

## UNRESTRICTED MINUTES OF A MEETING OF THE CABINET

MONDAY, 30TH NOVEMBER 2020

<b>Chair</b>	<b>Mayor Phillip Glanville in the Chair</b>
<b>Councillors Present:</b>	<b>Cllr Anntoinette Bramble, Deputy Mayor and Cabinet member for education, young people and children's social care</b> <b>Cllr Rebecca Rennison, Deputy Mayor and Cabinet member for Finance, housing needs and supply</b> <b>Cllr Jon Burke, Energy, waste, transport and public realm</b> <b>Cllr Chris Kennedy, Health, adult social care and leisure</b> <b>Cllr Guy Nicholson, Planning, culture and inclusive economy</b> <b>Cllr Clayeon McKenzie, Housing services</b> <b>Cllr Caroline Woodley, Families, early years and play</b>  <b>Mayoral Advisors:</b> <b>Cllr Yvonne Maxwell, Older people</b>
<b>Apologies:</b>	<b>Cllr Sem Moema, Private renting and housing affordability</b> <b>Cllr Carole Williams, Employment, skills and Human Resources</b>
<b>Officers in Attendance</b>	<b>Tim Shields – Chief Executive</b> <b>Ian Williams - Finance &amp; Resources</b> <b>Group Director,</b> <b>Ajman Ali - Neighbourhoods &amp; Housing Group Director,</b> <b>Dawn Carter Mcdonald– Director of Law and Governance</b> <b>Jessica Feeney – Governance Services Officer – Legal &amp; Governance</b>

In respect of the detailed discussion for this meeting please see the recording of the meeting as detailed on the agenda front sheet :- <https://youtu.be/Ca1rCQf1TgA>

**1 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**NOTED**

**2 Urgent Business**

There were no items of urgent business.

**NOTED**

**3 DECLARATIONS OF INTEREST - Members to declare as appropriate**

All Cabinet Members declared a non-pecuniary interest in relation to item 15 as Howards Pallis, Councillor Pallis' father was to be nominated for a school governor position.

**NOTED**

**4 NOTICE OF INTENTION TO CONDUCT BUSINESS IN PRIVATE, ANY REPRESENTATION RECEIVED AND THE RESPONSE TO ANY SUCH REPRESENTATIONS**

There were no representations.

**NOTED**

**5. To consider any deputations, questions or petitions referred to the Cabinet by the Council's Monitoring Officer**

The Mayor welcomed Mr. Watson, a Victoria Ward resident, to the Cabinet to ask a Question. Mr. Watson, raised a concern regarding Covid 19 being detected in the animal population, it was explained that if animals caught the virus from humans they could go on to further contaminate other humans. Chris Watson made reference to articles shared by Professor Joanne Santini of UCL.

Mr Watson asked Hackney Council to take a lead in preventive action by looking at the risk that the ever increasing population of urban foxes here in London, could in the future undo all the good work of lockdowns and social distancing and other preventive strategies currently employed by Hackney. Chris asked Hackney Council not to ignore this risk posed by Hackney's fox population.

The Mayor thanked Mr Watson for his question and advised that a formal written response would be provided. The Mayor said that the issue of foxes is something that is well known to Cabinet Members. In terms of fox population and Covid 19, it was advised that it would not be the Council responsibility to deal with this however

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the responsibility would be for another area of government, Mr. Watson was informed that Public Health had received the outline of his question for this evening. Mr Watson, understood that it may not be the councils responsibility but felt that it was everyone's responsibility to control the pandemic, If it was not the councils responsibility it was asked by Mr. Watson that the Mayor lobbied whose responsibility it would be.

**6. To consider the unrestricted Minutes of the Previous Meeting of Cabinet meeting held on 19 October 2020.**

The minutes were approved.

**7. To receive the unrestricted Minutes of the Previous Meetings of Cabinet Procurement Committee meeting held on 7 September and 5 October 2020.**

The minutes were approved.

**8. 2020/21 Overall Financial Position, Property Disposals And Acquisitions Report That Take Account of the Estimated Financial Impact of Covid19 and the On-going Emergency - Key Decision No. FCR R.17**

Deputy Mayor Rennison introduced the report.

