

LONDON BOROUGH OF HACKNEY COUNCIL

CABINET DECISION NOTICE - 19 JULY 2021

This document outlines the decisions taken at the above Cabinet meeting.

Unless otherwise indicated, executive decisions listed in this document will come into force and may then be implemented 5 working days after publication of this document unless the decision is called in. During that period the Director of Legal & Governance Services may call-in a decision for scrutiny if so required by no fewer than 5 Members of the Council (Part 4 of the Council's Constitution; Scrutiny Procedure Rules: Call-in Procedures).

Date of Publication:

20 July 2021

Last Date for Call-In:

28 July 2021

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6. **To consider the unrestricted minutes of the meeting of Cabinet held on 28th June 2021**

RESOLVED:

That the unrestricted minutes of the Cabinet held on 28th June 2021 were approved.

7. **FCR R78 Capital Update Report**

RESOLVED:

i) That the schemes for the Chief Executive's Group Directorate as set out in section 9.2 were given approval:

Plough Yard Fit Out: Resource and spend approval of **£60k in 2021/22** is requested to fund the fit out costs to this site.

ii) That the schemes for Children and Education Group Directorate as set out in section 9.3 were given approval:

Secondary Schools Lifecycle Programme 2021/22: Virement and spend approval of **£2,831k (£2,625k in 2021/22 and £206k in 2022/23)** and resource and spend of approval of **£450k in 2022/23** is requested to fund the continuation of the lifecycle maintenance of secondary school assets.

iii) That the scheme for Finance and Corporate Resources Group Directorate as set out in section 9.4 were given approval:

ICT Chrome Devices: Spend approval for **£106k in 2021/22** to fund the purchase of additional ICT chrome devices for the Council staff in the Hackney Service Centre.

iv) That the scheme for Neighbourhood and Housing Group Directorate (Non-HRA) as set out in section 9.5 were given approval:

Kings Hall Leisure Centre: Give spend approval for **£3.1m approved in the 2021/22** capital programme to undertake remedial works to KHLC in order to protect the asset;

Approve **£400k in the capital programme for 2021/22** and give spend approval for the same to undertake an initial phase of surveys as part of the remedial works to inform the development of refurbishment plans for KHLC and de-risk the project;

Approve **£2.25m in the 2021/22** capital programme and give spend approval for the same to appoint a design team to both manage the remedial works programme (including surveys) and develop a design to RIBA Stage 3 (to submit a planning application) for the potential refurbishment of KHLC; and

Note that, given the overall likely cost of a project to refurbish KHLC, the decision will be taken by the Cabinet at a future date.

Friends Bridge Refurbishment Works: Resource and spend approval of **£30k in 2021/22** to fund the refurbishment works to Friends Bridge.

South Central Hackney Air Quality and Active Travel: Resource and spend approval of **£346k in 2021/22** is requested to improve the air quality and active travel in the South Central of the Borough.

LED Lighting Highway 2021/22: Spend approval of **£1,250k in 2021/22** is requested to continue the upgrade of the highway's street lighting across the entire borough.

Planned Bridge Maintenance 2021/22: Spend approval of **£200k in 2021/22** is requested for the continuation of the 5 year Bridge Maintenance Programme in the borough.

Highways Surface Water Drainage 2021/22: Spend approval of **£280k in 2021/22** is requested to facilitate the delivery of the 2021/22 water drainage programme at various locations across the borough.

Park Trees 2021/22: Spend approval of **£200k in 2021/22** is requested to fund the programme of planting 1,000 trees across parks and open spaces and

housing land.

Highways Planned Maintenance 2021/22: Spend approval of **£4,000k in 2021/22** is requested to continue to deliver the 2021/22 Planned Maintenance Highways Programme.

v) That the S106 schemes as set out in section 9.6 and summarised below was approved:

S106	2021/22 £'000	2022/23 £'000	Total
Capital	545	200	745
Total S106 Resource & Spend for Approval	545	200	745

vi) That the s106 scheme summarised below and set out in section 9.7 was noted:

S106	2021 /22 £'000	202 2/23 £'000	Total
Capital	4	0	4
Total S106 Resource & Spend for Noting	4	0	4

vii) That the scheme summarised in section 9.8 was noted.

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.

