changes	AA
v0.12	20 Mar 23	Content and formatting amendments	BC
v0.12	15 June 23	Content and formatting amendments	BC
v0.13	16 Aug 23	Content and formatting amendments	AA
v0.13.1	19 Oct 23	Content and finalisation amendments	AA

## Approvals

This approval is for the content of this transfer plan.

Approval by	Name/Department	Signed (Y/N)	Date
<b>London Legacy Development Corporation</b>			
Business Owner (LLDC)	Anthony Hollingsworth – Executive Director of Planning, Policy and Decisions Team		
IT and Information Services	Jim Wood – Director of IT and Information Services		
Agile Applications Ltd	N/A		
Legacy Corporation (TFL) Legal (If Applicable)	N/A		

Civica Approvals (If Applicable)	N/A		
<b>Receiving Organisation: London Borough of Hackney (LBH)</b>			
Business Owner (LBH)	Natalie Broughton - Head of Planning & Building Control		xx
LBH - IT Service Provider (application software)	Idox Cloud - Jamie Henderson - Business Consultant LBH Account Manager	N/A	
LB Hackney - IT Service Provider (on-premises)	LBH ICT Application Support - Anna Anderson (Delivery Manager)	Y	19, October 2023
LBH Legal (If Applicable)	Georgia Lazari – Team Leader LBH Legal Directorate (Role: Legal Support]	Y	02, March 2023, 21, August 2023 - [Christine Stephenson]
LB Hackney – Information Governance	Ola Okoro – Information Governance Lead ICT Services (Role: Information Governance Support]	Y	17, October 2023

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# 1 Introduction

This data transfer plan sets out how the London Legacy Development Corporation (The Legacy Corporation) will work with the London Borough of Hackney (LBH) in order to prepare planning, policy and associated data for transfer to the London Borough of Hackney.

## 2 Background

The planning powers of the Legacy Corporation will be transferred to the four surrounding London boroughs of Newham, Hackney, Tower Hamlets and Waltham Forest on the **1<sup>st</sup> December 2024**. The last day on which the LLDC will exercise its planning functions will be until midnight **on 30<sup>th</sup> November 2024**.

To support the transfer of planning powers the following data will be transferred:

- LLDC (PPDT) Development Management Data
- LLDC (PPDT) Policy Data

See Section Six for specific details and information on the data to be transferred.

## 3 Legal Basis for the Transfer

The Legacy Corporation is the data owner and has statutory planning powers. The data referred to in this document relates to those powers.

### 3.1 Return of Legacy Corporation Planning Functions

On the 8<sup>th</sup> September 2022, the Mayor of London formally decided for the purposes of sections 204(2) and (3) of the **Localism Act 2011** that from 1st December 2024 the Legacy Corporation shall cease to exercise, as regards the whole of its Mayoral development area, the entirety of its town planning functions conferred on it by London Legacy Development Corporation (Planning Functions) Order 2012 (“2012 Order” SI 2012 No. 2167).

From the 1<sup>st</sup> December 2024 the planning functions that were exercised by the Legacy Corporation as a result of the 2012 Order will return to the London Boroughs of Newham, Hackney, Tower Hamlets and Waltham Forest and will be exercised by them.

The Legacy Corporation in conjunction with colleagues at the Department for Levelling Up, Homes and Communities is currently working on the relevant Statutory Instrument required to revoke the Corporation’s planning powers.

### 3.2 Transfer of Personal Data

There is a certain amount of personal data associated with the planning process. It will be necessary to transfer this data to ensure the completeness and integrity of the records series.

A Legitimate Interest Assessment is not required, and the transfer of any personal data is covered by existing protocols within the LLDC and LBH.

## 4 Statement of the Data Transfer Principles

### 4.1 Purpose

The purpose of the Data Transfer Principles is to ensure that the data is transferred in accordance and agreement with the relevant legislation and the policies and objectives of both the Legacy Corporation and the London Borough of Hackney.

All the data which has been defined within Section Six – Scope of Data Transfer (of this document) will be transferred to The London Borough of Hackney.

### 4.2 Objectives

The objectives of the transfer and receipt of data are to ensure that:

- (a) All the relevant data is identified by the Legacy Corporation.
- (b) That Civica, the managed provider of IT services to the Legacy Corporation, and the IT Department of LB Hackney are kept informed of, and included where necessary, in the process.
- (c) That the data can be transferred as a complete set of data and/or files to ensure data integrity and accuracy.
- (d) Data within the new environment will continue to have the same functions and features as it does in existing environments
- (e) The London Borough of Hackney is able to continue to provide the statutory function as if it had been the original recipient of the data.

### 4.3 Key Principles

#### **The Legacy Corporation will:**

- (a) Implement business processes and procedures to manage the data and information effectively during the transfer process
- (b) Maintain a complete record of the data which has been transferred and, where appropriate, include this information in the Legacy Corporation's Publication Scheme and Information Asset Register
- (c) Maintain the relevant levels of access and security during the transfer.

#### **The Receiving organisation:**

- (a) Have in place business processes and systems to receive the data
- (b) Comply with this Data Transfer Plan
- (c) Maintain the relevant levels of access and security during the transfer

## 5 Stakeholders

### 5.1 Key Stakeholders

The key stakeholders in the transfer of data are:

#### 5.1.1 The Mayor of London / Great London Authority (GLA)

The Mayor of London on the 8<sup>th</sup> September 2022 formally decided that from 1<sup>st</sup> December 2024 the Legacy Corporation shall cease to exercise the town planning functions conferred on it by London Legacy Development Corporation (Planning Functions) Order 2012.

#### 5.1.2 Department for Levelling Up, Housing and Communities

The Department for Levelling Up, Homes and Communities (in conjunction with the Legacy Corporation) is involved in drafting the Statutory Instrument required to revoke the Corporation's planning powers.

#### 5.1.3 The London Legacy Development Corporation

The Legacy Corporation until the **30<sup>th</sup> November 2024** is the relevant Local Planning Authority (LPA) for the LLDC area and holds all relevant Planning and Policy data for that area.

#### 5.1.4 The London Borough of Hackney

The London Borough of Hackney from the **1<sup>st</sup> December 2024** will be the relevant Local Planning Authority for the current LLDC area that falls within the boundary of the LB Hackney. All relevant planning / policy functions and data will transfer to LB Hackney.

#### 5.1.5 Agile Applications Ltd

As the Planning Software Service Provider for the LLDC, Agile Applications Limited will be involved in the technical management of the data transfer. Agile Applications has no interest in the content of the data.

#### 5.1.6 Civica

As the Managed IT Services Provider for the LLDC, Civica will be involved in the transfer of any planning and policy data from the LLDC Network.

#### 5.1.7 Idox Cloud

As the Managed IT Services Provider for the London Borough of Hackney, Idox Cloud will be kept informed (as appropriate) of developments and issues in relation to the technical transfer.

## 6 Scope of Data Transfer

### 6.1 In Scope

The data to be transferred is:

#### APAS Data:

- Planning Application Data (All planning application data from **1<sup>st</sup> October 2012** (when the LLDC became the relevant LPA for the area) in relation to closed cases held within the PPDT APAS

system, from submission to decision and appeal (if applicable). This includes all submitted and generated documentation, during the life of the application, which includes (but is not limited to) forms, plans, drawings, reports, letters, notices, applicable S106 agreements and CIL Documentation.

- There are approximately **800** planning applications within the APAS system associated with LB Hackney.
- A total of **44GB** of data within the APAS system is currently associated with LB Hackney. This comprises of:
  - Inputted record data and back-office database tables (text, dates, GIS redline boundary's, etc.) which is held and stored in a Structured Query Language (SQL) database.
  - Data created within the APAS system (letters, notices, decision notices, etc. all held as Word documents) which is encoded.
  - Data which has been uploaded to the APAS system (Forms, reports, plans, drawings, redacted consultation responses, etc. all held as PDF) which is held in BLOB storage.
- Pre-Planning Application Data (Active pre-planning application case data held within the PPDT APAS system at the agreed date of transfer).
- Enforcement Data (Active enforcement case data held within the PPDT APAS system at the agreed date of transfer).

#### **LLDC Network Data**

- Borough Filtered Development Management Planning Application Data (note this includes any applicable appeal data)
- Borough Filtered Development Management Pre-Planning Application Data
- Borough Filtered Development Management Enforcement Data
- Borough Filtered Spatial (GIS) Data (Redline Planning Boundaries)
- Borough Filtered (In Part) Policy Data (See **Annex Nine** for further information on Policy, Local Plan, S106 & CIL Data)
- Historic ODA Planning Application Data (note this includes any applicable appeal data)

#### **6.2 Out of Scope**

The Legacy Corporation considers that the following is out of scope:

- Active & Closed Mailboxes (emails) of individual members of staff (See Annex Ten).
- H:Drives (Personal Drives on the LLDC network) of individual members of staff.
- Content relating to internal PPDT staff meetings.
- Any personal data about staff, including appraisals, leave records, sickness records and so forth.
- Hard Copy Planning Application Data (Until 2020 PPDT held a hard copy file of each planning application submission, since 2020 PPDT has moved to an electronic platform only. The hard copy files are duplicate physical copies of the data held within the APAS planning system and LLDC Network, and contain **no additional** information or data to that held within the APAS system or LLDC Network).

## 7 Transfer Process

### 7.1 Transfer Date

The transfers will take place from April 2024 through to December 2024.

(See Annex Eleven for further details).

### 7.2 Transfer Process

The potential ways to transfer data from LLDC to LBH, it should be noted that certain options will result in certain planning data not being able to be transferred:

- Machine to machine – this would be a back-office point-to-point transfer between the LLDC APAS planning system and the LB Hackney (Idox Cloud) planning system,
- LLDC to copy relevant planning and policy data from the LLDC File Servers (Network Drives) to a secure portable hard drive and physically hand this to LB Hackney,
- Transfer relevant planning and policy data from the LLDC File Servers (Network Drives) using a File Transfer Process (FTP)

Each of these processes would incur different levels and types of cost.

The Legacy Corporation working with Agile Applications will produce reports which describe:

- Number of APAS Records & Data
- Data size of APAS Records & Data
- Document types, numbers and sizes held within APAS Records & Data

The LLDC, working with Agile Applications and the London Borough of Hackney will determine and agree which tools will be used to do the physical transfer of the data.

Civica (as the Managed IT Services Provider for the LLDC) will be kept informed of developments concerning the data transfer and provide additional technical expertise if required.

The transfer will be undertaken outside of LLDC business hours under Change Control authorised by the LLDC in advance of the transfer date.

#### London Borough of Hackney – Transfer Process

The Legacy Corporation and the London Borough of Hackney has agreed two processes for the transfer of the statutory planning and enforcement registers:

- LLDC to prepare data reports from the Agile Applications APAS system, together with copying relevant planning and policy data from the LLDC File Servers (Network Drives) and uploading to secure file transfer areas (FTP) on the internet for London Borough of Hackney to then download to their individual IT networks and process manually.
- From Summer to December 2024 transferring relevant newly closed planning data from the Legacy Corporation File Servers (Network Drives) using a Secure File Transfer Process (SFTP).

All other planning (including but not limited to planning policy, developer contributions) data to be transferred in summer 2024 by:

- Legacy Corporation to copy relevant planning, policy and developer contributions data from the Legacy Corporation File Servers (Network Drives) using an SFTP or other secure means.

Upon the cessation of the Legacy Corporation's functions a further copy of data will be supplied as

- A secure portable hard drive and physically delivered to London Borough of Hackney.

### 7.3 Post Transfer

Once the data has been transferred, a copy of the data will be retained within the Agile Applications Ltd APAS system until **1<sup>st</sup> December 2024**.

Within that period the Legacy Corporation will assist with queries in relation to the files as described in the Request for Information Protocol below (**See Annex Two & Annex Three**).

## 8 Compliance

### 8.1 Data Protection

Personal data will be included in the transfer of planning data from the Legacy Corporation to the LB Hackney. This personal data will include:

- Name, address, email, phone number of data subjects who have made planning applications.
- Name, address, email, phone numbers of data subjects who have raised objections.
- Name, address, email, phone number of data subjects who have taken part in consultations.

#### Data Controllers:

The Legacy Corporation is the data controller for the Planning data. As part of the transfer of the Planning data, the Data Controller function will transfer to the LB Hackney.

The Legacy Corporation is a registered data controller with the Information Commissioner's Office (ICO) as a requirement of the Data Protection Act. The privacy statement is here:

- <http://www.londonlegacy.co.uk/info/privacy-policy/>

The London Borough of Hackney will become the Data Controller of the Planning Data.

The London Borough of Hackney is a registered data controller with the Information Commissioner's Office (ICO) as a requirement of the Data Protection Act. The privacy statement is here:

- <https://hackney.gov.uk/planning-privacy> (Planning Privacy Statement)
- <https://hackney.gov.uk/privacy> (LBH General Privacy Statement)

#### Data Processor:

Agile Applications who provide the APAS system are a data processor working to the instructions of the LLDC as a data controller in regard to the planning data.

Civica is the data processor working to the instructions of the LLDC as a data controller in regard to planning and policy LLDC Network data.

Idox Cloud is the data processor working to the instructions of the London Borough of Hackney as a data controller in regard to planning and policy LLDC Network data.

## 8.2 Freedom of Information and Environmental Information Regulations

The Legacy Corporation is a public authority for the purposes of the Freedom of Information Act and therefore falls within its coverage.

- London Legacy Development Corporation:  
<http://www.londonlegacy.co.uk/info/freedom-of-information/>
- The receiving organisation is the London Borough of Hackney:
- Agile Applications Ltd is a commercial entity and is not subject to the Freedom of Information Act.
- Civica is a commercial entity and is not subject to the Freedom of Information Act.

If the Legacy Corporation receives an FOI request which might relate to this project, it will liaise with both LLDC & The London Borough of Hackney.

## 8.3 Intellectual Property Rights & Protective Marking

There are no intellectual property rights issues in relation to LLDC produced documentation and data, and the transfer of any such documentation and data is and will be covered by existing protocols within the LLDC and LBH.

Third party produced data / documentation (reports, logo's, etc.) will be handled in the same way by LBH as LLDC. This will be communicated to third parties during current and future communication arrangements concerning transition related matters. In addition, a specific reference to this third-party data will be added to the LLDC dedicated transition Webpages.

# 9 Data Management

## 9.1 Transfer of the Data

After the data has been transferred, User Acceptance Testing (UAT) will be conducted by the receiving organisation to confirm the accuracy, etc. of the data. On completion of UAT, formal sign-off of the data transfer will occur.

After the transfer and sign-off of the data, the LLDC has no responsibility for the data which the recipient organisation The London Borough of Hackney has received.

# 10 Costs

## Costs associated with the data transfer:

- **LLDC / PPDT**
  - o Internal costs of the Legacy Corporation in analysing the data
  - o Any specialist software which is required

- o Agile Applications Limited (APAS Supplier) costs in running data scripts and transferring APAS data.
- **LBH**
  - o Costs incurred by the receiving organisation – The London Borough of Hackney.

The costs incurred in preparing, transferring, receiving, and processing the data will be covered separately by each organisation.

## **11 Sign Off**

Sign off will be required by the Legacy Corporation, The London Borough of Hackney, Agile Applications Limited, to confirm that the transfer has been successfully completed.

- The Legacy Corporation will need to sign off the transfer of the files.
- Agile Applications will need to sign off the accuracy and completeness of the transfer of the data.
- The London Borough of Hackney will need to sign that they have satisfactorily received all the data they require.



## Annex One – Risks

Ref No.	Risk – taken into account risk to individuals, compliance risk & organisation/ corporate risk	Initial Risk score			Proposed solution(s) /mitigating action(s)	Action Lead	Status/Progress	Residual RAG status		
		Likelihood	Impact	RAG status				Likelihood	Impact	RAG status
1	Transfer process does not work	L	H							
2	Transfer incomplete	L	M							
3	Transfer cannot be completed as a server-to-server process	H	H							
4	Issues with content	L	M							
5	Capacity issues, including lock-down pressures	L	L							

6	Disagreements about scope of transfers	<u>L</u>	<u>L</u>						
7	Consistent messages and approach across all of the workstreams	<u>M</u>	<u>M</u>						
8	LBH resources and capacity to process the data transfer via internal LBH processes.	<u>M</u>	<u>M</u>						

## **Annex Two – Request for Information (Protocol)**

### **Purpose**

The purpose of the Request for Information Protocol is to manage any requests for data which may arise once the transfer has been completed, post UAT and sign-off and the formal closure of PPDT as the Local Planning Authority.

### **Parties to the Protocol**

The parties to the protocol are the London Legacy Development Corporation and The London Borough of Hackney. Requests will not be considered from any other third parties without authorisation.

This protocol will not be used for Freedom of Information requests or Data Subject Access Requests. It will not be used for the purpose of audit or investigatory authorities who will maintain their own processes for data access.

### **Applying the Protocol**

This protocol will apply to the handling of requests for files in relation to the data which has been transferred from the LLDC to the recipient organisation.

### **Points of Contact**

The Legacy Corporation and The London Borough of Hackney will have nominated staff who deal with information requests. Only requests from nominated staff using the RFI process will be considered.

Contacts as per the distribution lists.

## Annex Two – Request for Information 2 (Template)

Requested by	Organisation and Department		
		<b>Request number</b>	
		<b>Revision</b>	
		<b>Data requested</b>	
		<b>Date submitted to LLDC</b>	
		<b>Date required</b>	
		<b>Date of reply by LLDC</b>	
		<b>Date closed</b>	
Request authorised by			
	<b>LLDC</b>	<b>Date approved</b>	
Details of information requested			
Reason for information request			
Response or comment from LLDC			

## Annex Three – Checklist

Ref	Action	Date	Owner	Done	Comments
CL1	Update EMT member/ Director	2022	BC (LLDC)	Yes	

	<ul style="list-style-type: none"> <li>Describe scope and purpose</li> <li>Raise costs</li> <li>Identify budget</li> </ul>				
CL2	<p>Establish the scope with the business</p> <ul style="list-style-type: none"> <li>Determine potential sources of the data</li> </ul>	2022	BC (LLDC)	Yes	
CL3	<p>Run Treesize / APAS Reports</p> <ul style="list-style-type: none"> <li>Total volume of data</li> <li>Total number of APAS records</li> <li>Data / File types</li> </ul>	2022 / 2023	BC (LLDC) / Agile Applications Ltd	Yes	
CL4	<p>Agree scope with business and receiving organization</p> <ul style="list-style-type: none"> <li>Business user to update EMT member/ Director</li> <li>Collate data to be transferred</li> <li>Update the transfer plan</li> <li>Clarify and agree costs</li> <li>Raise change control</li> <li>Agree transfer timescales</li> </ul>	2022 / 2023	BC (LLDC) / FA & AA (LBH)	Yes & Ongoing	
CL5	<p>Agree transfer timetable with LLDC, Agile Applications, LB Hackney and</p>	2023	BC (LLDC) / Agile Applications Ltd / FA & AA (LBH)	Yes & Ongoing	

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## Annex Four – Technical Specification 1 (Planning Software & Systems)

### Current IT Systems used by PPDT and LBH

Planning Authority	Current back office planning IT systems	Current license end date	Intention to extend or replace?	Comments
LLDC	APAS Planning Application Software – Agile Applications Ltd (Back Office)	Perpetual Licence – Renewed Yearly	Currently no intention to replace  An upgrade to the current APAS system to a SaaS operating environment is planned for summer 2022	The APAS system (is a Hosted System) used to process / manage all planning application, pre-application and enforcement matters submitted to the LLDC. The system links externally to the Planning Portal to pull through submitted planning application data and documentation.
	Web APAS - Land and Property Administration – Agile Applications Ltd (Public Facing)	Included as part of the above package	An upgrade to the current Web APAS system is planned for summer 2022	Web APAS is a public facing system (available via our website) that links to our back office APAS system to display data and information to the general public.
	Query Builder – Agile Applications Ltd (Back Office)	Perpetual Licence – Renewed Yearly	Currently no intention to replace	Query Builder (QB) is a back-office system used for querying (and reporting on) planning, pre-application, enforcement, CIL & Section 106 data.
	ArcGIS – Esri (Back Office)	N/A – Access included as part of the GLA family.	N/A – No intention to move to a different platform	ArcGIS is not used directly for LLDC Planning related matters within PPDT. However various GIS data layers, provided by the GLA, plug into the GIS element of the APAS system to plot 'Red Line' data and for Consultation / Letter Generation.

Planning Authority	Current back office planning IT systems	Current license end date	Intention to extend or replace?	Comments
	LLDC File Servers – Microsoft Environment	N/A	N/A	Various (duplicate and unique) Planning Authority Information is held in a variety of formats on the LLDC file servers.
LBH	Idox Cloud (Tascomi) – Planning Application, Appeal and Enforcement Software, Exacom for managing S106 agreements and CIL	Renewed Yearly	Currently no intention to replace	We use Idox Cloud (Tascomi) Software for Processing all Planning Applications, Pre-Applications, Appeals and Enforcement Complaints submitted to Hackney Council via the Planning Portal, by Post or Email. The system links externally to the Planning Portal to pull through submitted planning application data and documentation. We also had a system called M3 that hosted most of our historical data, unfortunately we lost access to this system through a cyberattack. Most of our historical data had been migrated to Idox Cloud, previously Tascomi, before the cyberattack.





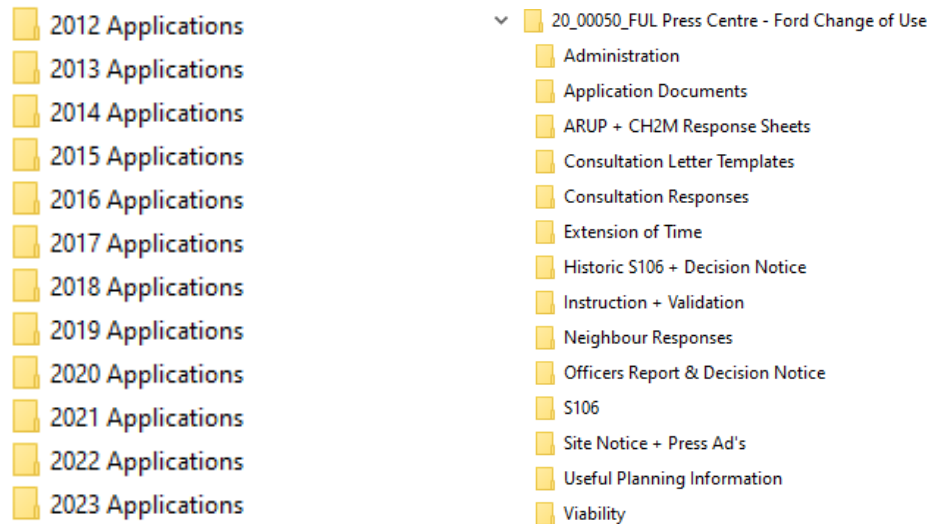
# Annex Five – Technical Specification 2 (Technical Environments & Data Breakdown)

## Technical Environments –

### LLDC

- The LLDC Network (PPDT) is a primarily Microsoft Environment and PPDT Network Data is predominantly held in a parent / child folder structure. Naming conventions within specific data areas are standard across folder / file types and where applicable are held at the top level by year - for example planning application data:

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- The APAS system is a hosted solution on the Agile Applications Ltd servers. PPDT planning data held within the APAS system is held in a combination of SQL database tables and unstructured mass data storage (Blob).
- Documents and associated information uploaded to or generated by the APAS system is in the following formats:
  - Microsoft Word
  - Microsoft Excel
  - Adobe PDF

## LB Hackney

- LBH is Planning and Building Control ICT environment is Google Workspace: Gsuite.
- LBH planning data held within the Idox Cloud. This is a fully hosted solution. LBH has no onsite systems.
- LBH uses Idox Cloud DMS to hold planning documentation. This is a fully hosted solution. LBH has no onsite systems.
  - All artefacts for the Planning and Building Control are held in Idox Cloud.

## Data Breakdown

- As of May 2023, there are approximately **800** closed planning application records within the APAS system that are within the boundary of LBH.
- The size of the APAS data is approximately **44GB**.
- Planning application data that lies within the QEOP LPA boundary, but on the boundary between LBH and (TBC), will be aligned with the division of S106 & CIL Data and determined on a case-by-case basis by PPDT & LBH.

## Annex Six – Acronyms and Abbreviations

List of Acronyms & Abbreviations	
Acronym / Abbreviation	Full Description
Acolaid	Planning Application Software (Provided by IDOX Software Ltd)
APAS	Planning Application Software (Provided by Agile Applications Ltd)
BPA	British Paralympic Association
CIL	Community Infrastructure Levy
CMS	Communications, Marketing and Strategy (Directorate of the LLDC)
DLUHC (Formally) DCLG / MHCLG	Department for Levelling Up, Housing and Communities (Formally - Department for Communities & Local Government / Ministry of Housing, Communities & Local Government)
DSAR	Data Subject Access Request
DTP	Data Transfer Plan
EIR	Environmental Information Regulations
EMT	Executive Management Team (at the LLDC)
Exacom	CIL / S106 Recording & Tracking Software (Provided by Exacom)
GDPR	General Data Protection Regulation
FOI	Freedom of Information
GIS	Geographic Information System
GLA	Greater London Authority
GLL	Greenwich Leisure Limited
HMLR	Her Majesty's Land Registry
HWFI	Hackney Wick & Fish Island
LAC	London Aquatics Centre
LBH	London Borough of Hackney
LBN	London Borough of Newham

LBTH	London Borough of Tower Hamlets
LBWF	London Borough of Waltham Forest
LLDC	London Legacy Development Corporation
LPA	Local Planning Authority
LS185	Operator of the London Stadium
LTGDC	London Thames Gateway Development Corporation
LVRPA	Lee Valley Regional Park Authority
ODA	Olympic Delivery Authority
OPLC	Olympic Park Legacy Company
PDC	Planning Decisions Committee
POV	Park Operations & Venues
PPDT	Planning Policy & Decision Team
QEOP	Queen Elizabeth Olympic Park
Section 106 / S106 / S106 Obligations	A Legal Agreement between an Applicant seeking planning permission and the Local Planning Authority
SWF	Stratford Water Front
UCL	University College London
Uniform	Planning Application Software (Provided by IDOX Software Ltd)

## **Annex Eight – His Majesty’s Land Registry Project**

His Majesty’s Land Registry is working in partnership with all local authorities in England and Wales to standardise and migrate local land charges register information to one accessible place.

Although PPDT do not maintain land charge data for properties within the QEOP boundary, it does notify the relevant Borough of the outcome of planning applications to which it is the determining authority. On receipt of the notification the Borough updates its internal land registry records and notifies HMLR.

PPDT will work with the LBH in preparing their data for migration to the new HMLR system, several discussions have already occurred, and relevant data identified.

Whilst the HMLR project is not part of the scope of DTP project (there are no data transfers involved), there are several areas in common to both projects (decisions data / spatial elements).

Any relevant information that arises from the HMLR project, as it pertains to the DTP project, will be added to this annex as the project progresses.

## **Annex Eight – Section 106 / Community Infrastructure Levy / Policy Data**

PPDT holds data in relation to Section 106 Agreements, Community Infrastructure Levy Payments and general / specific policy areas.

This data is held within the PPDT folders of the O:Drive and consists of Word, Excel and PDF Documentation. There are also duplicate copies of S106 agreements held within the PPDT APAS system as part of the relevant associated planning application.

### **The data to be transferred is:**

- Section 106 Agreements (Copies of S106 agreements held within the PPDT APAS system as part of associated planning applications).
- Community Infrastructure Levy (CIL) Data (Copies of CIL documentation held within the PPDT APAS system as part of associated planning applications).
- Section 106 Agreements (Obligation and Financial Tracking Information held on the LLDC File Server (O:Drive)).
- Community Infrastructure Levy (Liability and Financial Tracking Information held on the LLDC File Server (O:Drive)).
- Local Plan 2020 – 2036 Documentation & GIS Layers held on the LLDC File Server (O:Drive).
- Brownfield Land Registry Information held on the LLDC File Server (O:Drive).
- Housing & Development Monitoring Data (London Development Data (LDD), Starts and Completions
- Spatial (GIS) Data Layers (Boundary, Developments)

Although the S106, CIL and Policy Data Project is being overseen by the Policy Team within PPDT, there is crossover with the overall DTP Project. The project leads for both workstreams are liaising regularly in order to align agreed principles and the work being performed with regards common areas.

Relevant information that arises from these discussions / respective workstreams will be added to this annex as both projects progress.

A number of meetings of the Planning Policy Forum and individual borough meetings during 2022 and 2023 have helped to establish the following in respect of the transfer of CIL and S106 data, including CIL legal notices and grant funding agreements.

CIL monitoring data will be transferred as a csv file along with copies of PDF notices and associated documents. S106 obligations monitoring data will be provided as a csv file for financial obligations and for non-financial obligations separately for upload with summaries of obligations and identification of discharged and live obligations. There will also be APAS records for S106 obligations that have been submitted for discharge. Associated pdf documents will be provided in terms of S106 Agreements

Discussions on the csv files data structure have taken place and test data provided to each borough for confirmation on the appropriateness of structure for their own records within Exacom (all boroughs operate Exacom). Discussions are continuing in terms of the individual data structure for each.

Approach to how data is uploaded by boroughs will vary dependent on quantum of data and the current arrangements each has in place. For example, LB Tower Hamlets have an existing

contract in place with Obligations Office that could be utilised. LB Waltham Forest have limited amounts of data to receive and may simply need to rely on a manual upload/inputting.

Discussion on the transfer of grant funding agreements and monies is continuing, with an aim to maximise allocation and spend of monies prior to transition in order to simplify and reduce the amount and complexity of distribution of funds and remaining funding obligations and monitoring attached to grant funding agreements. Only a small number of cross-boundary cases exist and there will be further discussion on which borough would take responsibility for an outstanding funding agreements and monies associated with these to ensure arrangements are in place prior to the data and monies transfer dates identified in the transfer plans. It is anticipated that the remaining detail on these matters will crystallise through further discussion through the remainder of 2023.

## Annex Nine – Planning Policy & Decision Team Emails

The LLDC operates within a Microsoft Office 365 environment and emails are managed in Outlook.

Each LLDC officer has a personal email account.

Within PPDT there are a number of generic email boxes. These include:

- Planning Enquiries - [PlanningEnquiries@londonlegacy.co.uk](mailto:PlanningEnquiries@londonlegacy.co.uk)
- Planning Committee - [PlanningCommittee@londonlegacy.co.uk](mailto:PlanningCommittee@londonlegacy.co.uk)
- Planning Policy - [PlanningPolicy@londonlegacy.co.uk](mailto:PlanningPolicy@londonlegacy.co.uk)
- cilands106 - [cilands106@londonlegacy.co.uk](mailto:cilands106@londonlegacy.co.uk)

During the 10-year period in which the Legacy Corporation has been the Planning Authority approximately 50+ people have worked in the Directorate. In that period an estimated **51 million** emails have been sent and received.

The issues around emails are as follows:

- It would be labour intensive and costly to separate emails out in relation to specific Planning Applications, appeals and so on
- There would be data protection implications in that any personal data of staff would need to be removed. This again would be costly and labour intensive
- If emails were transferred, then LB Hackney would become responsible for any Subject Access Requests in relation to those emails as it would become the Data Controller
- LB Hackney would also become responsible for FOI requests in which those emails could be included
- LB Hackney would have to disclose those emails if requested by a court and this would mean that it would have legal obligations in respect to those emails
- While emails could have supplementary data relating to a planning application the substantive content and information about the planning application, determination process and decision is contained within the applicable planning record within the APAS Planning system, If there are any questions, then this data should be the primary source used for answers.
- The email by definition will be incomplete. It is not the whole picture and discussions which took place in email may have been refuted or challenged in reports, informal discussions and meetings



## Annex Ten – Transition Workstreams

In addition to the Data Transfer Project there are a number of additional workstreams in relation to the overall PPDT Transition Project.

Details of these respective workstreams and project leads within PPDT, LLDC and the LBH are:

### PPDT –

- Anthony Hollingsworth (Director of PPDT) – Legislation, TUPE, Directorate Closure
- Bradley Clauson (Senior Transition & Technical Manager) – Data (Electronic & Physical) Transfer
- Alex Savine (Head of Policy) – S106 / CIL / Policy Data and Finances
- Catherine Smyth (Head of Development Management) – Development Management Service
- Anne Ogundiya (Deputy Head of Development Management) – Development Management Service

### LLDC –

- Ilana Manuel (Senior Programme Manager) – Transition Programme Manager
- Danny Budzak (Senior Information Manager) – Data (Electronic & Physical) Transfer

### LB Hackney –

- Natalie Broughton (Head of Service) – Transition Lead
- Farhan Aleem - Planning Innovation & Customer Service Team – Data Transfer
- Sandy Baffoe Ampomah – Data Transfer
- Anna Anderson – ICT
- Graham Callam (Growth Team Manager) – CIL/S106 Growth
- Katie Glasgow (Strategic Policy manager) – Strategic Policy
- Robert Brew (Major Apps Team Leader) – DM Major Applications

## Annex Eleven – Timetable

<b>Activity</b>	<b>Date</b>	<b>Responsibility</b>
Borough Discussions post Technical Meetings & Technical Report	<b>May / June 23</b>	<b>Boroughs</b>
Testing the Viability of Manually Uploading the Planning Application Data into Respective Borough Planning Systems	<b>May / June 23</b>	<b>Boroughs / LLDC</b>
Formal Decision by each Borough of the APAS Data Transfer Option	<b>June 23</b>	<b>Boroughs</b>
DTP's General Agreement / Approval / Sign-Off	<b>June 23</b>	<b>LLDC / Boroughs</b>
Submission of Business Cases (Costs / Finance Assistance)	<b>June / July 23</b>	<b>Boroughs</b>
Draft Project Programme (June 23 to Dec 24)	<b>June / July 23</b>	<b>LLDC</b>
Formalisation / Confirmation in the Statutory Instrument (SI) of the Data Transfer Processes & Data Transferring	<b>June / July 23</b>	<b>LLDC</b>
Preliminary Work on the Chosen Transfer Option	<b>July to Sept 23</b>	<b>LLDC / Agile</b>
LLDC to Identify and Confirm which APAS Data Relates to each Borough	<b>Oct 23</b>	<b>LLDC</b>
Analysis and Script Development	<b>Oct 23</b>	<b>Agile / LLDC</b>
Test Extraction – <b>TBC</b>	<b>Dec 23</b>	<b>Agile</b>
Closed / Historic APAS Data Transfer 1 (Bulk Extraction) - <b>TBC</b>	<b>Dec 23</b>	<b>Agile / Boroughs</b>
Review of the (Test / Bulk) Extract by each Borough / Idox - Mapping, Validation, Uploading, Etc. - <b>TBC</b>	<b>Jan 24</b>	<b>Boroughs / Idox</b>
Amendments and Fixes for the Delta Extraction - <b>TBC</b>	<b>Jan 24</b>	<b>Agile</b>
Statutory Transfer Scheme (STS) to Formally Detail Items Included in the Transfer	<b>Jan / Feb 24</b>	<b>LLDC</b>
Optional Additional Test Extraction	<b>TBC / If Required</b>	<b>Agile</b>

Optional Additional Review of the Test Extract by each Borough / Idox - Mapping, Validation, Uploading, Etc.	<b>TBC / If Required</b>	<b>Boroughs / Idox</b>
Amendments and Fixes for the Delta Extraction	<b>May / June 24</b>	<b>Agile</b>
Closed / Historic APAS Data Transfer 2 (Delta Extraction)	<b>July 24</b>	<b>Agile / Boroughs / Idox</b>
Review of the Delta Extract by each Borough / Idox - Mapping, Validation, Uploading, Etc.	<b>From 15<sup>th</sup> July 2024</b>	<b>Boroughs / Idox</b>
LLDC Network Data Transfer (Identified and Agreed DM & Policy Data) - <b>TBC</b>	<b>July 24</b>	<b>LLDC / Boroughs</b>
Active Data Transfer Processes Apply - <b>TBC</b>	<b>July to Nov 24</b>	<b>LLDC / Boroughs</b>
Bi-Weekly / Monthly LLDC Extracts / Reports of New and Closed Data - <b>TBC</b>	<b>July to Nov 24</b>	<b>LLDC / Boroughs</b>
Closeout & Legacy work on Connected IT Systems	<b>Oct / Dec 24</b>	<b>LLDC / Boroughs</b>
Residual Data Transfer 3 (Identified and Agreed DM & Policy LLDC Network Data)	<b>Nov / Dec 24</b>	<b>LLDC / Boroughs</b>
Borough Data Responsibilities Apply	<b>Dec 24</b>	<b>Boroughs</b>

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**Memorandum of Understanding**  
**Growth Boroughs and London Legacy Development Corporation**  
**September 2023**

**1. Parties**

The parties to this Memorandum of Understanding (MoU) are:

- 1.1 London Borough of Hackney (LBH);
- 1.2 London Borough of Newham (LBN);
- 1.3 London Borough of Tower Hamlets (LBTH);
- 1.4 London Borough of Waltham Forest (LBWF); and
- 1.5 London Legacy Development Corporation (LLDC).

