

LONDON BOROUGH OF HACKNEY COUNCIL

CABINET DECISION NOTICE - 18 OCTOBER 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 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:

19 October 2021

Last Date for Call-In:

26 October 2021

Contact:

Jessica Feeney

Jessica.feeney@hackney.gov.uk

- 6. To consider the unrestricted minutes of the meeting of Cabinet held on 13th September 2021**

RESOLVED:

That the unrestricted minutes of the Cabinet held on 13th September 2021 be approved.

- 7. To consider the unrestricted minutes of the meeting of Cabinet Procurement and Insourcing Committee held on 19th July 2021**

RESOLVED:

That the unrestricted minutes of the Cabinet Procurement and Insourcing Committee held on 19th July 2021 be approved.

- 8. Hackney Youth Parliament - Presentation**

Presentation by members of the Hackney Youth Parliament

- 9. 2020/21 Overall Financial Position, Property Disposals And Acquisitions Report - Key Decision No. FCR R81**

RESOLVED:

- I. That the granting by the Council to Hilltop Day Care Nursery Limited of a lease of 20 years for the property known as Roof Top Nursery, 6 Ottaway Street, London E5 8PX be approved.
- II. That the Group Director of Finance and Resources and the Director of Strategic Property Services be given authorisation to finalise any outstanding issues in connection with the completion of the lease and to agree the final commercial terms.
- III. That the Director of Legal and Governance Services be given authorisation to agree, negotiate, settle, sign and complete the final form of the lease and enter into it on behalf of the Council together with any ancillary documentation relating to the transaction.
- IV. That the update on the overall financial position for August covering the General Fund and the HRA be noted.

REASONS FOR DECISION

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

10. Public Space Protection Order In Relation To Alcohol Control - Key Decision No. NH S028

RESOLVED:

That the making of a Borough Wide Public Spaces Protection Order which would place controls on alcohol related ASB be approved by Cabinet. The Order would be made under Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 and would last for a period of three years. A copy of the proposed Order is attached to this report as Appendix 1.

REASONS FOR DECISION

- I. A PSPO is a tool to ensure the law-abiding majority can use and enjoy public spaces safe from activities, which have a detrimental effect on the quality of their life in that area. The proposed PSPO should ensure that Hackney has an effective response to ASB associated with the consumption of alcohol in any public place in the Borough of Hackney.
- II. PSPOs are intended to be used to deal with a particular nuisance or problem in an area that is detrimental to the local community's quality of life by putting in place conditions on the use of that area that apply to everyone. They are designed to ensure people can use and enjoy public spaces safe from activities, which have the requisite detrimental impact.

- III. In preparing this report Officers have had regard to the statutory guidance issued by the Home Office and the Guidance on PSPOs issued by the Local Government Association.

**11. Waste Regulations And Timebanded Waste Collections - Key Decision
No. NH R35**

RESOLVED

That the Cabinet:

- I. **Approved the revocation of the current schemes in relation to time banded waste collections, including all of the current time bands in the 40 Streets listed in Appendix A.**
- II. **Approved the introduction of Hackney Waste Regulations 2021 under section 20 and 22 of the London Local Authorities Act 2007, as set out in Appendix B (Household Waste Regulations 2021) and Appendix C (Commercial Waste Regulations 2021).**
- III. **Approved the introduction of new and revised time bands to 69 streets across the borough. The streets are provided in Appendix A and the proposed time bands are shown in the table in section 2.2 of the Commercial Waste Regulations 2021, provided in Appendix B.**
- IV. **Delegated powers to the Strategic Director of Sustainability & Public Realm (or equivalent) to make any amendments to the Hackney Waste Regulations 2021, including to revoke, expand and adjust the timing of the time bands and the streets to which the Regulations apply. Any amendments, revocation etc will be in line with any of the requirements in section 20 and 22 of the London Local Authorities Act 2007.**

REASONS FOR DECISION

- I. Following a review of the current schemes in relation to time banded waste collections, Hackney Council would like to introduce waste regulations that will specifically outline the requirements for waste storage and disposal and will ensure that our residents are aware of the requirements and their responsibilities whether they live on estates, in flats above shops or in our street-level properties. This is especially important given the move to fortnightly waste collections using wheelie bins from 1st March 2021, and the waste regulations also underpin commercial waste storage and disposal and the time-restricted waste collections (time bands) that are in place on some of Hackney's roads that feature commercial properties.
- II. Hackney Council would like to revoke the current time banded waste collection schemes, which includes the time bands that are currently in place and the 40 streets included within those time bands. We will then

introduce a new and revised set of time bands across the borough in 69 streets. The purpose of this is to allow the Council to roll out revised times to suit our changing business needs, as well as the practical aspects of collections (many of the time bands have been in place unchanged since 2009). There is also the need to expand time bands to more streets as there has been significant commercial expansion since they were first introduced.