8. FCR R77 2020/21 Overall Financial Position, Property Disposals and Acquisitions Report

RESOLVED:
That the Cabinet:

- i) Authorised the Council to enter into leases of up to 15 years in respect of three of the properties outlined.**
- ii) Authorised the Director of Strategic Property Services to agree to all other lease terms.**
- iii) Authorised the Director of Legal & Governance Services to effect the proposed disposal and to enter into any other ancillary legal documentation required to complete the disposal transaction.**
- iv) Agreed to dispose of the Property by the method that is determined will meet the best consideration requirement set out in Sections 123 of the Local Government Act 1972.**
- v) Noted the update on the overall financial position for May, covering the General Fund and the HRA.**

REASONS FOR DECISION

To facilitate financial management and control of the Council's finances and to approve the property proposal

9. AHI S006 Service Level Agreement for a joint City and Hackney Public Health Service

RESOLVED

That the Cabinet:

- i) Delegated authority to enter into the joint service level agreement with the City of London Corporation to the Group Director Adults, Health and Integration.**
- ii) Agreed to request that an annual review of the service level agreement is undertaken jointly by Hackney Council and the City of London. The review aims to ensure the joint service agreement continues to meet the needs of both authorities.**

REASONS FOR DECISION

Hackney Council and the City of London Corporation are legally required to:-

- a) ensure provision of mandated public health services**
- b) improve the health and wellbeing of their local population and**

c) to have appointed a Director of Public Health. These requirements can be met individually by an authority or jointly in partnership with another authority.

A joint public health service provides advantages to both Hackney Council and the City of London Corporation in efficiently and effectively discharging the requirements to improve the health and wellbeing of their local residents.

The costs of providing this service are met from a ring-fenced public health provided by the Department of Health and Social Care and there are no additional budgetary implications of this proposal.

The Council has the legal power to promote well-being under the power of the general competence of the Localism Act 2011 and may: -

- a) Enter into arrangements or agreements with any person or body.
- b) Co-operate with, or facilitate or co-ordinate the activities of, any person or body.
- c) Exercise on behalf of that person or body any functions of that person or body.

10. NH S010 Parking and Enforcement Plan review 2021-26

RESOLVED:

That the Cabinet approved the undertaking of a consultation with the general public and other stakeholders for a period of 13 weeks on the proposed Parking and Enforcement Plan (PEP) 2021-26, as set out within appendix 1. This extended period of time is to account for a bank holiday and religious festivals from 16 August to 15 November 2021.

REASONS FOR DECISION

The Parking and Enforcement Plan (PEP) provides the policy framework for effective parking management within Hackney. The scope of the PEP is necessarily broad, in part reflecting the complex and challenging linkages between parking and transport, environmental, economic and planning issues.

It presents a series of policy recommendations that are developed and implemented over its lifespan.

Hackney's original PEP was agreed by Cabinet in January 2005, with subsequent editions approved in November 2009, and April 2016.

The Council's Parking, Markets and Street Trading Service, referred to as Parking Services throughout this document, has developed the latest edition of the PEP to address the challenges and opportunities around parking over the next five years, including the need to improve air quality, tackle the climate change emergency, and support the transition to electric vehicles by residents who drive.

Each chapter within the PEP explains the parking policy or initiative with a description and some background information. It also presents a series of recommendations to be developed during the lifespan of the PEP. This report concentrates on the recommendations in the proposed PEP 2021-26.

11. FCR S002 Adoption and implementation of a new lettings policy for social lets

RESOLVED:

That the Cabinet agreed to alter the Council's lettings policy in line with the recommendations contained within the report and as set out in Appendix 1.

REASONS FOR DECISION

Hackney Council is statutorily required to have in place a published allocation scheme as set out in Part VI of the Housing Act 1996 as amended by the Homelessness Act 2002 and the Localism Act 2011.

The lettings scheme is a cross cutting strategic policy that has direct links with other council priorities such as economic wellbeing and public health. The scheme should promote the best housing solutions for Hackney residents and deliver lasting outcomes to address the borough's housing crisis, tackle homelessness and contribute to building a better Hackney.

12. NH S016 Air Quality Action Plan 2021 -2025

RESOLVED:

That the Cabinet approved the Air Quality Action Plan (2021-2025) for adoption and publication.

REASONS FOR DECISION

Air pollution has been shown to have impacts for public health and there are consistently high levels of support for tackling air quality among Londoners according to polling carried out by London Councils . The impacts of air 2 pollution on health have been made even more apparent with the recent findings into the causes of the death of Ella Kissi-Debrah , and with the effects 3 of Covid-19 being exacerbated where sufferers are also exposed to poor air quality.

