

KEY DECISION NO. FCR Q43

CABINET MEETING DATE

20 January 2020

CLASSIFICATION:

Open

If exempt, the reason will be listed in the main body of this report.

WARD(S) AFFECTED

All Wards

CABINET MEMBER

Philip Glanville, Mayor of Hackney

KEY DECISION

Yes

REASON

Spending or Savings

GROUP DIRECTOR

Ian Williams Finance and Corporate Resources

1. CABINET MEMBER'S INTRODUCTION

- 1.1 This report on the capital programme for 2019/20 and future years updates members on the capital programme agreed in the 2019/20 budget, including a number of new schemes that require significant resources in order to take forward and fulfil some of this administration's 2018 manifesto commitments relating to investment in modernising and improving the Council's facilities and public infrastructure.
- 1.2 This report outlines significant investment to ensure that the Council's parks and open spaces are further improved and ensures that the necessary machinery is available to keep these clean and well maintained. It also provides for the introduction of further public conveniences within the parks, thus enhancing the facilities for residents and other users. We also know how important access to public toilets are for older Hackney residents and those with young families.
- 1.3 One of our policy commitments is to make Hackney more sustainable, this was a key element of our manifesto and underpins the Climate Emergency motion that we passed last year. This paper outlines additional funding for the provision of more drinking water fountains helping to reduce the use of single use plastic generated in the borough whilst at the same time ensuring that water is a free public good available to all. This not only helps tackle climate change, but will improve the health of our residents, reduce inequality, and encourage residents to be more active in our high quality and well served public spaces.
- 1.4 Significant resources are also provided for the maintenance and enhancement of the Council's leisure facilities, thus allowing work to continue to fulfil manifesto commitments that were made in this respect. Of note is the significant investment in maintaining Clissold Leisure centre to a high standard and the start of an exciting project to provide a learner pool at London Fields Lido, which will ensure that this much loved and well used facility is even better for families and those less confident swimmers. We are also taking forward a pilot for even greener energy using solar panels at our leisure centres.
- Finally, further significant investment is provided for the refurbishment of both the Hackney Museum and the historic Stoke Newington Library, both also included in the administration's manifesto commitments and important free and accessible public assets In total over the next two years we are committing to investing £8.2m in our parks, leisure centres and pools, museum and libraries.
- 1.6 I commend this report to Cabinet.

2. GROUP DIRECTOR'S INTRODUCTION

2.1 This report updates Members on the current position of the Capital Programme and seeks spending and resource approval as required to enable officers to proceed with the delivery of those schemes as set out in section 9 of this report.

3. RECOMMENDATION(S)

3.1 That the schemes for Neighbourhoods and Housing (Non) as set out in section 9.2 be given approval as follows:

Parks Equipment and Machinery: Spend approval of £74k in 2019/20 is requested to replace broken and end of life machinery of parks equipment and machinery used for grounds maintenance by the Council's Parks Operations Department.

Essential Maintenance to Leisure Centres and Leisure Development: Virement and spend approval of £750k (£375k in 2019/20 and £375k in 2020/21) is requested to install a new sports hall floor for Clissold Leisure Centre, replacement of wetside floor tiles to Clissold Leisure Centre and to continue meeting the Council's landlord obligations in respect of on-going maintenance at Kings Hall Leisure Centre.

Parks Public Conveniences and Cafes: Resource and spend approval for £150k in 2019/20 and further resource approval for £750k (£300k in 2020/21, £225k in 2021/22 and £225k in 2022/23) is requested in order to meet the manifesto commitment in respect of increasing and enhancing the number of conveniences and cafes in the borough's parks and open green spaces.

Drinking Water Fountains: Resource and spend approval for £112k in 2019/20 is requested in order to meet the commitment to expand the number of water fountains in the borough located in parks, libraries, leisure centres and street locations.

Hackney Museum Refurbishment: Resource approval for £350k (£150k in 2020/21 and £200k in 2021/22) is requested in order to help meet the manifesto commitment to redevelop the Hackney Museum in order to ensure that it remains fit for purpose and to provide further opportunity for audience engagement and the use of digital technology.

London Fields Learner Pool: Resource approval of £4,500k (£200k in 2020/21, £2,150k in 2021/22 and £2,150k in 2022/23) is requested in order to meet the manifesto commitment to develop a new learner/training pool to expand and complement the current offer in the main pool.

Stoke Newington Library Refurbishment: Resource approval of £4,500k (£2,686k in 2020/21 and £1,343k in 2021//22) is requested in order to meet the manifesto commitment to bring forward improved facilities at the Stoke Newington Library in order that the facility remains fit for purpose in the future.