In this MoU, the term “**Growth Boroughs**” refers to LBH, LBN, LBTH and LBWF.

**2. Purpose**

- 2.1. The purpose of this MoU is to agree the approach to handling the impact on the employees of LLDC affected by the transfer of planning powers from LLDC to the respective Growth Boroughs. The transfer of planning powers is intended to take effect on 1<sup>st</sup> December 2024.

**3. Background**

- 3.1. LLDC was established as the first ever Mayoral Development Corporation in 2012, to take forward commitments made in the London 2012 bid in relation to the physical and socio-economic regeneration of Stratford and the surrounding area.
- 3.2. The Mayor of London has a legal duty to periodically review the continued existence of Mayoral Development Corporations.
- 3.3. LLDC Board have made recommendations to the Mayor of London which he approved in early September 2022. These include that LLDC’s Town Planning powers will return to the four neighbouring boroughs, i.e. the Growth Boroughs, on 1 December 2024.
- 3.4. LLDC and the Growth Boroughs have been in discussions about the impact of point 3.3 above, i.e. the return of planning powers from LLDC to the relevant Growth Boroughs, and the application or otherwise of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) to that process. LLDC’s and the Growth Boroughs’ shared understanding of the legal position on TUPE is as follows:
  - 3.4.1. The return of LLDC’s planning functions to the Growth Boroughs will not be covered directly by the TUPE.
  - 3.4.2. Applying TUPE or the principles of TUPE to LLDC planning team would be complicated by the fact that the planning powers are to be returned to four boroughs rather than one so the activity in question is being fragmented and the team is not currently organised by Growth Borough area<sup>1</sup>. The parties believe that this fragmentation would mean that TUPE

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<sup>1</sup>

Currently, work is not allocated within the LLDC team by geographical area or borough, but through technical expertise, previous experience or statement of interest. LLDC job descriptions are generic rather than based upon area and reflect this more general approach. As a result, all staff working in PRDF has a workload which is not exclusive to one particular

would not ordinarily apply to a transfer of this type, ie. there is no 'relevant transfer' under TUPE.<sup>2</sup>

- 3.4.3. Furthermore, and in any event, TUPE contains an exemption which provides that TUPE does not apply to the transfer of administrative functions between public administrative authorities (Regulation 3(5)).
- 3.4.4. The transfer of planning powers from LLDC to the Growth Boroughs falls within this exemption.
- 3.4.5. LLDC and the Growth Boroughs must also have regard to the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector (COSOP).
- 3.4.6. The COSOP notes that there may be legislative options to apply TUPE to the transfer of administrative functions, which should be used where possible (see further below).
- 3.4.7. Under section 216 of the Localism Act 2011 the Mayor may make a statutory transfer scheme between LLDC and a borough (or boroughs). The Mayor may include in such a scheme the transfer of contracts of employment (i.e. staff) (section 218(6)). If he does so, TUPE will be deemed to apply to the transfer of those staff, regardless of the exemption (section 218(4)). Such a scheme can only be made with the agreement of the borough(s) in question.
- 3.4.8. The COSOP states that even where such a legislative route is not used:
  - i. *"as a matter of policy, public sector bodies should ensure that the principles underpinning TUPE are followed, so staff are offered the opportunity to transfer on terms that are, overall, no less favourable than had TUPE applied"*.
  - ii. public sector bodies should also ensure that *"appropriate pension provision and redundancy and severance terms are applied"*.
  - iii. *"staff who choose not to transfer should, where possible, be redeployed within the transferor public sector organisation"*.

(<https://www.gov.uk/government/publications/staff-transfers-in-the-public-sector> - see esp. paras 5 and 17-20)

- 3.4.9. The COSOP envisages that there may be exceptional circumstances in which staff will not transfer (see paras 14-16). Broadly speaking these reflect the situations where TUPE does not apply for reasons other than the exemption referred to in 3.4.3.
- 3.4.10. Given the above, the Growth Boroughs and LLDC have sought to reach a shared understanding of how to approach the issue of staff transfer, as set out below.

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borough. Work allocation across borough areas has provided a wider breadth of opportunity for experience and development for staff that would not be possible if the work is constrained geographically. Those in scope are not wholly or mainly assigned to work for, or in an organised grouping that can be easily ascribed to, a particular borough.

<sup>2</sup> *Thomas-James & ors v Cornwall County Council & ors 2008.*

Additionally, because of the way the LLDC team is organised it is agreed that TUPE does not apply, to the extent it is argued that it would apply to transfer part of any employee's role then the practical application of that would be unworkable. This is not being pursued as it would not be in the interests of LLDC, the Growth Boroughs or the employee to attempt to divide the role.

#### **4. Agreed Principles and Approach**

##### 4.1. The parties agree the following:

- 4.1.1. That TUPE does not apply to the transfer of planning powers from LLDC to the respective Growth Boroughs:
- 4.1.2. That the parties have taken COSOP into account. The Growth Boroughs' position is that it is inappropriate to treat this administrative transition of planning powers as one to which TUPE will apply due to the fragmentation of activities across multiple Growth Boroughs and the way in which the LLDC team is currently structured. The Growth Boroughs note that the COSOP does not suggest that TUPE Principles should be applied in cases where it would not otherwise apply on the facts. The Growth Boroughs are of the view that these are exceptional circumstances of the type envisaged by COSOP by analogy and LLDC accepts that this is a legitimate position to take. Additionally, because of the fragmentation of activities the Growth Boroughs have considered but are not able to accept voluntary transfers of staff.

##### 4.2. That whilst the Mayor has the powers described in section 3.4.5 above that the Growth Boroughs' consent would be required for a staff transfer under a statutory transfer scheme and they are not willing to provide such consent for the reasons set out above. In light of the above:

- 4.2.1. LLDC will consult with its employees that are affected by the cessation of LLDC's planning activities on the basis that those staff will not transfer to the Growth Boroughs pursuant to TUPE;
- 4.2.2. Both LLDC and Growth Boroughs share the ambition to support the retention of planning talent and expertise in East London across the Growth Boroughs. The Growth Boroughs agree to share vacancies with LLDC.

#### **5. Status**

- 5.1. This MoU is not intended to be legally binding and no legal obligations or legal rights shall arise between the parties from this MoU. The Parties enter into the MoU intending to honour all their obligations.
- 5.2. Nothing in this MoU is intended to (or shall be deemed to) supersede any existing agreement, partnership or joint venture between the parties, nor authorise any of the parties to make or enter into any commitments for or on behalf of another party.
- 5.3. This MoU can be modified at the request of parties concerned, following written agreement between all parties.
- 5.4. Any dispute arising from the interpretation or implementation of this MoU shall be resolved amicably and expeditiously by consultation or negotiation between the parties.

## 6. Signatures

<p><b>Rickardo Hyatt</b> <b>Group Director</b> <b>Neighbourhoods &amp; Housing</b></p>	<p><b>Jane Custance</b> <b>Director of Planning</b> <b>London Borough of Newham</b></p>
<p><b>Jennifer Peters</b> <b>Director of Planning and Building Control</b> <b>London Borough of Tower Hamlets</b></p>	<p><b>Justin Carr</b> <b>Assistant Director – Development Management &amp; Building Control</b> <b>London Borough of Waltham Forest</b></p>
<p><b>Lyn Garner</b> <b>Chief Executive Officer</b> <b>London Legacy Development Corporation</b></p>	





<b>Review of the Underwood Street Conservation Area</b>		
<b>Title of Report</b>	<b>Review of the Underwood Street Conservation Area</b>	
<b>Key Decision No</b>	CHE S263	
<b>For Consideration By</b>	Cabinet	
<b>Meeting Date</b>	27 November 2023	
<b>Cabinet Member</b>	Cllr Guy Nicholson, Deputy Mayor for Delivery, Inclusive Economy & Regeneration	
<b>Classification</b>	Open	
<b>Ward(s) Affected</b>	Hoxton West	
<b>Key Decision &amp; Reason</b>	No	N/A
<b>Implementation Date if Not Called In</b>	06 December 2023	
<b>Group Director</b>	Rickardo Hyatt, Group Director, Climate, Homes and Economy	

## 1. CABINET MEMBER'S INTRODUCTION

- 1.1 Members may recall that the Council has a statutory duty to regularly review all existing Conservation Areas on a cyclical basis and assessing the built environment of undesignated neighbourhoods for their suitability for designation as Conservation Areas.
- 1.2 This appraisal report focuses on the Underwood Street Conservation Area, originally designated in 1990 and which has had a profound influence on the development of the built environment in west Shoreditch.
- 1.3 It has over the years encouraged and realised high quality development, sensitive to the heritage character of the urban townscape. The area marks the transition from the lowscale 19th century houses on Shepherdess Walk to the cluster of taller buildings towards City Road and the Old Street roundabout.
- 1.4 The appraisal has also identified a boundary extension to the east of the existing Underwood Street Conservation Area. The extension will ensure that the Conservation Area will conserve the unique built

heritage and its architecture of these important late 19th and early 20th century warehouse buildings.

1.5 The proposed extension has been identified through the work undertaken on the Underwood Street Conservation Area Appraisal and the Management Plan which are attached to this report.

1.6 I commend this report to Cabinet.

## **2. GROUP DIRECTOR'S INTRODUCTION**

2.1 This report seeks a boundary extension to the east of the Underwood Street Conservation Area. The Council has a duty to review its conservation areas from time to time and to determine whether any parts or further parts of their area should be designated as conservation areas. Approval is also sought for the adoption of the Conservation Area Appraisal and Management Plan which will be used to help manage change in the future by identifying those areas that are of special architectural and historic interest.

2.2 The proposal is coming forward as part of the Planning Service's ongoing programme of Conservation Area reviews. The area is undergoing intense change and currently has no Appraisal or Management Plan to outline what elements contribute to the character and appearance of the area. The Conservation Area review will not hold back future development but instead will help provide guidance and clarity about the area. The proposed extensions to the Conservation Area include buildings of architectural and historic interest and are considered worthy of Conservation Area designation. The extension of the Conservation Area will ensure that intrinsically valuable heritage buildings are therefore protected through the designation.

## **3. RECOMMENDATIONS**

3.1 **Cabinet is recommended to:**

- **Approve the adoption of the Underwood Street Conservation Area Appraisal and Management Plan (Appendix A)**
- **Approve the revised Underwood Street Conservation Area Boundary map (Appendix B)**

## **4. REASONS FOR DECISION**

4.1 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.

4.2 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.

- 4.3 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.

## **5.0 DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 5.1 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.
- 5.2 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.

## **6. BACKGROUND**

- 6.1 The Council is obliged to designate as conservation areas any parts of the Borough that are of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. The Council also has a duty to review past designations from time to time to determine if any additional parts of the area should be incorporated as either a new conservation area or incorporated into the existing designation.
- 6.2 Historic England's advice, *Conservation Area Appraisal, Designation and Management*, 2019 recommends that conservation areas are "reviewed every five years" (at para.104). The Underwood Street Conservation Area has not been reviewed since its designation in 1990. This Conservation Area was identified as part of the 2017 Conservation Area Review as being of high priority to review as a result of the substantial change within the area and the lack of Appraisal and Management Plan which are designed to outline what is special about the character and appearance of the area which should be preserved/enhanced.
- 6.3 The proposed boundary alterations have been identified as part of this review and will ensure that the area's special character is protected. The alteration includes an extension to the east and includes a perimeter block of similar buildings on East Road and Vestry Street and adjacent buildings of a similar architectural character and appearance. It also includes the addition of Eagle House which although much extended helps to bookend the buildings on City Road.

- 6.4 Paragraph 191 of the National Planning Policy Framework requires Local Planning Authorities to ensure that the designation of conservation areas is justified based on special architectural and historic interest. A thorough review has been undertaken of the existing boundary and where changes are proposed the Council is satisfied that the proposed alterations meet paragraph 191 as detailed in the updated Underwood Street Conservation Area Appraisal and Management Plan (Appendix 1).
- 6.5 A full review of building contributions across the conservation area has been carried out. This assessment is based on the heritage value of each site and assessed in heritage and townscape terms identifying each site as a positive, neutral or negative contributor.

### **Legal Powers**

- 6.6 The Council has the legal powers for this course of action. Section 69 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities from time to time to determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and to designate those areas as conservation areas.
- 6.7 Section 69 (2 ) places a duty on local planning authorities from time to time to review the past exercise of functions under this section and to determine whether any parts or further parts of their area should be designated as conservation areas, and if they so determine, to designate those parts accordingly. The present proposal arises out of this duty.
- 6.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities, in the exercise of their planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.9 The conservation area character appraisal is taken into account in the planning process, and in appeals against refusals of conservation area consent for demolition and against refusals of planning permission in a conservation area.

### **Decision-making principles**

- 6.10 The proposal conforms to Council's principles of decision-making. Public consultation is not a statutory requirement for conservation area designation. The initial designation of the conservation area in 1991 (and extension in 2011 and 2019) and the adoption of its appraisal followed public consultation with residents and other stakeholders. The boundary alterations of the conservation area would be published in the London Gazette and a local newspaper.

- 6.11 The proposal takes account of Historic England guidance on conservation areas, *Conservation Area Appraisal, Designation and Management*, 2019
- 6.12 The extensions are consistent with human rights. Although it introduces additional controls, planning applications are individually assessed and personal circumstances can be taken into account in their exercise.
- 6.13 The extensions will further the Council's aim to conserve its historic environment, and produce a more rationally-defined conservation area.

## **7. POLICY CONTEXT**

- 7.1 Under the National Planning Policy Framework (NPPF) 2021, conservation areas are classed as designated heritage assets. The NPPF requires local planning authorities (LPAs) to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, LPAs should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 7.12 The proposal aligns with regional heritage policies in the London Plan and local policies set out in Hackney's Local Plan 2033 , which seek to preserve and enhance Hackney's heritage assets. The proposal supports the policies in the Local Plan (LP33 2020), including policy LP3 (Designated Heritage Assets), which is underpinned by the 2017 Conservation Areas Review Study.

## **8. EQUALITY IMPACT ASSESSMENT**

- 8.1 There will be no detrimental impact to groups with protected characteristics under the Equality Act 2010.

## **9. SUSTAINABILITY**

- 9.1 The extension of the Underwood Street Conservation Area will protect the historic environment and in line with Para 189 of the NPPF (2021) recognises that *"These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."*
- 9.2 The addition of these buildings within the Underwood Street Conservation Area will help to recognise the embodied energy used in the construction of these buildings and that sensitive adaptation can offer a sustainable future that will preserve and enhance the historic environment.
- 9.3 The Management Plan provides additional guidance on retrofitting buildings within the area. This includes a detailed breakdown of principles of retrofitting which promotes a whole building approach where they are considered in their totality rather than individual retrofit

elements. This will be further built upon within the forthcoming Extensions and Alterations Supplementary Planning Document. The Management Plan provides details on key principles rather than detailed retrofitting guidance as the Extension and Alterations SPD can provide clearer more detailed guidance that can be more easily updated and therefore more useful for property owners within Hackney.

## **10. CONSULTATIONS**

- 10.1 There is no statutory duty to undertake public consultation prior to the designation or extension of conservation areas, although it is Hackney's normal practice to do so. The Council has therefore carried out a public consultation with residents and stakeholders. Appraisals that have been adopted following public consultation carry greater weight on appeal against planning application decisions.
- 10.2 A 28-day community consultation with local residents and stakeholders on the Draft Appraisal (Appendix A) and boundary map (Appendix B) was undertaken between 6 September and 4 October 2023. A copy of the consultation letter can be found at Appendix D.
- 10.3 The proposal and consultation details were available on the Council's conservation webpages. An in person drop in session was held on 25 September at where the revised appraisal and boundary alterations were discussed. Historic England, the Hackney Society and Central & South Hackney Conservation Area Advisory Committee (CAAC) were also notified of the proposals.
- 10.4 A total of 3 responses were received. 3 responded in support of the proposals. The Council's response to these matters can be found in Appendix C.

## **11 RISK ASSESSMENT**

- 11.1 If the conservation area is not extended as proposed, it will be incomplete and a significant element of the historic environment will be unprotected and consequently liable to uncontrolled demolition and to erosion of its setting by inappropriate development.

## **12. COMMENTS OF THE INTERIM GROUP DIRECTOR, FINANCE**

- 12.1 This report proposes an extension of the Underwood Street Conservation Area and the adoption of a Conservation Area Appraisal and Management Plan. The staff cost and additional publicity associated with enforcing the new conservation area will be met by the existing Planning budgets within the Climate, Homes and Economy directorate. No other financial implications are identified at the time of this report.

## **13 COMMENTS OF THE ACTING DIRECTOR OF LEGAL, DEMOCRATIC AND ELECTORAL SERVICES**

- 13.1 Cabinet is authorised to approve the revised boundary of the Underwood Street Conservation Area Appraisal by virtue of:
- 13.2 Article 5 of the Council's Constitution states that the Mayor and the Cabinet shall carry out all of the local authority's functions which are not the responsibility of any other part of the local authority whether by law or under the Constitution but only to the extent of the delegation from the Mayor.
- 13.3 Cabinet is authorised to approve the recommendations in this report pursuant to the Mayor's Scheme of Delegation. Determining what areas in the Borough should be Conservation Areas is delegated to the Executive (i.e. Cabinet).
- 13.4 There is no statutory requirement for the council to consult the public before designating a conservation area. The stated 28 day consultation was adopted by Cabinet in June 2020 as part of a series of procedural changes to the Council's Conservation Area Review Programme. It is considered that this is an appropriate period in which to engage with landowners, occupiers and other stakeholders and consider their views before making a recommendation on whether to designate the conservation area boundary. If ultimately approved, the weight as a material consideration of the final Appraisal document is also enhanced if it has been through a public consultation process.
- 13.5 Section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) ('the Act') effectively defines conservation areas as "areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance". Section 69(2) of the Act places a local planning authority under an ongoing statutory duty to review its conservation areas from time to time and "to determine whether any parts or further parts of their area should be designated as conservation areas". The appraisal that was carried out to ascertain the architectural and historic merits of the Underwood Street Conservation Area and examine any boundary alterations and concluded these boundary alterations address these statutory criteria and has concluded that the conservation area should be designated. The designation of any area as a conservation area shall be a local land charge.
- 13.6 Under section 70(8) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in addition to notifying both the Secretary of State and Historic England, a local planning authority is required to publicise designation of a conservation area by a notice placed in the London Gazette and a local newspaper. The local authority must follow the same publicity procedures to vary or cancel a designation as required.
- 13.7 Statutory implications of designating the conservation area boundary chiefly relate to management of future development. Under section 72 of the Act, the LPA must pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when determining planning applications. Furthermore, some

permitted development rights (pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”)) are applied more restrictively or will not apply at all within conservation areas (e.g. additions to the roof of a dwelling house under class B of Part 1 of Schedule 2 of the GPDO etc.

- 13.8 A conservation area character appraisal and management plan is taken into account in the planning process, and in appeals against refusals of planning permission (including demolition) in a conservation area.

## 14 APPENDICES

Appendix A - Underwood Street Conservation Area Appraisal and Management Plan November 2023

Appendix B - Map of Extended Underwood Street Conservation Area

Appendix C - Table of Consultation Responses

Appendix D - Consultation Letter

Appendix E - EIA form

## BACKGROUND PAPERS

In accordance with Section 100D of the Local Government Act, 1972 - Access to Information a list of Background Papers used in the preparation of reports is required.

Description of document	Location	Date
Historic England, <i>Conservation Area Appraisal, Designation and Management</i> , 2019	<a href="https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/heag-268-conservation-area-appraisal-designation-management/">https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/heag-268-conservation-area-appraisal-designation-management/</a>	2019
Hackney Council, Underwood Designation Report	<a href="https://hackney.gov.uk/underwood-ca">https://hackney.gov.uk/underwood-ca</a>	1990

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# UNDERWOOD STREET CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

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NOVEMBER 2023

HACKNEY COUNCIL  
CONSERVATION  
URBAN DESIGN &  
SUSTAINABILITY  
TEAM



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# INTRODUCTION

# 1.0 INTRODUCTION

## 1.1 DESIGNATION BACKGROUND

1.1.1 Underwood Conservation Area was designated in 1990. However, no appraisal for the area currently exists.

## 1.2 WHAT IS A CONSERVATION AREA?

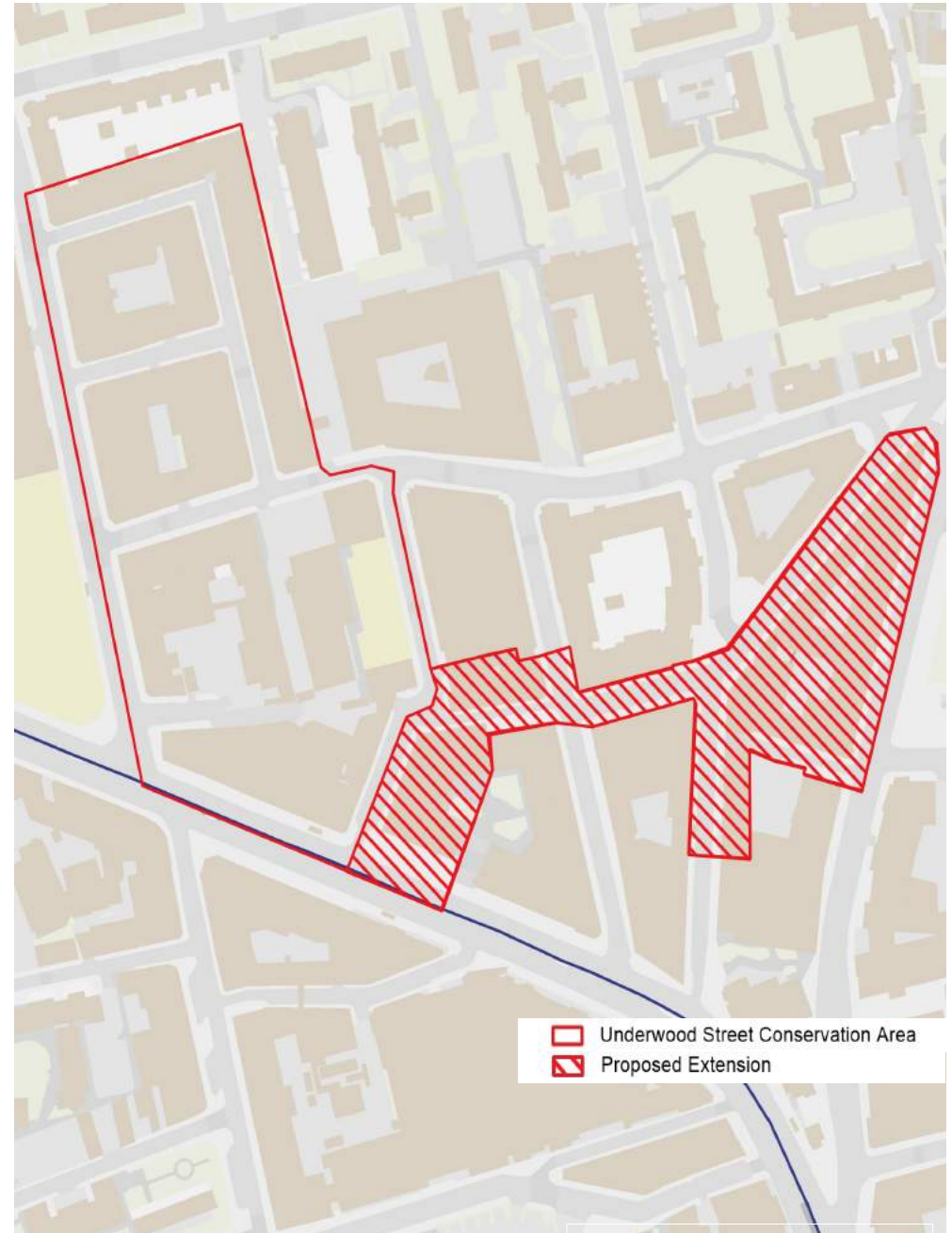
1.2.1 A Conservation Area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Local Planning Authorities have a duty under the Planning (Listed Buildings & Conservation Areas) Act 1990 to designate areas of special architectural or historic interest. The Council is also under a duty to review existing Conservation Areas from time to time and to formulate and publish proposals for their preservation and enhancement.

1.2.2 Conservation Areas are not single buildings, but groups of buildings and areas, which are of special architectural or historic significance. Because the designation is of an area, significance can include the spaces between buildings and natural features, topography, the historic layout of roads, paths and boundaries and landscape features such as gardens, parks and greens, trees and street furniture can all add to significance.

## 1.3 IMPLICATIONS OF CONSERVATION AREA DESIGNATION

1.3.1 Conservation Areas enjoy special protection under legislation and both national and local policy and guidance. Planning applications within a Conservation Area must be shown to “preserve or enhance” the character or appearance of the area. Planning Permission is needed to demolish a building in a Conservation Area, and there is a planning presumption in favour of the retention of buildings which make a positive contribution to a Conservation Area.

1.3.2 Certain types of more minor development, particularly in relation to single family dwellings, are subject to Permitted Development rights



(under the General Permitted Development Order, 2015, as amended). These Permitted Development rights are more limited in Conservation Areas, and may be removed partially or completely through the use of Article 4 Directions. Trees above a specific size are protected in Conservation Areas. Applicants must give the Council six weeks' notice in writing before any work is carried out to lop, top or fell a tree in a Conservation Area. There is also greater control over advertisements in Conservation Areas.

## 1.4 NATIONAL POLICY

1.4.1 The relevant legislation is the Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 69 to 80. Section 69 defines conservation areas as places of 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. Section 72 of the Act imposes a duty on the Council in its role as local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

1.4.2 The National Planning Policy Framework (NPPF) 2021 provides national policy. Protecting and enhancing the historic environment is a key component of the NPPF's drive to achieve sustainable development. Section 16 of the NPPF, 'Conserving and enhancing the historic environment' sets out the heritage framework in detail in relation to various 'heritage assets'. Conservation Areas are referred to as designated heritage assets in the NPPF.

1.4.3 Although not statutory guidance, Historic England's Advice Note 1, Conservation Area Designation, Appraisal and Management (Historic England, 2019) provides further guidance.

## 1.5 REGIONAL POLICY

1.5.1 The London Plan (2021 and later alterations) is the regional spatial strategy for London. It forms part of the development plan for Hackney. Relevant policies include:

- Policy HC1 Heritage conservation and growth requires the Council

to "develop evidence that demonstrates a clear understanding of London's historic environment." This evidence will be used for identifying, understanding, conserving, and enhancing the historic environment which will in turn inform development plans, strategies and development proposals which requires that development proposals "affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings."

- Policy HC3 Strategic and local views, the Mayor has identified Strategic Views which includes significant buildings, urban landscapes or riverscapes that help to define London at a strategic level and also requires that Boroughs identify local views in their local plans and strategies as demonstrated by the forthcoming Historic Environment SPD.
- Policy D3 Optimising site capacity through the design-led approach and requires development proposals to "respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character."
- Policy D9 Tall buildings requires development proposals for tall buildings to "take account of, and avoid harm to, the significance of London's heritage assets and their settings"

The following London Plan policies are particularly relevant to the South Shoreditch Conservation Area, since the area sits within the City Fringe/Tech City Opportunity Area and the Central Activities Zone:

- Policy SD1 Opportunity Areas (and the associated City Fringe Opportunity Area Framework, 2015)
- Policy SD4 The Central Activities Zone requires the "distinct environment and heritage of the CAZ should be sustained and enhanced"
- Policy SD5 Offices, other strategic functions and residential development in the CAZ

## 1.6 LOCAL POLICY

1.6.1 Local borough-wide planning policy is contained within the Hackney Local Plan 2033. This provides specific policies that help protect the area's special architectural and historic interest including:

- LP1 Design Quality and Local Character requires all new development to be of “the highest architectural and urban design quality. It must also “be compatible with the existing townscape including urban grain and plot division; be compatible with local views and preserve protected views; preserve or enhance the significance of the historic environment and the setting of heritage assets.” The policy also provides further clarification on Taller Buildings of which the Council will prepare AAPs to identify sites and locations suitable for taller buildings. The policy requires that “All new taller buildings must respect the setting of the Borough’s local character and historic townscapes and landscapes including those in adjoining boroughs” and “preserve or enhance the borough’s heritage assets, their significance, and their settings in line with policies LP3 ‘Designated Heritage Assets’ and LP4 ‘Non Designated Heritage Assets’”.
- LP3 Designated Heritage Assets states “Development proposals affecting Conservation Areas or their settings will be permitted where they preserve or enhance the character and appearance of the area including, the established local character of individual buildings and groups of buildings (in terms of height, massing, scale, form, design, materials, detailing and use) and the rhythms and historical form of the area (in terms of the spaces between buildings, density, settings, building lines, siting, pattern of development, urban grain and plot coverage).”
- LP4 Non Designated Heritage Asset requires that “development proposals affecting non-designated heritage assets should conserve or enhance and reveal the significance of the assets and their settings.”
- LP5 Strategic and Local Views requires the Council to protect Strategic Views identified within the London Plan, in addition to

protecting the identified Important Local Views within Hackney. This states “new development must not harm Important Local Views and redevelopment of buildings, which currently adversely impact on Important Local Views, must not further detract from, and shall, where possible, improve the view.”

1.6.2 This document, alongside the London Plan (2021) and LP33 (2020) provides a framework for Taller Buildings and identifies suitable areas for them. This document should be read alongside Supplementary Planning Documents and Guidance for example the Residential Extensions and Alterations SPD and future iterations.

## 1.7 STATUS OF THIS DOCUMENT

1.7 The Conservation Area Appraisal examines the characteristics of the Underwood Street Conservation Area, including its context, historic development, townscape, streetscape and architecture first as a whole and then in individual character areas. It identifies qualities that make the area special and assesses its current condition. The Management Plan sets out proposals for the preservation and enhancement of the Underwood Street Conservation Area as required by section 71 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 1.8 BOUNDARY EXTENSIONS

Following an in-depth review of the Underwood Street Conservation Area it is proposed to extend the Conservation Area in order to include buildings of a consistent design, material and massing which are located to the east.

This includes a perimeter block bordered by East Road, Vestry Street and Silbury Street. These blocks also replaced 18th/19th century terraced properties with early 20th century workshops and factories of a near identical character. The windows, taking in doors and architectural features largely survive in-tact and are of a consistent character and appearance. There is a strong visual link from Westland Place towards Vestry Street between the areas.



Buildings along Ebenezer Street are largely excluded from the conservation area as these are not considered to be of sufficient architectural and historic character to warrant inclusion.

Eagle House is also proposed to be included within the Underwood Street Conservation Area. Although of a later date than the majority of the buildings it is of high architectural quality and occupies a prominent spot on City Road and marks a stepping up in height to the edge of the Conservation Area. The building is of a consistent scale and contributes to the character and appearance of Westland Place.

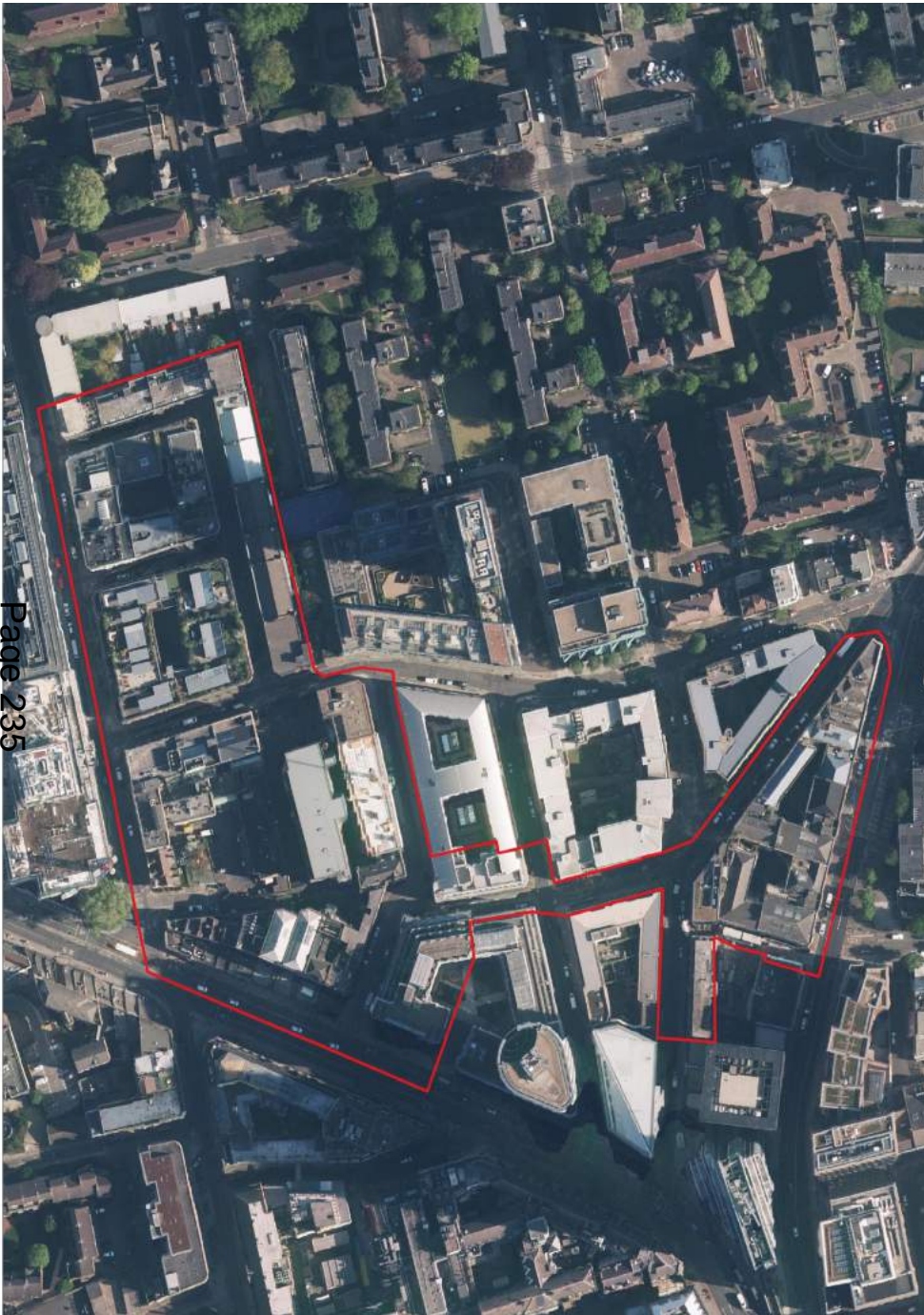
## 1.9 STATEMENT OF SIGNIFICANCE

Underwood Street Conservation Area has a coherent character and typology of industrial/warehouse buildings constructed at the turn of the 20th century.

The street layout is largely orthogonal (right angled) grid which derives from the historical pattern of paths as dictated by the formally laid out walled gardens on the site; secondly, the buildings conform to a uniform and unbroken building line and have similar overall heights. The buildings are all unusually tall in relation to the widths of the streets. These characteristics combine to give the area a canyon like appearance which offers a particularly strong feeling of enclosure and overlooking to those passing through. There are no breaks in the street wall, vertical openings are punched into the buildings' interior courtyards through carriageways. The sense of overlooking is enhanced in places by the presence of high level doors and loading bays opening directly on the street wall served by projecting cranes or gantries.

The buildings have a common character and are largely constructed of brick with a uniform vertical emphasis provided by the ground to parapet projecting structural columns on every building. Buildings on City Road and no.1 Westland Place are generally older than the warehouses and provide an important indication of the type of buildings that once dominated the entirety of the area.

CONTEXT



## 2.0 CONTEXT

### 2.1 LOCATION AND SETTING

2.1.1 Underwood Street Conservation Area is located to the south-west of the London Borough of Hackney, and adjacent to the border with the London Borough of Islington.

2.1.2 The main roads passing through or adjacent to the Conservation Area area are City Road, East Road and Shepherdess Walk.