Part IV of the Environment Act 1995 requires local authorities to designate an Air Quality Management Area (AQMA) where Air Quality Objectives are being exceeded or are predicted to exceed. Where an AQMA is designated, an Air Quality Action Plan (AQAP) must be produced setting out the measures that will be delivered in order to work towards meeting the Air Quality Objectives.

The Council's current AQAP ran until 2019. Although officers continue to work to deliver the measures within the previous AQAP, Hackney is required to revise and update its Action Plan to take account of changes that have occurred since the previous version was adopted.

The revised AQAP now sets out the measures that Hackney will implement to improve air quality over the years up to and including 2025 and sets a clear goal of achieving clean air for all who live, work and spend time in Hackney. The AQAP has been developed taking into account the relevant guidance including the actions recommended by the Mayor of London.

13. CE S004 Adult Learning strategic framework / Commission into diversity and inclusion in digital tech

RESOLVED:

That the Cabinet:

i) Approved the 3 strategic areas of focus for Adult Learning in Hackney: 4

- **Training with a direct link to employment opportunities**
 - **Building functional and transferable skills**
 - **Supporting our residents' well being and positive mental health**

ii) Approved alignment of Adult Learning's strategic framework and delivery with the Council's recovery planning in the context of the impact of Covid-19 on residents and its commitment to building a more inclusive economy.

iii) Noted the evidence base in relation to adult skills challenges in Hackney which underpins decision-making in relation to Adult Learning delivery.

iv) Approved the focus and approach of the Commission into diversity and Inclusion in digital tech:

- **The Commission will focus on understanding the intersecting barriers Hackney residents face in accessing skills and employment opportunities in the local digital tech sector**
- **Taking a bottom-up approach, the Commission will capture resident's experiences and create opportunities for people to explore their ideas and co-produce solutions to address inequalities, collaborating with the council or partners.**

v) Approved the roadmap, timetable, and governance arrangements for the Commission up until Autumn 2022.

REASONS FOR DECISION

Adult learning

An overarching strategic framework for adult learning is vital to ensure alignment between adult skills delivery, the Council's wider employment support provision, and the Council's employment pathways programmes.

Because the economic effects of the COVID-19 pandemic are still developing, the strategic approach for adult learning is focused on establishing priorities for the short and medium-term rather than setting a direction for the long term. This approach ensures flexibility to respond to a rapidly changing economic situation.

The focus of this strategic framework is to support adult residents with skills and qualifications for work, and learning for well-being and life skills. It is not focused on employment support or providing education for children and young people. This strategic framework will be used to guide commissioning decisions for the adult learning service.

The strategic framework will be further developed and discussed with adult skills partners in the borough to coordinate a joint approach to adult skills across Hackney. This will also allow us to respond flexibly to the changing economic situation by working with partners to ensure training is part of a broader local skills system and provides coordinated pathways into good quality employment.

This is the first time that the Council has provided a strategic framework and the evidence base to underpin decision making and enable clear political oversight for adult learning provision in the borough. This reflects the importance the Mayor and Cabinet attach to the adult learning and equalities agenda.

Since September 2020, the Council's Adult Learning service has been integrated with the Council's wider employment & skills service. Previously,

Adult Learning sat in Hackney Learning Trust. The integration signals the political priorities for service delivery - in particular, the importance and opportunities that exist around ensuring enhanced alignment between adult skills delivery, employment support provision, and employment pathways programmes.

14. FCR Q 77 LBH Britannia Phase 2A - Appropriation of Land For Planning Purposes

RESOLVED:

That the Cabinet

i) Agreed to the appropriation for planning purposes under Section 122 of the Local Government Act 1972 of land relating to Phase 2a of the LBH Britannia project, subject to the Secretary of State for Education's approval of the application under Section 77 of the Schools Standards and Framework Act (1998) to dispose of a portion of the school playing field at Shoreditch Park Primary School as shown on the plan at Appendix 1.

ii) Authorised the Group Director Finance and Corporate Resources and the Director of Legal & Governance to deal with all necessary arrangements to effect the appropriation set out in this report subject to the approval of the Secretary of State as part of the S77 Application of the School Standards and Framework Act (1998).