**RESOLVED:**

**That the Cabinet noted the update on the overall financial position for September, covering the General Fund, Capital and HRA.**

**REASONS FOR DECISION**

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

**9. CAPITAL UPDATE REPORT KEY DECISION NO - FRC R18**

The Mayor introduced the report to Members.

**RESOLVED:**

**That the schemes for Finance and Corporate Resources as set out in section 9.2 were approved as follows:**

**City & Hackney Clinical Commissioning Group (CCG) Capital Project: Resource and spend approval of £80k in 2020/21 is requested to increase**

the existing budget to fund the additional design team survey work, specialist advice and District Valuer fees to improve existing GP surgeries across the borough.

That the capital programme adjustments summarised below set out in detail in para 9.3 were approved accordingly.

Summary of Capital Adjustments	Budget 2020/21	Change 2020/21	Updated 2020/21
	£'000	£'000	£'000
Non-Housing	1,670	0	1,670
Housing	15,073	0	15,073
<b>Total</b>	<b>16,743</b>	<b>0</b>	<b>16,743</b>

## REASONS FOR DECISION

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.

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.

### 10 Primary Care Capital Projects - Cabinet Project Report Key Decision No - FCR 16

The Mayor and Councillor Kennedy introduced the report.

#### RESOLVED:

That the Cabinet:

**Approve the progression of the two Primary Care Capital Projects to LBH Gateway Stage 2 and RIBA Stages 3-7 to Practical Completion subject to a further Viability check following construction tender prices and agreed District Valuer rentals.**

**Agreed the budget as set out in exempt Appendix 5 for Stage 2 of the project involving detailed design and planning and the tendering of the construction contract.**

**Approved the viability of the two Primary Care Capital Projects to provide new surgeries for the Springhill and Lower Clapton practices as set out in this report.**

**Delegated Authority to the Group Director for Finance and Resources and the Director of Strategic Property Services to:**

- a. Finalise the terms of and enter into Agreement for Leases/Lease with the two practices and enter into any other Legal documentation as necessary;**
- b. Finalise the terms of and enter into a Nominations Agreement on Belfast Road with NHS England and City & Hackney CCG and enter into any other Legal documentation as necessary.**
- c. Complete the designs for the two surgeries;**
- d. Procure full planning consent for each project;**
- e. Tender the construction work for each project;**
- f. Agree the rental value of each surgery with the District Valuer;**
- g. Review the viability against the recommended construction tender and rents agreed with the District valuer (2nd Viability Gateway);**
- h. Authorise the construction work if the viability test is met;**
- i. Complete the leases with the practices, on completion of the construction phase.**

## **REASONS FOR DECISION**

The Council working with City and Hackney Clinical Commissioning Group (CCG) agreed to support (without obligation) the CCG's Estates Strategy which included finding parts of the Council's estate that would benefit from providing primary care facilities. Both sites are in the Council's freehold ownership and are surplus to requirements having particular constraints. Located close to two of the surgeries within Hackney most under pressure with good design they can provide excellent Primary Care Surgeries future proofed to meet expected increases in demand over the next 15 years and current predicted changes to NHS working practices.

Both Surgeries currently occupy substandard accommodation that is too small to support their list sizes. Lower Clapton's premises are owned by NHS Property Services and their relocation to The Portico will help to facilitate a redevelopment of this key Hackney site. Springhill's accommodation is spread out over the Guinness Estate on Stamford Hill and is held leasehold with the lease expiring in September 2022. Neither NHS Property Services or the practices have the sites to provide new facilities within the localities. Lower Clapton would have no option than to continue to struggle on. As the Guinness Estate is looking at a partial redevelopment there is the risk that Springhill's lease would not be renewed potentially resulting in the loss of the practice resulting in even more pressure on the other practices in the area.

Primary Care Surgeries are still seen as a niche asset class although there is strong investor appetite for the properties. The long lease commitments typically of 15-20 years are in demand. The practice's contracts involve their

rents being reimbursed by NHS England effectively giving these investments a Government covenant.

On the basis the viability test can be met, the two surgeries will be a sensible long term investment for the Council which can be added to the commercial property investment portfolio, adding diversification to the Council's income.