2.1.3 To the south of the Regents Canal Conservation Area and north of the Moorfields Conservation Area in the London Borough of Islington.



Underwood Street looking north



2.2.3 The layout of the area was already established by 1720. John Roques map of 1746 shows Nile Street, Shepherdess Walk, Shepherdess Place, East Road and Provost Street laid out already but with little development. City Road (Turnpike) was also laid out in the eighteenth century. By 1827 there were houses and shops along the road, Shepherdess Walk and Westmoreland Place were laid and development out to the east.

2.2.4 By 1870 the area was intensively developed with houses and shops/



1890 Charles Booth's London Poverty Map



1896 OS Map

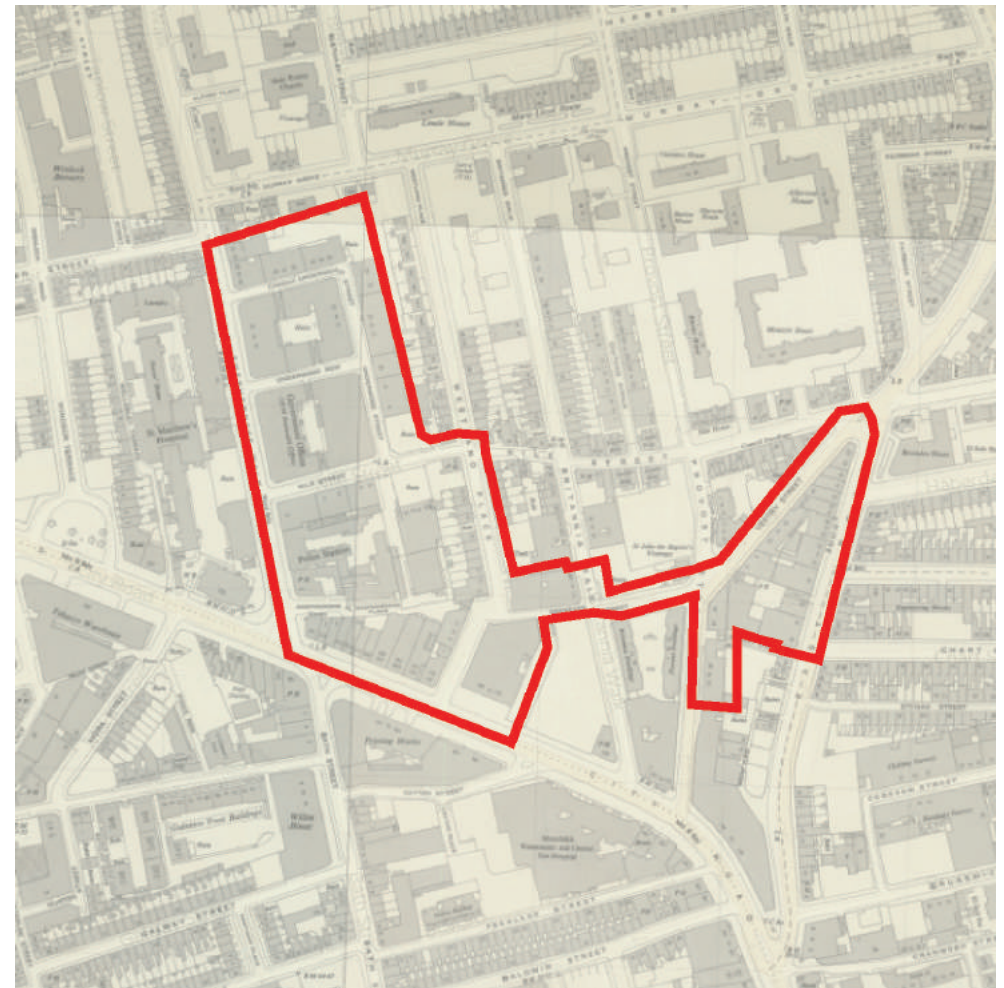
workshops. The usage of the area greatly changed between 1901-1914 when many of the industrial buildings and warehouses were constructed. 2.2.5 Hoxton had one of the worst crime records in London and the buildings had to be very secure, as shown by their construction with courtyards. Transport was good with Wenlock and City Road Basins off the Regent's Canal very nearby. This therefore easily allowed goods for the industrial buildings and warehouses. Many of the buildings constructed within this period are similar to those that were constructed

in Shoreditch.

2.2.6 The present Eagle Tavern and grounds are an important part of East End social history. A building was on the site in 1720 as referred to above. In the nineteenth century the Eagle and the Grecian Saloon next to it were one of the most important and popular music halls in London. The building is in the song “Up and down the City Road/In and out the Eagle/That’s the way the money goes/Pop goes the Weasel”. It was there that Marie Lloyd as the daughter of a barman made her singing debut; she was to become the most famous music hall entertainer of the period.



1945 Bomb Map



1960s OS Map

The area received comparatively little bomb damage with only a handful of buildings damaged beyond repair. In these places today post-war buildings of an appropriate scale and massing now stand.

2.2.7 Where bomb damage did occur the shells of these buildings at times survived up until the mid-1970s as demonstrated by the building at the corner of Westland Place. The late 20th century has resulted in a further decline in the number of factories and the conversion of the buildings into offices and lately into residential units or offices.

# TOWNSCAPE

Townscape is the arrangement and appearance of buildings, spaces and other physical features in the built and natural environments.

# 3.0 Townscape

## 3.1 LAYOUT AND PLANFORM OF THE CONSERVATION AREA

3.1.1 The street layout derives from the historical pattern of paths as dictated by the formally laid out walled gardens on the site and that of modest 19th century terrace houses. This residential scale, particularly in the east-west alignment results in streets that are narrow relative to the scale of the later industrial replacements. The surviving block between Vestry Street and East Road is of a similar design and layout following the historic route of East Road.

3.1.2 The buildings largely form a uniform and unbroken building line with large central courtyards in the centre of each urban block.

## 3.2 DENSITY

3.2.1 In the mid-19th century the area was occupied by modest terraced houses similar to those surviving on Shepherdess Walk but by the OS map of 1893 change to the grain of the streets which now form the Conservation Area had begun and by the OS map of 1913 the existing coarser industrial grain is clearly recognisable. Where post-war replacements have occurred these have generally followed a coarser industrial grain. The exceptions being the Victorian terrace housing on City Road and the sole surviving Georgian building on Westland Place which have a more residential grain.

## 3.3 LAND USES

3.3.1 Historically the buildings were a mixture of warehouses with limited office space. Over the course of the late twentieth century many of these properties were converted into residential and office uses. These conversions often took place comprehensively across the whole buildings and helped ensure uniformity across the facades.





### 3.4 BUILDING HEIGHT AND MASSING

3.4.1 The predominant scale is three to five storeys. There is a coherent frontage to the broad Shepherdess Walk on the western edge with a noticeable step up in heights outwith the Conservation Area. Areas of height include towards East Road and the cluster surrounding the Atlas Building, City Road and in particular the border with the London Borough of Islington also mark a step up in height and massing,

### 3.5 KEY VIEWS

**Distant view:** Distant views of the settlement and those in the approach to it may contribute to lasting impressions of its character.

- City Road: The buildings on City Road provide a juxtaposition in heights to the neighbouring taller developments and clearly marks the entrance into the Underwood Street Conservation Area.

**Near Views:** Long, straight views within the Conservation Area. The narrow streets with unusually tall buildings within the Conservation Area help to frame views and give a canyon like appearance. Moreover, the orientation of the buildings helps to create interesting termination points. Of particular note this includes: Nile Street, Shepherdess Walk, Underwood Street, Underwood Walk

**Local Views:** These tend to be shorter and confined to a specific locality within the Conservation Area. Any landmark structures, such as church towers or prominent public buildings, should be noted.

- Views towards the Eagle, City Road
- Westland Place- contains one of the few curves
- New North Road: The view takes in the wedge shape and continues down New North Road and Vestry Street.



Top left: View north Underwood Street  
Middle left: View north Westland Place  
Bottom left: View east Underwood Street

Top right: View west Nile Street  
Middle right: View north Underwood Street  
Bottom right: View south New North Road and Vestry Street

# STREETSCENE

Streetscape is the outward facing visual appearance and character of a street or locality.

# 4.0 Streetscene

## 4.1 PUBLIC REALM AND OPEN SPACE

4.1.1 Owing to the dense urban location there is very little open space within the Conservation Area.

4.1.2 There are a number of historic street surfaces which make a positive contribution to the character and appearance of the area. This includes the historic setts on Shepherdess Place, Westland Place and Ebenezer Street. However, the majority of the street surfaces are now formed with asphalt to the road with granite kerbs. The pavements are generally a mixture of asphalt and 400x400 concrete blocks.

4.1.3 Close to buildings modern pavement lights are often found with the historic cast iron examples providing particular interest to the streetscene. Where modern replacements have been inserted these fail to effectively mimic the qualities of the originals.

4.1.4 On Nile Street the original boundary walls, arched gateways and pillars are still found. These are constructed of glazed brick and capped in stone and make a positive contribution to the streetscene.

## 4.2 STREET FURNITURE

4.2.1 The area is notable for the general lack of street furniture and is largely limited to lamp posts, parking signage and bicycle parking.

4.2.2 Of note is the recently introduced Street Trees set into the carriageway on Underwood Street which makes a bookend on street cycle parking.

4.2.3 There are few trees within the Conservation Area as a result of the tight urban grain. However, in recent years trees have been introduced to Shepherdess Walk and Underwood Street. Birch trees are also found outside The Eagle on City Road.



Westland Place historic cobbles and new planters

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# ARCHITECTURAL CHARACTER

# 5.0 Architectural Character

## 5.1 GENERAL ARCHITECTURAL CHARACTER

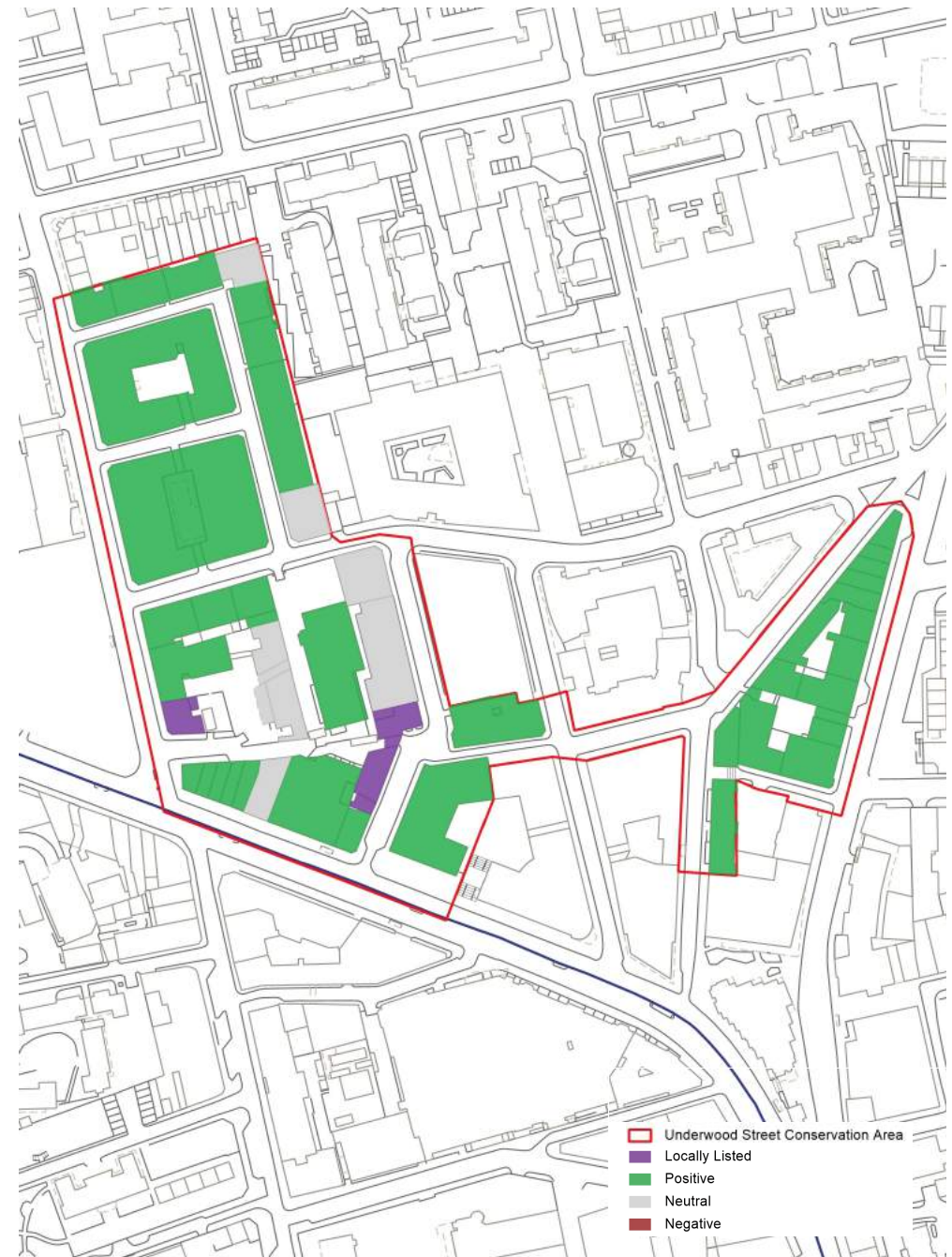
5.1.1. Buildings have similar overall heights; and are all unusually tall in relation to the widths of the streets. These characteristics combine to give the area a canyon like appearance which offers a particularly strong feeling of enclosure and overlooking to those passing through. There are no breaks in the street wall, vertical openings are punched into the buildings' interior courtyards through archways. The sense of overlooking is enhanced in places by the presence of high level doors and loading bays opening directly on the street wall served by projecting cranes or gantries.

5.1.2 There is a common architectural approach with solid masonry buildings ranging between four and five storeys in height. The majority feature brick pilasters and multi-pane windows which help to provide uniformity to the area. However, whilst there are similarities each one is unique with subtle differences which are important to preserve.

## 5.2 BUILDING CONTRIBUTION

**Locally Listed Buildings:** These buildings are of local architectural or historic interest and) follow a similar criteria as the national statutory listed process, however significance is judged on their local rather than national importance. These buildings have been identified as having a significant level of local value and are considered to make an especially positive contribution to the special character of the Conservation Area and treated as Non Designated Heritage Assets.

**Positive Buildings:** Buildings that positively contribute to the Conservation Area's overall character and appearance. The full or substantial demolition of buildings or structures identified as making a positive contribution to the significance of the Conservation Area is harmful to the significance of the Conservation Area and will be



regarded as substantial or less than substantial harm according to the circumstances of the case. Special attention should be paid towards preserving characteristic architectural details present on these buildings.

**Neutral Buildings:** These buildings neither contribute nor actively detract from the Conservation Area's special character. This includes buildings that are of sympathetic massing, material palette and articulation. In principle, the loss of these buildings would not be resisted, provided the proposed replacement buildings adhere to the objectives of relevant planning policy and are of a high quality of design commensurate with the Conservations Areas special character.

**Buildings that detract from the Area's Special Character:** Some development detracts from the character and appearance of the Conservation Area. In principle, the redevelopment of these sites would be encouraged, provided proposals for their replacement are of a high quality architectural design and would make a positive contribution to the Conservation Area.

## 5.3 KEY ARCHITECTURAL FEATURES AND MATERIALS

5.3.1 The most common building material to be found in the Underwood Street Conservation Area is brick, a mixture of red brown, gaunt bricks and soft yellow stock bricks interspersed with brighter red bricks often used in window arches and as decorative bands between storeys. Brick is particularly used in the older building stock of the eighteenth, nineteenth and early twentieth centuries but it is noticeable that later buildings have also kept to this tradition to some degree. The subtle colour variations in the bricks that can be observed on many of the buildings in the area add a very attractive mellow quality to their appearance.

5.3.2 It is not uncommon for the ground floor of buildings to be in a darker red, engineering brick or glazed bricks. Variations to the brickwork include decorative render, stone and plaster detailing such as keystones above windows and plaster corncicing and banding between storeys.



Top left: Glazed Bricks  
Middle left: Red Bricks  
Bottom left: Gaunt Bricks

Top right: Engineering Bricks  
Middle right: Stock Bricks  
Bottom right: Yellow Buff Bricks

## 5.4 ARCHITECTURAL ANALYSIS

The purpose of this section is to expand on the Statement of Significance in Section 2 and to highlight individual buildings and features that particularly contribute towards the area's character.

### Underwood Street

**6-14 Underwood Street:** The buildings date from the early 20th century and are four storeys and constructed of gaunt bricks. The ground floor was likely a showroom with warehouses/furniture works above. There is a good quality shopfront to the ground floor with strong cornice above fascia and glazed brick to base. There are distinctive pilasters featuring rounded corners rising the height of the building with stair cores projecting above helping to provide interest. Windows are timber two over two sash windows with stone cills.

**16-28 Underwood Street:** The buildings largely date from the early 20th century and is three storeys, constructed in a gaunt brick. There is a good quality shopfront the ground floor with a strong cornice above the fascia. There are distinctive pilasters featuring rounded corners rising the height of the building. Windows are a mixture of multi pane steel windows and timber 2 x 2 sashes. No.26-28 was reconstructed post-war.

**34-40 Underwood Street:** The buildings are three storeys and constructed of gaunt brick above a glazed brick base. They contain pilasters with rounded corners rising the height of the building and a mixture of stone, red brick and stock brick detailing. The windows are modern aluminium replacements.

**44-48 Underwood Street:** The building is four storeys with chamfered corner. It is constructed of engineering brick to the ground floor with red brick above and stone detailings to the windows. There is a rendered fascia panel and cornice above the ground floor. Windows are aluminium,

**15-47 Underwood Street, 2-20 Underwood Row:** The building dates from the early 20th century and is constructed of stock brick with minimal red brick detailing and glazed brick to base of columns. Strong brick



Underwood Street looking north

columns run the height of the building with recessed brick spandrels and windows in between. Windows are multi-pane aluminium with timber taking in doors which feature engineering brick to the corners adding interest to the facade. To the centre of the site is an open courtyard allowing an appreciation of the rear elevations.

**1-9 Underwood Street, 1-3 Nile Street and 10-22 Shepherdess Walk:** The building is four storeys to Underwood Street and rising to give storeys on Shepherdess Walk and occupies an entire perimeter block. It is constructed of blue brick to the base, red brick to the first floor and banded red and stock brick above. Multi-pane steel windows are found throughout and feature a curved header to the top storey. To the centre of the site is an open courtyard allowing an appreciation of the rear elevations.

## Nile Street

**4-10 Nile Street:** The building is five storeys and constructed of stock brick with red brick details. It was likely constructed as a showroom to the first two floors with warehouse above and features a distinctive crane and taking in doors. The first two floors feature extensive glazing in the shopfront with solid brick pilasters above. The building features timber two over two sash windows.

## Shepherdess Walk

**The Eagle Public House (Locally Listed):** The building dates to 1901 replacing the earlier Eagle Tavern and music hall of c.1821. The current pub commands a corner site and is constructed of red brick with painted decorative plasterwork. It is two storeys with a large gabled attic floor and beautiful corner turret. The turret is topped with an ogee-shaped lead roof, decorative metalwork and an eagle statue. On the ground floor there are three entrances. The main entrance has a projecting porch supported by large brackets; the other two doors have curved pediments elaborately decorated with swags and scrolls. Stucco pilasters with Doric capitals are located between large timber-framed windows on the ground floor. The upper floors have a red brick facade with stucco string courses. The three tall gables have a central window and stucco arch with keystone.

**Shoreditch Police Station:** The building is constructed in portland stone and is five storeys. It replaces an earlier Victorian Police station and likely dates from the post-war period. The window and floor to ceilings heights carefully line up with the adjacent warehouse. The facade is simple and unadorned with the exception of the two police lamps and Metropolitan Police crest. Steel casements are found throughout.

**Paulton House:** The building is five storeys and constructed of stock brick with restrained red brick detailing and glazed brick to base. Substantial brick pilasters are found throughout with inset spandrel panels containing timber two over two sash windows.



Top: Nile Street looking west.

Bottom: Shepherdess Walk and The Eagle Public House





Top: View north on Westland Place  
 Bottom: Pickwick House, Westland Place

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**Shepherdess Place**

**7 Shepherdess Place, Chocolate Studios:** The building is five storeys with lower ground floor and single storey roof extension. It dates from the early part of the 20th century and is constructed of stock brick. Windows are large multi-pane crittal style units.

**Westland Place**

**1 Westland Place:** Three storey late-18th century property with Victorian windows and shopfront. Stock brick with gauged arches to windows. Large pane sashes with side lights. Dormers behind parapet. Sympathetic replacement timber shopfront with panelled side doors and original corbels and dentil cornice.

**3-11 Westland Place:** Four storey former warehouse. Pale brick with red brick dressings. Seven bays with 'pavilions' to each end incorporating six over six sash windows. Small pane factory windows divided by colonettes. Shopfront reads 'John Redman LTD and British Empire Pipe Co'. Slate roof extension.

**13-15 Westland Place:** Four storey former warehouse. Red brick with sandstone to entrance, banding and cornice. Brown glazed brick to ground floor. Large windows with metal frames painted green, and small panes. Attractive carved pediment. Remains of machinery to south west. Iron railings over basement area.

**12-16 Westland Place, Pickwick House:** The building is four storeys and constructed of stock brick. Ornate stucco surrounds the main entrance and stair core with simple curved heads to the west. Windows are a mixture of timber sash window and later steel replacement.

## East Road

**57 - 69 East Road:** The building is four storeys and constructed of stock brick faced in red brick with stucco detail including stucco keystones to the front elevation. The ground floor features full height window openings to 71-73 East Road. Original windows survive to nos.71-73 with 6 over 6 sash windows throughout and 2 over 2 sash windows to the top storey. Nos. 57-63 contains UPVC windows.

**49-55 East Road:** The building is constructed of stock brick and faced in red brick to the front elevation. It is four storeys with projecting stair cores. Decorative details include stucco keystones above first floor windows, cornice above second floor and diamond motifs to the stair core. Brick pilasters rise the height of the building. Metal gates lead to central courtyard.

## City Road

**193-221 City Road:** The corner of City Road and Shepherdess Walk is defined by a terrace of five, 3 storey, early 19th Century residential buildings in London stock brick with simple decorative plaster details and concealed butterfly roofs. These are the oldest buildings in the conservation area and the lowest in height. This terrace appears to be all that remains of the original residential buildings which once defined the conservation area and the length of City Road. The rear of the terrace backs onto Shepherdess Place with a functional elevation. The single storey front elements are later additions but do contain some 19th century elements such as corbels to fascia panel.

**209 - 211 City Road:** This is a four storey, 1990s office building in red brick. The front elevation is composed of pairs of windows with white lintels reflecting warehouse patterns nearby. The rear elevation is a simple grid of vertical windows. It is set back to the historic building line and has a single storey element between the frontage and City Road pavement.

**197-255 City Road:** Five storey, red brick warehouse, with generous decorative details in white, and good quality, 6 over 2 timber sash



196-221 City Road

windows. The frontage and associated shopfront consists of 3 repeating sections giving the wide frontage a scale similar to the adjoining frontages. The City Road frontage shares the building line with the other buildings on site and with the Renaissance (formerly known as the London Assurance).

**193-195 City Road (formerly known as London Assurance):** Former public house dating from the early/mid 19th century. It is constructed of brick with stucco and ornate window surrounds and cornice. The single storey element to the front also features good quality stucco work.

**Eagle House:** The building was constructed in 1933 as an art deco style office building. It replaced Eagle Tavern, one of the first Victorian music halls. It is faced in marble to the ground floor front elevation with a mixture of grey and white render above. There are two distinctive eagles which dominate the building. It was extended to the rear between 2008 and 2012.

## Vestry Street

**10-18 Vestry Street, International House:** Four storeys and constructed of stock brick with simple detailing in the form of arched headers above windows. 6 x 6 sash windows are found throughout, smaller in scale to top storey.

**6-8 Vestry Street:** Five storeys with taller stair cores and constructed of stock brick with limited detailing above windows and to cornice. Timber sash windows are largely 6 x 6 with 2 x 2 to top storey. To the ground floor is a gateway leading to the central courtyard.

**20-30 Vestry Street and 71-83 East Road:** The building is four storeys and constructed of stock brick with white rendered parapet. It has a distinctive wedge shape which means from East Road both elevations are visible. Brick pilasters rise the height of the building with recessed brick spandrels and windows. East Road is the principal elevation with more ornate detailings to the ground floor and taking in doors located to the rear. Windows are 2 over 2 sash windows in a mixture of singles and pairs.

## Britannia Walk

**109-111 Britannia Walk:** The building is four storeys and constructed largely of stock brick with engineering brick to the base and red brick and concrete detailings to the windows.

## Provost Street

**16-30 Provost Street, Zeus House:** Four storeys and constructed of stock brick with stucco detailing above the ground floor. Brick pilasters run the height of the building with a decorative chamfered corner to the north-west. Window headers are buff coloured with dentil cornice to top of original building. There is a two storey extension with one storeyed in brick and one as a traditional mansard. 2 over 2 sash windows are on the east and north elevation.



Vestry Street looking north

**34-38 Provost Street:** Six storeys, with the first four storeys constructed of stock brick with engineering brick to the base and buff brick detailing to the window arches. The top two storeys are constructed in a lightweight material that picks up on the regular fenestration below. Distinctive taking in doors and crane survive. Timber sash windows are 2 over 2.

# ASSESSMENT OF CONDITION

# 6.0 Assessment of Condition

## 6.1 GENERAL CONDITION

6.1.1 The area is generally in a good condition with buildings largely well maintained and occupied. Where new buildings exist these often replace World War II bomb damage and are of an appropriate scale, materiality and architecture. Advertising is generally limited and appropriate for the buildings.

6.1.2 The public realm is more mixed with a mixture of historic and modern street surfaces. The area is generally free of excessive clutter with the recent addition of street trees with on street cycle parking helping to enliven Underwood Street. The closure of Shepherdess Walk to through traffic has ensured the area is quiet of traffic and acts as transition zone from City Road to the residential properties of Shepherdess Walk.

## 6.2 KEY THREATS AND NEGATIVE ISSUES

6.2.1 Underwood Street Conservation Area has a distinct character, whilst the building typologies are similar to the South Shoreditch Conservation Area it is of a more consistent and unaltered character.

6.2.2 The consistent scale of building and architecture means any future development needs careful consideration. Moreover, the setting of the area and the impact of adjacent development could, if not managed sensitively, impact the Underwood Street Conservation Area. The redevelopment, including the demolition of buildings that make a positive contribution to the character and appearance of the Conservation Area could negatively impact the Conservation Area.

6.2.3 Alterations to buildings including the loss and obscuring of historic and traditional architectural details can result in harm to the uniformity of the area. Of particular note is the painting of glazed brick at the base

of buildings. Key architectural features include the taking in doors and cranes.

6.2.4 The key threats to the public realm are the use of low-grade materials for roads and pavement and the loss of historic surface materials such as the historic setts on Shepherdess Place.

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# MANAGEMENT PLAN

# 7.0 Management Plan

7.0.1 This Management Plan provides area specific guidelines for development, maintenance and enhancement of the Conservation Area. Under Section 71 of the Planning (Listed Buildings & Conservation Areas) Act 1990 local planning authorities have a statutory duty to draw up and publish proposals for the preservation and enhancement of Conservation Areas in their districts from time to time.

## 7.1 DEVELOPMENT GUIDELINES

7.1.1 All development proposals should preserve or enhance the Conservation Area's character and appearance and conform to local policies as outlined in sections 1.4- 1.6. This requirement applies equally to developments which are outside the Conservation Area but would affect its setting or views into or out of the area. For advice on whether Planning Permission is required for works please contact the Council.

## 7.2 DEMOLITION

7.2.1 Planning permission from the Council is required for the demolition of buildings larger than 115 cubic metres within the Conservation Area. The full or substantial demolition of buildings or structures identified as making a positive contribution to the significance of the Conservation Area (including Locally Listed Buildings) is harmful to the significance of Conservation Areas and will be regarded as substantial harm or less than substantial harm according to the circumstances of the case. Demolition of buildings identified in this document as making a neutral contribution to, or detracting from, the Conservation Area's special character will only be supported where there are acceptable plans for the site following demolition.

## 7.3 NEW DEVELOPMENT

7.3.1 All new development should respect the established layout, siting, height, scale and massing of buildings within the Conservation Area, it should be of a high design quality, that is sympathetic and responds to the area's special character. New development should preserve or

enhance the special character of the Conservation Area. Materials should be carefully chosen to complement the Conservation Area's existing palette of materials.

7.3.2 Where neutral and negative buildings exist there is an opportunity for new development to preserve and/or enhance the character and appearance of the Conservation Area.

7.3.3 There are limited areas for new development within the Conservation Area owing to the tight urban grain and regular rhythm of the streets.

## 7.4 DEVELOPMENT AFFECTING THE SETTING OF THE UNDERWOOD STREET CONSERVATION AREA

7.4.1 All proposed development in close proximity to the Underwood Street Conservation Area should seek to preserve and enhance its setting. All development proposals affecting the setting of the Conservation Area will be assessed against the Historic England guidance document 'The Setting of Heritage Assets.'

## 7.5 EXTENSIONS

7.5.1 In accordance with LP1 Design Quality and Local Character of LP33 (June 2020) "all new development must be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character." This is particularly important within the Underwood Street CA when considering extensions as they have the potential to disrupt the appearance of buildings and the character of the Conservation Area.

7.5.2 LP1 Design Quality and Local Character requires new development (including extensions) to be "compatible with the existing townscape" and "preserve or enhance the significance of the historic environment and the setting of heritage assets."

7.5.3 Owing to the built nature of the area there is generally very little

scope for side and rear extension to the main buildings. Where they are considered acceptable it will be important to ensure that they are subservient to the main building and utilise the highest quality materials and exemplary design that complements the area's historic character.

## 7.6 FACADE RETENTION

7.6.1 In line with policy LP3 Designated Heritage Assets, para 5.24 of LP33 2020 "Development proposals in Conservation Areas involving façade retention only (with the demolition of the remainder of the building) will be regarded in the same way as proposals for the full or substantial demolition of a building. Such proposals not only result in loss of the historic interest of the building but can be structurally challenging and often fail, with the loss of the entire building.

7.6.2 The full or substantial demolition of buildings or structures identified as making a positive contribution to the significance of the Conservation Area is harmful to the significance of Conservation Areas and may be regarded as substantial harm or less than substantial harm according to the circumstances of the case."

## 7.7 TALLER BUILDINGS

7.7.1 All new taller buildings must respect the setting of the Borough's local character and historic townscapes and landscapes including those in adjoining boroughs. Moreover, in line with Policy LP1 of LP33 (June 2020) taller buildings must "preserve or enhance the borough's heritage assets, their significance, and their settings". Within the Underwood Street Conservation Area there is a degree of consistency in storey height with buildings, generally having a shoulder height of four to five storeys.

## 7.8 ARCHITECTURAL FEATURES

7.8.1 Key architectural features as referenced in Section 5.3 of this document, such as brick chimney stacks, decorative stucco work, bands or contrasting brick detailing should be retained due to the valuable contribution they make to the character and appearance of the Conservation Area.

## 7.9 CLADDING, RENDERING OR PAINTING OF WALLS

7.9.1 Originally exposed brick walls, often part of a building's original design, make an important contribution to the character of the Conservation Area and should not be clad, rendered or painted. External rendering or painting can also cause problems with damp and condensation.

7.9.2 External cladding or rendering of buildings in Conservation Areas requires planning permission, which is unlikely to be supported. The careful removal of existing paint to brickwork is encouraged.

## 7.10 DOORS AND PORCHES

7.10.1 Historic timber doors should be retained as they are important features that contribute towards the character of the Conservation Area. All necessary replacements should be of timber and of a design that complements the building within which it is situated.

7.10.2 Open porches are part of the original design of houses and add interest to the character and appearance of the Conservation Area. Open porches or recessed entrance arches should not be enclosed.

## 7.11 EXTRANEOUS FIXTURES

7.11.1 Modern extraneous fixtures, including satellite dishes, meter boxes and cabling, should not be visible from the street. The removal of existing fixtures cluttering front elevations is encouraged; however care should be taken to ensure that surfaces affected are repaired.

## 7.12 SIGNAGE

7.12.1 Where buildings are in commercial or community use it is accepted that signage may be required. Where signage is located on the front boundary it should be integrated with the boundary and should not have a dominant presence in the streetscene. Where signage is located on building elevations this should complement the composition of the



## 7.13 RETROFITTING

7.13.1 'Retrofitting' is the process of upgrading an existing building to improve its thermal performance and energy efficiency. By adapting existing buildings in a sympathetic manner to respond to climate changes it ensures that these buildings can survive even longer than they already have. Retrofitting will enable buildings to adapt to future weather conditions such as heat waves or sustained periods of cold, and by adapting existing buildings

7.13.2 Retrofitting is most effective when you take a 'whole-building' approach is taken. This makes sure all the upgrades work well together and the energy savings are maximised.

## 7.14 RETROFITTING IN CONSERVATION AREAS

7.14.1 Where the building affected is a listed building or within a conservation area the impact of any retrofit measures on the building or area should be assessed and harm to their significance avoided. When considering retrofit options the energy hierarchy should be approached first in order to achieve the sustainability benefits with minimum harm whereby the focus is initially on fabric first improvements. Any retrofit measures must be carefully considered to strike a balance between harm to the existing building and the public benefit of the proposals.

7.14.2 While this guidance sets out many typical retrofit measures and provides general guidance, the complex and sometimes unique nature of historic buildings means that generic guidance has its limitations. Due to the unique nature of heritage assets, the balance of addressing climate change, protecting heritage assets and viability will need to be considered on a case-by-case basis.

7.14.3 Applicants are encouraged to contact the council for pre-application advice. Applicants should take a coordinated or 'whole building' approach to planning and delivering all retrofitting projects as opposed to delivering piecemeal measures.

## 7.15 CONDITION OF THE BUILDING

7.15.1 Buildings in Underwood Street Conservation Area are generally in a good condition. However, when considering retrofit it is important to ensure that buildings are well maintained and in a good condition. Dampness and draughts from poor maintenance can be the cause of much higher energy use, longer term structural problems and risks to health. It should be noted that in some cases due to alterations, modernisation and poor maintenance the building fabric may be at the limits of its capacity to handle water vapour or rain ingress, which can lead to failure if retrofit measures such as insulation or draught proofing are not undertaken as part of a whole building approach, or are incorrectly applied it can result to damage to the building and human health.

7.15.2 As such, when considering retrofitting buildings it is important to ensure that the building is in a good state of repair to ensure that the retrofit measures work successfully with the existing building.

## 7.16 RETROFIT PRINCIPLES

7.16.1 In order to retrofit a building to become climate resilient there are three main steps to take:

### **Step 1: Start With A "Fabric-First" Approach.**

7.16.2 "Fabric-first" means prioritising insulation, draught proofing, air tightness, and ventilation, before all other retrofit measures. Specifying improvements to the building fabric should be the first step in order to minimise heat losses and minimise the heat leaking through your building.

7.16.3 These investments will reduce the amount of energy your property consumes. Basic insulation, such as loft insulation, can often pay for itself within a few years. If you are interested in low-carbon heating such as heat pumps, having a well insulated and air tight building is essential.

### **Step 2: Switch To All Electric to Decarbonise Energy Use**

7.16.4 Once the energy use has been reduced, the focus should be on decarbonising buildings which means reducing the carbon footprint by moving away from fossil fuels and embracing full electrification.

7.16.5 Currently for most building, an electric-powered heating alternative will be an electric storage heater or a heat pump. Heat pumps take ambient heat from the ground, air, or water, and convert this into heat for a building. The most commonly used type of heat pump is Air Source Heat Pump (ASHP) due to the lack of space for ground collector that is required for Ground Source Heat Pumps.

7.16.6 Switching gas-fired hobs to electric induction hobs and incandescent lightbulb for LED lighting which are modest interventions which help reduce carbon emissions.

### **Step 3: Generate Renewable Energy**

7.16.7 Renewable energy can be generated by installing solar panels on roofs. These will be either photovoltaic panels (which generate electricity) or solar thermal panels (which heat water). These are unlikely to generate enough energy for whole buildings but can supplement the main supply.