iii) Authorised the Group Director Finance and Corporate Resources and the Director of Legal & Governance to deal with any conditions, if provided for by the Secretary of State, relating to the Section 77 Application of the School Standards and Framework Act (1998)

REASONS FOR DECISION

Appropriation of land for planning purposes under Section 122 of the Local Government Act 1972 allows the Council to hold land for any statutory purpose where the land is no longer required for the purposes for which it is currently held. It is for the local authority to determine whether the land is no longer required for the purpose for which it is held. Section 203 of the Housing and Planning Act 2016 provides a statutory power for the Council to override third party easements and other rights. This will apply to building or other works to be constructed or maintained on the land or future uses where these are in accordance with a planning permission for the development of the land. Therefore a mechanism for helping minimise the delay or uncertainty associated

with regeneration projects ensuring that the proposed development cannot be held up by injunctions in support of third party rights .

Finally, in order to appropriate the Land the Council must also be satisfied that the requirements in Section 226(1)(a) of the Town and Country Planning Act 1990 (the Planning Act) have been met. This is the legislative provision under which the Council may exercise its powers of appropriation where the land is required for planning purposes in order to facilitate the carrying out of development, redevelopment or improvement on or in relation to the land. The Council must be satisfied that the development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area.

As the site currently includes part of Shoreditch Park Primary School the consent of the Secretary of State is required under S77 of the School Standards and Framework Act 1988 (SSFA1998) . A S77 (SSFA 1998) application was made on the 24th of March 2020. Appropriation is subject to Secretary of State Consent Approval.

15. NON KEY DECISION - Buckland Street Appropriation of Land for Planning Purposes

RESOLVED

That the Cabinet:

i) Agreed that the land at Buckland Street, shown edged red on the plan at Appendix 1, and which is currently held for housing purposes under the Housing Revenue Account (HRA), is no longer required for those purposes and approve the appropriation of the land for planning purposes to facilitate the carrying out of the development proposals for the area in accordance with section 226 of the Town and Country Planning Act 1990 and section 122(1) of the Local Government Act 1972.

ii) Agreed that following completion of the development proposals at paragraph 3.1 the land shown edged red on the plan at Appendix 1 will no longer be required for planning purposes and approve the appropriation of the land to housing purposes to be transferred to and administered from the Housing Revenue Account and in accordance with section 9 of the Housing Act 1985 and section 122(1) of the Local Government Act 1972.

iii) Authorised the Group Director, Chief Executive's Directorate and the Director of Legal to deal with all necessary arrangements to effect the appropriation set out in this report.

REASONS FOR DECISION

Appropriation of land for planning purposes under section 122 of the Local Government Act 1972 ('the 1972 Act') provides the Council with a mechanism for helping minimise the delay or uncertainty associated with regeneration projects by ensuring that the proposed developments cannot be held up by injunctions in support of third party rights.

In order to de-risk the development of the mixed tenure scheme at Buckland Street, the appropriation of the land shown within the red line at Appendix 1 is required.

The land at Buckland Street, as shown in Appendix 1, for which authority to appropriate is being sought, is currently housing land and the tenancies on the land are administered under the Housing Revenue Account (HRA). The land following appropriation will be transferred to and administered from the General Fund Account. Once the development has been completed, the land will be appropriated as housing land and transferred back to the HRA.

Subsequent to the transfer back to the HRA the Council will lose the benefits of the appropriation for planning purposes. The Council will not, however, lose the protection over whatever was built whilst the land was appropriated for planning purposes, and as such the newly built development would not be subject to an injunction (i.e. third parties whose rights have been injured as a result of the development will not be able to halt the development). The affected parties may however be able to seek compensation. Exempt Appendix 2 provides further background information.

16. NON KEY DECISION - Wimbourne Street Appropriation of Land for Planning Purposes

RESOLVED:

That the Cabinet:

i) Agreed that the land at Wimbourne Street, shown edged red on the plan at Appendix 1, and which is currently held for housing purposes under the Housing Revenue Account (HRA), is no longer required for those purposes and approve the appropriation of the land for planning purposes to facilitate the carrying out of the development proposals for the area in accordance with section 226 of the Town and Country Planning Act 1990 and section 122(1) of the Local Government Act 1972.

ii) Agreed that following completion of the development proposals paragraph 3.1 the land shown edged red on the plan at Appendix 1 will no longer be required for planning purposes and approve the appropriation of the land to housing purposes to be transferred to and administered from the Housing Revenue Account and in accordance with section 9 of the Housing Act 1985 and section 122(1) of the Local

Government Act 1972.

iii) Authorised the Group Director, Chief Executive's Directorate and the Director of Legal to deal with all necessary arrangements to effect the appropriation set out in this report.