The Council has a statutory duty under section 2B(1) of the NHS Act 2006 to take such steps as it considers appropriate to improve the health of people in its area and it may exercise that duty by, amongst other things, taking steps to provide facilities for the prevention, diagnosis or treatment of illness. However there is no obligation on the Council to develop primary care surgeries or to 'plug the gap' left by underinvestment by the NHS in primary care. However these projects not only support these vital services for residents but also bring back into productive use two vacant sites, providing a steady repayment via rent of the development cost and construction risk committed to by the Council.

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**Appointment of Main Contractor Britannia Phase 2a - Key Decision No. NH Q70**

Deputy Mayor Rennison introduced the report.

**RESOLVED:**

**That the Cabinet:**

**Approved that the appointment of Bidder B for the main works for Britannia Phase 2a (subject to approval of the disposal of land under Section 77 of the Department for Education's Schools Standards and Framework Act 1998) for the value set out in exempt Appendix 1 is delegated to the Group Director, Chief Executive's Directorate.**

**Subject to the provisions of paragraph 3.1, agreed to enter into a JCT Design and Build Contract 2016 and all ancillary documentation relating thereto with Bidder B, and authorised the Director of Legal Services to prepare, agree, settle and sign the necessary legal documentation to effect the proposals in this report and to enter into any other ancillary legal documentation as required.**

**Authorised demolition of the existing Britannia Leisure Centre on completion of the new Leisure Centre, noting that this task is included within the existing contract for works on Phase 1 of the Britannia masterplan.**

## **RELATED DECISIONS**

Cabinet considered and approved proposals to develop the Britannia Leisure Centre site in April and December 2017. This followed extensive consultation in two phases between December 2016 and February 2017 (initial concepts stage), and April 2017 until February/March 2018 (design development and detailed design/pre-planning stage) with local residents, stakeholders, the Greater London Authority and departments within the Council, in order to arrive at a masterplan design which incorporated maximum community benefit through the provision of the new secondary school and a new leisure centre, as well as more than 80 genuinely affordable homes.

The Council's Planning Sub-committee resolved to grant planning permission for the Britannia Masterplan (including Phase 2a) on 7 December 2018 (Planning reference: 2018/0926). In line with the primary objectives of the project, the first phase of development was to build the new council leisure centre and secondary school on the site of the existing leisure centre (including the hard courts on Shoreditch Park). This is then able to unlock the rest of the existing leisure centre site for residential market sale development. This is key to the financial business case, and provides the cross-subsidy required to pay for the new social infrastructure.

For this reason, authority is also sought in this Cabinet report to demolish the existing leisure centre, upon completion of the new facility, to enable the masterplan to be delivered.

At its meeting in September 2019, the Council's Cabinet agreed the procurement strategy for Britannia Phase 2a; to undertake procurement via the OJEU process for the main works contract, the award of which would be brought back to Cabinet for approval; and to procure an early works contractor separately by inviting bids from a pre-approved list, selected from Constructionline.

At its meeting in March 2020, the Cabinet Procurement Committee approved the award of contract for the early works package for Britannia Phase 2a ("Contract Award Report for the selection of a contractor for the early works for Britannia Phase 2a" Key Decision Nr NH Q60).

A decision is also required by the Secretary of State for Education under Section 77 of the Schools Standards and Framework Act 1998. As this decision has been deferred, the early works were unable to be completed during summer 2020 and, for this reason, the programme will be updated to target a later start on site date of summer 2021

## **REASONS FOR DECISION**

The development of the Phase 2a site will contribute to delivering the Council's aspirations to make best use of council land by building new social rented and low-cost home ownership homes, thus delivering the affordable housing element of the Britannia Masterplan.

The early works contractor will be novated to the main contractor. This ensures that the Council has a single point of contact, and more importantly warranty, for the entire project.

This report outlines the process that has been followed in selecting a bidder for the main works for Britannia Phase 2a.

The estimated contract value of this procurement is above the OJEU threshold for works, and as such the tender process undertaken for this contract was via the Restricted Procedure.

The decision was taken to use the EU Restricted Procurement Route in order to give the widest range of suitable contractors/developers the opportunity to tender for the main works contract, and also to provide a framework in which best value can be obtained in terms of both price and quality. The OJEU Restricted Procedure enables the client to 'pre-qualify' suppliers based on their financial standing and technical or professional capability.