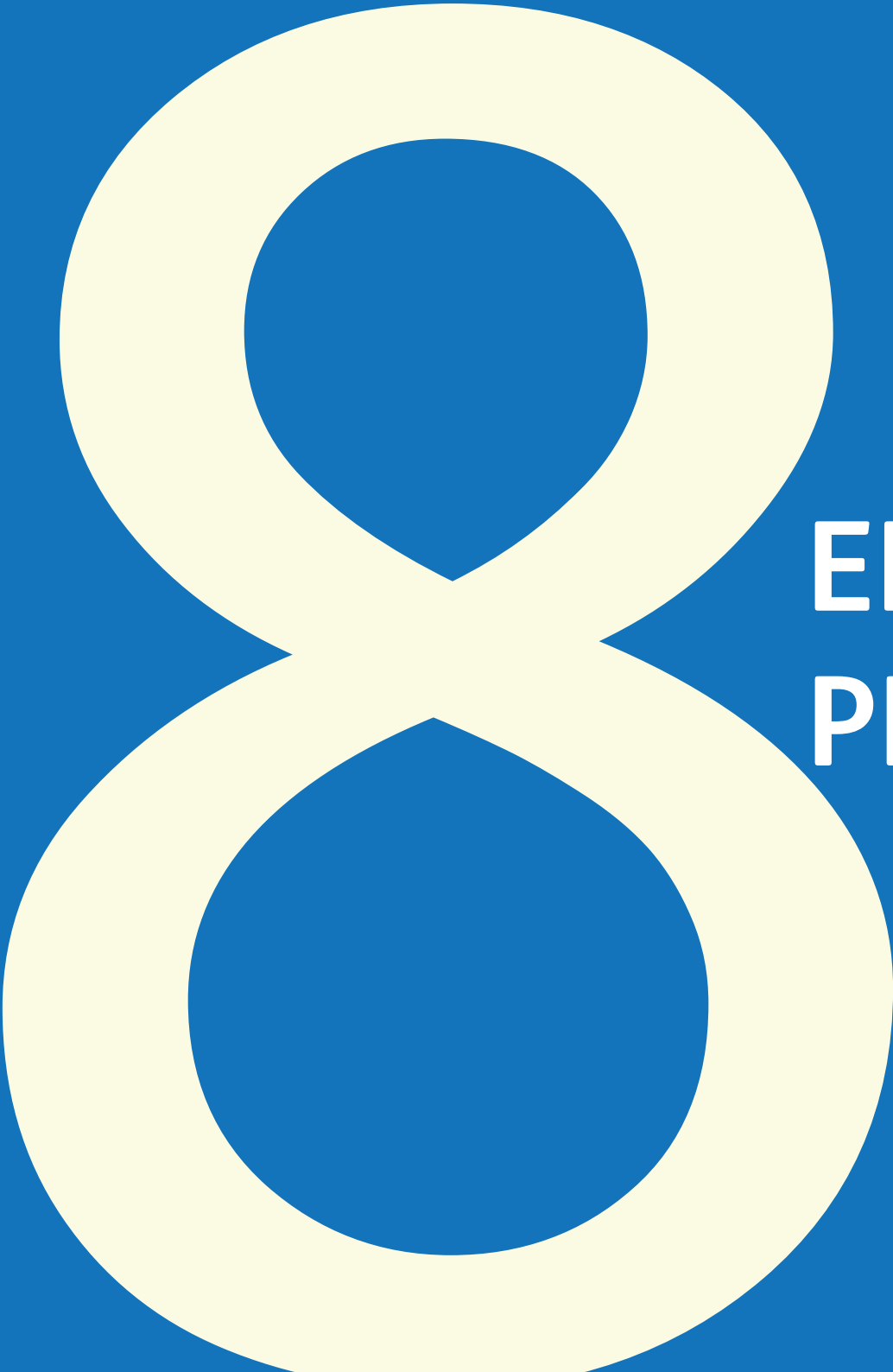
7.16.8 Batteries can also be installed which store electricity for delayed use, either from the excess generated by solar photovoltaic panels or directly from the national electricity grid when the tariffs are lower (during night time). This system helps reducing the load on the grid and limits the risk of national or local power black out. Within the Underwood Conservation Area the installation of either photovoltaic panels or solar thermal panels has the potential to be acceptable as the flat or shallow pitch roof profiles largely hide them from view.

7.16.9 Other forms of renewable energy may become available at a later date and therefore advice should be sought from a suitably qualified professional.

## **7.17 Further Advice**

[The Climate Emergency Retrofit Guide](#) provides guidance on the best practice retrofit and how existing buildings can be adapted. [Historic England](#) also provides detailed information on how to best retrofit 4traditionally constructed buildings.

The Council is currently developing further guidance for Retrofit within Hackney. Further details can be found within the forthcoming Extensions and Alterations SPD.



# ENHANCEMENT PROPOSALS

# 8.0 ENHANCEMENT PROPOSALS

## 8.1 MAINTENANCE

Much of the Conservation Area's special character derives from the high number of interesting architectural features present. In order to ensure their long-term survival, regular attention is required to stop them falling into a state of disrepair. The Council therefore recommends that regular maintenance is undertaken to retain the collective value of the attractive features present in the area. If minor repair works are left unattended, it may result in unnecessary decay and damage, which could lead to the need to conduct more complex and expensive repair works that may require planning permission.

Basic maintenance recommendations include:

- The regular clearing of debris in gutters and rainwater pipes
- The pruning of vegetation near to buildings
- The re-fixing of loose roof tiles or slates
- The regular re-painting of timber

## 8.2 REPAIRING, RESTORING AND REINSTATING ARCHITECTURAL FEATURES

The Underwood Street Conservation Area could be much enhanced through the repair, restoration or reinstatement of the following damaged or lost architectural features:

- Timber windows
- Timber taking in doors
- Cast iron rainwater goods
- Introduction of appropriate signage
- Cornices where damaged and removed

The use of traditional materials and methods is an important element in preserving the character and appearance of the Conservation Area.

Re-pointing should be undertaken only when necessary and must be done in an appropriate manner, for example a lime mortar must be used in older buildings for reasons of appearance and performance; cement-based mortars are generally inappropriate for historic buildings. Joints should be flush or slightly recessed (not weather struck or raised) and finished and brushed to expose brick edges.

In addition the following would also result in an enhancement to the area:

- The re-siting of satellite dishes and TV aerials where their location has a negative impact on the Conservation Area
- The careful stripping of inappropriate paint or render using a non damaging method to reveal originally exposed brickwork.
- The removal of architectural elements that are out of keepings with the area's special character
- The use of further high quality materials in the public realm such as stone

## 8.3 OPPORTUNITIES FOR ENHANCEMENT

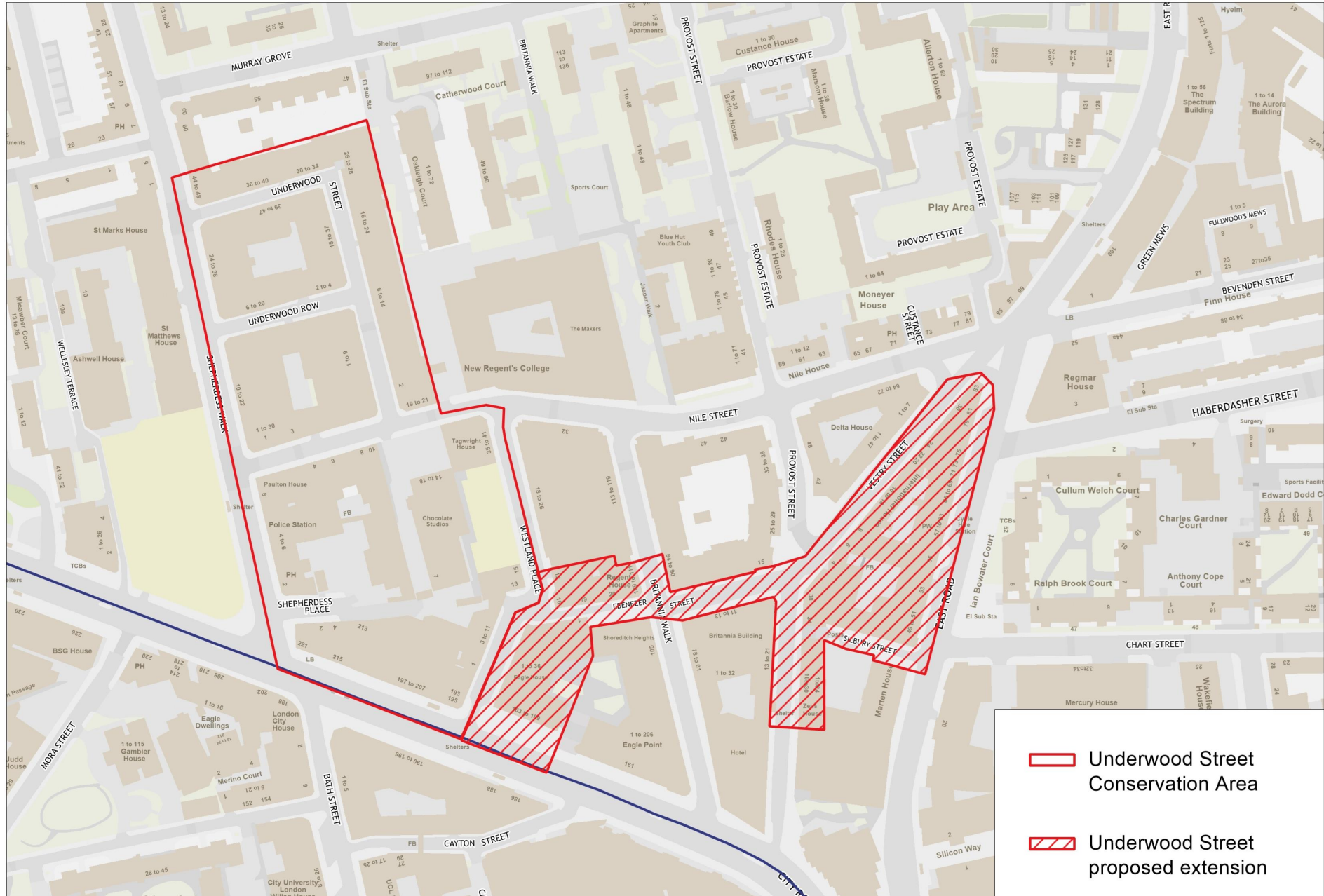
Historic street furniture and paving should be retained. Where lost, setts should be reintroduced as these positively contribute to the character and appearance of the area. Where street surfaces are being replaced high quality materials should be used for example yorkstone.

There is scope for additional urban greening to be added in a way in which preserves the character and appearance of the area whilst improving the activity at street level.

Whilst the buildings are largely in a good condition the ground floor of properties is of a more mixed character and the area could be enhanced from the introduction of a more consistent ground floor treatment.



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Summary of Responses Received by

Respondent ID	Name	Organisation	Date Received	Comment ID	Respondent's Comments	Council's Response
US01	Jill Barrett	-	25/09/23	0.01	In favour of better conservation of the unique industrial heritage of the victorian buildings	Noted.
				0.02	Concern to prevent any building upwards within the area i.e. no new storeys on existing buildings and now new ones taller than 4 storeys	The appraisal outlines what is important about the character and appearance of the area of which any application going forwards will need to preserve/enhance.
				0.03	Council should fund improvements to public realm in the area.	Noted.
US02	Philip Start	-		0.01	I am pleased that the area is being considered for extension . I believe it would improve the the whole living experience. Which is very important to my wife and i.	Noted.
				0.02	I would like to mention that the pavements outside The Factory , number 20 Nile Street are very messy and do not match other streets in the surrounding area . They require proper flag stones to match and bring the standard up .	Noted. The appraisal and management plan outlines appropriate materials for the area.
				0.03	I have no real comment with scope of the planned boundary , only the opportunity to include as much as possible should not be missed . Thank you .	Noted.
US03	Richard Parish	Historic England		0.01	Historic England welcomes the proposal to review and revise these conservation areas and to produce CAAMPs in accordance with the NPPF requirements to maintain an up to date evidence base for the historic environment and to set out a positive strategy for the conservation and enjoyment of the historic environment. Given the detail of the proposed documents we have relatively few comments and consider that the production of these documents will have a beneficial impact on the management of Hackney's rich and diverse historic environment.	Noted.
				0.02	We note that both conservation areas fall within the GLA's OAPF for the City Fringe (2015) which sets out policy and guidance in respect of planning uses and priorities. We would suggest that this could be referenced in respect of legislation and Regional Plans. In respect of this you might wish to expand the sections of land use and how this supports the vibrancy and character of the "fringe area".	Noted- a further section will be added on this.
				0.03	The appraisals do not specifically identify buildings which could be considered to detract from the character and appearance preferring to identify positive and neutral elements. This may accurately reflect the current character (particularly in the light of the redevelopment of 209 to 223 Hoxton Street which would, pre-redevelopment, detract from the areas historic character). However, it is worth considering that such identification can be a positive tool in managing change and where specific elements demonstrably have a negative impact on the character and appearance it is useful to identify these.	Noted.
				0.04	Underwood Street. The extension incorporates an area of consistent historic warehousing which is in keeping and reflects the character of the existing conservation area and the proposed extension is supported.	Noted.
				0.05	Historic England has recently funded a Civil War Defences Project which has identified the alignment of these to the south of their current alignment (which runs through the CA). You may wish to mention this in the history of the area. As the defences involved clearance inside and out this would potentially dictate that the urban history of Underwood Street is post the Civil War and does not predate it as might be thought. Any proposed changes to Hackney's existing Archaeological Priority Areas are likely to reflect this when they are updated.	Noted. A further section will be added.
				0.06	Historic England supports the intention to publish these Conservation Area Appraisal and Management Plans and we hope you find the above comments helpful in completing this document	Noted.

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**Planning Service**

Hackney Council

Mare Street

Hackney

London

E8 1EA

Type Recipient's Name

Type address line 1

Type address line 2

Type address line 3

Type Town/City

Type Postcode

020 8356 2869

adam.dyer@hackney.gov.uk

1 September 2023

Dear Consultee

**Review of Underwood Street Conservation Area**

Hackney Council has undertaken a detailed review of the Underwood Street Conservation Area and is consulting on a Draft Conservation Area Appraisal and Management Plan. It is also proposing extending the conservation area boundary. You are receiving this letter as your property falls within the proposed conservation area boundary.

Before determining whether to adopt the amended Underwood Street Conservation Area boundary, Hackney Council is undertaking a 28 day public consultation between 6 September and 4 October to seek the views of residents, landowners and other interested stakeholders. All responses will be carefully considered before a final decision is made.

**How to find out more information and have your say?****Visit our website**

<https://hackney.gov.uk/underwood-ca> to view the draft documents and return comments online.

**Community Consultation Drop-in Sessions**

Join us to discuss the proposed changes and share your thoughts on the Underwood Street Conservation Area Review.

**Location:** Napier Grove Community Centre

**Date:** Monday 25th September 2023- 5:45-7:00

You can also view copies of the draft documents by visiting the Hackney Council Reception between 9.00am and 5.00pm Monday to Friday at the Hackney Service Centre, 2 Hillman Street, London, E8 1FB. Copies will also be available at Hackney Central and Shoreditch Libraries.

Yours sincerely

Adam

**Adam Dyer**

Principal Conservation and Design Officer



# London Borough of Hackney Equality Impact Assessment Form

## Title and Purpose of Policy:

**Title:** REVIEW OF THE UNDERWOOD STREET CONSERVATION AREA

This item seeks Cabinet approval to

Extend the Underwood Street Conservation Area and to adopt the Underwood Street Conservation Area Appraisal and Management Plan.

The designation of the area would protect its special character and appearance and ensure that future development either preserves or enhances it.

## Officer Responsible:

<b>Name:</b> Adam Dyer	<b>Ext:</b> 7723
<b>Directorate:</b> Climate, Homes & Economy	<b>Department/Division:</b> Planning Service/ Conservation, Urban Design & Sustainability Team

NB: This assessment must be reviewed and agreed by the relevant Assistant Director, who is responsible for ensuring it is made publicly available and is in line with guidance ([staffroom.hackney.gov.uk/equality-impact-assessments.htm](http://staffroom.hackney.gov.uk/equality-impact-assessments.htm)).

**Assistant Director Planning and Building Control:** Natalie Broughton

**Date:** 09/10/23

**Comment:**

## 1. Please summarise the service, function, policy, initiative or saving.

Conservation Area designation, review and management is an important part of the planning process. Under the National Planning Policy Framework (NPPF), Conservation Areas are classed as heritage assets. The NPPF requires local planning authorities to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, LPAs should recognise that heritage assets

are an irreplaceable resource and conserve them in a manner appropriate to their significance.

Conservation Area Appraisals clearly set out the important qualities of the heritage asset and not only does this enable proper protection of those parts of the historic environment that the community genuinely values, but it also provides clarity to developers as to where those heritage assets are located and, critically, what it is about them that is worth considering.

## **2 Who are the main people that will be affected?**

The key people who will be affected will be the property owners/occupiers within the conservation area boundary. These owners/occupiers have been consulted along with other interested parties as part of a 28-day public consultation. All responses have been carefully considered and have informed the recommendation to Cabinet.

## **3 What research or consultation(s) have been carried out?**

In line with best practice and the Council's Statement of Community Involvement and adopted procedures for Conservation Area Review, the Council has carried out public consultation with stakeholders as designations that have been adopted following public consultation carry greater weight on appeal.

The responses to this consultation have been carefully considered and informed the Cabinet recommendation to designate.

## **4 Equality Impacts**

The following tables outline the main issues in planned consultation that may impact on each equalities strand.

### **4(a) What positive impact could there be overall, on different equality groups, and on cohesion and good relations?**

#### ***Positive Impact:***

##### **Overall**

**Residents within the conservation area and other key stakeholders had equal opportunity to have their say through all methods of consultation. The proposed review of Underwood Street Conservation Area will not impact any one equality group.**

<b>a) Age</b> The designation does not discriminate against age.	<b>b) Disability</b> The designation does not impede the ability to require a property to be DDA compliant.
<b>c) Gender</b> The designation does not discriminate against gender.	<b>d) Race</b> The designation does not discriminate against race.
<b>e) Religion/Belief</b> The designation does not discriminate against any one religious or belief groups	<b>f) Sexual Orientation</b> The designation does not discriminate against sexual orientation.
<b>g) Other groups</b> None identified.	

**4(b) What negative impact could there be overall, on different equality groups, and on cohesion and good relations?**

<b>Negative Impact:</b>	
<b>Overall</b> There are no identified negative impacts.	
<b>a) Age</b> None identified.	<b>b) Disability</b> None identified.
<b>c) Gender</b> None identified.	<b>d) Race</b> None identified.
<b>e) Religion/Belief</b> None identified.	<b>f) Sexual Orientation</b> None identified.
<b>g) Other groups</b> None identified.	

**5. Equality and Cohesion Action Planning– specific actions to address equality and cohesion issues raised by this assessment**

None identified.

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<b>Title of Report</b>		<b>Review of the Hoxton Street Conservation Area</b>	
<b>Key Decision No</b>		CHE S264	
<b>For Consideration By</b>		Cabinet	
<b>Meeting Date</b>		27 November 2023	
<b>Cabinet Member</b>		Cllr Guy Nicholson, Deputy Mayor for Delivery, Inclusive Economy & Regeneration	
<b>Classification</b>		Open	
<b>Ward(s) Affected</b>		Hoxton East and Shoreditch	
<b>Key Decision &amp; Reason</b>		No	N/A
<b>Implementation Date if Not Called In</b>		06 December 2023	
<b>Group Director</b>		Rickardo Hyatt, Group Director, Climate, Homes and Economy	

## 1. CABINET MEMBER'S INTRODUCTION

- 1.1 Members may recall that the Council has a statutory duty to regularly review all existing designated Conservation Areas in the borough on a cyclical basis and assess the built environment of undesignated neighbourhoods for their suitability for designation as Conservation Areas.
- 1.2 This appraisal report focuses on the Hoxton Street Conservation Area. This area was originally designated in 1983 but no appraisal of the Conservation Area has been written until now.
- 1.3 Hoxton Street is a historic commercial street with a number of quality heritage buildings surviving from the eighteenth and nineteenth centuries. The existing Conservation Area designation has helped to preserve its intimate townscape and scale which contrasts with the surrounding post war Local Authority-built homes.
- 1.4 The dense urban character of the Conservation Area derives from its long, linear form, consistent building line, fine historic grain of narrow building plots, a consistent building height of three to four storeys, and limited material palette. Although modest in architectural terms, surviving original features such as timber sash windows, decorative

ironwork, historic bollards and traditional shopfronts contribute to the interesting and varied heritage streetscape.

- 1.5 Following the appraisal the report also recommends three boundary extensions to the existing Hoxton Street Conservation Area. The extensions include some quality nineteenth and early twentieth century buildings including several locally listed buildings.
- 1.6 The extensions recognise the built heritage and architecture of this important historic neighbourhood and were identified by the work undertaken on the Hoxton Street Conservation Area Appraisal and the Management Plan which is attached to this report.
- 1.7 I commend this report to Cabinet.

## **2. GROUP DIRECTOR'S INTRODUCTION**

- 2.1 This report seeks approval for three boundary extensions to the Hoxton Street Conservation Area. The Council has a duty to review its conservation areas from time to time and to determine whether any parts or further parts of their area should be designated as conservation areas. Approval is also sought for the adoption of a Conservation Area Appraisal and Management Plan which will be used to help manage change in the future by articulating the significance of the area and providing guidance on how to preserve or enhance its character or appearance.
- 2.2 The proposal is coming forward as part of the Planning Service's ongoing programme of Conservation Area reviews. The Hoxton Street area is under increasing development pressure and currently has no Appraisal or Management Plan to assess what elements contribute to the character and appearance of the area. The Conservation Area review will not hold back future development but instead will help provide guidance and clarity about the area.
- 2.3 The proposed extensions to the Conservation Area include buildings of architectural and historic interest and are considered worthy of Conservation Area designation. The extension of the Conservation Area will ensure that intrinsically valuable heritage buildings are therefore better protected by being included within the Conservation Area designation.

## **3. RECOMMENDATION(S)**

### **3.1 Cabinet is recommended to:**

- **Approve the adoption of the Hoxton Street Conservation Area Appraisal and Management Plan (Appendix A)**
- **Approve the revised Hoxton Street Conservation Area Boundary map (Appendix B)**

#### **4. REASONS FOR DECISION**

- 4.1 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.
- 4.2 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.
- 4.3 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.

#### **5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 5.1 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.
- 5.2 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 Management Plan for the area was identified as a weakness in the 2017 Conservation Area Review programme, which this proposal seeks to remedy.

#### **6. BACKGROUND**

- 6.1 The Council is obliged to designate as conservation areas any parts of the Borough that are of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. The Council also has a duty to review past designations from time to time to determine if any additional parts of the area should be incorporated as either a new conservation area or incorporated into the existing designation.
- 6.2 Historic England's advice, *Conservation Area Appraisal, Designation and Management*, 2019 recommends that conservation areas are 'reviewed every five years' (para.104), subject to resources and development pressure. The Hoxton Street Conservation Area has not been reviewed since its designation in 1983. This Conservation Area was identified as part of the 2017 Conservation Area Review programme as being of high priority to review because of increasing development pressure in the area and the lack of any Appraisal. The new Appraisal and Management Plan will provide helpful clarity to decision-making by providing an overview of what elements contribute positively to the character and appearance of the area. It will also set

out management guidelines to guide future development and enable the special architectural and historic interest of the area to be preserved or enhanced.

- 6.3 The proposed boundary alterations have been identified as part of this review, in line with Historic England good practice. The boundary alterations consist of three extensions to the north, west and south of the existing Conservation Area. To the north, this includes buildings in Hobbs Place and Wilmer Gardens, including a locally listed former public house; to the west, it is proposed to include the Hoxton Garden Primary School, a locally listed building; and to the south, it is proposed to include the Victorian former industrial buildings on Fanshaw Street and the residential building, Enfield Cloisters. These buildings have a consistent architectural character with the existing Conservation Area and are considered to meet the statutory test regarding special architectural and historic interest.
- 6.4 Paragraph 191 of the National Planning Policy Framework requires Local Planning Authorities to ensure that the designation of conservation areas is justified based on special architectural and historic interest. A thorough review has been undertaken of the existing boundary and where changes are proposed the Council is satisfied that the proposed alterations meet paragraph 191 of the NPPF.
- 6.5 A full review of building contributions across the conservation area has been carried out. This assessment is based on the heritage value of each site and its contribution to the historic townscape of the Conservation Area. Each site is identified as a positive, neutral or negative contributor.

### **Legal Powers**

- 6.6 The Council has the legal powers for this course of action. Section 69 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities from time to time to determine which parts of their borough are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and to designate those areas as conservation areas.
- 6.7 Section 69 (2 ) places a duty on local planning authorities from time to time to review the past exercise of functions under this section and to determine whether any parts or further parts of their area should be designated as conservation areas, and if they so determine, to designate those parts accordingly. The present proposal arises out of this duty.
- 6.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities, in the exercise of their planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 6.9 The conservation area character appraisal is taken into account in the planning process, including in appeals against refusal of consent for demolition and against refusal of planning permission in a conservation area.

### **Decision making principles**

- 6.10 The proposal conforms to the Council's principles of decision-making. Public consultation is not a statutory requirement for conservation area designation. The initial designation of the conservation area in 1983 followed public consultation with stakeholders and notification of all occupiers within the area. The proposed boundary extension to the conservation area will be published in the London Gazette and a local newspaper.
- 6.11 The proposal takes account of Historic England guidance on conservation areas, *Conservation Area Appraisal, Designation and Management*, 2019.
- 6.12 The extensions are consistent with human rights. Although it introduces additional controls, planning applications are individually assessed and personal circumstances can be taken into account in their exercise.
- 6.13 The extensions will further the Council's aim to conserve its historic environment.

## **7. POLICY CONTEXT**

- 7.1 Under the National Planning Policy Framework (NPPF) 2021, conservation areas are classed as designated heritage assets. The NPPF requires local planning authorities (LPAs) to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, LPAs should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 7.2 The proposal aligns with regional heritage policies in the London Plan and local policies set out in Hackney's Local Plan 2033, which seek to preserve and enhance Hackney's heritage assets. The proposal supports the policies in the Local Plan (LP33, 2020), including policy LP3 (Designated Heritage Assets), which is underpinned by the 2017 Conservation Areas Review Study.

## **8. EQUALITY IMPACT ASSESSMENT**

- 8.1 There will be no detrimental impact to groups with protected characteristics under the Equality Act 2010.

## **9. SUSTAINABILITY**

- 9.1 The extension of the Hoxton Street Conservation Area will protect the historic environment and in line with Para 189 of the NPPF (2021) recognises that *'These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.'*
- 9.2 The addition of these buildings within the Hoxton Street Conservation Area will help to recognise the embodied energy used in the construction of these buildings. It recognises that sensitive adaptation can offer a sustainable future that will preserve and enhance the historic environment.
- 9.3 The Management Plan provides guidance on retrofitting buildings within the area. This includes an overview of principles of retrofitting which promotes a whole building approach, where measures are considered in their totality rather than as individual retrofit elements. The Management Plan provides outline advice on key principles as more detailed retrofit guidance will be provided in other Supplementary Planning Documents that can be more easily updated and therefore more useful for property owners within Hackney.

## **10. CONSULTATIONS**

- 10.1 There is no statutory duty to undertake public consultation prior to the designation or extension of conservation areas, although it is Hackney's normal practice to do so. The Council has therefore carried out a public consultation with residents and stakeholders. Appraisals that have been adopted following public consultation carry greater weight on appeal against planning application decisions.
- 10.2 A 28-day community consultation with local residents and stakeholders on the draft Appraisal (Appendix A) and boundary map (Appendix B) was undertaken from 6 September to 4 October 2023. A copy of the consultation letter can be found at Appendix D.
- 10.3 The proposal and consultation details were available on the Council's conservation webpages. A drop in session was held where the new Appraisal and boundary extensions were discussed. Historic England, the Hackney Society and Central & South Hackney Conservation Area Advisory Committee (CAAC) were also notified of the proposals.
- 10.4 A total of 18 responses were received. 17 responded in support of the proposals. Several respondents recommended extending the boundary further to include Aske House on Fanshaw Street. One (1) neutral comment was submitted and there were no objections to the Appraisal and Management Plan. The Council's response to these matters can be found in Appendix C.

## **11. RISK ASSESSMENT**

- 11.1 If the Appraisal is not adopted, the area will lack a clear overview of its significance and guidelines for future development, affecting the Council's ability to preserve or enhance its character. If the Conservation Area is not extended as proposed, important elements of the historic environment will be unprotected and consequently liable to uncontrolled demolition. This has the potential to erode the setting and significance of the Hoxton Street Conservation Area through inappropriate development.

## **12. COMMENTS OF THE GROUP DIRECTOR OF FINANCE**

- 12.1 This report proposes three extensions to the boundary of the Hoxton Street Conservation Area and the adoption of a new Conservation Area Appraisal and Management Plan. The staff cost and additional publicity associated with enforcing the conservation area will be met by the existing Planning budgets within the Climate, Homes and Economy directorate. No other financial implications are identified at the time of this report.

## **13. COMMENTS OF THE ACTING DIRECTOR OF LEGAL, DEMOCRATIC AND ELECTORAL SERVICES**

- 13.1 Cabinet is authorised to approve the revised boundary of the Hoxton Street Conservation Area Appraisal by virtue of:
- 13.2 Article 5 of the Council's Constitution, which states that the Mayor and the Cabinet shall carry out all of the local authority's functions which are not the responsibility of any other part of the local authority whether by law or under the Constitution, but only to the extent of the delegation from the Mayor.
- 13.3 Cabinet is authorised to approve the recommendations in this report pursuant to the Mayor's Scheme of Delegation. Determining which areas in the Borough should be Conservation Areas is delegated to the Executive (i.e. Cabinet).
- 13.4 There is no statutory requirement for the council to consult the public before designating a conservation area. The stated 28 day consultation was adopted by Cabinet in June 2020 as part of a series of procedural changes to the Council's Conservation Area Review Programme. It is considered that this is an appropriate period in which to engage with landowners, occupiers and other stakeholders and consider their views before making a recommendation on whether to designate or extend a conservation area boundary. If ultimately approved, the weight as a material consideration of the final Appraisal document is also enhanced if it has been through a public consultation process.
- 13.5 Section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) ('the Act') effectively defines conservation areas as 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. Section 69(2) of the Act places a local planning authority

under an ongoing statutory duty to review its conservation areas from time to time and 'to determine whether any parts or further parts of their area should be designated as conservation areas'. The review of the Hoxton Street Conservation Area, including the drafting of an Appraisal and Management Plan for the area and a review of the boundaries, addresses these statutory criteria. It is concluded that the boundary should be extended and the new Appraisal adopted. The designation of any area as a conservation area shall be a local land charge.

- 13.6 Under Section 70(8) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in addition to notifying both the Secretary of State and Historic England, a local planning authority is required to publicise designation of a conservation area by a notice placed in the London Gazette and a local newspaper. The local authority must follow the same publicity procedures to vary or cancel a designation as are required to designate.
- 13.7 Statutory implications of designating the conservation area boundary chiefly relate to management of future development. Under Section 72 of the Act, the LPA must pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when determining planning applications. Furthermore, some permitted development rights (pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO")) are applied more restrictively or will not apply at all within conservation areas (e.g. additions to the roof of a dwelling house under class B of Part 1 of Schedule 2 of the GPDO etc).
- 13.8 A Conservation Area Appraisal and Management Plan is taken into account in the planning process, and in appeals against refusal of planning permission (including demolition) in a conservation area.

**14. APPENDICES**

- Appendix A – Hoxton Street Conservation Area Appraisal and Management Plan, September 2023
- Appendix B – Map of Extended Hoxton Street Conservation Area
- Appendix C – Table of Consultation Responses
- Appendix D – Consultation Letter
- Appendix E – EIA form

**BACKGROUND PAPERS**

In accordance with Section 100D of the Local Government Act, 1972 – Access to Information, a list of Background Papers used in the preparation of reports is required.

Description of document	Location	Date



Historic England, <i>Conservation Area Appraisal, Designation and Management</i>	<a href="https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/heag-268-conservation-area-appraisal-designation-management/">https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/heag-268-conservation-area-appraisal-designation-management/</a>	2019
Hackney Council, Hoxton Street Conservation Area Appraisal and Management Plan	<a href="https://hackney.gov.uk/hoxton-street-ca">https://hackney.gov.uk/hoxton-street-ca</a>	2023

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# HOXTON STREET CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

SEPTEMBER 2023

Page 283

HACKNEY COUNCIL  
CONSERVATION  
URBAN DESIGN &  
SUSTAINABILITY  
TEAM



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# INTRODUCTION

# 1.0 INTRODUCTION

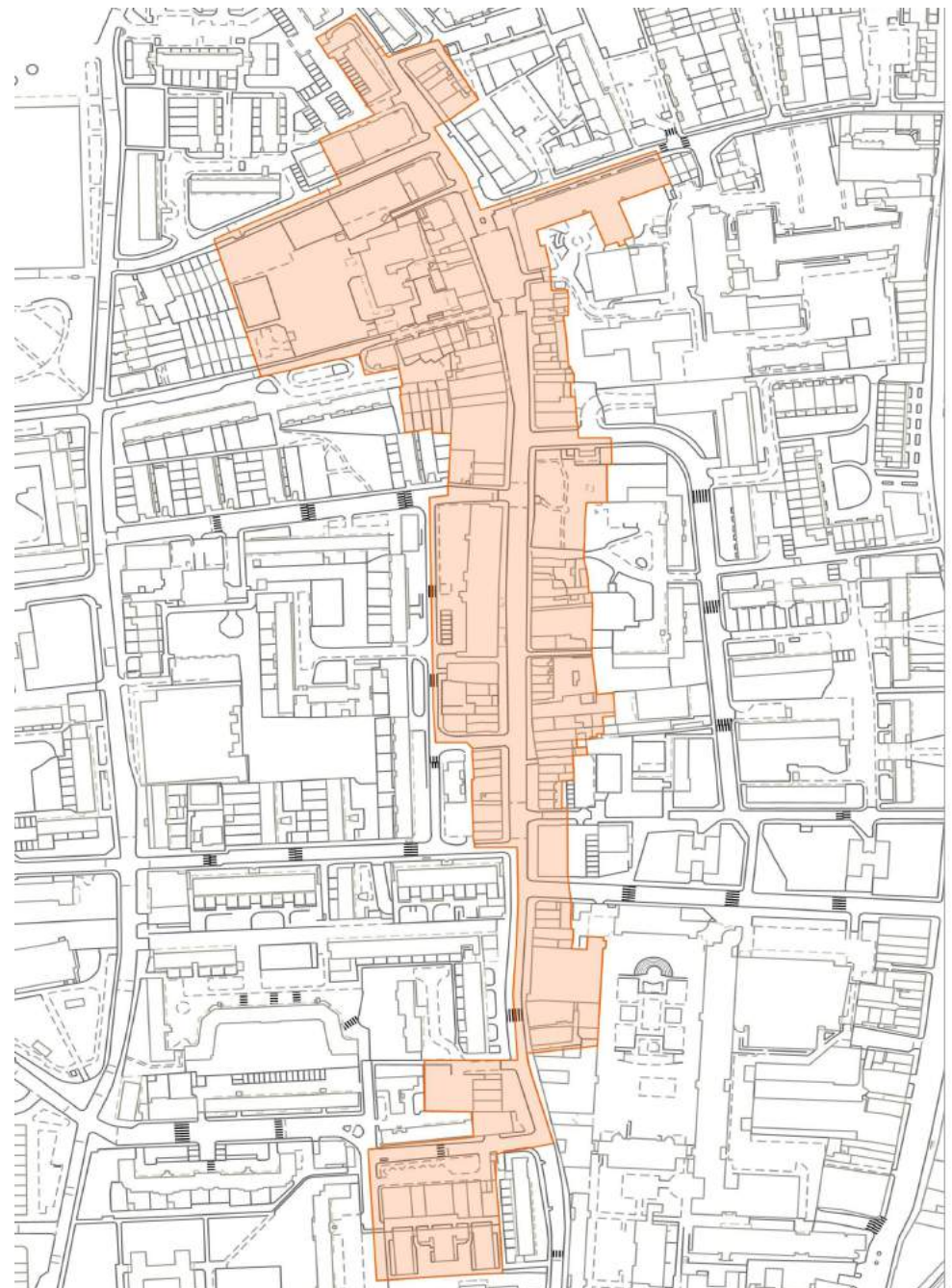
## 1.1 DESIGNATION BACKGROUND

1.1.1 Hoxton Street Conservation Area was designated in 1983 as a historic commercial street with a number of good quality buildings surviving from the eighteenth and nineteenth centuries. However, no appraisal of the Conservation Area has been carried out until now. The Conservation Area Review in 2017 identified several potential boundary extensions to the north, west and south of the Hoxton Street Conservation Area. These are discussed more fully below.