- III. With the ever-changing commercial landscape in Hackney and moves to control traffic flows, for example with Low Traffic Neighbourhoods, there is
 - A. likely to be a need to tweak the time banded collections and regulations in future. The Strategic Director of Sustainability & Public Realm requires the delegated authority to amend these under and in line with section 46 and 47 of the Environmental Protection Act 1990 as amended, and section 20 and 22 of the London Local Authorities Act 2007.
 - B. *Waste Regulations*
- IV. The proposed Household Waste Regulations and Commercial Waste Regulations aim to improve the quality of the local environment, ensure a smooth transition to fortnightly waste collections on our residential streets and will help make our town centres a more attractive place to live, work and visit.
- V. Hackney's Waste Regulations 2021 would allow the Council to specify how, when and where recycling and waste containers should be placed for collection, as well as which containers should be used and what should and should not go in them.
- VI. The Regulations will provide guidance to residents and businesses. The Council would help residents and businesses to comply with the new Regulations by continuing targeted communications about what is required of them as part of the Regulations. These Regulations will complement the service change to fortnightly waste collections, whereby a new Domestic Waste and Recycling Policy has been developed and is provided [here](#).
- VII. The Regulations will further underpin enforcement action taken against residents and businesses in the borough. As part of the service change to fortnightly waste collections, a new Waste Enforcement Policy for Street-Level Properties has been developed which is provided [here](#).
 - A. *Time Bands*
- VIII. Time band schemes provide a means of ensuring that waste and recycling is placed out for collection, and therefore present on the public highway, for limited times during the day. Waste and recycling is then collected shortly thereafter, thus ensuring highways are kept clear as much as possible.
- IX. Business and residents are provided with two 1-hour time slots, one in the morning and one in the evening. They are applicable to every day of the week and are the same each day. Waste and recycling is then collected within 2 hours of the end of the time band. This means that waste is on the public highway for no more than 3 hours at each collection.
- X. Timed collections (time bands) are currently in place across 40 streets

and commercial parades in the borough. This report proposes to revoke all 40 of these time bands at 23:59 on the chosen day and to introduce time bands across 69 streets and commercial parades in the borough two minutes later, at 00:01 the following day. The chosen day is yet to be decided but will be no earlier than 22nd November 2021 and no later than 31st January 2022. The affected streets are detailed in Appendix A.

- XI. There are 3 main reasons for the revocation and expansion of time bands in Hackney and these are:
- A. 1. Removal of the time band from the parade of shops on Cassland Road, as the time band here is seen as unnecessary.
 - B. 2. Addition of roads to solve operational issues relating to household collection.
 - C. 3. Extension of coverage to include roads encompassed in Special Policy Areas (SPA) (currently Dalston, Hoxton East and Shoreditch):
 - D. - Special Policy area maps are provided in the report linked here <https://hackney.gov.uk/licensing-policy>
 - E. - More details on the Special Policy area is provided here <https://data.gov.uk/dataset/1fa7fa6f-9503-4328-9d71-f67b613ecc5c/hackney-special-policy-areas>
- XII. As part of the work to introduce these new roads, all roads have been reviewed to ensure compliance with the legislation and new signage will be erected where it is identified as necessary.
- XIII. In line with section 20 and section 22 of the LLAA 2007 the Council is required to publish in at least two newspapers circulating in the borough notice of the making, amendment and revocation of the regulations. The notice will include:
- A. (a) the date on which the regulations are to come into force, or be amended or revoked, as the case may be;
 - B. (b) the general effect of the change in regulations;
 - C. (c) an address at which the regulations can be inspected during reasonable office hours and purchased for a reasonable amount; and
 - D. (d) a website address at which the regulations can be viewed.
- XIV. The date on which the time bands are to come into force, be amended or be revoked, as the case may be, will not be earlier than the expiration of one month from the publication of the notice (as per the legislation).
- XV. Enforcement Officers will continue to address the issue of unregulated waste and waste placed out at incorrect times by undertaking targeted patrols with staff from waste operations. Enforcement action will be dependent on the nature of the offence(s) and the history of the engagement we have had with the business. The enforcement tools available to the Enforcement Officers include warnings, fixed penalty notices, formal interviews and cautions and prosecution. Enforcement Officers will continue to undertake visits with operational staff from Environmental Services during the day, evenings and at night in an effort to reduce the impact of unregulated waste.
- XVI. At the time of writing this report the operational delivery plan is being worked-up to ensure that time bands are appropriate for the areas where they are being introduced, as well as ensuring that collections can be completed as efficiently and economically as is possible.