3.2 That the re-profiling of the budgets as detailed in para 9.3 be noted and Appendix 1 be approved as follows:

Summary of Phase 1 Re- profiling	To Re-Profile 2019/20	Re-Profiling 2020/21	Re-Profiling 2021/22	Re-Profiling 2022/23
	£'000	£'000	£'000	£'000
Non-Housing	(40,347)	39,290	200	857

Total	(42,440)	41,383	200	857
Housing	(2,093)	2,093	0	0

3.3 That the capital programme adjustments summarised below set out in detail in para 9.4 be approved accordingly:

Summary of Capital Adjustments	Budget 2019/20	Change 2019/20	Updated 2019/20
	£'000	£'000	£'000
Non-Housing	3,357	(234)	3,123
Housing	34,127	0	34,127
Total	37,484	(234)	37,250

3.4 That the S106 schemes as set out in section 9.5 and summarised below be given resource and spending approval as follows:

S106	2019/20 £'000	Total
	£'000	£'000
Capital	655	655
Total S106 Resource and Spend approvals	655	655

3.4 That the schemes outlined in section 9.6 be noted.

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 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.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

None.

6. BACKGROUND

6.1 **Policy Context**

The report to recommend the Council Budget and Council Tax for 2019/20 considered by Council on 25 February 2019 sets out the original Capital Plan for 2019/20. Subsequent update reports considered by Cabinet amend the Capital Plan for additional approved schemes and other variations as required.

6.2 Equality Impact Assessment

Equality impact assessments are carried out on individual projects and included in the relevant reports to Cabinet or Procurement Committee, as required. Such details are not repeated in this report.

6.3 Sustainability

As above.

6.4 Consultations

Relevant consultations have been carried out in respect of the projects included within this report, as required. Once again details of such consultations would be included in the relevant detailed reports to Cabinet or Procurement Committee.

6.5 Risk Assessment

The risks associated with the schemes detailed in this report are considered in detail at individual scheme level. Primarily these will relate to the risk of the projects not being delivered on time or to budget. Such risks are however constantly monitored via the regular capital budget monitoring exercise and reported to cabinet within the Overall Financial Position reports. Specific risks outside of these will be recorded on departmental or project based risk registers as appropriate.

8.6 With regard to recommendation 3.3 and paragraph 9.3 where Cabinet is being invited to approve the allocation of monies from agreements under section 106 of the Town and Country Planning Act 1990, s.106 permits anyone with an interest in land to enter into a planning obligation enforceable by the local planning authority. Planning obligations are private agreements intended to make acceptable developments which would otherwise be unacceptable in planning terms. They may prescribe the nature of the development (for example by requiring that a percentage of the development is for affordable housing), secure a contribution to compensate for the loss or damage created by the development or they may mitigate the development's impact. Local authorities must have regard to Regulation 122 of the Community Infrastructure Levy Regulations 2010. Regulation 122 enshrines in legislation for the first time the legal test that planning obligations must meet. Hackney Council approved the Planning Contributions Supplementary Planning Document on 25 November 2015 under which contributions are secured under S106 agreements. Once completed S.106 agreements are legally binding

contracts. This means that any monies which are the subject of the Agreement can only be expended in accordance with the terms of the Agreement.

7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 7.1 The gross approved Capital Spending Programme for 2019/20 currently totals £287.063m (£158.605m non-housing and £128.459m housing). This is funded by discretionary resources (borrowing, government grant support, 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 If the recommendations in this report are approved, the revised gross capital spending programme for 2019/20 will total £245.604m (£119.239m non-housing and £126.365m housing).

Directorate	Revised Budget Position	Jan 2020 Cabinet Update	Change 2019/20	To Re- Profile 2019/20	Updated Budget Position
	£'000	£'000	£'000	£'000	£'000
Children, Adults & Community Health	14,002	0	0	(4,201)	9,801
Finance & Corporate Resources	111,410	655	(133)	(21,748)	90,184
Neighbourhoods & Housing	33,193	270	(101)	(14,108)	19,254
Total Non-Housing	158,605	925	(234)	(40,057)	119,239
Housing	128,459	0	0	(2,093)	126,365
Total	287,063	925	(234)	(42,150)	245,604