## 1.2 WHAT IS A CONSERVATION AREA?

1.2.1 A Conservation Area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Local Planning Authorities have a duty under the Planning (Listed Buildings & Conservation Areas) Act 1990 to designate areas of special architectural or historic interest. The Council also under a duty to review existing Conservation Areas from time to time and to formulate and publish proposals for their preservation and enhancement.

1.2.2 Conservation Areas are not single buildings, but groups of buildings and areas, which are of special architectural or historic significance. Because the designation is of an area, significance can include the spaces between buildings and natural features, topography, the historic layout of roads, paths and boundaries and landscape features such as gardens, parks and greens, trees and street furniture, which can all add to significance.



Hoxton Street Conservation Area 2023

## 1.3 IMPLICATIONS OF CONSERVATION AREA DESIGNATION

1.3.1 Conservation Areas enjoy special protection under legislation and both national and local policy and guidance. Planning applications within a Conservation Area must be shown to 'preserve or enhance' the character or appearance of the area. Planning Permission is needed to demolish a building in a Conservation Area, and there is a planning presumption in favour of the retention of buildings which make a positive contribution to a Conservation Area.

1.3.2 Certain types of more minor development, particularly in relation to single family dwellings, are subject to Permitted Development rights (under the General Permitted Development Order, 2015, as amended). These Permitted Development rights are more limited in Conservation Areas, and may be removed partially or completely through the use of Article 4 Directions. Trees above a specific size are protected in Conservation Areas. Applicants must give the Council six weeks' notice writing before any work is carried out to lop, top or fell a tree in a Conservation Area. There is also greater control over advertisements in Conservation Areas.

## 1.4 NATIONAL POLICY

1.4.1 The relevant legislation is the Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 69 to 80. Section 69 defines conservation areas as places of 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. Section 72 of the Act imposes a duty on the Council in its role as local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

1.4.2 The National Planning Policy Framework (NPPF) 2021 provides national guidance. Protecting and enhancing the historic environment is a key component of the NPPF's drive to achieve sustainable development. Section 16 of the NPPF, 'Conserving and enhancing the historic environment' sets out the heritage framework in detail in

relation to various 'heritage assets'. Conservation Areas are referred to as designated heritage assets in the NPPF.

1.4.3 Although not statutory guidance, Historic England's Advice Note 1: Conservation Area Designation, Appraisal and Management (Historic England, 2019) provides further guidance from the national heritage authority.

## 1.5 REGIONAL POLICY

1.5.1 The London Plan (2021 and later alterations) is the regional spatial strategy for London. It forms part of the development plan for Hackney. Relevant policies include:

- Policy HC1 *Heritage conservation and growth* requires the Council to 'develop evidence that demonstrates a clear understanding of London's historic environment.' This evidence will be used for identifying, understanding, conserving, and enhancing the historic environment which will in turn inform development plans, strategies and development proposals which requires that development proposals 'affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.'
- Policy HC3 *Strategic and local views*: The Mayor has identified Strategic Views which includes significant buildings, urban landscapes or riverscapes that help to define London at a strategic level. Boroughs are also required to identify local views in their local plans and strategies.
- Policy D3 *Optimising site capacity through the design-led approach* requires development proposals to 'respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.'
- Policy D9 *Tall buildings* requires development proposals for tall buildings to 'take account of, and avoid harm to, the significance of London's heritage assets and their settings.'

1.5.2 The area falls within the GLA's Opportunity Area Planning Framework for the City Fringe. This document is supplementary planning guidance that sets out policy and guidance for planning uses and priorities in these areas. The City Fringe is increasingly home to new and emerging sectors of the economy, but also supports established residential communities and vibrant commercial areas. The guidance provides a nuanced approach to support sustainable growth in the City Fringe.

## 1.6 LOCAL POLICY

1.6.1 Local borough-wide planning policy is contained within the Hackney Local Plan 2033. This provides specific policies that help protect the area's special architectural and historic interest including:

- LP1 *Design Quality and Local Character* requires all new development to be of 'the highest architectural and urban design quality.' It must also 'be compatible with the existing townscape including urban grain and plot division; be compatible with local views and preserve protected views; preserve or enhance the significance of the historic environment and the setting of heritage assets.' The policy also provides further clarification on Taller Buildings of which the Council will prepare AAPs to identify sites and locations suitable for taller buildings. The policy requires that 'All new taller buildings must respect the setting of the Borough's local character and historic townscapes and landscapes including those in adjoining boroughs' and 'preserve or enhance the borough's heritage assets, their significance, and their settings in line with policies LP3 'Designated Heritage Assets' and LP4 'Non Designated Heritage Assets'".
- LP3 *Designated Heritage Assets* states that 'Development proposals affecting Conservation Areas or their settings will be permitted where they preserve or enhance the character and appearance of the area including, the established local character of individual buildings and groups of buildings (in terms of height, massing, scale, form, design, materials, detailing and use) and the rhythms and historical form of

the area (in terms of the spaces between buildings, density, settings, building lines, siting, pattern of development, urban grain and plot coverage).'

- LP4 *Non Designated Heritage Assets* requires that 'development proposals affecting non-designated heritage assets should conserve or enhance and reveal the significance of the assets and their settings.'
- LP5 *Strategic and Local Views* requires the Council to protect Strategic Views identified within the London Plan, in addition to protecting the identified Important Local Views within Hackney. This states 'new development must not harm Important Local Views and redevelopment of buildings, which currently adversely impact on Important Local Views, must not further detract from, and shall, where possible, improve the view.'

1.6.2 This document should be read alongside Hackney's Supplementary Planning Documents and Guidance for example the *Residential Extensions and Alterations SPD (2009)* and the *Shopfront Design Guide*.

## 1.7 STATUS OF THIS DOCUMENT

1.7.1 The Conservation Area Appraisal examines the characteristics of the Hoxton Street Conservation Area, including its context, historic development, townscape, streetscape and architecture. It identifies qualities that make the area special and assesses its current condition. The Management Plan sets out proposals for the preservation and enhancement of the Hoxton Street Conservation Area as required by section 71 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.



## 1.8 BOUNDARY ALTERATIONS

1.8.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to review the boundaries of its conservation areas 'from time to time'. The borough-wide review of Hackney's Conservation Areas in 2017 identified a number of potential boundary alterations to the Hoxton Street Conservation Area. These have been analysed as part of this appraisal and it is proposed to include the following boundary extensions within the Hoxton Street Conservation Area:

**NORTH:** It is proposed to extend the boundary to the north as far as Hobbs Place and Wilmer Gardens, to include (on the west side) the late Victorian former public house at the corner of Hobbs Place (No. 295 Hoxton Street) and adjoining terrace of shops, and (on the east), the terrace immediately to the south of Wilmer Gardens containing 232-240 Hoxton Street. These buildings are of a similar age, massing and commercial character to those within the Conservation Area and mark a clear transition between the historic townscape of Hoxton Street and the local Authority housing estate to the north.

**WEST:** It is proposed to extend the boundary to the west to include the site of the Hoxton Garden Primary School. This late Victorian Board School is locally listed and is an important survivor of nineteenth century Hoxton.

**SOUTH:** It is proposed to extend the boundary to the south to include 97-103 Hoxton Street, the late-Victorian warehouse building on the corner of Fanshaw Street, 1-7 Academy Buildings on Fanshaw Street and Enfield Cloisters on Fanshaw Street. These are interesting survivors of the industrial heritage of Hoxton, with a consistent architectural character and surviving detailing including taking-in doors and pulleys.

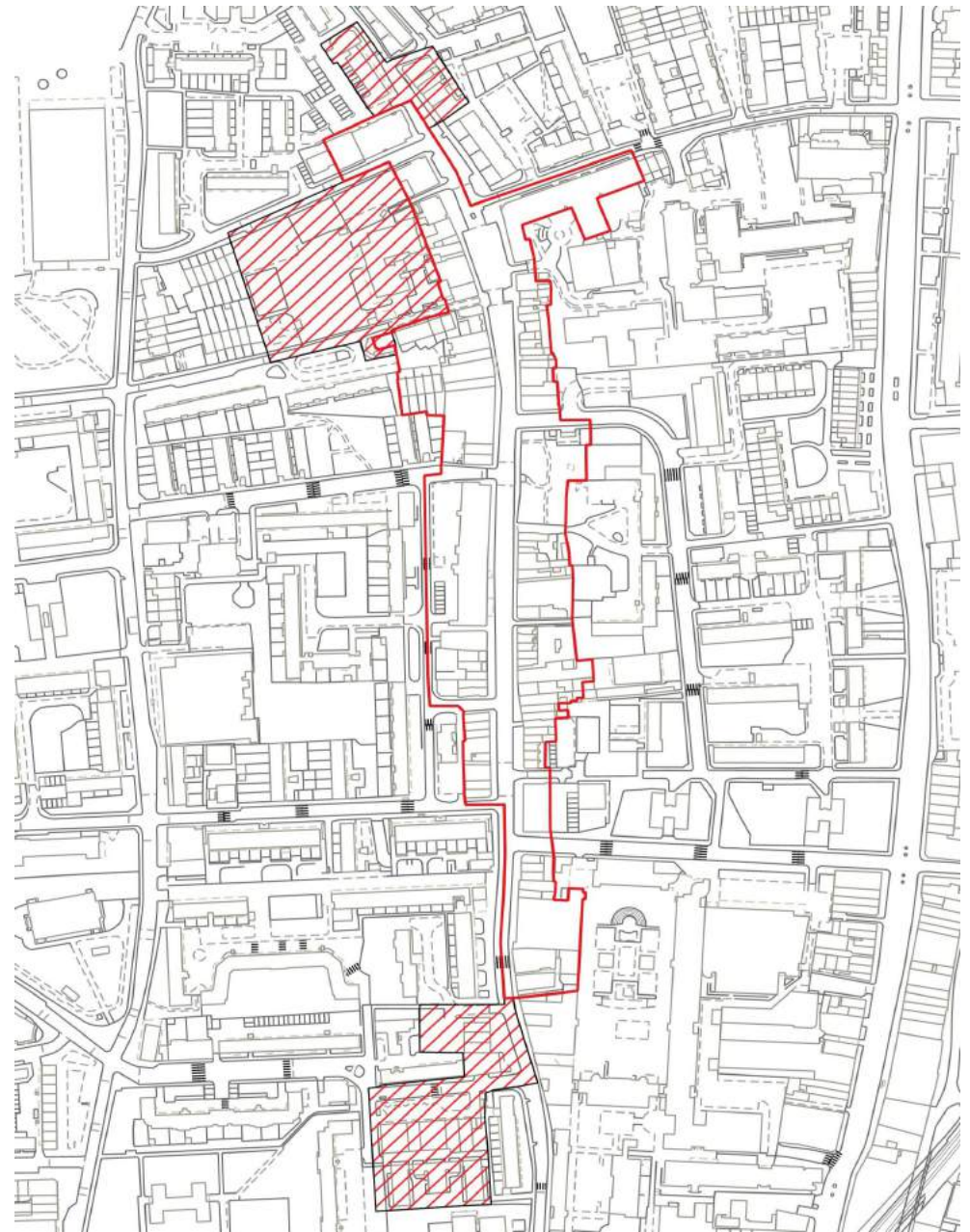


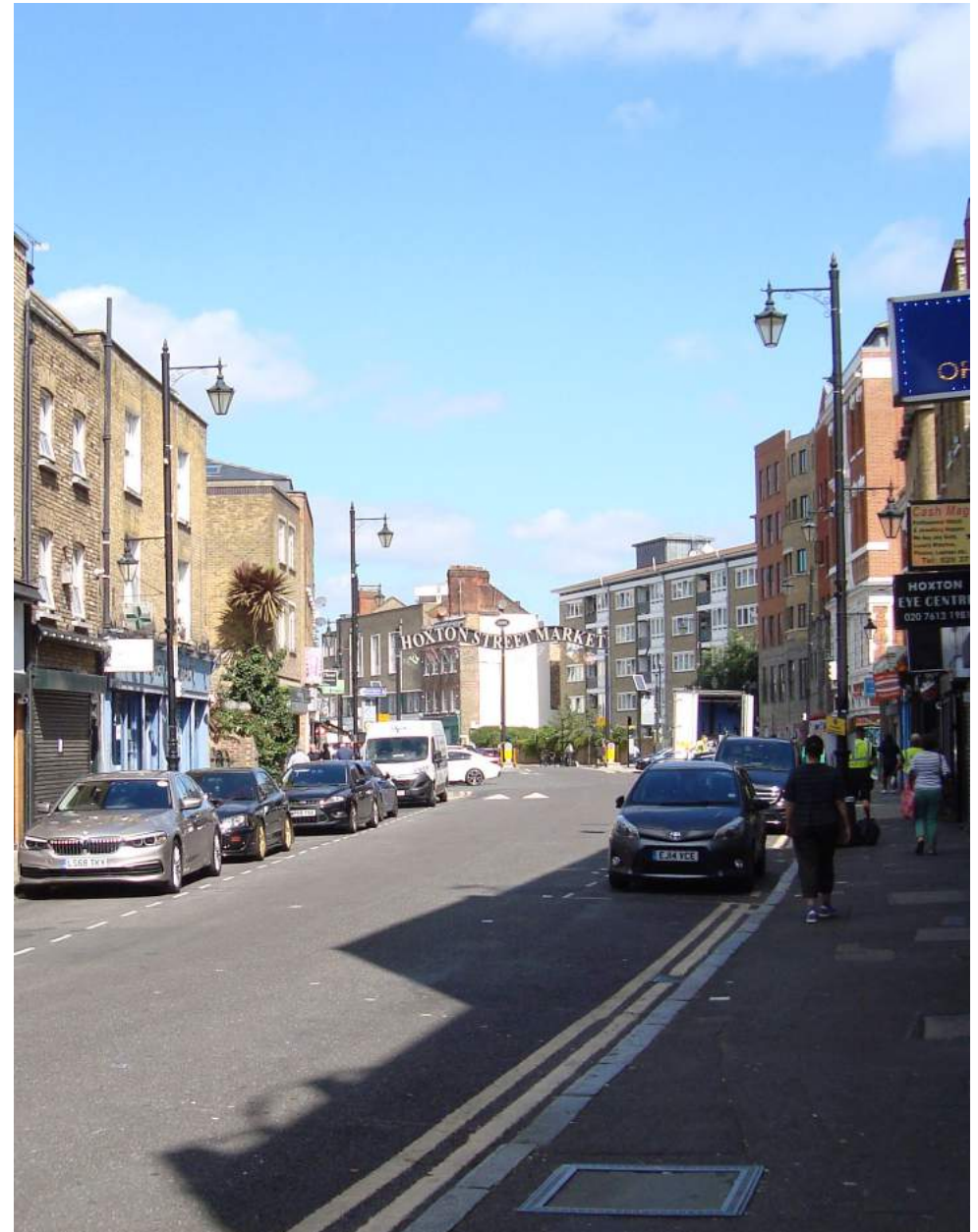
Image of Hoxton Street Conservation Area with proposed boundary extensions shown hatched

## 1.9 STATEMENT OF SIGNIFICANCE

1.9.1 Hoxton Street has a cohesive and intimate character as a historic thoroughfare and marketplace. Its bustling commercial streetscape contrasts with the larger blocks and coarser grain of the surrounding areas of Local Authority housing estates.

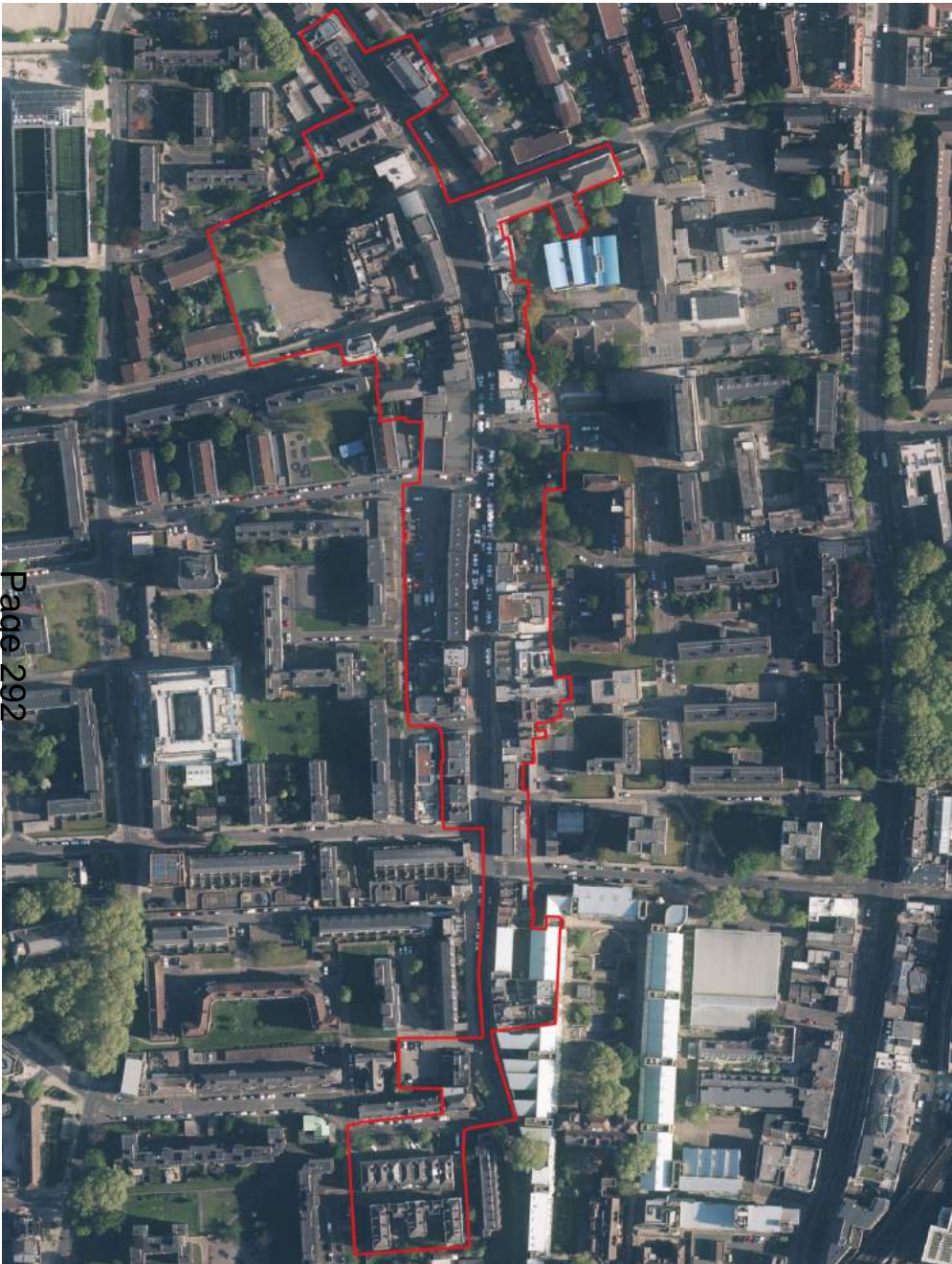
1.9.2 The street encapsulates several centuries of urban development. The Conservation Area retains several eighteenth century houses, set back from the road and some with single-storey shop extensions built over the former front gardens. Where these have been restored as dwellings, they provide evidence of the earlier residential character of Hoxton. There is a good survival of modest nineteenth century buildings with traditional shopfronts on the ground floor and residential accommodation above, including a number of historic public houses (often now in other uses). Hoxton Hall is a rare survivor of a Victorian Music hall, providing entertainment for local residents.

1.9.3 The dense urban character of the Conservation Area derives from its long, linear form, consistent building line, fine historic grain of narrow building plots, a consistent building height of three to four storeys, and limited material palette. Although modest in architectural terms, surviving original features such as timber sash windows, decorative ironwork, historic bollards and traditional shopfronts contribute to the interesting and varied historic streetscape.



Hoxton Street Conservation Area

CONTEXT



Aerial photograph of Hoxton Street Conservation Area, 2023

## 2.0 CONTEXT

### 2.1 LOCATION AND SETTING

2.1.1 Hoxton Street Conservation Area is located within the Hoxton East and Shoreditch ward at the southern end of the London Borough of Hackney. It has a linear character, centred around the spine of Hoxton Street. It stretches as far as Hobbs Place and Wilmer Gardens at the north end, down to Fanshaw Street at the southern end. To the east, it abuts the Kingsland Conservation Area along Nuttall Street. The Pitfield Street Conservation Area lies further to the west and the South Shoreditch Conservation Area (including Hoxton Square), lies to the south.

2.1.2 The Conservation Area is surrounded by post-war Local Authority housing, a legacy of bomb damage and large scale clearances in this area to provide mass housing. To the east is the Geffrye Estate, to the north-east is the Whitmore Estate, to the north is the New Era Estate, and to the west is the Arden Estate. At the south-eastern edge of the Conservation Area is the large campus of New City College, a further education and adult education campus largely rebuilt in 1996, although with three Edwardian school buildings at its core. There is a clear distinction between the linear character, fine historic grain and massing of the buildings along Hoxton Street and the large housing estates surrounding the Conservation Area.

## 2.2 HISTORICAL DEVELOPMENT

2.2.1 Hoxton has a long history of settlement. Its early history is obscure, but its location at the junction of two Roman roads, Old Street and Kingsland Road (known as Ermine Street, linking London with Lincoln and York), mean that it was likely that there was some settlement and activity there in the Roman period. Hoxton Street runs parallel to Kingsland Road and may originally have been a secondary path along the back of fields fronting onto the main highway.

2.2.2 It is mentioned in the Domesday Book (1086) as Hochestone; the name probably means a fortified farm (tun) belonging to a person called Hoch. The land was owned by the Dean and Chapter of St Paul's Cathedral at the time of the Conquest and was occupied by 10 villagers and 16 cottagers. It was worth 75 shillings.

2.2.3 The Medieval manor house itself was located further north within Hackney, at the southern end of what is now De Beauvoir Road near the junction with Downham Road. The village of Hoxton was concentrated along Hoxton Street and was historically part of Shoreditch. There were several large moated houses in the area, taking advantage of Hoxton's semi-rural location but still close to the City of London. This included the house of the Portuguese Ambassador, who was living in Hoxton in 1568. By the late seventeenth century, Hoxton Square (laid out in 1709) to the south of the Conservation Area was the more favoured location for good quality residences.

2.2.4 The west side of Hoxton Street was still largely undeveloped, contributing to the rural character of the area. Hoxton Fields, to the west of Hoxton Street, were used for archery practice for centuries. It was famously the location for Ben Jonson's fatal duel with actor Gabriel Spenser in 1598. Jonson pleaded guilty but escaped hanging and was branded on the left thumb with the letter 'T'.

2.2.5 Hoxton was also notable as the location where the Gunpowder Plot was unmasked. A Catholic nobleman, Lord Monteagle, received an anonymous letter at his house in Hoxton warning him that he should not attend the opening of Parliament on 5th November. He immediately passed it to Robert Cecil, the King's most important minister, leading to the discovery of barrels of gunpowder in the vault beneath the House of Lords and the arrest of Guy Fawkes. A brown plaque on a twentieth-century building at the corner of Hoxton Street and Crondall Street marks the site.



Plaque on building at corner of Hoxton Street and Crondall Street, marking the unmasking of the Gunpowder Plot

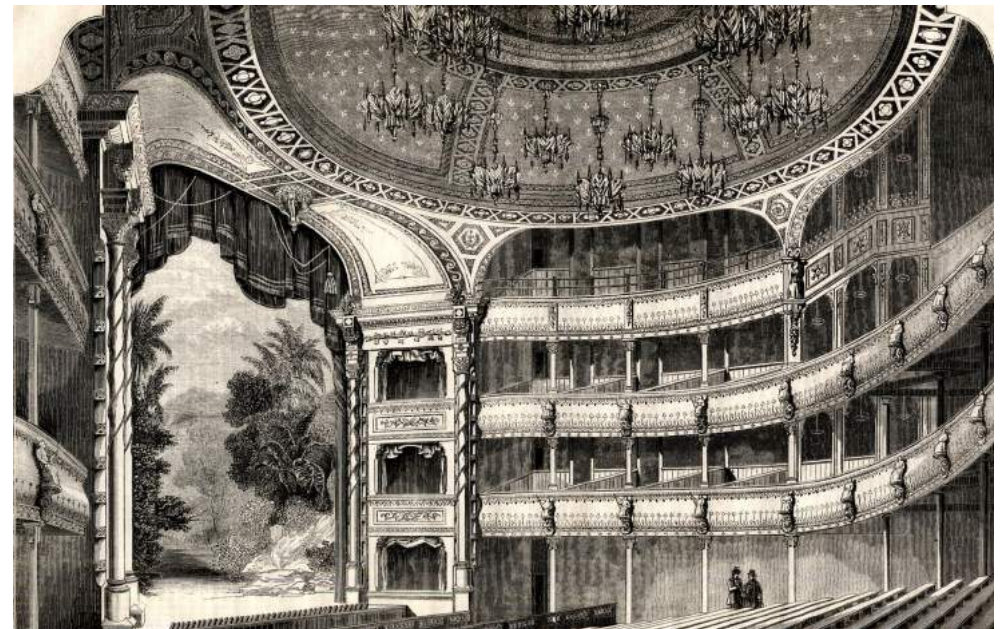
2.2.6 The inn and gardens 'Pimlico', on the west side of Hoxton Street, was a noted place of entertainment in the late-sixteenth and early-seventeenth centuries. In 1609 a poem called Pimlyco or Runne Redcap; 'tis a mad world at Hogsdon was published extolling the charms of the place, and particularly the excellence of the ale supplied. This later became the site of the Royal Britannia Saloon, opened by Samuel Lane in 1841, which was one of the most important early music halls of the period. It was rebuilt in 1858 by Finch, Hill and Paraire as a horse-shoe shaped theatre seating up to 3,000. Its spectacular melodramas were so popular with local audiences that it became known as the 'Drury Lane of East London'. Unfortunately the theatre was bombed during the war and demolished in 1941.

2.2.7 Entertainment was also supplied by Hoxton Hall, on the east side of Hoxton Street, an important surviving music hall which was constructed by a speculative builder, James Mortimer, in 1863. In 1867 the capacity was increased by raising the height of the hall and adding a new upper balcony. The hall was taken over by an American Temperance society in 1879 and was later occupied by the Quakers. It is one of the most important early music hall buildings still surviving and is listed at Grade II\*.

2.2.8 In the seventeenth and eighteenth centuries, Hoxton became a favoured location for establishing almshouses because of the cheaper land outside the City and the semi-rural character of the area. Many of the City guilds bought land and constructed almshouses including the Drapers, Weavers, Haberdashers, Skinners, Goldsmiths, and Ironmongers. By the late nineteenth century most of these had closed and moved further out of London, or fallen into decay, but the Haberdashers' Aske's Almshouses (founded in 1689 in Pitfield Street in 1689 and subsequently reconstructed in 1825) still survive, as do the Ironmongers' Almshouses on Kingsland Road, established in 1712 by a bequest from Robert Geffrye and now housing the Museum of the Home.



Interior of Hoxton Hall (copyright Ian Grundy)



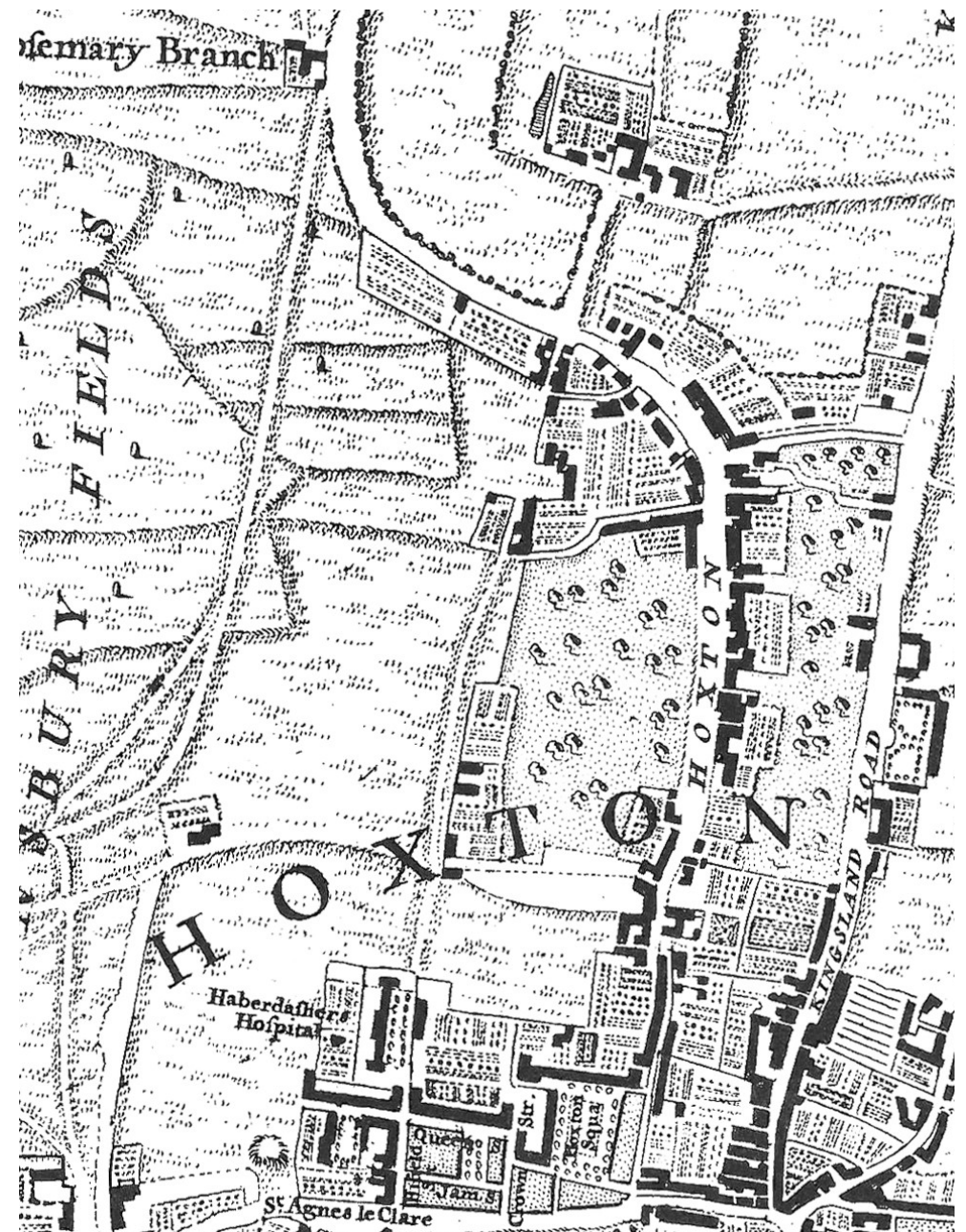
Interior of the Britannia Music Hall, from *The Builder*, 13 November 1858 p.763 (Theatresearch archive)

2.2.9 As Hoxton became increasingly built up, the wealthier residents moved further out and several of the larger houses were converted into lunatic asylums. Hoxton House, at the southern end of Hoxton Street, opened as a private lunatic asylum in 1695, taking both private patients and pauper lunatics. It expanded in the eighteenth century with the purchase of two large houses in Hoxton Street. Investigations in the nineteenth century revealed poor conditions for inmates and the asylum finally closed in 1902. The New City College now occupies the site. The manor house, known as Baumes, was also converted into a private house for the insane in 1816. By the early nineteenth century, nearly all London's private lunatic asylums were in Hoxton, giving the area a certain notoriety.

2.2.10 Hoxton was also home to a small Jewish community in the eighteenth century, part of the wave of Jewish immigration to the East End. A Jewish burial ground was established at the south end of Hoxton Street near Hoxton House. This was closed to burials in 1799 but remained predominantly open ground until the 1950s. It is now part of the New City College site, just outside the boundary of the Conservation Area. A modern building stands on the site, but the area may retain some archaeological potential.



Hoxton Manor house, known as 'Baumes', c. 1825 (London Picture Archive)



John Rocque's map of London (1746) with the outline of the Hoxton Street Conservation Area



Horwood map of Hoxton (1799)

2.2.11 The historic maps demonstrate the changing nature of Hoxton. The Rocque map of 1746 shows a still predominantly rural landscape, with a ribbon of development along Hoxton Street, surrounded by pasture, orchards and market gardens, with the archery ranges of Finsbury Fields to the west. The recently constructed Hoxton Square is shown, with development only on two sides. The Haberdashers' Almshouses are visible at the western edge of the map and the Ironmongers' (or Geffrye's Almshouses) are shown on Kingsland Road.

2.2.12 The 1799 Horwood map shows Hoxton Street lined with buildings, with some streets lined with terrace houses leading off it, interspersed with market gardens and fields. Pimlico Gardens marks the site of the Pimlico tavern and pleasure gardens.

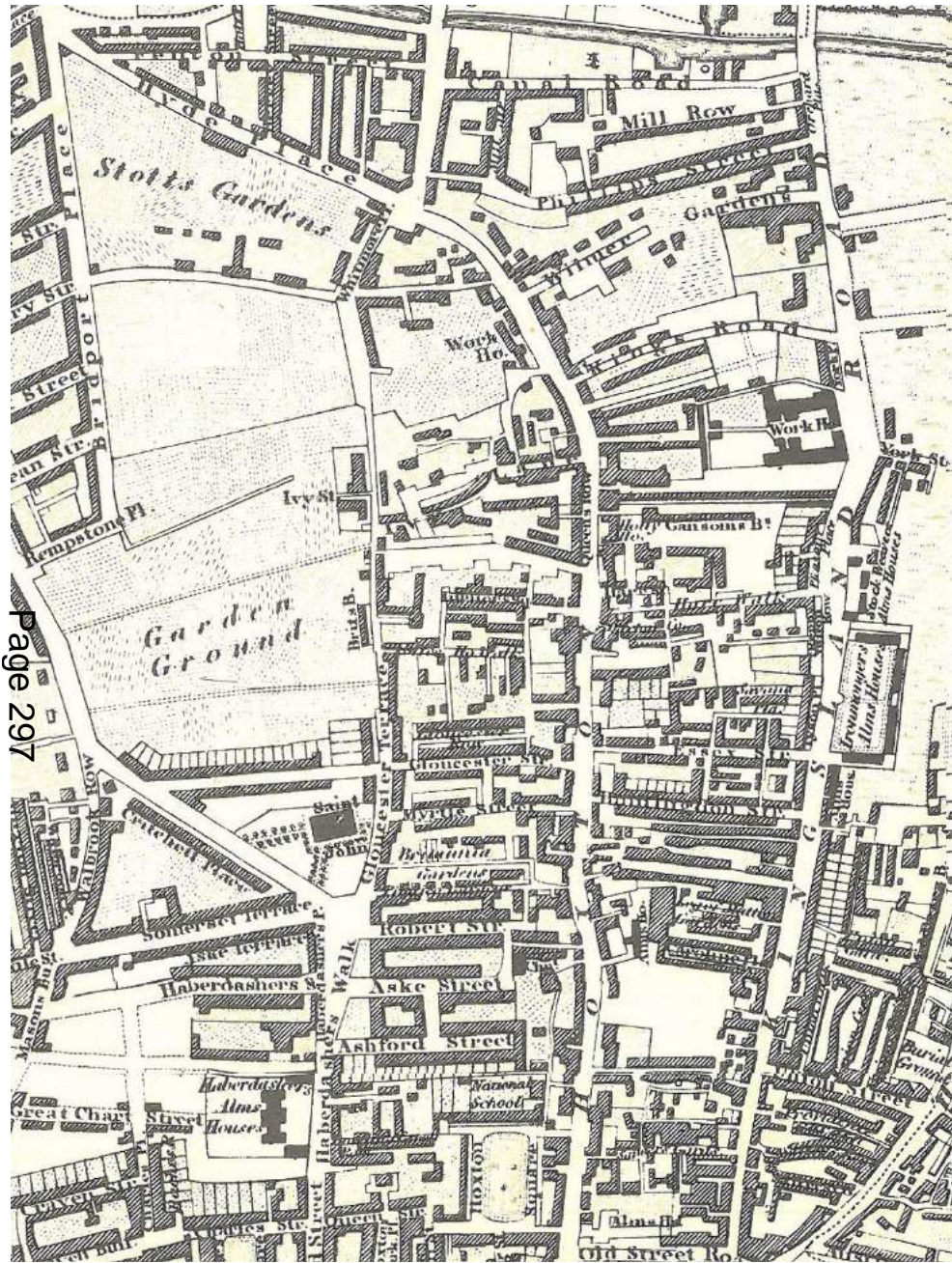
2.2.13 The population of the area expanded rapidly from 1800. In 1820, the Regent's Canal opened, leading to rapid development in the surrounding areas and forming a clear northern boundary to Hoxton.