12. Stamford Hill Area Action Plan - Key Decision No. NH S023

This item was deferred.

13. Contract Award: Woodberry Down Children Centre - Re-Provision Of Children's Centre Facilities By Creating New Build Extensions To Existing Listed Building - Key Decision No. CE S012

RESOLVED

That the Cabinet approved the appointment of (*Contractor D*) to carry out the construction of the new build extensions and refurbishment of the existing listed building using the London Construction Programme Frameworks, Lot 2.1B - EDUCATION & LEISURE, this framework provides contractors with particular relevant experience working on education premises.

REASONS FOR DECISION

- I. As set out in the Business Case (February 2020) this project has been tendered using a pre-qualified framework specialising in education refurbishments, registered on Constructionline. The fact that this was a prequalified framework ensured sufficient interest from contractors to offer a competitive price, and ensured transparency and impartiality. The tender evaluation criteria were set at 40% cost: 60% Quality. This was based on the fact that the existing building is nationally listed and that a high level of finish was required so that the completed building did not detract from the newly refurbished estate.
- II. All contractors approached have demonstrated to have good previous experience of delivering school refurbishment projects, of the 7 contractors approached 4 returned a compliant tender. All returned tenders passed the questions around Enhanced DBS and London Living Wage in the ITT.
- III. Restricting the tender process to a pre-qualified framework, rather than being fully open, ensured a good range of tenders without placing undue demands on companies to respond, or officer time to appraise a large volume of responses whilst being sufficient to ensure a fair and reasonable price is achieved and the relevant skills and experience are in place.
- IV. On the basis of the outcome of the evaluation of all the submissions, it is recommended that the contract is awarded to (**Contractor D**). The tender Evaluation Panel is confident that their price (even though it is the highest) covers all issues, risks and includes a high level of working standards, borne out by

their extremely high score in their quality proposal.

V. All returned tenders were assessed against set quality and cost criteria:

- Proposed Team and Experience
- Methodology
- Project Delivery
- Programme and Completion
- Health and Safety
- Sustainability
- Cost Management

The numerical validation was undertaken by a cost consultant (Playle and Partners) and this included any clarifications that required further advice and comment in respect of the overall tender return. This saw some very minor variations to the original contract sums of some returns and all details are contained within Appendix A which should be read to support this document.

The Quality element of assessment was reviewed and marked by the Capital Project Manager for LBH and a consultants representative from Rivington

Street Studios. The moderation meeting was then chaired by LBH Procurement on 04/05/21 with all marks agreed following this meeting. The Scoring matrix ratified values are held by the procurement officer and this will be referred to as supporting documentation Appendix B.

	Quality	Price	Total
Contractor A Barnes Construction	44%	34%	78%
Contractor B Cosmur Construction	37%	38%	75%
Contractor C Kind Diamond BuildConsortium	42%	40%	82%
Contractor D T&B Contractors	52%	34%	86%

VI. The intended form of contract is JCT Intermediate Contract with Contractor's Design (JCT ICD 2019) with LBH amendments added

VII. The contract is to commence in November 2021, for a period of

63 weeks.

14. School Governor Appointment

RESOLVED

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

Governing Body	Name	Date Effective
Primary Advantage Federation	Donna Thomas	18th October 2021

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

16. Dates Of Future Meetings

Meetings of the Cabinet for the remainder of the municipal year 2021/22:

29 November 2021
13 December 2021
24 January 2022
21 February 2022
14 March 2022
25 April 2022

17. Exclusion Of The Public & Press

Note from the Director of Legal & Governance Services

Items 18 and 19 allow for the consideration of exempt information in relation to Items 9 and 13.

Proposed resolution :

THAT the press and public be excluded from the proceedings of Cabinet during consideration of Exempt Item 18 on the agenda on the grounds that it is likely, in view of the nature of the business to be transacted, that were members of the public to be present, there would be a disclosure of

exempt business as defined in paragraph 3 of Part 1 of schedule 12A of the Local Government Act 1972, as amended.

18. 2020/21 Overall Financial Position, Property Disposals And Acquisitions Report - Key Decision No. FCR R81

The exempt appendix was noted.

19. Contract Award: Woodberry Down Children Centre - Re-Provision Of Children's Centre Facilities By Creating New Build Extensions To Existing Listed Building - Key Decision No. CE S012

The exempt appendix was noted.

20. Any other exempt business the Chair considers to be urgent