REASONS FOR DECISION

Appropriation of land for planning purposes under section 122 of the Local Government Act 1972 ('the 1972 Act') provides the Council with a mechanism for helping minimise the delay or uncertainty associated with regeneration projects by ensuring that the proposed developments cannot be held up by injunctions in support of third party rights.

In order to de-risk the development of the mixed tenure scheme at Wimbourne Street, the appropriation of the land shown within the red line at Appendix 1 is required.

The land at Wimbourne Street, as shown in Appendix 1, for which authority to appropriate is being sought, is currently housing land and the tenancies on the land are administered under the Housing Revenue Account (HRA). The land following appropriation will be transferred to and administered from the General Fund Account. Once the development has been completed, the land will be appropriated as housing land and transferred back to the HRA.

Subsequent to the transfer back to the HRA the Council will lose the benefits of the appropriation for planning purposes. The Council will not, however, lose the protection over whatever was built whilst the land was appropriated for planning purposes, and as such the newly built development would not be subject to an injunction (i.e. third parties whose rights have been injured as a result of the development will not be able to halt the development). The affected parties may however be able to seek compensation. Exempt Appendix 2 provides further background information.

17. NON KEY DECISION Designation of Beck Road Conservation Area

RESOLVED

That the Cabinet approved:

- i) the proposed designation of Beck Road Conservation Area;**
 - ii) the Beck Road Conservation Area Appraisal and Management Plan (Appendix A);**
 - iii) the Beck Road Conservation Area Boundary (Appendix B); and**
- Post designation consultation with property owners of the proposed Article 4 Direction.**

REASONS FOR DECISION

This decision is required in order to ensure that the area's heritage is recognised and a full conservation area appraisal clearly sets out the area's qualities and identifies threats and weaknesses.

This decision is required in order to ensure that guidance is in place in the form of a management plan that provides ways to address weaknesses in the conservation area and add to its special interest and character.

This decision is required in order to ensure that the conservation area boundary accurately reflects the special character and historic context of this area and ensures that appropriate protection is in place.

18. NON KEY DECISION NH R 26 Designation of Well Street Conservation Area

RESOLVED that the Cabinet approved:

- i) the proposed designation of Well Street Conservation Area;**
 - ii) the Well Street Conservation Area Appraisal and Management Plan (Appendix A);**
 - iii) the Well Street Conservation Area Boundary (Appendix B); and**
- Post designation consultation with property owners of the proposed Article 4 Direction.**

REASONS FOR DECISION

This decision is required in order to ensure that the area's heritage is recognised and a full conservation area appraisal clearly sets out the area's qualities and identifies threats and weaknesses.

This decision is required in order to ensure that guidance is in place in the form of a management plan that provides ways to address weaknesses in the conservation area and add to its special interest and character.

This decision is required in order to ensure that the conservation area boundary accurately reflects the special character and historic context of this area and ensures that appropriate protection is in place.

19. NON KEY DECISION NH R 27 Designation of Pitfield Street Conservation Area

RESOLVED:

That the Cabinet approved:

- i) Appendix A: the proposed designation of Pitfield Street Conservation Area;**

ii) Appendix B: the Pitfield Street Conservation Area Appraisal and Management Plan;

REASONS FOR DECISION

This decision is required in order to ensure that the area's heritage is recognised and a full conservation area appraisal clearly sets out the area's qualities and identifies threats and weaknesses.

This decision is required in order to ensure that guidance is in place in the form of a management plan that provides ways to address weaknesses in the conservation area and add to its special interest and character.

This decision is required in order to ensure that the conservation area boundary accurately reflects the special character and historic context of this area and ensures that appropriate protection is in place.

20. Appointment of Local Authority Governors

RESOLVED:

That the Cabinet approved the following nominations as set out below:

Governing Body	Name	Date Effective
Colvestone School	Rosie Condon	1st September 2021

21 . Any Other Unrestricted Business the Chair Considers To Be Urgent

There was no other urgent business to consider.

22. Dates Of Future Meetings

Cabinet noted the dates of future meetings.