2.2.14 The 1826 Greenwood map demonstrates how quickly the area had developed, with Hoxton Street now surrounded by a network of secondary streets lined with buildings.

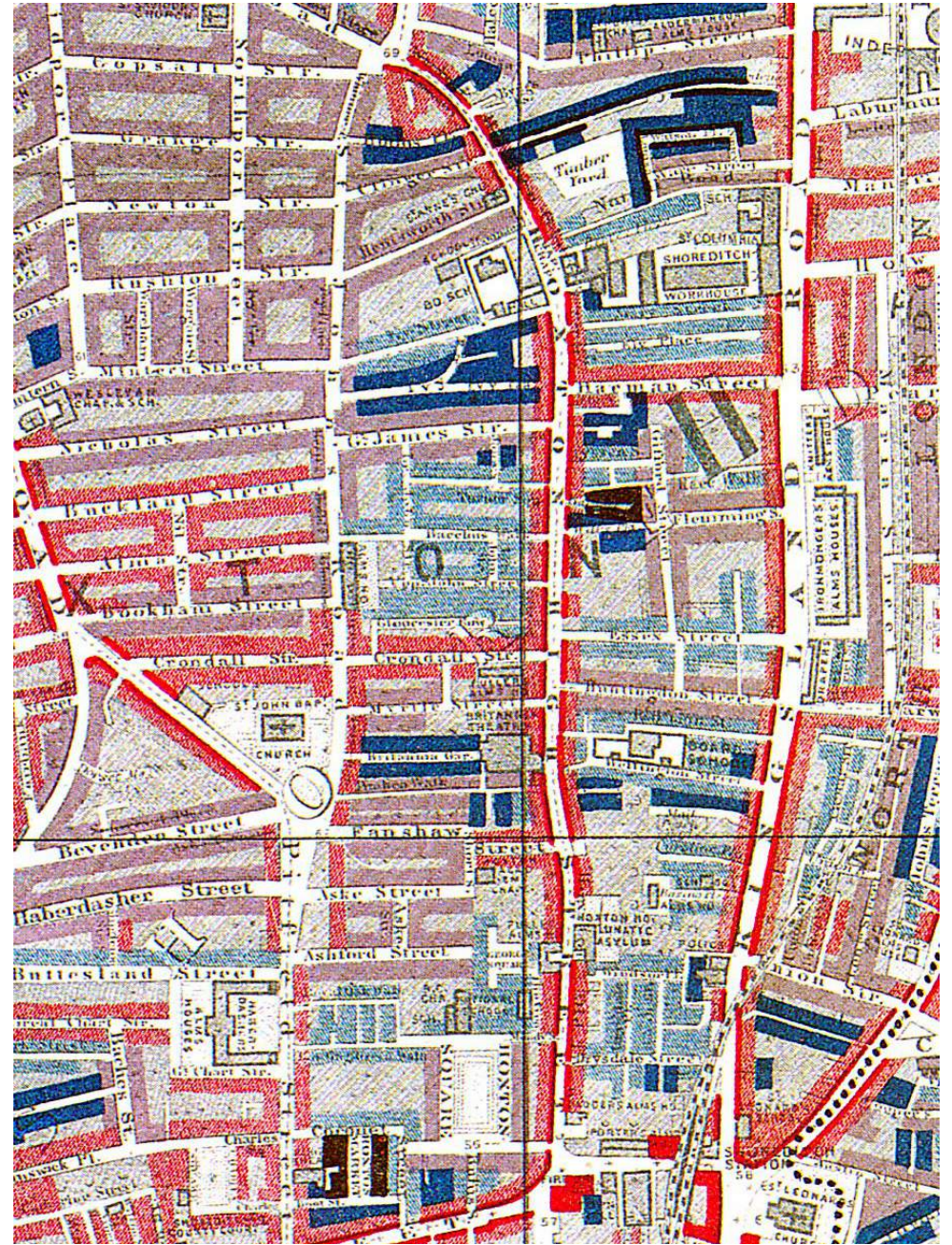
2.2.15 Hoxton was historically in the parish of St Leonard, Shoreditch until the founding of its own parish church of St John the Baptist in 1826 on Pitfield Street, to the west of the Conservation Area, now Grade II\* listed. This was designed by Francis Edwards in a Classical style and the interior retains much of its original Georgian character including galleries around three sides. St John's Church is shown on the map to the south of the still open 'Garden Ground'. The Workhouse, now the site of Grade II listed St Leonard's Hospital, has been established on Kingsland Road.

2.2.15 Booth's Poverty map of 1889 shows the declining status of Hoxton. While Hoxton Street itself is lined with dwellings described as 'Middle class. Well to do', the streets leading off it range from 'fairly comfortable' through 'poor' to 'very poor, chronic want', indicating Hoxton's mixed character and increasing poverty and overcrowding.





Greenwood map of Hoxton (1826)



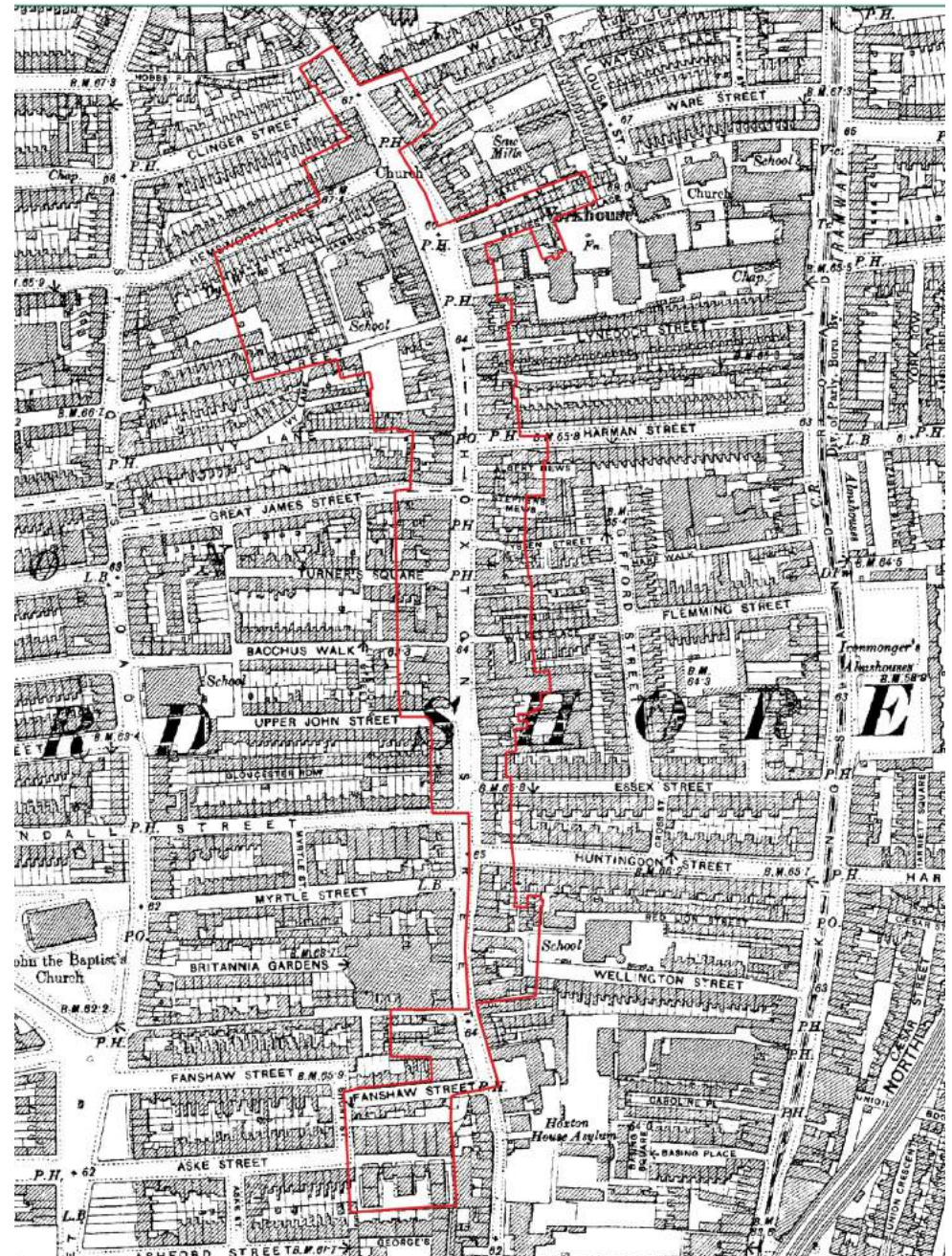
Booth's Poverty map (1889)

2.2.16 By the time of the 1893 OS map, Hoxton was densely built up. The area is defined by the three north-south routes of Kingsland Road, Hoxton Street and Pitfield Street, connected by a series of smaller streets lined with terrace houses. The area is shown as densely developed with minimal open space. The largest buildings are institutional: the workhouse (now expanded to fill the entire site leading to Hoxton Street), Victorian board schools (including what is now the Hoxton Garden Primary School), St Anne's Church and St John's Church, Hoxton House asylum, and entertainment – the Britannia Theatre and Hoxton Hall.

2.2.17 Several streets were subsequently renamed, for example Great James Street to the west of Hoxton Street became Purcell Street and Essex Street became Shenfield Street.



View of Nos 118-126 Hoxton Street in 1974, prior to restoration of No. 126 (London Picture Archive)

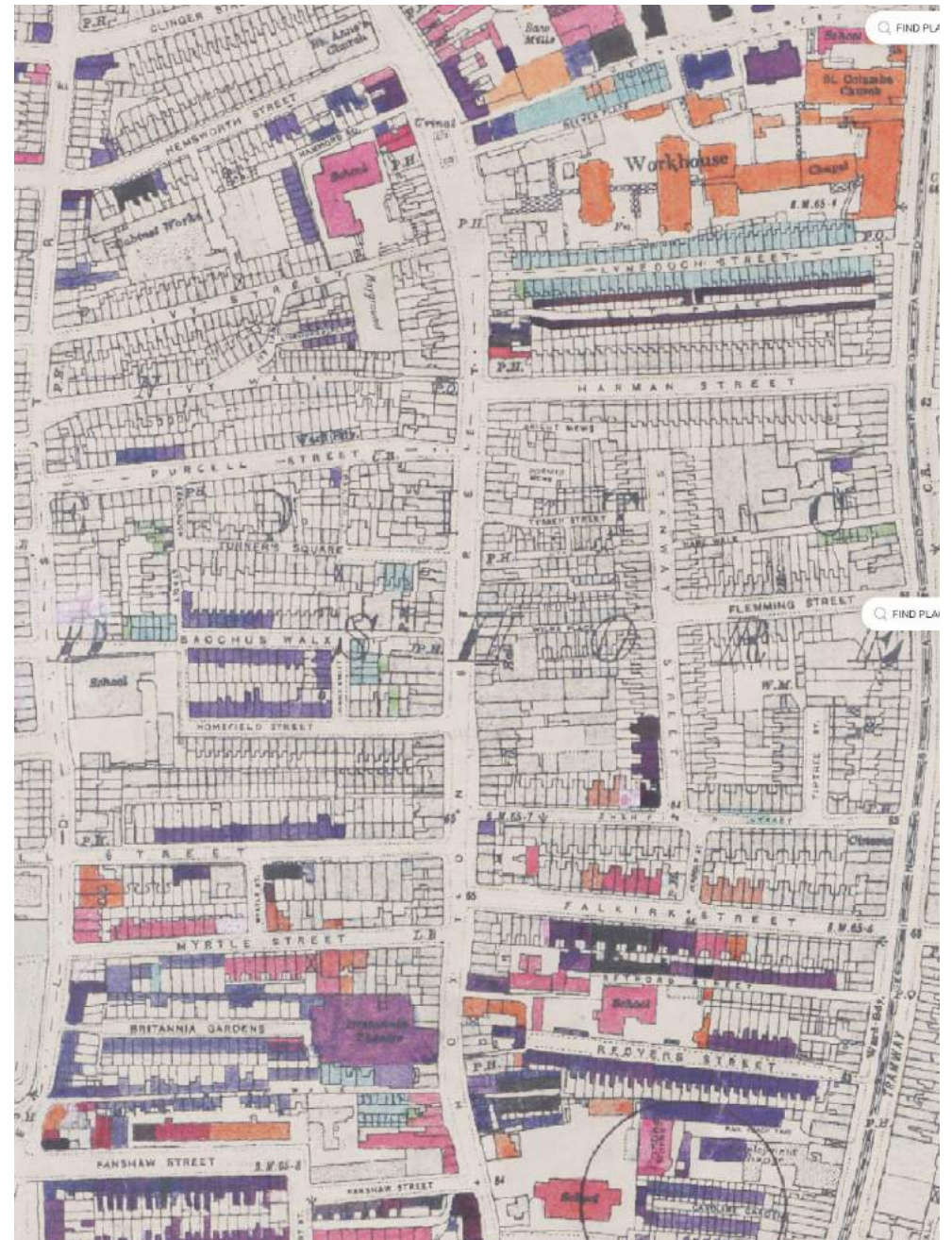


1893 OS map with boundary of Hoxton Street Conservation Area

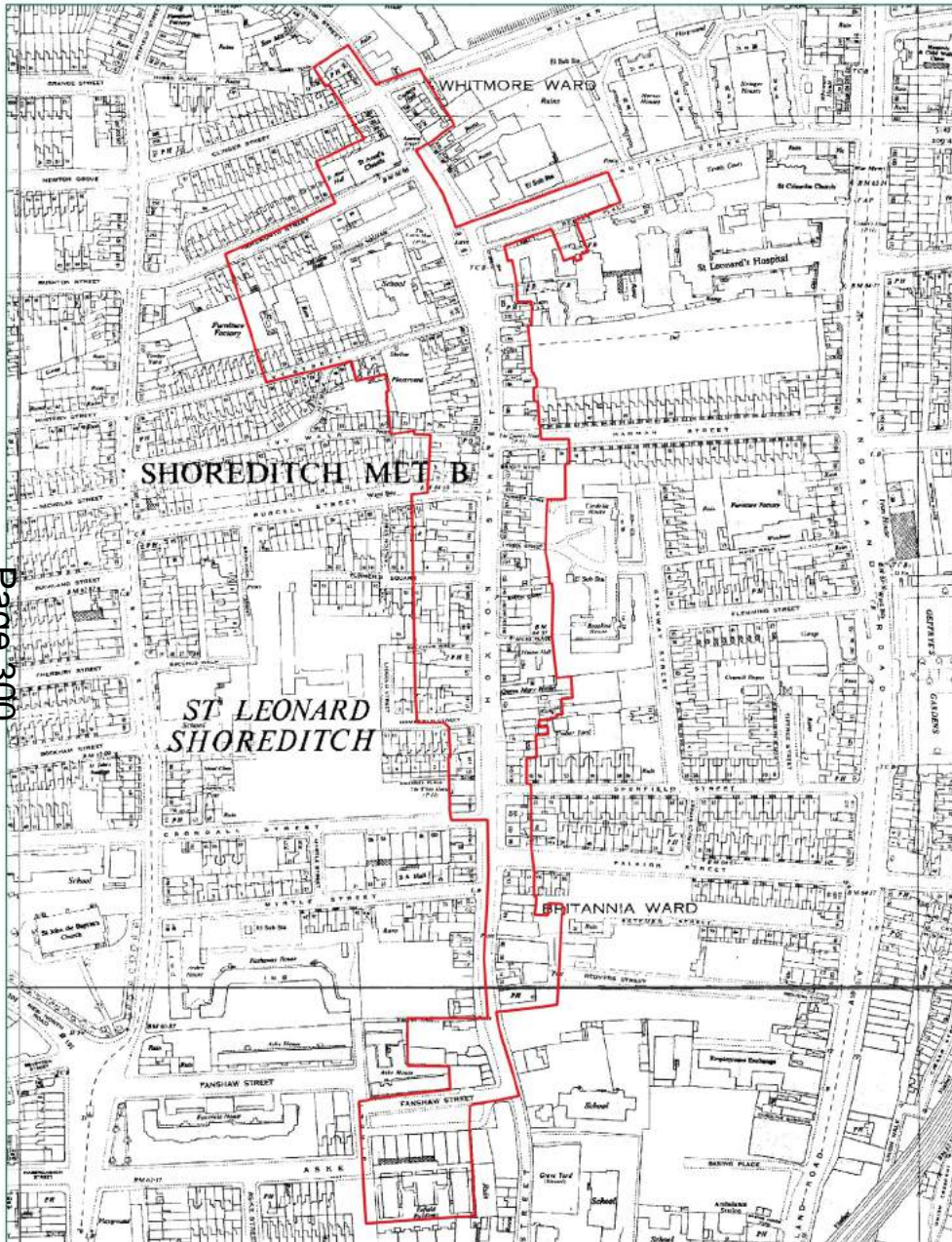
2.2.18 The bomb damage map of 1945 shows extensive damage to the southern part of the Conservation Area. The Britannia Theatre and surrounding streets were damaged beyond repair and there was widespread clearance of this area following the war. Nevertheless, the 1950s OS map shows that the dense historic grain survived in most of the area, especially along Hoxton Street. Terraces are beginning to be cleared for Local Authority housing, such as south of St Leonard's Hospital and west of Bacchus Walk.

2.2.19 The following decade saw continuing large-scale clearances of the streets of narrow terraces for Local Authority housing blocks, intended to improve the housing conditions of the local population. This also led to the truncation or eradication of several historic streets such as Harman Street, Clinger Street and Ivy Walk.

2.2.20 While these developments have significantly eroded the townscape and historic grain of the wider Hoxton area, Hoxton Street has retained its character as a historic thoroughfare lined with modest terraced buildings with ground floor shops.



Bomb damage map showing Hoxton Street Conservation Area



1950 OS map with boundary of Hoxton Street Conservation Area

## 2.3 ARCHAEOLOGY

2.3.1 Hoxton Street Conservation Area is covered by a Tier 2 Archaeological Priority Area. An Archaeological Priority Area (APA) is defined as an area where, according to existing information, there is significant known archaeological interest or particular potential for new discoveries. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places and of the people and cultures that made them.

2.3.2 APAs are divided into three tiers (1 – 3) indicating different degrees of sensitivity to groundworks. Hoxton Street is located within Tier 2.

2.3.3 The core of Hoxton has been occupied from the early medieval period and has the potential to contain archaeological deposits relating to this and later periods, as well as post-medieval deposits and burials associated with St Leonard's Hospital. The APA is located to the west of a Roman Road, Ermine Street, and as such has the potential to contain Roman roadside and settlement remains.

2.3.4 Further details can be found within the [London Borough of Hackney Archaeological Priority Areas Appraisal](#), available on the Historic England website.

# TOWNSCAPE

Townscape is the arrangement and appearance of buildings, spaces and other physical features in the built and natural environments.

# 3.0 TOWNSCAPE

## 3.1 LAYOUT AND PLAN FORM

3.1.1 The Conservation Area has a long, linear form extending along Hoxton Street, punctuated by smaller side streets extending to the east and west. It consists of terraces of narrow, two or three bay plots with predominantly three storey (occasionally four storey) buildings constructed of stock brick with occasional red brick or render facades. Buildings are predominantly situated at the back of the pavement giving a strong consistent building line along the street. This is occasionally interrupted where shop units have been removed and listed buildings have been converted back into dwellings, creating small front gardens bounded by railings which interrupt the established building line, but provide evidence of pre-Victorian domestic architecture.

3.1.2 Buildings generally fill the full depth of their plots with few rear yards, with the exception of the rear car parking area behind Nos. 179 - 207 Hoxton Street.

## 3.2 DENSITY

3.2.1 By the late nineteenth century, Hoxton was densely populated with narrow plots of terraces, interspersed with a few larger entertainment and institutional buildings. This historic grain has been substantially eroded in the area surrounding Hoxton Street due to post-war clearances of terraces and construction of large Local Authority housing estates.

3.2.2 However, Hoxton Street maintains a dense, urban character. Typical plot widths are two or three bays, forming a dense, historic grain and providing a rhythm to the elevations along the street. Where historic terraces have been replaced with modern blocks (e.g. at 179-207 Hoxton Street), these have tended to be expressed architecturally to break up their monolithic character and have been provided with small scale shop units at ground floor that fit well with the prevailing character of the street.



Figure ground plan of the Hoxton Street Conservation Area

3.2.3 The Hoxton Community Garden, created in 1983 on the site of a derelict row of shops, supplies a welcome area of open green space that provides a punctuation to the compact urban landscape of the rest of the street.

3.2.4 Hoxton Street widens at its northern end where the street market is held, providing a more spacious character. This enables buildings on a slightly larger scale than elsewhere along Hoxton Street, principally the facade of the St Leonard's Dispensary (Grade II listed), which is five bays wide and four generous stories tall, and St Anne's Church.

### 3.3 LAND USES

3.3.1 Land uses along Hoxton Street are principally commercial and leisure at street level, including shops, restaurants and bars, with offices and residential uses on upper floors. Several listed houses have been turned back into single family dwellings, providing pockets of residential character. The southern end of the Conservation Area includes some former industrial buildings now converted into residential uses and the purpose-built tenement flats at Enfield Cloisters.

3.3.2 Hoxton Street forms part of the 'wider hinterland' of the City Fringe growth area. The historic Hoxton Street market functions as the principal high street for the surrounding area and contributes to the vibrancy and character of the City Fringe area.

3.3.3 There are also a number of institutional buildings offering a wider mix of uses. St Anne's Church, at the northern end of the Conservation Area, provides religious uses. St Leonard's Hospital offers health services. Hoxton Hall provides an important recreation and community facility. Shoreditch Library, at the southern end of the Conservation Area, provides community learning opportunities. Education uses are represented by the Hoxton Garden Primary School, while New City College, located just outside the southern boundary of the Conservation Area, is the largest further education college in East London.

### 3.4 BUILDING HEIGHT AND MASSING

3.4.1 Building heights within the Conservation Area are predominantly three storeys (some with an additional mansard level), with some four storey buildings especially towards the northern end of the Conservation Area. This gives the street a cohesive character and contrasts with the larger massing and height of the Local Authority housing blocks surrounding the Conservation Area, providing a clear distinction between the Conservation Area and surrounding districts.

### 3.5 KEY VIEWS

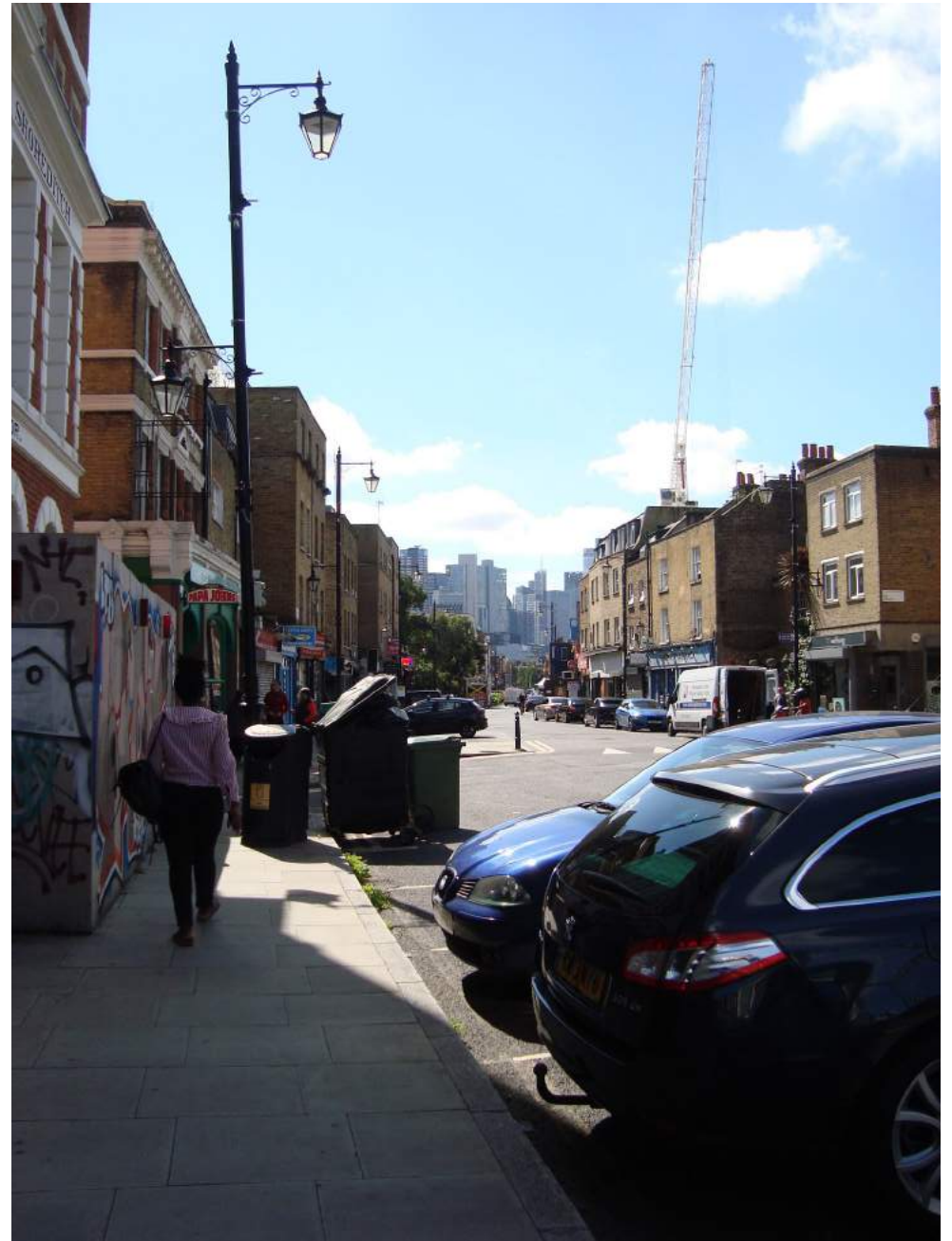
3.5.1 Key views are predominantly linear, consisting of long, straight views within the Conservation Area. This reflects the strongly linear character of Hoxton Street.

3.5.2 Views into the Conservation Area from the south and north reflect the change between the monolithic residential character of the surrounding housing blocks and the bustling commercial character of Hoxton Street. There are views south and north within the Conservation Area, where the slight curve to the street, especially at the northern end, provides unfolding views. The consistent scale and height of the buildings provide a sense of consistency to the streetscape, combined with pleasing variation of shopfronts and architectural detailing.

3.5.3 Views out of the Conservation Area to the south towards the towers of the City of London emphasises Hoxton's edge of city character as a small suburb outside the main commercial core of London, which has helped to define its history and development.



View north out of the Conservation Area



View south from Hoxton Street towards the City of London



# STREETSCAPE

Streetscape is the outward facing visual appearance and character of a street or locality

# 4.0 STREETScape

## 4.1 PUBLIC REALM AND OPEN SPACE

4.1.1 As a densely developed urban area, Hoxton historically had very little open space. The main area of public green space within the Conservation Area is now the Hoxton Community Garden, formed in 1983. The mature trees and attractive planting help to soften the streetscene and provide a welcome green oasis in the centre of the Conservation Area.

4.1.2 There are a few small front gardens that have been created by the removal of later shopfronts, such as at Nos. 173-175 Hoxton Street. While they interrupt the consistent building line, they reflect the historic domestic character of Hoxton and provide small punctuations of planting within the streetscene.

4.1.3 There are some short sections of surviving granite setts on secondary lanes. This includes some well preserved granite setts on Wilks Place, a run of granite setts outside 1-7 Academy Buildings on Fanshaw Street, a short stretch of badly maintained granite setts on Hamond Square leading to the Hoxton Garden school and a short stretch of granite setts at No. 118 Hoxton Street, indicating the presence of a former alleyway. These historic street surfaces make a positive contribution to the character and appearance of the Conservation Area and should be preserved and maintained.

4.1.4 Otherwise, pavements are generally modern but appropriate in character, consisting of concrete slabs with granite kerbs which are in a fairly good condition. There are some stretches of tarmac pavements in the central section of the Conservation Area between Nos. 156-194 and by the Hoxton Community Garden. These are in less good condition with various repairs leading to a patchwork appearance. There is the opportunity to replace the tarmac surface with a harder wearing and more attractive material that would contribute better to the character of the Conservation Area.



Top: Grade II listed phonebox; surviving granite setts in Hamond Square  
Bottom: granite setts by 1-7 Academy Buildings, Fanshaw Street; intrusive street furniture on Hoxton Street

## 4.2 STREET FURNITURE

4.2.1 There is some attractive historic street furniture present that contributes positively to the character of the area. The Grade II listed K2 phonebox outside St Leonard's Hospital is in good condition and forms an attractive historic cluster with the listed facade behind.

4.2.2 Two listed cannon bollards in Ivy Street appear to have been removed as there are no bollards in this location now. However, three of four Grade II listed bollards by Shenfield Street still survive. The cannon bollard on the corner is marked 'St L. S. 1841' (for St Leonard Shoreditch), although its companion at the corner of Falkirk Street is now missing. The two Grade II listed bollards on the eastern pavement between Shenfield Street and Falkirk Street have attractive decorative collars and provide evidence of historic street furniture.

4.2.3 There are also four surviving bollards at the western end of Shenfield Street marking the transition to the pedestrianised section. These are large square bollards with cone-shaped heads and are marked 'Shoreditch Vestry' indicating that they date from pre-1900. They may have been moved to their present position when the housing estate was constructed in the post-war period. They contribute positively to the character and appearance of the area through their history and design.

4.2.4 Lamp posts along the street are modern but use a traditional style with scrollwork and lantern-type lights that contribute to the historic character of the area. At the northern end of the Conservation Area, the Hoxton Street Market sign was installed in 2000. It forms a gateway to the Conservation Area and clearly delineates the core street market area.

4.2.5 Generally, the streetscene within the Conservation Area is fairly cluttered. Hoxton Street is lined with streetlights, signs, bollards, traffic calming measures, bins and some intrusive security camera poles, which reduce space on the pavements and contribute to a cluttered public realm. There is the opportunity to rationalise and reduce the street furniture which would be beneficial to the character and appearance of the area.



Top: Grade II listed bollards on Hoxton Street

Bottom: historic bollards marked 'Shoreditch Vestry' in Shenfield Street

## 4.3 TREES

4.3.1 There is limited greenery within the Conservation Area because of its dense urban character. The main area of public green space is the Hoxton Community Garden. This is an important garden that provides a welcome relief from the predominantly hard urban realm along Hoxton Street. Conservation Area status gives protection to trees within its boundary.

4.3.2 There are some mature trees on the north side of the Hoxton Garden Primary School playground that provide an attractive band of shade and greenery along Hemsworth Street. There is also a line of mature trees to the north of 1-7 Academy Buildings, Fanshaw Street. Because of the paucity of greenery within the Conservation Area, these areas of planting are particularly important in softening the urban streetscape in these areas.

4.3.3 There are very few street trees along Hoxton Street, although a couple of small street trees have been planted at the northern end of the Conservation Area by the Hoxton Street Market. These are not mature enough at present to make a significant contribution to the streetscape.

4.3.4 There are a few small front gardens that have been created where listed buildings have been converted back into domestic residential uses. These provide welcome pockets of greenery along Hoxton Street.



Hoxton Community Garden with locally listed cupola from the Eastern Fever Hospital



Restored front gardens provide pockets of greenery and domestic character along Hoxton Street

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# ARCHITECTURAL CHARACTER

# 5.0 ARCHITECTURAL CHARACTER

## 5.1 GENERAL ARCHITECTURAL CHARACTER

5.1.1 Hoxton Street has a cohesive and intimate character as a historic thoroughfare and marketplace. There is a good survival of historic buildings from the eighteenth and nineteenth centuries, with some later post-war infill. Its character derives from the narrow building plots, a consistent building height of three to four storeys, predominant use of stock brick with red brick and stucco detailing, timber sash windows, decorative ironwork, and ground floor shopfronts contributing a strong commercial character to the area. Although modest in architectural terms, the surviving historic grain contributes to the interesting and varied building and roof line which are essential elements of the street's character.

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Hoxton Street Conservation Area



View of Hoxton Hall and the heart of the Hoxton Street Conservation Area looking north

## 5.2 BUILDING CONTRIBUTION

5.2.1 This section explains the contribution buildings make to the special architectural or historic interest of the area as outlined on the map on the opposite page.

### A) LISTED BUILDINGS

The Hoxton Street Conservation Area contains a number of Listed Buildings. These are buildings of special historic and architectural interest and make a positive contribution to the special character of the Conservation Area. Full list descriptions are available from Historic England.

### A) LOCALLY LISTED BUILDINGS

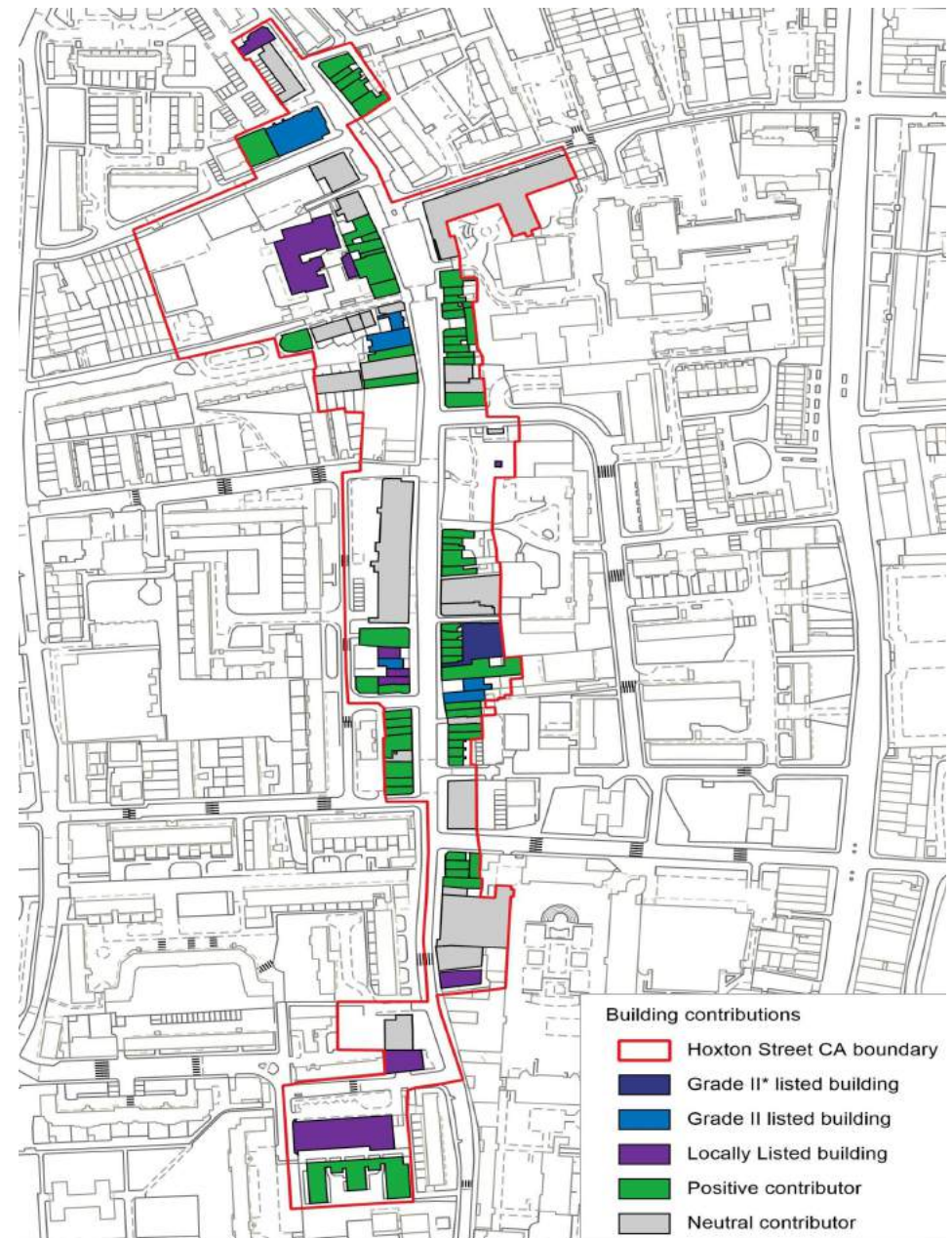
These buildings are of local architectural or historic interest. Although not statutorily listed, these buildings have been identified as having a significant level of local value and are considered to make a positive contribution to the special character of the Conservation Area.