8. COMMENTS OF THE DIRECTOR OF LEGAL

- 8.1 The Group Director, Finance and Corporate Resources 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 set the overall Budget, it is the Cabinet that is responsible for putting the Council's policies into effect and responsible for most of the Councils' decisions. The Cabinet has to take decisions in line with the Council's overall policies and budget.
- 8.4 The recommendations include requests for spending approvals. The Council's Financial Procedure Rules (FPR) paragraphs 2.7 and 2.8 cover the capital programme with 2.8 dealing with monitoring and budgetary control arrangements.
- 8.5 Paragraph 2.8.1 provides that Cabinet shall exercise control over capital spending and resources and may authorise variations to the Council's Capital Programme provided such variations: (a) are within the available resources (b) are consistent with Council policy.
- 8.8 With regard to recommendation 3.3 and paragraph 9.4 where Cabinet is being invited to approve the allocation of monies from agreements under section 106 of the Town and Country Planning Act 1990, s.106 permits anyone with an interest in land to enter into a planning obligation enforceable by the local planning authority. Planning obligations are private agreements intended to make acceptable developments which would otherwise be unacceptable in planning terms. They may prescribe the nature of the development (for example by requiring that a percentage of the development is for affordable housing), secure a contribution to compensate for the loss or damage created by the development or they may mitigate the development's impact. Local authorities must have regard to Regulation 122 of the Community Infrastructure Levy Regulations 2010. Regulation 122 enshrines in legislation for the first time the legal test that planning obligations must meet. Hackney Council approved the Planning Contributions Supplementary Planning Document on 25 November 2015 under which contributions are secured under S106 agreements. Once completed S.106 agreements are legally binding contracts. This means that any monies which are the subject of the Agreement can only be expended in accordance with the terms of the Agreement.

9. CAPITAL PROGRAMME 2019/20 AND FUTURE YEARS

9.1 This report seeks spending approval for schemes where resources have previously been allocated as part of the budget setting process, as well as additional resource and spending approvals for new schemes where required.

9.2 Neighbourhood and Housing (Non-Housing):

9.2.1 Parks Equipment and Machinery: Spend approval of £74k in 2019/20 is requested to replace broken and end of life parks equipment and machinery used for grounds maintenance by the Council's Parks Operations Department as set out in the table below. This capital spend maintains and enhances our long established parks and green spaces and contributes to the green infrastructure of the borough that reduces the impact on climate change. It also creates a pleasant and safe walking and cycling routes which helps our residents to live a healthier lifestyle. This capital project supports the Council's 2018-2028 Sustainable Community Strategy Priority 1 "A borough where everyone can enjoy a good quality of life and the whole community can benefit from growth" and Priority 3 "A greener and environmentally

sustainable community which is prepared for the future". This approval will have no net impact on the capital programme as the resources already form part of the approved programme.

No.	Description
2	Water Bowsers (one for tractor and one for van/buggy)
1	Spreader for Tractor
1	Mini Digger
5	Cabs for existing Kubota's
3	Out Fronts for existing Kubota's
1	Electric Buggy

- 9.2.2 Essential Maintenance to Leisure Centres and Leisure Development: Virement and spend approval of £750k (£375k in 2019/20 and £375k in 2020/21) is requested to install a new sports hall floor for Clissold Leisure Centre, replacement of wetside floor tiles to Clissold Leisure Centre and to continue meeting the Council's landlord obligations in respect of on-going maintenance at Kings Hall Leisure Centre. The Council's leisure facilities and activity programmes are fully inclusive. This capital spend will maintain the leisure facilities and ensure they are accessible and welcoming for the whole community. This improvement will improve the quality of life of existing local residents. This capital project supports the Council's 2018-2028 Sustainable Community Strategy Priority 1 "A borough where everyone can enjoy a good quality of life and the whole community can benefit from growth" and Priority 5 "A borough with healthy, active and independent residents". This approval will have no net impact on the capital programme as the resources already form part of the approved programme.
- 9.2.3 Parks Public Conveniences and Cafes: Resource and spend approval for £150k in 2019/20 and further resource approval for £750k (£300k in 2020/21, £225k in 2021/22 and £225k in 2022/23) is requested in order to meet the manifesto commitment in respect of increasing and enhancing the number of conveniences and cafes in the bourough's parks and open green spaces. This funding will provide finance for the introduction/enhancement of 2 public conveniences per year over the 4 year period, starting with Hackney Downs and Millfields in 2019/20). It will also provide the capacity to increase the number of new cafes and catering outlets in the Borough's parks. This project meets various parts of the Council's Sustainable Community Strategy by ensuring that we have joined up policy to create healthy, safer streets and neighborhoods, which are pleasant places to spend time, play in, walk and cycle. Everyone feels that parks and green spaces are for them, including young people, disabled people and older people. It also helps to create a greener and environmentally sustainable community which is prepared for the future. This approval will be financed from the Council's discretionary capital resources.