A pre-tender cost plan was prepared for the Council by its Quantity Surveyor (QS), setting out the estimated costs of construction. The pre-tender costs pertaining to the main works are set out in Exempt Appendix 1.

It is proposed that the Council will enter into a JCT Design and Build Standard Form of Contract 2016 with Bidder B, with Hackney Council standard amendments.

## 12 **Air Quality Action Plan 2020-2025 - Key Decision No. NH R11**

Councillor Burke introduced the report. Councillor Burke invited Sam Kirk the Environmental Services Strategy Manager to provide further details on the report.

### **RESOLVED:**

#### **That the Cabinet:**

**Approved the undertaking of a statutory consultation over an 8 week period to begin on 14th December 2020, with the relevant organisations set out under Schedule 11 of the Environment Act 1995, businesses and the public as part of the preparation of the revised draft Air Quality Action Plan (AQAP).**

**Delegated authority to the Strategic Director of Sustainability & Public Realm in consultation with the relevant cabinet member, to approve any future statutory consultations relating to the Air Quality Action Plan.**



## **REASONS FOR DECISION**

Part IV of the Environment Act 1995 requires local authorities to designate an Air Quality Management Area where National Air Quality Objectives are exceeded. Where an Air Quality Management Area is designated, an Air Quality Action Plan must be produced identifying how National Air Quality Objectives will be met.

The Council's current AQAP has expired, and officers have updated the Action Plan in line with current local, London wide and national policy in order to contribute to improvements in air quality.

Schedule 11 of the Environment Act 1995 requires that local authorities consult with a number of organisations and groups when preparing their AQAP, and these are listed in section 7 below. There is no specific requirement to consult with individual businesses and the public under Schedule 11 of the Environment Act 1995. However, the consultation will be in the public domain and as such individual businesses and members of the public will have the opportunity to respond to this consultation.

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### **Childrens and Families Service 2019-20 Full Year Report - Key Decision No. CACH Q92**

Deputy Mayor Bramble introduced the report.

#### **RESOLVED:**

##### **That the Cabinet:**

- **Endorsed the report.**
- **Took note of information held within the report.**
- **Recommended this report to Council.**

## **REASONS FOR DECISION**

The report is for information and endorsement only

### **14 General Exception Report - Planning Statement of Community Involvement Amendment**

Councillor Nicholson introduced the report to members.

#### **RE SOLVED:**

**That the Cabinet approve the amendments to Hackney's Statement of Community Involvement as set out under Appendix 1.**

**REASONS FOR DECISION**

Following the recent cyberattack, the Council has been unable to access planning application data stored on its IT systems. It is not practicable for the Council to wait for the data held on its ICT systems to be recovered, consequently work around measures must be taken. In response it is proposed that temporary amendments be made to the SCI. If the Council were to issue planning decisions without complying with the SCI, there would be a risk of judicial review, with all the attendant financial and reputational burdens that this brings.

Subject to the Cabinet's agreement this decision will be made under the General Exceptions process. In accordance with that process the Council's Monitoring Officer has notified the Chair of the Scrutiny, or the Speaker, and the respective notice has been published within the prescribed timescale.

**15. School Governor Nomination Report - Non Key Decision**

Deputy Mayor Bramble introduced the report to members.

**RESOLVED:**

**That the Cabinet approved the following re-nomination to the Simon Marks Primary School as set out below.**

<b>Governing Body</b>	<b>Name</b>	<b>Date Effective</b>
Simon Marks Primary School	Howard Pallis	30 November 2020

**16. Appointments to Outside Bodies**

There were none

**17. Any Other Unrestricted Business the Chair Considers To Be Urgent**

There were none

**18. Dates Of Future Meetings - Meetings of the Cabinet commencing at 6.00pm for the remainder of the**

**Municipal Year 2020/21 as follows:**

**14 December 2020**

**25 January 2021**

**22 February 2021**

**22 March 2021**

**26 April 2021**

The Cabinet Noted The Dates for future meetings

**19. Exclusion Of The Public & Press**

The Cabinet did not wish to discuss the exempt appendices, therefore the Cabinet did not move into an exempt session.

**END OF MEETING**

<b>Duration of the meeting: 18:00HRS – 18:45HRS</b>
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