### B) POSITIVE BUILDINGS

Buildings that positively contribute to the Conservation Area's overall character and appearance. Demolition of these buildings is also considered to constitute harm. Special attention should be paid towards preserving characteristic architectural details present on these buildings.

### C) NEUTRAL BUILDINGS

These buildings neither contribute nor actively detract from the Conservation Area's special character. In principle, the loss of these buildings would not be resisted, provided the proposed replacement buildings adhere to the objectives of relevant planning policy and are of a high quality of design commensurate with the Conservation Area's special character.



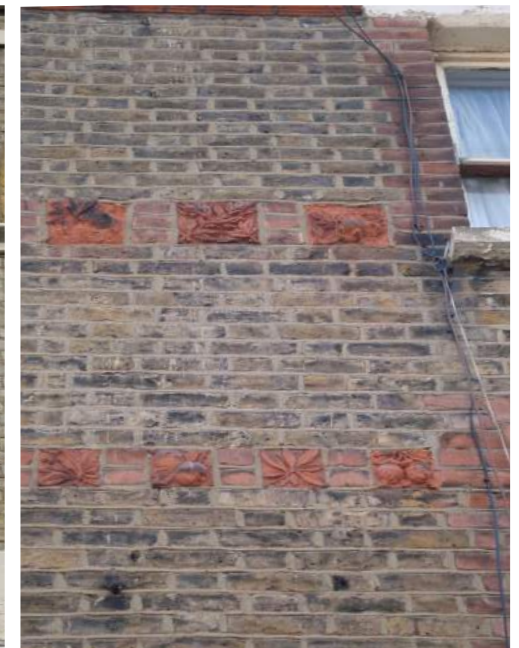
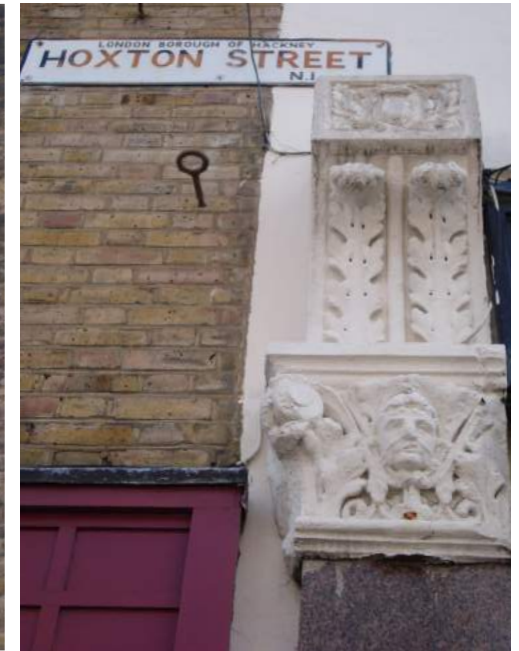
Map of building contributions in the Conservation Area

## 5.3 KEY ARCHITECTURAL FEATURES AND MATERIALS

5.3.1 The most common material used within the Conservation Area is brick. This is primarily stock brick, with limited use of red brick for architectural detailing, but red brick is also used on some facades, such as the St Leonard's Dispensary building. Historic brick buildings within the Conservation Area are mostly constructed using Flemish bond. There is some use of render and decorative stucco detailing around windows and to high level cornices, such as on Hoxton Hall. The limited material palette gives the area a cohesive character.

5.3.2 The survival of historic architectural detailing adds much to the character of the area. Architectural details include decorative cast iron window guards, decorative render details such as architraves and timber sash windows. There are several high quality surviving historic shopfronts including the F Cooke Pie and Mash Shop and the neighbouring Hayes English funeral directors. Shopfront details such as console scrolls, pilasters and timber stallrisers make a positive contribution to the historic character of the Conservation Area.

5.3.3 Post-war infill buildings have generally maintained the tradition of using brick as a material but there is a greater variety in the type, ranging from red brick on the Arden Estate, to the light yellow brick of Shoreditch Library to a grey brick at the new development by St Leonard's Dispensary. Modern bricks generally lack the subtle variations of tone of the older brickwork, frequently giving a flatter, less attractive quality to the facades. The predominant use of stretcher bond on post-war brick buildings also contributes to a more uniform appearance than historic brickwork.



Details of ironwork, shopfront console brackets, terracotta and brick detailing and decorative window architraves in the Conservation Area



## 5.4 ARCHITECTURAL ANALYSIS

5.4.1 The purpose of this section is to expand on the Statement of Significance in Section 2 and to highlight individual buildings and features that particularly contribute towards the area's character.

### HOXTON STREET

**295 HOXTON STREET:** There has been a pub on this site since 1833, when James Hobbs was the licensee. By 1860 it was known as the King's Arms. The pub closed in 1993 and is now in residential use. The existing building is a two storey mid-Victorian building with a modern slate mansard storey. It is constructed of stock brick with a red brick return wall to Hobbs Place and render at ground floor. There are cast iron pillars flanking the corner entrance door and attractive scrolled shell stucco details over the first floor windows.

**ST ANNE'S CHURCH (GRADE II):** This church was completed in 1870 to designs by Francis Chambers and is constructed of Kentish Ragstone. It is distinctive in the streetscene because of its material as the only stone building in the Conservation Area, demonstrating its higher status as a church. Nevertheless, it has a modest presence because of its restrained height that fits in with the prevailing building heights and does not dominate the street.

**257 HOXTON STREET, FORMERLY THE GREEN MAN PUB:** This is a mid-Victorian former public house of three storeys and three bays wide. It is constructed of brick, rendered at ground floor level with painted brickwork above and rendered quoins. The name 'The Green Man' is incised into the rendered parapet. It retains timber sash windows and simple detailing including a render band beneath the second floor windows and ground floor pilasters with capitals. The ironwork which held the pub sign survives on the front elevation, with the hand symbol of the Ind Coope brewery and the date 1856. The pub closed in 2003.



Former King's Arms pub at 295 Hoxton Street, now in residential use



St Anne's Church (Grade II listed) at the northern end of the Conservation Area

**237 HOXTON STREET (GRADE II):** This is a surviving mid-eighteenth century building of two storeys and attic, constructed in brown brick with red brick dressings and a pantile roof. The later shopfront has been removed in the latter part of the twentieth century and the house has been sensitively restored as a dwelling, giving an impression of how the domestic streetscape of eighteenth-century Hoxton may have appeared.

**233 & 235 HOXTON STREET (GRADE II):** This is a pair of early nineteenth century houses of three storeys constructed of stock brick, now Grade II listed. Each has a single, tripartite sash window at first and second floor level with a gauged flat brick arch detailing. The shops were originally two separate units (still evident in historic photographs from 1976), but have now been combined into a single shopfront. Although late twentieth century in date, the shopfront is traditionally detailed with timber fascia, scrolled console brackets and timber stallriser.

**204 HOXTON STREET, ST LEONARD PARISH RELIEF OFFICES (GRADE II):** A workhouse existed on this site from 1777 and was redeveloped in the 1860s. This handsome building was the first part of the redeveloped site to be completed. The facade includes the date of construction (1863) and lettering stating: 'St Leonard Shoreditch. Offices for the relief of the poor'. The building housed the parish relief office. It is designed in an exuberant Italianate style in red brick with Portland stone dressings and 6/6 timber sash windows. There is a decorative stucco broken pediment centrepiece above the first floor windows. The rest of the building was redeveloped in the 1990s, but the facade is now Grade II listed. The postbox outside is also Grade II listed and forms an attractive historic group with the listed facade.

**202 HOXTON STREET, FORMER UNICORN PUB:** A pub called the 'Unicorn' is first attested on this site in 1805. The present building is of three storeys, constructed of stock brick with red brick detailing around the windows. The building retains lettering reading 'The Unicorn' to the front elevation with a lively stucco relief of a unicorn holding a shield at second floor level. The ground floor is framed by red granite pilasters with decorative stucco capitals. It is currently in use as a pizza restaurant.



Grade II listed Nos 233 and 235 Hoxton Street, with 237 Hoxton Street beyond



The former Unicorn pub at 202 Hoxton Street

**178 HOXTON STREET, HOWL AT THE MOON PUB:** Archival records suggest that there was a public house called the 'Maidenhead' on this site dating back to at least the mid-seventeenth century. More recently, it was known as the Queen's Head, before it was changed to the current name 'Howl at the Moon' in 2009. The building is a handsome purpose-built nineteenth-century pub, of three storeys with a later mansard. It is constructed of a distinctive pale buff brick which is unusual within the Conservation Area, with attractive detailing including Italianate semi-circular arched brick lintels to the first floor windows and a rendered string course beneath the second floor windows. There are several prominent mobile phone masts attached to the parapet which detract from the character of the area.

**177 HOXTON STREET, FORMER BACCHUS PUB:** The Bacchus in Hoxton was listed as the meeting place of a Masonic Lodge in 1770-80 and later referred to as the Bacchus Coffee House. The current building is a three storey, four bay building with a recently-added mansard roof. It is rendered with channelled quoins and decorative scrolled brackets over the first floor windows. As recently as 2014, it still retained an ornate cast iron window guard beneath the first floor windows. The traditional pub frontage has been much altered and little historic detailing now survives.

**175 HOXTON STREET:** This building is a terraced house dating from the late eighteenth or early nineteenth centuries, of three storeys in brick with a white-painted rendered facade. It is of two bays with late-nineteenth century windows and a plain doorcase with a rectangular fanlight. The house is set back from the street behind a paved garden with wrought iron railings, formed when the ground floor shopfront was removed in the late twentieth century.

**173 HOXTON STREET (GRADE II):** No. 173 is a tall, late-eighteenth-century house, possibly with an earlier core, consisting of three storeys with a double-span mansard roof with dormers. It is constructed of stock brick with flat red brick lintels above the timber sash windows and a stone-coped parapet. The ground floor shopfront was removed in the late twentieth century and the house has been sensitively restored as a



Howl at the Moon pub, 178 Hoxton Street



Nos 167-177 Hoxton Street, with the former Bacchus pub in the foreground

private dwelling with a small front yard bounded by railings, giving an impression of how pre-Victorian Hoxton Street may have appeared. The building is now Grade II listed and has group value with the adjoining locally listed terrace.

**169 TO 171 (ODD) HOXTON STREET (LOCALLY LISTED):** These are a pair of late eighteenth-century/early nineteenth-century terraced houses of three storeys constructed of stock brick with flat arch lintels over the single windows. No. 169 has a modern mansard roof. Both have fairly poor quality modern shopfronts at ground floor level. The local list entry includes No. 167 which appears to have been reconstructed with modern window openings and lacks historic interest.

**HOXTON COMMUNITY GARDEN:** The Community Garden was formed from the clearance of dilapidated terraced houses and shops on the site in 1983, providing some much-needed green space in this dense urban area. It contains a locally listed cupola with clock, originally from the Eastern Fever Hospital (built 1869-71 and demolished in 1982 to make way for the Homerton University Hospital). The cupola is constructed of wood with deeply projecting curved eaves cornice and louvred panels. Each of the four sides has a black clock face with Roman numerals in gold with a weather vane on top. It forms a focal point in the garden.

**153-155 HOXTON STREET, FORMER WHITE HORSE PUB:** A pub is attested on this site from 1842. The existing building is four bays wide and three storeys with a modern mansard. The walls are scored, white painted render. The windows and ground floor shopfront have been much altered, but the building retains a plaque with its former name and a rendered panel of a white horse in the centre of the front elevation, giving a clue to its former function.



Locally listed cupola in Hoxton Community Garden



The former White Horse pub at 153-155 Hoxton Street

**150 HOXTON STREET, F. COOKE'S PIE AND MASH SHOP:** This building possesses a well-preserved traditional shopfront that represents an important survivor of an East End culinary tradition which is slowly disappearing. It is a three storey, three bay building with rendered facade with a decorative string course beneath the second floor windows. The shopfront is flanked by red granite pilasters with decorative corbels. The tiled stallriser and traditional fascia signage contribute positively to the historic character of Hoxton Street.

**148 HOXTON STREET, HAYES & ENGLISH FUNERAL DIRECTORS:** This building contains one of the best-preserved historic shopfronts in the Conservation Area. It is a modest three storey, two bay building constructed of stock brick with red brick dressings and decorative terracotta stringcourses at first and second floor levels. The handsome shopfront includes timber console brackets, timber fascia with decorative signage, timber stallriser, and glazed decorative upper lights containing glazed signage.

**130 HOXTON STREET, HOXTON HALL (GRADE II\*):** Hoxton Hall was constructed in 1863 as a music hall providing music and variety entertainment. It was enlarged in 1867 by raising the height of the Hall to create a new upper balcony. The elevation to Hoxton Street is of yellow brick and stucco, three storeys high and three bays wide. The ground floor is rendered and rusticated while the first floor windows have scrolled brackets. The main body of the music hall is situated behind the terrace on a north-south axis. It is the only Grade II\* building in the Conservation Area and is a rare surviving example of a Victorian music hall (the only other comparable surviving example in London is Wilton's Music Hall in Tower Hamlets).



The traditional shopfront of F. Cooke's Pie and Mash Shop



Well-preserved historic shopfront of Hayes & English, Funeral Directors

**124 AND 126 HOXTON STREET (GRADE II):** This is a pair of substantial three-storey houses over a semi-basement which probably date from the 1840s. The later shop unit which was present in front of No. 124 in 1974 has been subsequently removed and the building has been sensitively restored as a domestic dwelling. This gives a good impression of the pre-commercial domestic architecture of Hoxton, but has undermined the coherence between the pair, as the ground floor shopfront is still in place at No. 126 and detracts. This shopfront has now been joined to the neighbouring one, which blurs the distinction between the different buildings behind.

**110-108 HOXTON STREET:** This is a well-preserved early/mid-Victorian terrace of three buildings constructed of stock brick with rendered lintels. It is three storeys high with a mansard, with good surviving detailing including cast iron window guards to the second floor windows, timber sliding sash windows and a stopped brick cornice. The ground floor shopfronts are modern and of no interest, although the historic console brackets survive on either side of No. 110/112.

**94 TO 90 HOXTON STREET:** This is a traditional terrace of three two-bay buildings with some good quality surviving ironwork including cast iron window guards to the second floor windows and a handsome wrought iron hanging sign bracket. The windows have been replaced with detracting uPVC units with concrete lintels. The traditional shopfront at No. 92 is an interesting survival with a triangular pediment with dentilled cornice and decorative console brackets.

**THE MACBETH PUBLIC HOUSE, 70 HOXTON STREET (LOCALLY LISTED):** This is a fine brick and stucco public house, three storeys and three bays wide, of painted render with rendered quoins and pilasters with decorative capitals. There are decorative triangular pediments over the first floor windows and cast iron window guards at second floor level. In the pediment are the words 'Hoxton Distillery', indicating the building's origins as a gin distillery, using water from an underground spring.



Nos 110-108 Hoxton Street



Macbeth Public House, 70 Hoxton Street (locally listed)

## IVY STREET

**HOXTON GARDEN PRIMARY SCHOOL (LOCALLY LISTED):** This is a substantial building but has little street presence as it is set back from Hoxton Street behind a modern terrace of shops. The main entrance is on Ivy Street. It is a late-nineteenth/early twentieth century London Board School on an L-shaped block of three storeys constructed of stock brick with red brick dressings and pilaster piers running the full height of the building on the outer corners. A plaque on the northern elevation reads 'LCC Hammond Square School, enlarged AD 1911'. There is a high stock brick boundary wall along Ivy Street.

**54 IVY STREET, FORMER QUEEN ADELAIDE PUB:** There is a reference to a pub on this site in the 1890s. The present building dates from the early 1900s and includes handsome detailing such as glazed brick pilasters with decorative capitals, cut brick detailing beneath the first floor windows, a decorative wrought iron sign bracket and stepped brick cornice. In the 1960s, the building was acquired by Hoxton Community Projects and is now home to the Ivy Street Family Centre, providing care and support to families in Hoxton. The building reopened after building work in 2021 with a new extension to the west designed by Sam Jacob Studio.



Hoxton Garden Primary School (locally listed)



54 Ivy Street, the former Queen Adelaide pub

## FANSHAW STREET

**71 FANSHAW STREET (LOCALLY LISTED):** This is a three-storey former Victorian warehouse building of stock brick with decorative brick detailing. It is of three bays, defined by wide two storey brick pilasters. The former industrial use is demonstrated by the surviving taking-in doors with winch. The ground floor has been overpainted with a brightly coloured mural. It is now converted into a photographic studio, but reflects the industrial heritage of Hoxton.

**1-7 (EVEN) ACADEMY BUILDINGS, FANSHAW STREET (LOCALLY LISTED) :** These are a large block of brick warehouses, built c. 1890s. The building is three storeys plus basements and consists of seven bays each with wooden loading doors and a pulley above the doors. There are hipped slate roofs concealed behind the parapet. It has been sensitively restored and converted into residential use. The name refers to the Hoxton Dissenting Academy which stood close by in Hoxton Square in the early nineteenth century, as Hoxton's location outside the city made it a centre for Catholics and dissenters.

**ENFIELD CLOISTERS:** These are purpose-built tenement flats, constructed in 1879 by London's earliest philanthropic housing provider, the 'Metropolitan Association for Improving the Conditions of the Labouring Classes'. The building is on an 'E-shaped' plan, of five stories over a lower ground, constructed of stock brick with stucco dressings and a rusticated stucco ground floor. It is a handsome example of philanthropic housing for the working classes.



71 Fanshaw Street, demonstrating the industrial character of Hoxton



1-7 (even) Academy Buildings, Fanshaw Street



# ASSESSMENT OF CONDITION

# 6.0 CONDITION

## 6.1 GENERAL CONDITION

6.1.1 Hoxton Street is in a mixed condition. The condition of the area has improved in recent decades after a long period of neglect, but a number of buildings are still poorly maintained or have suffered insensitive alterations. Most units are occupied, so the area possesses a sense of commercial vitality, but many of the shopfronts and signage are poor quality, undermining the historic character of the Conservation Area. There is a proliferation of detracting elements such as trailing wires and badly-located services on elevations, satellite dishes, mobile phone masts, poor quality uPVC windows and oversized fascias with plastic signage.

6.1.2 The few surviving historic shopfronts are generally well maintained and several listed buildings have been sensitively restored as domestic dwellings. While this has introduced a residential character to the street in some locations, it also provides evidence of the earlier domestic character of Hoxton. Several listed bollards have been removed, harming the historic character of the area.

6.1.3 The public realm is mixed. The modern concrete pavements are generally well maintained, but areas of tarmac paving are in poor condition and detract from the appearance of the area. Where areas of historic granite setts survive, some are in good condition but other areas, such as in Hamond Square, are poorly maintained and at risk of loss. There is a proliferation of street clutter including intrusive security poles, commercial bins cluttering the pavements and graffiti. Nevertheless, the Community Garden is well-maintained and provides an attractive area to sit.

6.1.4 Traffic is controlled because of the presence of the street market so it is not excessive, but parked cars on both sides of the street narrow the street, especially at the southern end of the Conservation Area, and dominate the streetscene in places.



Poor quality plastic fascia signage, uPVC windows and unsightly flues undermine the historic character of the street

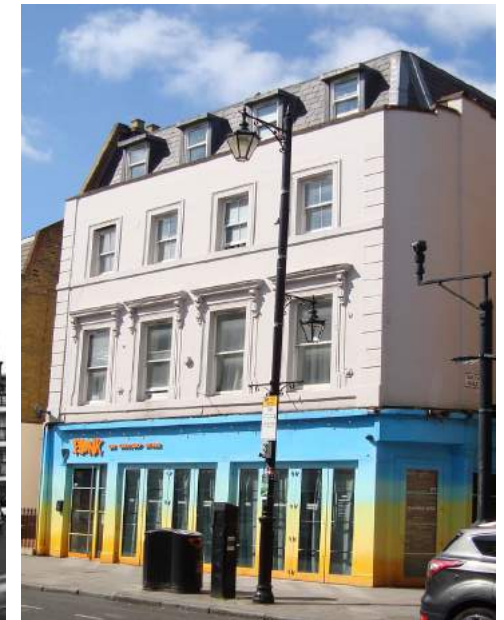
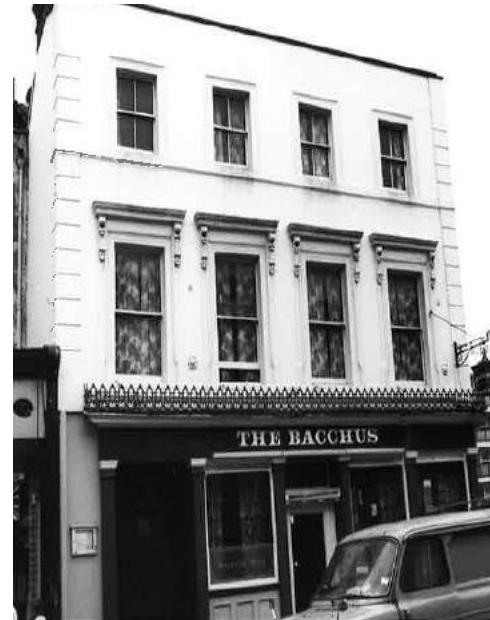
## 6.2 KEY THREATS AND NEGATIVE ISSUES

6.2.1 The Conservation Area has suffered since its designation with the ongoing loss of historic buildings, eroding its character as a historic commercial thoroughfare. While new development has generally respected the prevailing building heights and materiality of the Conservation Area, it has introduced a wider variety of brick that lacks the subtlety and variation of tone of historic brickwork. It also lacks the character of earlier architecture. Stretches of modern buildings, such as Nos 179-207 Hoxton Street, have resulted in a fragmentation of the historic unity of the Conservation Area.

6.2.2 A key threat is the ongoing loss of modest historic buildings that contribute to the overall character of the Conservation Area, leading to a further erosion of historic character and appearance. This also includes poor quality extensions including mansard extensions. The area is vulnerable to the impact of taller, larger scale buildings which have the potential to erode its special character. Because of the consistency of building heights along the street, taller buildings have the potential to be visually intrusive and overbearing.

6.2.3 The area is also threatened by ongoing loss of historic detailing, especially timber windows, which are at risk of being replaced with detracting uPVC units. Loss of traditional architectural detailing further erodes the character and appearance of the area. There is a proliferation of poor quality shopfronts that obscure or damage historic features such as console brackets and undermine the historic character of Hoxton Street. Internally illuminated box signs, plastic fascia signs, vinyl stickers on shop windows and box shutters are all detracting features that erode the character of the area.

6.2.4 Threats to the public realm include loss of historic bollards and street surfaces, the proliferation of street clutter, and use of poor quality materials such as tarmac for pavements.



The Bacchus pub in 1977 and 2023



Infill buildings fail to replicate the proportions or detailing of historic buildings; street clutter detracts from the character of the area

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# MANAGEMENT PLAN

# 7.0 MANAGEMENT PLAN

## 7.1 INTRODUCTION

7.1.1 This Management Plan provides area-specific guidelines for development, maintenance and enhancement of the Hoxton Street Conservation Area. Under Section 71 of the Planning (Listed Buildings & Conservation Areas) Act 1990 local planning authorities have a statutory duty to draw up and publish proposals for the preservation and enhancement of Conservation Areas in their districts from time to time.

## 7.2 DEVELOPMENT GUIDELINES

7.2.1 All development proposals should preserve or enhance the Conservation Area's character and appearance and conform to local policies as outlined in sections 1.4-1.6. This requirement applies equally to developments which are outside the Conservation Area but would affect its setting or views into or out of the area. For advice on whether Planning Permission is required for works please contact the Council.

## 7.3 DEMOLITION

7.3.1 Planning permission from the Council is required for the demolition of buildings larger than 115 cubic metres within the Conservation Area.

7.3.2 The full or substantial demolition of buildings or structures identified as making a positive contribution to the significance of the Conservation Area (including Locally Listed Buildings) is harmful to the significance of Conservation Areas and will be regarded as substantial harm or less than substantial harm according to the circumstances of the case. Demolition of buildings identified in this document as making a neutral contribution to, or detracting from, the Conservation Area's special character will only be supported where there are acceptable plans for the site following demolition.

## 7.4 NEW DEVELOPMENT

7.4.1 All new development should respect the established layout, siting, height, scale and massing of buildings within the Conservation Area. It should be of a high design quality, that is sympathetic and responds to the area's special character. New development should preserve or enhance the special character of the Conservation Area. Materials should be carefully chosen to complement the Conservation Area's existing palette of materials.

7.4.2 Where neutral and negative buildings exist there is an opportunity for new development to preserve and/or enhance the character and appearance of the Conservation Area.

7.4.3 There are limited areas for new development within the Conservation Area owing to the tight urban grain and dense development of Hoxton Street.

## 7.5 DEVELOPMENT AFFECTING THE SETTING OF THE HOXTON STREET CONSERVATION AREA

7.5.1 All proposed development in close proximity to the Hoxton Street Conservation Area should seek to preserve and enhance its setting.

7.5.2 All development proposals affecting the setting of the Conservation Area will be assessed against the Historic England guidance document 'The Setting of Heritage Assets.'

## 7.6 TALLER BUILDINGS

7.6.1 All new taller buildings must respect the setting of the Borough's local character and historic townscapes and landscapes including those in adjoining boroughs. Moreover, in line with Policy LP1 of LP33 (June 2020) taller buildings must 'preserve or enhance the borough's heritage assets, their significance, and their settings'. Within the Hoxton Street Conservation Area there is a strong degree of consistency in storey height, with buildings along the street generally consisting of three to four storeys. There is therefore limited scope for any taller buildings without detracting from the cohesive character of the area.

## 7.7 EXTENSIONS

7.7.1 In accordance with LP1 Design Quality and Local Character of LP33 (June 2020) 'all new development must be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character.' This is particularly important within the Hoxton Street Conservation Area when considering extensions as they have the potential to disrupt the appearance of buildings and the character of the Conservation Area. While several buildings have had mansard roof extensions, the potential for upward extension is limited because of the consistency of the prevailing building heights along the street.

7.7.2 LP1 Design Quality and Local Character requires new development (including extensions) to be 'compatible with the existing townscape' and 'preserve or enhance the significance of the historic environment and the setting of heritage assets.'

7.7.3 Owing to the built nature of the area there is generally very little scope for side and rear extension to the main buildings because of the dense urban development of the street. Where they are considered acceptable it will be important to ensure that they are subservient to the main building and utilise the highest quality materials and exemplary design that complements the area's historic character.

## 7.8 FACADE RETENTION

7.8.1 In line with policy LP3 Designated Heritage Assets, para 5.24 of LP33 2020, 'Development proposals in Conservation Areas involving façade retention only (with the demolition of the remainder of the building) will be regarded in the same way as proposals for the full or substantial demolition of a building. Such proposals not only result in loss of the historic interest of the building but can be structurally challenging and often fail, with the loss of the entire building.'

7.8.2 'The full or substantial demolition of buildings or structures identified as making a positive contribution to the significance of the Conservation Area is harmful to the significance of Conservation Areas and may be regarded as substantial harm or less than substantial harm according to the circumstances of the case.'

## 7.9 WINDOW AND DOOR REPLACEMENT

7.9.1 Many properties within the Conservation Area have timber sash windows. If possible, original windows or replica windows matching originals should be retained and repaired. Following advice from a professional joiner, if windows are beyond reasonable repair, then replacements should match the original window design and materials. It is likely that planning permission will be required for proposed replacement windows not in a similar style or materials to the existing windows.

7.9.2 The use of uPVC framed windows as a replacement material for original or traditional style timber windows will not be considered acceptable as their proportions, opening methods, shiny plastic appearance and light reflection are all at odds with the character of historic buildings. For similar reasons aluminium is also not considered to be an acceptable alternative material to timber framed windows. Where windows have been replaced with detracting uPVC units, the Council would recommend their replacement with more appropriate timber alternatives.

7.9.3 To improve the thermal performance of windows the Council recommends that all replacement window units should be slim double glazed with a maximum dimension of 12mm. Alternatively, internal secondary glazing could be installed, which does not require planning permission. Draught proofing around all window frames would also be beneficial and cost effective to maintain thermal performance. Historic timber doors (including entrance doors and high-level taking-in doors) should be retained as they are important features that contribute towards the character of the Conservation Area. All necessary replacements should be of timber and of a design that complements the building within which it is situated.

## 7.10 ARCHITECTURAL FEATURES

7.10.1 Key architectural features as defined in Section 5.3 of this document, such as decorative stucco work, cill bands, contrasting brick detailing, decorative cast iron window guards and historic shopfront details such as console brackets should be retained due to the valuable contribution they make to the character and appearance of the Conservation Area.

## 7.11 CLADDING, RENDERING OR PAINTING OF WALLS

7.11.1 Originally exposed brick walls, often part of a building's original design, make an important contribution to the character of the Conservation Area and should not be clad, rendered or painted. External rendering or painting can also cause problems with damp and condensation.

7.11.2 External cladding or rendering of buildings in Conservation Areas requires planning permission, which is unlikely to be supported. The careful removal of existing paint to brickwork is encouraged.

## 7.12 EXTRANEIOUS FIXTURES

7.12.1 Modern extraneous fixtures, including satellite dishes, mobile phone masts, meter boxes and cabling, should not be visible from the street. The removal of existing fixtures cluttering front elevations is encouraged; however care should be taken to ensure that surfaces affected are repaired.

## 7.13 SHOPFRONTS AND SIGNAGE

7.13.1 Where buildings are in commercial or community use it is accepted that signage may be required. The Shopfront Design Guide provides detailed information on the type of signage appropriate within Conservation Areas. This often includes a more muted colour palette and simplified branding limited to simply the name of the shop. Historic shopfronts contribute to the character and appearance of the Hoxton Street Conservation Area and the loss of historic shopfronts and detailing would be harmful to the character of the area. Policy LP7 of LP33 (June 2020) states that advertisements must not 'adversely affect the historic significance of buildings, and be sensitive to the character of an area through size and siting, especially those areas of historic significance'. Where signage is located on building elevations this should complement the composition of the building and not obscure architectural detailing.

7.13.2 The use of illuminated projecting signs often appears incongruous on historic facades. Where projecting signs are considered acceptable it is recommended that these should be non-illuminated and set at fascia level.

## 7.14 BOUNDARY TREATMENTS

7.14.1 Existing boundary treatments should be retained. All development proposals to properties where boundary treatments have been removed in the past should involve their reinstatement. All development proposals should include storage and screening for refuse and recycling bins.

## 7.15 TREES

7.15.1 Most work to trees in the Conservation Area requires prior approval from the Council.

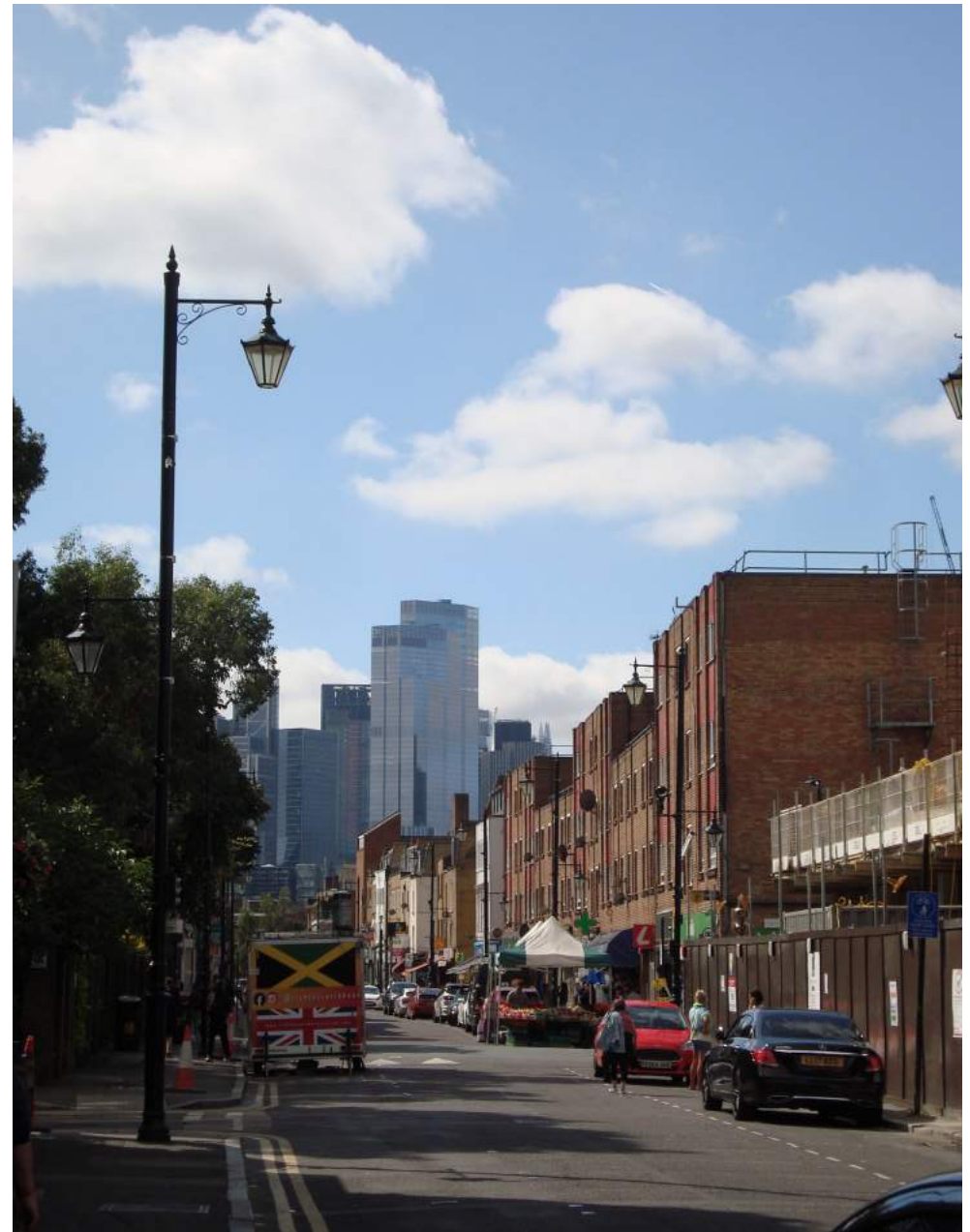
## 7.16 DESIGN GUIDELINES

7.16.1 Hackney's *Residential Extensions & Alterations Supplementary Planning Document (2009)* gives general guidance on extensions and alterations, which is relevant for properties across the borough. However, to ensure the special character of the Conservation Area is not adversely affected by incremental alterations, the following types of development will generally be resisted by the Council:

- Painting/rendering of unpainted brickwork
- Installation of non-traditional window types/materials (uPVC/metal)
- Installation of satellite dishes and mobile phone masts on street facing elevations
- Installation of window bars or door gates
- Removal of traditional shopfronts
- Removal of chimneys

7.16.2 The Council's *Shopfront Design Guide* provides general guidance for traditional shopfront styles and is particularly relevant for Conservation Areas. The guidance advocates traditional, well-proportioned timber shopfronts with stall risers, integrated fascias and external lighting.

7.16.3 Both documents can be found on the Council's website, [www.hackney.gov.uk](http://www.hackney.gov.uk)



Hoxton Street has a consistent 3-4 storey building height that distinguishes the domestic scale of the Conservation Area from the City of London to the south



## 7.17 RETROFITTING

7.17.1 'Retrofitting' is the process of upgrading an existing building to improve its thermal performance and energy efficiency. By adapting existing buildings in a sympathetic manner to respond to climate changes it ensures that these buildings can survive even longer than they already have. Retrofitting will enable buildings to adapt to future weather conditions such as heat waves or sustained periods of cold.

7.17.2 Retrofitting is most effective when a 'whole building' approach is taken. This makes sure all the upgrades work well together and the energy savings are maximised.

## 7.18 RETROFITTING IN CONSERVATION AREAS

7.18.1 Where the building affected is a listed building or within a conservation area the impact of any retrofit measures on the building or area should be assessed and harm to their significance avoided. When considering retrofit options the energy hierarchy should be followed where the focus is initially on 'fabric-first' improvements, in order to achieve the sustainability benefits with minimum harm. Any retrofit measures must be carefully considered to strike a balance between harm to the existing building and the public benefit of the proposals.