- 9.2.4 Drinking Water Fountains: Resource and spend approval for £112k in 2019/20 is requested in order to meet the commitment to expand the number of water fountains in the borough located in parks, libraries, leisure centres and street locations. The Council has made a clear commitment to significantly expand the number of free water fountains in the borough to help reduce the amount of plastic waste generated in Hackney, reduce indirect greenhouse gas emissions, mitigate against the effects of a warming climate and an increased propensity for extreme heat events and expand public health infrastructure. This approval will be financed from the Council's discretionary capital resources.
- 9.2.5 Hackney Museum Refurbishment: Resource approval for £350k (£150k in 2020/21 and £200k in 2021/22) is requested in order to help meet the manifesto commitment to redevelop the Hackney Museum in order to ensure that it remains fit for purpose and to provide further opportunity for audience engagement and the use of digital technology. This funding will allow the Council to make an application for approximately £1.1m of additional external grant funding.

Hackney Museum tells the histories of the London Borough of Hackney over the last 2,000 years. Our collections represent the everyday lives of people in the borough, many of whom have migrated from all over the world. They are largely donated by local people, often from communities whose experiences are missing from local history narratives. Community participation across the various strands of the Museum's work has enabled it to establish itself as a vital resource for local people by creating a sense of local belonging for settled and new communities. However, the permanent displays are ageing and becoming a barrier to furthering audience engagement, particularly with communities who suffer from growing inequalities. There is limited space for the collections to grow and opportunities for more digital engagement. It is intended that the redevelopment of the permanent museum will help to:

- Reinterpret the narrative and displays of migration and settlement to cover 150,000 years of history from paleolithic remains to what is now a vibrant and creative borough:
- Target engagement programmes to reach and reflect Hackney's hidden and under-represented communities;
- Be an educational resource for local schools:
- Support young people to develop new skills and knowledge about the local area:
- Enable local and global audiences to access our unique collections through the use of digital platforms.
- Secure space for the future growth of the collections.
- Increase income generation opportunities through the use of heritage assets.
- Contribute to our vision: Hackney a place where everyone can access, benefit from and contribute to local heritage.

This approval will be financed from the Council's discretionary capital resources.

9.2.6 London Fields Learner Pool: Resource approval of £4,500k (£200k in 2020/21, £2,150k in 2021/22 and £2,150k in 2022/23) is requested in order to meet the manifesto commitment to develop a new learner/training pool to expand and complement the current offer in the main pool. Full and detailed feasibility studies

have been produced for the project and the allocation for 2021/22 will allow for the appointment of a design team in order to progress the project. This approval will be financed from the Council's discretionary capital resources.

9.2.7 **Stoke Newington Library Refurbishment:** Resource approval of £4,500k (£2,686k in 2020/21 and £1,343k in 2021//22) is requested in order to meet the manifesto commitment to bring forward improved facilities at the Stoke Newington Library in order that the facility remains fit for purpose in the future. Hackney has a number of libraries which are sited so that almost all residents live less than one mile from their nearest branch and one Museum. The library branches and the museum deliver an important and wide ranging offer to local residents. Stoke Newington Library however requires significant investment if it is going to continue to maintain the required standard of service to residents over the coming years. The first stage of this project will be to hire a design team in order that options can be assessed and worked up in order that subsequent works can be carried out. This approval will be financed from the Council's discretionary capital resources.

9.3 Re-Profiling of the Capital Budgets:

9.3.1 The capital programme is re-profiled twice each year to ensure that the budgets reflect changes in the anticipated development and progress of schemes within the approved programme. This helps to enhance capital budget monitoring and associated financing decisions. The table below summarises the re-profiling of the capital programme between years, the full details of which are shown in Appendix 1.

Summary of Phase 1 Re-profiling	To Re-Profile 2019/20	Re-Profiling 2020/21	Re-Profiling 2021/22	Re-Profiling 2022/23
	£'000	£'000	£'000	£'000
Children, Adults & Community				
Health	(4,201)	4,201	0	0
Finance & Corporate Resources	(21,748)	20,891	0	857
Neighbourhood & Housing (Non)	(14,108)	14,198	200	0
Total Non-Housing	(40,057)	39,290	200	857
Housing	(2,093)	2,093	0	0
Total	(42,150)	41,383	200	857

9.4 Capital Programme Adjustments:

9.4.1 Capital Programme adjustments are requested in order to adjust and reapportion the 2019/20 approved budgets to better reflect project delivery of the anticipated programme. The full details for the required changes are set out in the table below:

Capital Adjustments	Budget 2019/20	Change 2019/20	Updated 2019/20
	£	£	£

Children, Adults & Community Health			
Jubilee Primary	562,291	(21,418)	540,874
Tyssen AMP	516,618	21,418	538,036
DFC Holding Code	399,037	(13,041)	385,995
BSF Whole Life Costing	114,359	13,041	127,400
Clapton Girls BSF Life Cycle	116,000	(9)	115,991
Clapton Portico	8,523	9	8,532
BSF LC Early Failure Contingency	400,000	(16,985)	383,015
Ickburgh School Lifecycle	31,000	16,985	47,985
Finance & Corporate Resources			
HSC Moves	48,977	(5,060)	43,917
Acquis Flat 16 Cranwood Crt	30,808	(18,308)	12,500
ICT Infrastructure Upgrades	0	250,000	250,000
Network refresh	918,681	(250,000)	668,681
Middleware Upgrade	1,900	(1,900)	0
Legal Case Management System	107,250	(107,250)	0
Neighbourhood & Housing (Non)			
Comm Vehicles Parking Operations	89,313	(89,313)	0
Comm Vehicles Parking Aban	11,900	(11,900)	0
Housing			
Decent Homes	300,000	132,904	432,904
HiPs Central	10,279,281	1,046,373	11,325,654
HiPs South West	8,407,929	(1,395,247)	7,012,682
Lift Renewals	1,399,999	(155,333)	1,244,666
Boiler Hse Major Works	696,564	153,228	849,793
District Heating System	275,525	43,042	318,567
Hardware Smoke Alarms	27,056	19,700	46,756
Bridport	227,019	155,333	382,352
Estate Renewal Implementation	3,291,870	452,183	3,744,053
Kings Crescent Phase 1+2	144,151	(94,284)	49,867
Colville Phase 2	679,303	321,698	1,001,001
Aikin Court	141,860	(1,239)	140,621
Great Eastern Building	35,040	6,732	41,772
King Edwards Road	272,241	(272,240)	1
Alexandra National	0	51,480	51,480
ER1 Colville phase 4	1,025,600	1,082	1,026,682
ER1 Colville phase 5	20,500	7,450	27,950
ER1 Colville phase 6	1,786	19,349	21,135
ER1 Colville phase 7	0	82	82
Lyttelton House	4,391,224	(512,293)	3,878,931
Sheep Lane s106	0	20,000	20,000
Housing Supply Programme	1,744,151	306,643	2,050,794
Wimbourne Street	661,697	(306,643)	355,054
Kick Start Programme	18,200	(8,200)	10,000

Stock Transfer to HA	0	3,000	3,000
Woodberry Down Phase 2-5	86,446	(842)	85,604
Woodberry Down Tenancy Agree	0	6,042	6,042
Total	37,484,099	(233,731)	37,250,368

9.5 S106 Capital Approvals:

9.5.1 Capital Resource and Spend approval is requested for £655k in 2019/20 in respect of the projects detailed below, to be financed by S106 contributions. The works to be carried out are in accordance with the terms of the appropriate S106 agreements.

Planning Site No.	Project Description	Agreement Development Site	2019/20 £'000	Total
2015/0877	Solar Pilot (Leisure Centres)	5-29 Sun Street, 1-17 Crown Place 8-16 Earl Street, and 54 Wilson Street, London, EC2M 2PS (ONE CROWN PLACE)	244	244
2015/2643		32-34 Wharf Road,London N1 7EG	6	6
2016/3736		Hertford and Napier House 1-2 Cranwood Street London EC1V 9PE	18	18
2016/1347		Former Frampton Arms and land adjacent to Sherard and Catesby House 47 Well Street E9 7NU	9	9
2015/0844	Green Homes Fund	Former Frampton Arms and land adjacent to Sherard and Catesby House 47 Well Street E9 7NU	116	116
2015/2643		32-34 Wharf Road,London N1 7EG	27	27
2015/1895		39-45 Gransden Avenue London E8 3QA	25	25
2016/2017 & 2016/2207		Former Kingsland Fire Station,333 Kingsland Rd. E8 4DR	97	97
2016/1930		Tower Court Clapton Common London,E5 9AJ	113	113
Total Capital	S106 Approvals		655	655

9.6 s106 Approvals For Noting:

9.6.1 The s106/CIL Corporate Board Meeting dated 4 December 2019 considered and approved the following bids for resource and spend approval. As a result £8k in 2019/20 was approved to spend in accordance with the terms of the appropriate s106 agreements.

Planning Site No.	Project Description	Agreement Development Site	2019/20 £'000	Total
2010/2596	Hackney Downs Community Cycle Hub	Pembury Circus Land at Junction of Pembury & Dalston E5 8HH	8	8
Total Capital S106 Approvals			8	8

APPENDICES

One.

BACKGROUND PAPERS

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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