7.18.2 While this section sets out some typical retrofit measures and provides general guidance, the complex and sometimes unique nature of historic buildings means that generic guidance has its limitations. Due to the unique nature of heritage assets, the balance of addressing climate change, protecting heritage assets and viability will need to be considered on a case-by-case basis.

7.18.3 Applicants are encouraged to contact the council for pre-application advice. Applicants should take a coordinated or 'whole building' approach to planning and delivering all retrofitting projects as opposed to delivering piecemeal measures.

## 7.19 CONDITION OF THE BUILDING

7.19.1 Buildings in Hoxton Street Conservation Area are generally in a mixed condition and some would benefit from routine maintenance. When considering retrofit it is important to ensure that buildings are well maintained and in a good condition. Dampness and draughts from poor maintenance can be the cause of much higher energy use, longer term structural problems and risks to health. This can lead to failure if retrofit measures such as insulation or draught proofing are not undertaken as part of a 'whole building' approach, or if incorrectly applied they can result in damage to the building and human health.

7.19.2 As such, when considering retrofitting buildings it is important to ensure that the building is in a good state of repair to ensure that the retrofit measures work successfully with the existing building.

## 7.20 RETROFIT PRINCIPLES

7.20.1 In order to retrofit a building to become climate resilient there are three main steps to take:

### Step 1: Start With A 'Fabric-First' Approach

7.20.2 'Fabric-first' means prioritising insulation, draught proofing, air tightness, and ventilation, before all other retrofit measures. Specifying improvements to the building fabric should be the first step in order to minimise heat losses and minimise the heat leaking through your building.

7.20.3 These investments will reduce the amount of energy your property consumes. Basic insulation, such as loft insulation, can often pay for itself within a few years. If you are interested in low-carbon heating such as heat pumps, having a well insulated and air tight building is essential.

### Step 2: Switch To All Electric to Decarbonise Energy Use

7.20.4 Once the energy use has been reduced, the focus should be on decarbonising buildings which means reducing the carbon footprint by moving away from fossil fuels and embracing full electrification.

7.20.5 Currently for most buildings, an electric-powered heating alternative will be an electric storage heater or a heat pump. Heat pumps take ambient heat from the ground, air, or water, and convert this into heat for a building. The most commonly used type of heat pump in urban areas is the Air Source Heat Pump (ASHP) due to the lack of space for the ground collector that is required for Ground Source Heat Pumps.

7.20.6 Switching gas-fired hobs to electric induction hobs and incandescent lightbulbs for LED lighting are modest interventions which help reduce carbon emissions.

### Step 3: Generate Renewable Energy

7.20.7 Renewable energy can be generated by installing solar panels on roofs. These will be either photovoltaic panels (which generate electricity) or solar thermal panels (which heat water). These are unlikely to generate enough energy for the whole building but can supplement the main supply.

7.20.8 Batteries can also be installed which store electricity for delayed use, either from the excess generated by solar photovoltaic panels or directly from the national electricity grid when the tariffs are lower (during night time). This system helps to reduce the load on the grid and limits the risk of national or local power black out. Within the Hoxton Street Conservation Area the installation of either photovoltaic panels or solar thermal panels can be considered on roofs which are concealed from view (e.g. flat roofs or butterfly roofs) or on secondary roofscapes facing away from the main road.

7.20.9 Other forms of renewable energy may become available at a later date and therefore advice should be sought from a suitably qualified professional.



# ENHANCEMENT PROPOSALS

# 8.0 ENHANCEMENT PROPOSALS

Owners are encouraged to undertake minor works that will improve the condition and appearance of their properties, which will have a wider positive impact on the Conservation Area as a whole. Much enhancement of buildings and the wider area does not require planning permission; please contact the Council for further advice. The Council welcomes and supports enhancement schemes proposed by property owners or the local community.

## 8.1 MAINTENANCE

8.1.1 Much of the Conservation Area's special character derives from the high number of interesting architectural features present. In order to ensure their long-term survival, regular attention is required to stop them falling into a state of disrepair. The Council therefore recommends that regular maintenance is undertaken to retain the collective value of the attractive features present in the area. If minor repair works are left unattended, it may result in unnecessary decay and damage, which could lead to the need to conduct more complex and expensive repair works that may require planning permission.

### **Basic maintenance recommendations include:**

- The regular clearing of debris in gutters and rainwater pipes
- The pruning of vegetation near to buildings
- The re-fixing of loose roof tiles or slates
- The regular re-painting of timber and render

## 8.2 REPAIRING, RESTORING AND REINSTATING ARCHITECTURAL FEATURES

8.2.1 The Hoxton Street Conservation Area could be much enhanced through the repair, restoration or reinstatement of the following damaged or lost architectural features:

- Timber sash windows
- Timber taking in doors and winches
- Cast iron detailing such as window guards
- Cast iron rainwater goods
- Stucco decorative details around windows and doors
- Cornices where damaged and removed
- Brick chimney stacks
- Removal of paint from tiled and glazed brick surfaces
- Repair of traditional shopfront features such as console brackets and reinstatement of historically appropriate shopfronts
- Introduction of appropriate signage
- Retention and restoration of historic street bollards

8.2.2 The use of traditional materials and methods is an important element in preserving the character and appearance of the Conservation Area.

8.2.3 Re-pointing should be undertaken only when necessary and must be done in an appropriate manner, for example a lime mortar must be used in older buildings for reasons of appearance and performance; cement-based mortars are generally inappropriate for historic buildings. Joints should be flush or slightly recessed (not weather struck or raised) and finished and brushed to expose brick edges.

8.2.4 In addition the following would also result in an enhancement to the area:

- The removal of uPVC or aluminium windows and doors and replacement with timber alternatives that are in keeping with the Conservation Area's special character
- The re-siting of satellite dishes, mobile phone masts, TV aerials and services where their location has a negative impact on the Conservation Area
- The replacement of non-traditional roofing materials with natural slate tiles or (where appropriate) hand-made clay tiles.
- The careful stripping of inappropriate paint or render using a non-damaging method to reveal originally exposed brickwork.
- The removal of architectural elements that are out of keepings with the area's special character
- Removal of graffiti
- The use of further high quality materials in the public realm such as stone paving

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### 3 OPPORTUNITIES FOR ENHANCEMENT

8.3.1 Historic street furniture and paving should be retained and restored where damaged. Where lost, granite setts should be reintroduced as these positively contribute to the character and appearance of the area. Where street surfaces are being replaced high quality materials should be used for example York stone. Tarmac pavements should be replaced with higher-quality materials.

8.3.2 There is the opportunity for a reduction and rationalisation of street clutter including bins, security cameras and modern bollards, as part of an overall strategy for improving the public realm. Care should be taken that the location of historic bollards is noted and that these are retained in situ and maintained.

8.3.3 Historic shopfront details should be retained and restored where missing or damaged. There is the opportunity for better-quality shopfronts using traditional materials, following the shopfront design guide. The installation of unsightly roller shutters should be resisted.



The facade of St Leonard Parish Relief Offices has been refurbished as part of a regeneration project for the wider hospital site

# APPENDICES



# 9.0 APPENDICES

## 9.1 BIBLIOGRAPHY

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*Hoxton: Architecture and history over five centuries*, Christopher Miele (Hackney Society, 1993)

*'Tis a Mad World at Hogsdon. A Short History of Hoxton* (Hoxton Hall, no date)

*Survey of London VIII: Shoreditch*, James Bird (ed) (London County Council, 1922)

*Victoria County History: Middlesex I*, J S Cockburn, H P F King and K G T McDonnell (eds) (London, 1969)

## 9.2 USEFUL CONTACTS

### **Conservation, Urban Design & Sustainability Team**

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### **The Hackney Society**

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London E5 0LY  
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### **The Victorian Society**

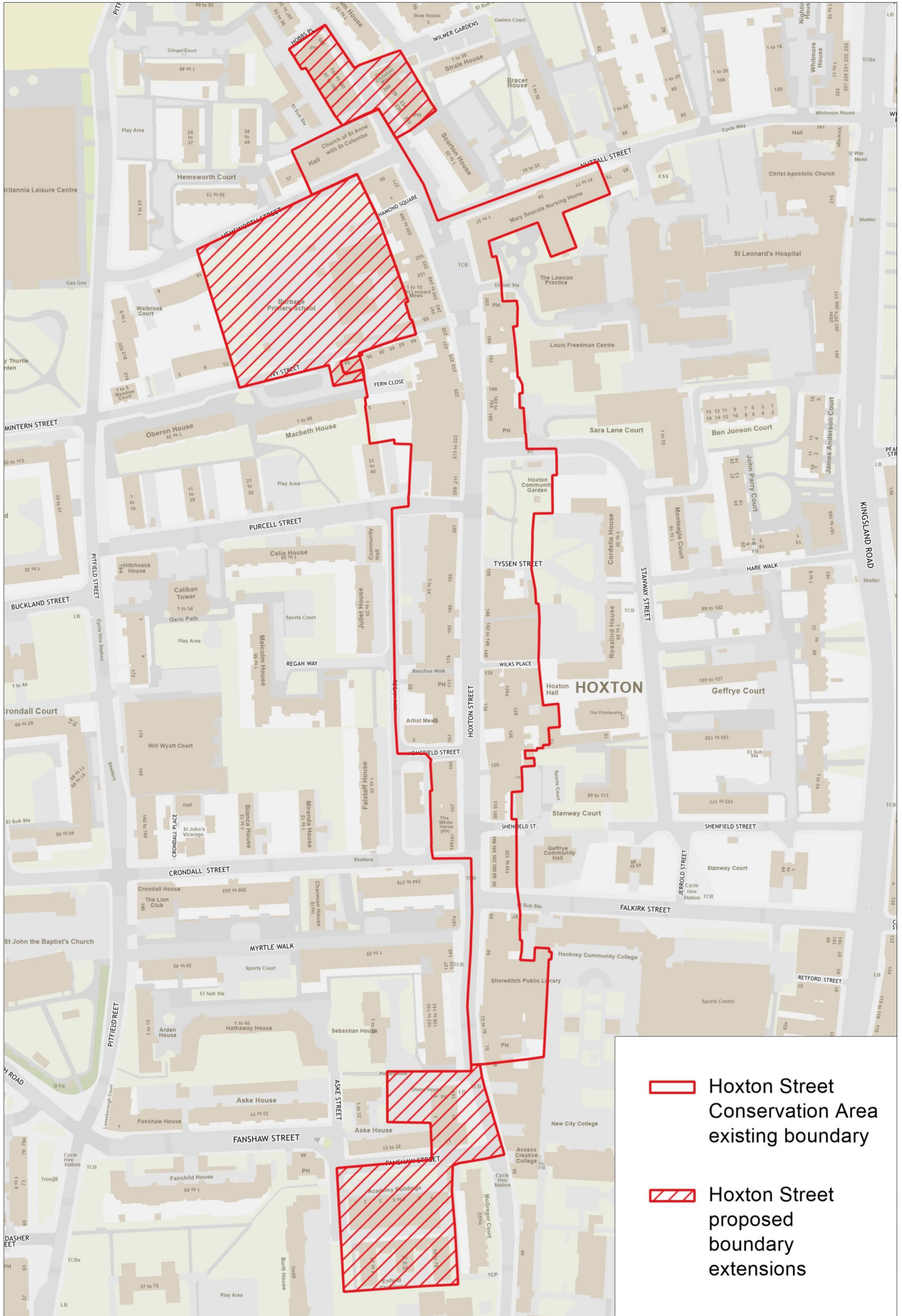
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HACKNEY COUNCIL  
CONSERVATION  
URBAN DESIGN &  
SUSTAINABILITY  
TEAM





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SUMMARY OF RESPONSES: HOXTON STREET CONSERVATION AREA APPRAISAL and BOUNDARY REVIEW 2023							
Respondent ID	Name	Organisation	Date Received	Comment ID	Respondent's Comments	Comments on proposed boundary extension	Council's Response
HSCA01	Susan Willock	Tenant	09/09/2023	1.01	We are very pleased indeed to learn that these historic buildings - that were specifically constructed for local people on modest incomes by the philanthropic Haberdasher Aske Company, will be considered for inclusion in the Hoxton Conservation Area.		Noted: Aske House is not currently included in the boundary extension. While it is an attractive, good quality early twentieth century building, it is considered that its character is more in keeping with the local authority housing blocks that surround the Conservation Area, rather than the tight urban grain of the surviving Victorian terraces, commercial and industrial buildings which form the character of the Hoxton Street Conservation Area. Therefore it is not proposed to include this building within the Conservation Area boundary.
				1.02	We hope that outstanding maintenance will then be done as a matter of urgency as they are currently in full occupation. Simultaneously, good maintenance is a vital aspect of any conservation area. I attach some recent photographs that also highlight the architectural merit of the buildings and the pride the tenants have in keeping the common parts attractive.		Noted: The Appraisal and Management Plan promotes the benefits of regular maintenance
HSCA02	Susan Holmes Willock	Tenant	10/09/2023	2.01	I support the proposals to include Aske House in the Hoxton Conservation Area		Noted: Aske House is not currently included in the boundary extension. While it is an attractive, good quality early twentieth century building, it is considered that its character is more in keeping with the local authority housing blocks that surround the Conservation Area, rather than the tight urban grain of the surviving Victorian terraces, commercial and industrial buildings which form the character of the Hoxton Street Conservation Area. Therefore it is not proposed to include this building within the Conservation Area boundary.
HSCA03	Meg Thomas	Google UK Ltd	10/09/2023	3.01	My husband and I are fully supportive of this plan!	Fully supportive	Noted
HSCA04	Molly Doran	Local Neighbourhood Group	10/09/2023	4.01	I am writing in support of the proposal to expand the Hoxton Conservation area to include buildings that were not originally included in the Conservation plans of 1983.	My particular interest is in Fanshaw Street, but familiarity with the area under proposal leads me to the conclusion that all buildings proposed should be included.	Noted
				4.02	I have been interested and concerned that Fanshaw Street was not included in the original area covered under the that protection. It shares the same industrial and architectural features and character of buildings included since 1983; the features, construction materials and height are in compliance with the requirements necessary under the original Conservation.		Agreed, hence proposal to include this area within the revised CA boundary
				4.03	Residents in Fanshaw Street are generally long-term residents who collectively make every effort to maintain the spirit of the original buildings; concerns that the building would not be demolished and replaced by larger developments that do not reflect the historical and architectural nature of the area, would be re-assuring, and fair for existing tenants		Noted - any proposals for demolition within a Conservation Area would require planning permission, so including these buildings would afford them greater protection
				4.04	Including Fanshaw St would enable better maintenance and adherence to existing buildings. The landlords are not always meeting acceptable standards in repair of buildings, and ensuring the area is acceptably maintained; to avoid refuse build-up and the vermin associated with it. Consultation with residents and businesses should result in Fanshaw Street being included in the proposal and preserving the wonderful history of the area, buildings and residents.		Noted
HSCA05	Amanda Richardson	Person	10/09/2023	5.01	I fully SUPPORT the proposal to extend the Hoxton Street Conservation area boundary and to include ASKE HOUSE & FANSHAW STREET in the Conservation Area. This is vital to protect its special architectural and historical significance.	I fully SUPPORT the proposal to extend the Hoxton Street Conservation area boundary and to include ASKE HOUSE & FANSHAW STREET in the Conservation Area. This is vital to protect its special architectural and historical significance.	Noted: Aske House is not currently included in the boundary extension. While it is an attractive, good quality early twentieth century building, it is considered that its character is more in keeping with the local authority housing blocks that surround the Conservation Area, rather than the tight urban grain of the surviving Victorian terraces, commercial and industrial buildings which form the character of the Hoxton Street Conservation Area. Therefore it is not proposed to include this building within the Conservation Area boundary.
HSCA06	paul		10/09/2023	6.01			
HSCA07	Laura Centofanti		10/09/2023	7.01	I am writing to you to express my strong support for the proposed inclusion of Aske House in Fanshaw Street in the Hoxton Conservation Area. It represents a fine example of social housing and deserves to be maintained as an example of good construction and architectural merit.		Noted: Aske House is not currently included in the boundary extension. While it is an attractive, good quality early twentieth century building, it is considered that its character is more in keeping with the local authority housing blocks that surround the Conservation Area, rather than the tight urban grain
HSCA08	Magdalena Boendermaker.		10/09/2023	8.01	I support fully the proposed inclusion of Aske House and the adjacent building in the Hoxton Conservation Area. They both represent the historical, architectural and cultural value of this unique area of London.		Noted: Aske House is not currently included in the boundary extension. While it is an attractive, good quality early twentieth century building, it is considered that its character is more in keeping with the local authority housing blocks that surround the Conservation Area, rather than the tight urban grain
HSCA09	Eslam Soliman		10/09/2023	9.01	I am writing to you to support the inclusion of Aske House in Fanshaw St in the Hoxton Conservation Area as it affords good accommodation for local people and deserves to be maintained for future generations as was intended by The Haberdasher Aske Association when it was first built.		Noted: Aske House is not currently included in the boundary extension. While it is an attractive, good quality early twentieth century building, it is considered that its character is more in keeping with the local authority housing blocks that surround the Conservation Area, rather than the tight urban grain
HSCA10	Nick Doman	N/A - homeowner	11/09/2023	10.01	Looks good but it needs to be put in to action.	Happy for the extension and should be extended further	Noted: no indication what further areas respondent would like to see included
				10.02	This street is so badly maintained, there is rubbished everywhere, no respect from the storefronts for the conservation area. There needs to be enforced changes to rectify these issues Graffiti, plastic signage, there is even holes in some fast food places for kitchen ventilation.		Noted: the management plan includes recommendations for shopfronts and signage
				10.03	Also the report suggests that traffic is controlled. This is false... there is way too much traffic. Much of it is council traffic that takes up the street when idling for no reason. There is far too much traffic to expect the areas conservation to be maintained as road works are constantly needed.		Noted
				10.04	This could be one of the best conserved and beautiful streets in hackney and it's just a constant mess and so poorly maintained. I think we'd all appreciate some forced upgrades. This can not be passive as there is no respect at the moment.		Noted: this area would benefit from a townscape heritage initiative
				10.05	The sad thing is that almost no one knows that it is a conservation area as it's never been treated as such.		The Appraisal and Management Plan should assist in managing the area
HSCA11	Claire Arnott		12/09/2023	11.01	I am in support of Enfield Cloisters being included in the Conservation Area.	I am in support of Enfield Cloisters being included in the Conservation Area.	Noted
HSCA12	Nick	Na	12/09/2023	12.01	The area should be pedestrianised to encourage conservation. This would bring huge incentive to keep the area conserved and it would become an area would visit for this reason	Extend it	Noted
HSCA13	Marina Smedley	Local tenant	16/09/2023	13.01	Fully agree	Fully agree	Noted
HSCA14	Gareth Johnson	N/A	18/09/2023	14.01	As a resident of Hoxton Street, I support the proposed expansion of the Conservation Area and the Management Plan.	I support the proposed Boundary Map.	Noted

**SUMMARY OF RESPONSES: HOXTON STREET CONSERVATION AREA APPRAISAL and BOUNDARY REVIEW 2023**

Respondent ID	Name	Organisation	Date Received	Comment ID	Respondent's Comments	Comments on proposed boundary extension	Council's Response
HSCA15	Daniel Block	Owner of Property	18/09/2023	15.01	Looks fine to me.	I just want to confirm that 68 Hoxton is not included. It looks like it is not included after reading the documents. If it is, please contact me.	The boundary line runs through the middle of 68 Hoxton Street: this will be amended to clarify that this building is not included within the Conservation Area
HSCA16	Marc Corbalan	N/A	18/09/2023	16.01	The main comment is around section "4.3 trees". There is a climate and community need to plant trees on high footfall streets like Hoxton Street. As acknowledged in the report 'There are very few street trees along Hoxton Street'. I encourage the council not to waste this opportunity to provide the community with heat shelter in the summer, an an uplift to the vibrant shopping destination the street represents.	In agreement with the draft boundary map.	Noted: there is potential for more street trees within the Conservation Area
HSCA17	Richard Parish	Historic England	22/09/2023	17.01	Historic England welcomes the proposal to review and revise these conservation areas and to produce CAAMPs in accordance with the NPPF requirements to maintain an up to date evidence base for the historic environment and to set out a positive strategy for the conservation and enjoyment of the historic environment. Given the detail of the proposed documents we have relatively few comments and consider that the production of these documents will have a beneficial impact on the management of Hackney's rich and diverse historic environment.		Noted
				17.02	We note that both conservation areas fall within the GLA's OAPF for the City Fringe (2015) which sets out policy and guidance in respect of planning uses and priorities. We would suggest that this could be referenced in respect of legislation and Regional Plans. In respect of this you might wish to expand the sections of land use and how this supports the vibrancy and character of the "fringe area". This is particularly pertinent in respect of Hoxton Street, and its historic street market, which also functions as the principal high street for the surrounding areas.		Noted: the Appraisal will be updated to include reference to this policy and expand discussion of Hoxton's historic street market
				17.03	The appraisals do not specifically identify buildings which could be considered to detract from the character and appearance preferring to identify positive and neutral elements. This may accurately reflect the current character (particularly in the light of the redevelopment of 209 to 223 Hoxton Street which would, pre-redevelopment, detract from the areas historic character). However, it is worth considering that such identification can be a positive tool in managing change and where specific elements demonstrably have a negative impact on the character and appearance it is useful to identify these.		The only building which was identified as a detracting element (former Iceland site) has been demolished and is currently under development, therefore is not included on the building contribution map.  It is considered that including a category for 'detracting' when there are no buildings identified as such on the map would be confusing.
				17.04	In respect of the proposed extensions to the existing areas we can make the following observations: Hoxton Street North. The extension to include the former public house at No.295, which retains architectural detailing and is a prominent landmark and also the attractive building and former shopfront at 232 is supported.		Noted
				17.05	Hoxton Street West. The School is of clear architectural merit and an important aspect of the social history of the area and the extension is supported.		Noted
				17.06	Hoxton Street South. The industrial buildings clustered around Fanshawe Street are worthy of inclusion and form a strong reminder of the area's light industrial heritage. We would also suggest consideration is given to including the attractive Flats in Fanshawe Street and Aske Street. These appear to have survived the bomb damage which led to much of the housing being replaced in the 1940's. These are architecturally attractive and contribute positively to character of the area, and as such would benefit from inclusion in the conservation area.		Noted: While Aske House is an attractive surviving pre-war block that is of good architectural quality, the Council's view is that it is of a different character to Hoxton Street and relates more closely to the local authority housing blocks that surround the Conservation Area, rather than the tight urban grain of the surviving Victorian terraces, commercial and industrial buildings which form the character of the Hoxton Street Conservation Area. Therefore it is not proposed to include Aske House within the boundary of the Conservation Area.
				17.07	The Greater London Archaeological Advisory Service have been consulted as part of this response and have pointed out that the former site of the C18th Jewish burial ground is opposite MacGregor Ct is just to the east of the proposed extension. This was supposedly cleared in the 1960s to build flats. There is potential that this wasn't fully cleared and it is a relic of the Jewish heritage of the area. As such this would warrant a reference given the potential for potential burials and as acknowledgement of the Jewish heritage of the area.		While there is no proposal to extend the boundary to include this area, its history is relevant and a reference will be included in the Historical Development chapter
HSCA18	Renaud Barnoin		25/09/2023	18.01	This initiative is very much welcomed. I would even go further and ask to owner of building to improve the existing facade of shops and buildings. Some are pointed out in the building and I would encourage the council to ask them to improve some aspects of their building.		Noted: the management plan includes recommendations for shopfronts and suggested enhancements which will enable the Council to better manage these aspects
				18.02	I would ask them to take off the satellite dishes.		Noted
				18.03	A lot of shops have compressors on the street or on roofs of building and they are just a sore for the eye and a disruptive noise, can't you review each one of them and ask them to be removed when there is no authorisation?		Noted
				18.04	The street is not green at all, except for the Hoxton garden, why not add some greenery on the street? It would improve as well the general aesthetic of the street and provide much needed shade.		Noted: While the character of Hoxton Street is predominantly urban, it is considered that there is potential for more street trees within the Conservation Area

**Planning Service**

Hackney Council

Mare Street

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1 September 2023

Dear Consultee

**Review of Hoxton Street Conservation Area**

Hackney Council has undertaken a detailed review of the Hoxton Street Conservation Area and is consulting on a draft Conservation Area Appraisal and Management Plan. It is also proposing to extend the conservation area boundary. You are receiving this letter as your property falls within the proposed conservation area boundary.

Before determining whether to adopt the Conservation Area Appraisal and the amended Hoxton Street Conservation Area boundary, Hackney Council is undertaking a 28 day public consultation between 6 September and 4 October to seek the views of residents, landowners and other interested stakeholders. All responses will be carefully considered before a final decision is made.

**How to find out more information and have your say?**

**Visit our website**

<https://hackney.gov.uk/hoxton-street-ca> to view the draft documents and return comments online.

**Community Consultation Drop-in Sessions**

Join us to discuss the proposed changes and share your thoughts on the Hoxton Street Conservation Area Review.

**Where:** Napier Grove Community Centre

**When:** Monday 25th September 2023 at 5:45–7:00pm

You can also view copies of the draft documents by visiting the Hackney Council Reception between 9.00am and 5.00pm Monday to Friday at the Hackney Service Centre, 2 Hillman Street, London, E8 1FB. Copies will also be available at Hackney Central and Shoreditch Libraries.

Yours sincerely

Vicky

**Vicky Simon**  
Conservation and Design Officer



# London Borough of Hackney Equality Impact Assessment Form

## Title and Purpose of Policy:

**Title: REVIEW OF THE HOXTON STREET CONSERVATION AREA**

This item seeks Cabinet approval to

Extend the Hoxton Street Conservation Area and to adopt the Hoxton Street Conservation Area Appraisal and Management Plan.

The designation of the area would protect its special character and appearance and ensure that future development either preserves or enhances it.

## Officer Responsible:

<b>Name:</b> Vicky Simon	<b>Ext:</b> 4219
<b>Directorate:</b> Climate, Homes & Economy	<b>Department/Division:</b> Planning Service/ Conservation, Urban Design & Sustainability Team

NB: This assessment must be reviewed and agreed by the relevant Assistant Director, who is responsible for ensuring it is made publicly available and is in line with guidance ([staffroom.hackney.gov.uk/equality-impact-assessments.htm](http://staffroom.hackney.gov.uk/equality-impact-assessments.htm)).

**Assistant Director Planning and Building Control:** Natalie Broughton

**Date:** 09/10/23

**Comment:**

## 1. Please summarise the service, function, policy, initiative or saving.

Conservation Area designation, review and management is an important part of the planning process. Under the National Planning Policy Framework (NPPF), Conservation Areas are classed as heritage assets. The NPPF requires local planning authorities to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, LPAs should recognise that heritage assets

are an irreplaceable resource and conserve them in a manner appropriate to their significance.

Conservation Area Appraisals clearly set out the important qualities of the heritage asset and not only does this enable proper protection of those parts of the historic environment that the community genuinely values, but it also provides clarity to developers as to where those heritage assets are located and, critically, what it is about them that is worth considering.

## **2 Who are the main people that will be affected?**

The key people who will be affected will be the property owners/occupiers within the conservation area boundary. These owners/occupiers have been consulted along with other interested parties as part of a 28-day public consultation. All responses have been carefully considered and have informed the recommendation to Cabinet.

## **3 What research or consultation(s) have been carried out?**

In line with best practice and the Council's Statement of Community Involvement and adopted procedures for Conservation Area Review, the Council has carried out public consultation with stakeholders as designations that have been adopted following public consultation carry greater weight on appeal.

The responses to this consultation have been carefully considered and informed the Cabinet recommendation to designate.

## **4 Equality Impacts**

The following tables outline the main issues in planned consultation that may impact on each equalities strand.

### **4(a) What positive impact could there be overall, on different equality groups, and on cohesion and good relations?**

#### ***Positive Impact:***

##### **Overall**

**Residents within the conservation area and other key stakeholders had equal opportunity to have their say through all methods of consultation. The proposed review of Hoxton Street Conservation Area will not impact any one equality group.**



<b>a) Age</b> The designation does not discriminate against age.	<b>b) Disability</b> The designation does not impede the ability to require a property to be DDA compliant.
<b>c) Gender</b> The designation does not discriminate against gender.	<b>d) Race</b> The designation does not discriminate against race.
<b>e) Religion/Belief</b> The designation does not discriminate against any one religious or belief groups	<b>f) Sexual Orientation</b> The designation does not discriminate against sexual orientation.
<b>g) Other groups</b> None identified.	

**4(b) What negative impact could there be overall, on different equality groups, and on cohesion and good relations?**

<b>Negative Impact:</b>	
<b>Overall</b> There are no identified negative impacts.	
<b>a) Age</b> None identified.	<b>b) Disability</b> None identified.
<b>c) Gender</b> None identified.	<b>d) Race</b> None identified.
<b>e) Religion/Belief</b> None identified.	<b>f) Sexual Orientation</b> None identified.
<b>g) Other groups</b> None identified.	

**5. Equality and Cohesion Action Planning– specific actions to address equality and cohesion issues raised by this assessment**

None identified.

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<b>Title of Report</b>	<b>Nomination for Appointment of Local Authority Governors</b>	
<b>Key Decision No</b>	Non Key Decision	
<b>For Consideration By</b>	Cabinet	
<b>Meeting Date</b>	27 November 2023	
<b>Cabinet Member</b>	N/A	
<b>Classification</b>	Open	
<b>Wards Affected</b>	All wards	
<b>Key Decision &amp; Reason</b>	No	The appointment of Local Authority Governors do not impact two or more wards, and do not incur expenditure over £1 million.
<b>Implementation Date if Not Called In</b>	N/A	
<b>Group Director</b>	<b>Jacque Burke</b> , Group Director of Children and Education	

1. **Recommendations**

- 1.1. **Cabinet is recommended to approve the following nominations as set out below:**

<b>Governing Body</b>	<b>Name</b>	<b>Date Effective</b>
Ickburgh School	Patrick Corrigan	28 November 2023

2. **Background**

- 2.1 The School Governance Constitution (England) Regulations 2012 (the Constitution Regulations) require that for each maintained school the Governing Board has one Local Authority Governor (LA Governor). LA Governors are nominated by the Local Authority and appointed by the Governing Board. The Governing Board must provide the Local Authority with eligibility criteria for a vacant LA Governor position. These must include the credentials and skills candidates should possess. The school may wish to put forward an individual to be considered by the Local Authority for nomination. The Governing Board decides first if the proposed candidate meets the specified criteria and is eligible to be an LA Governor. The Local Authority then

nominates the candidate. The Governing Board then appoints the nominee at a meeting of its full Governing Board. Once appointed, LA Governors must govern in the interests of the school.

- 2.2 The headteacher has supported the application with the following statement:-  
Pat has been a governor at Ickburgh School since 1983 and frequently as Chair and uninterrupted as Chair since 2017. This has been a period of significant challenge for the school (doubling of pupil numbers, COVID-19 pandemic) during which his skills and knowledge have been invaluable. As well as his extensive experience of school governance, Pat has a background in local politics which informs his understanding of due process and formalities as chair. He has demonstrated a strong commitment to board diversity, and ensuring the school community's diverse needs are met, and recently attended the Anti-Racist Summit hosted by Hackney on behalf of Ickburgh School.

3. **Comments of the Interim Group Director, Finance**

- 3.1 There are no budgetary implications to these nominations.

4. **Comments of the Acting Director of Legal, Democratic and Electoral Services**

- 4.1 The decision to nominate for appointment by the school, a Local Authority governor, is a decision taken by Cabinet. This is an Executive Decision and the Elected Mayor (or the person taking temporary leadership) is entitled to carry out the Council's executive functions (part 3A paragraph 1.5 of the Council's Constitution). In this case the term of office expired before the next Cabinet meeting and so Statutory Deputy Mayor Bramble approved the nomination until the next meeting of Cabinet. Cabinet is now requested to nominate the candidate for appointment as Local Authority Governor for a further term of four years.

**Appendices**

Appendix 1 - 10/11/2023 Extension Approved by Deputy Mayor Bramble

<b>Report Author</b>	Simon Bravery Hackney Education Governance Officer <a href="mailto:Simon.Bravery@hackney.gov.uk">Simon.Bravery@hackney.gov.uk</a> Tel: 020 8356 2292
<b>Comments for the Group Director of Finance and Corporate Resources prepared by</b>	Sajeed Patni Head of Finance (Children & Education) <a href="mailto:sajeed.patni@hackney.gov.uk">sajeed.patni@hackney.gov.uk</a> Tel: 020 8356 4347
<b>Comments for the Acting Director of Legal, Democratic and Electoral Services prepared by</b>	Lucinda Bell Education Lawyer <a href="mailto:lucinda.bell@hackney.gov.uk">lucinda.bell@hackney.gov.uk</a> Tel: 020 8356 4527

<b>Title of Report</b>	<b>Nomination for Appointment of Local Authority Governors</b>	
<b>Key Decision No</b>	Non Key Decision	
<b>For Consideration By</b>	Cabinet	
<b>Meeting Date</b>	10 November 2023	
<b>Cabinet Member</b>	N/A	
<b>Classification</b>	Open	
<b>Wards Affected</b>	All wards	
<b>Key Decision &amp; Reason</b>	No	The appointment of Local Authority Governors do not impact two or more wards, and do not incur expenditure over £1 million.
<b>Implementation Date if Not Called In</b>	N/A	
<b>Group Director</b>	Jacquie Burke, Group Director of Children and Education	

1. **Recommendations**

- 1.1. **The Statutory Deputy Mayor, as Acting Executive Mayor is recommended to approve the following nominations as set out below:**

<b>Governing Body</b>	<b>Name</b>	<b>Date Effective</b>
Ickburgh School	Patrick Corrigan	When appointed until 28 November

2. **Background**

 . 10/11/2023

- 2.1 The School Governance Constitution (England) Regulations 2012 (the Constitution Regulations) require that for each maintained school the Governing Board has one Local Authority Governor (LA Governor). LA Governors are nominated by the Local Authority and appointed by the Governing Board. The Governing Board must provide the Local Authority with eligibility criteria for a vacant LA Governor position. These

must include the credentials and skills candidates should possess. The school may wish to put forward an individual to be considered by the Local Authority for nomination. The Governing Board decides first if the proposed candidate meets the specified criteria and is eligible to be an LA Governor. The Local Authority then nominates the candidate. The Governing Board then appoints the nominee at a meeting of its full Governing Board. Once appointed, LA Governors must govern in the interests of the school.

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Pat has been a governor at Ickburgh School since 1983 and frequently as Chair-and uninterrupted as Chair since 2017. This has been a period of significant challenge for the school (doubling of pupil numbers, COVID-19 pandemic) during which his skills and knowledge have been invaluable. As well as his extensive experience of school governance, Pat has a background in local politics which informs his understanding of due process and formalities as chair. He has demonstrated a strong commitment to board diversity, and ensuring the school community's diverse needs are met, and recently attended the Anti-Racist Summit hosted by Hackney on behalf of Ickburgh School.

3. **Comments of the Interim Group Director, Finance**

3.1 There are no budgetary implications to these nominations.

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4.1 The decision to nominate for appointment by the school, a Local Authority governor, is a decision taken by Cabinet. This is an Executive Decision and the Elected Mayor (or the person taking temporary leadership) is entitled to carry out the Council's executive functions (part 3A paragraph 1.5 of the Council's Constitution). In this case the term of office expires before the next Cabinet meeting and so Statutory Deputy Mayor Bramble is requested to approve the nomination until the next meeting of Cabinet, which will then consider a four year extension.

<b>Report Author</b>	Simon Bravery Hackney Education Governance Officer <a href="mailto:Simon.Bravery@hackney.gov.uk">Simon.Bravery@hackney.gov.uk</a> Tel: 020 8356 2292
<b>Comments for the Group Director of Finance and Corporate Resources prepared by</b>	Sajeed Patni Head of Finance (Children & Education) <a href="mailto:sajeed.patni@hackney.gov.uk">sajeed.patni@hackney.gov.uk</a> Tel: 020 8356 4347
<b>Comments for the Director of Legal, Democratic and Electoral Services prepared by</b>	Lucinda Bell Education Lawyer <a href="mailto:lucinda.bell@hackney.gov.uk">lucinda.bell@hackney.gov.uk</a> Tel: 020 8356 4527