

**LONDON BOROUGH OF HACKNEY COUNCIL**

**CABINET DECISION NOTICE - 14 MARCH 2022**

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, Democratic and Electoral 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:**

15 March 2022

**Last Date for Call-In:**

22 March 2022

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**6. Capital Update And Property Disposals And Acquisitions Report - Key Decision No. FCR R94**

**RESOLVED:**

**That Cabinet approved:**

- I. The scheme for Children & Education, as set out in section 11.2 of the report as follows:**

**School Asbestos Programme 2022/23: Virement and spend approval of £55k in 2022/23 is requested for the programme of removal of asbestos in our Education Schools Estate.**

**Schools AMP Works Programme 2022/23: Virement and spend approval of £1,455k in 2022/23 is requested to fund the lifecycle maintenance work at 5 schools (primary and children's centres).**

**School Lifecycle Works Programme 2022/23: Virement and spend approval of £1,398k in 2022/23 is requested to fund the lifecycle work at 10 schools (secondary and specialist schools).**

**Phase 1A SEND Projects: Resource and spend approval of £1,000k (£808k in 2022/23 and £192k in 2023/24) is requested to**

commence Phase 1A works for the Additional Resource Provision (ARP) for 4 school sites.

**II. The scheme for Finance and Corporate Resources as set out in section 11.3 of the report as follows:**

**End-User ICT Devices and Meeting Rooms:** Spend approval of £1,142k (= £174k in 2021/22 and £968k in 22/23) is requested for the procurement of ICT equipment to increase the number of workstations available for staff to work across the Council's Core Campus Offices and the necessary equipment for meeting rooms to enable access to on-line meetings.

**Mobile Phone Refresh:** Virement and spend approval of £275k (£100k in 2021/22 and £175k in 2022/23) is requested for the refresh programme to replace Council mobile phones for Staff members that are at the end-of-life or beyond economical repair.

**III. The CIL Revenue Funding summarised below and set out in section 11.4 of the report:**

<b>CIL</b>	<b>2021/22 £'000</b>
<b>Revenue</b>	<b>460</b>
<b>Total CIL Revenue for Approval</b>	<b>460</b>

**IV To authorise the disposal of 9m<sup>2</sup> area of land in the front garden of 83 Redwald Road at the edge of the Daubeney Road development (Appendices 1 and 2, 83 Redwald Road - land edged in red).**

**V. To delegate authority to the Group Director of Finance and Corporate Resources to settle all the commercial terms of the transaction.**

**VI. To authorise the Director of Legal and Governance to prepare and sign the necessary legal documentation and any ancillary documentation required in order to implement the recommendation.**

### **REASONS FOR DECISION**

The decisions required are necessary in order that the schemes within the Council's approved Capital programme can be delivered and to approve the property proposals as set out in this report.

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.

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

The transfer of the land to the front of 83 Redwald Road would be beneficial to the Council for a number of reasons. There is an economic benefit as the Council would not be required to pay for the maintenance and upkeep of this area which would result in reduced costs overall for the Council. There are added social and public safety benefits as by preventing this area from becoming a cul-de-sac 'dead space', this in turn will lead to the reduction of anti-social behaviour and crime and will also enable the Council to meet planning obligations and achieve the Secure by Design Gold standard accreditation. Additionally, there is an environmental benefit linked to eliminating the potential for fly-tipping in this area.

**7. 2021/22 Overall Financial Position Report That Takes Account Of The Estimated Financial Impact Of Covid-19 And The On-Going Emergency - Key Decision No. FCR R95**

**RESOLVED:**

**That Cabinet:**

- I. Agreed to not recharge leaseholders in buildings above 11m for costs associated with fire safety works where recommended as a result of a Fire Risk Assessment undertaken to PAS 9980.**
- II. Noted the update on the overall financial position for January covering the General Fund and HRA.**

**REASONS FOR DECISION**

To facilitate financial management and control of the Council's finances and to agree the proposal re Cladding described at 2.8 to 2.14

**8. LBH Britannia Update & Next Steps - Key Decision No. FCR S039**

**RESOLVED:**

**That Cabinet:**

- I. Approved the re-phasing of the Britannia Phase 2 Masterplan to deliver affordable housing on the Phase 2b site, and to reserve the right to deliver private for sale housing on the Phase 2a site as a final phase, subject to any necessary consents which are required to enable this.**
- II. Approved a Council contribution of up to £64.961m to deliver the re-phased Britannia masterplan.**

- III. **Agreed to initiate a single stage Design & Build process for Phase 2b using the Competitive Procedure with Negotiation (CPN) provided for within the Public Contracts Regulations 2015 for the construction of Britannia Phase 2b and note that a recommendation report will be brought back to Cabinet prior to award of contract.**
- IV. **Noted that an International Sales & Marketing strategy for the private for sale homes is required to realise the forecast sales values assumed within the business case.**
- V. **Noted that the business case for the procurement of a Sales Agent and a Marketing & Branding Agent for the private for sale homes will be presented to Hackney Procurement Board, with the award recommendation presented to Cabinet Procurement and Insourcing Committee (CPIC).**
- VI. **Noted the sales risk in relation to the 314 private for sale homes in Phase 2b, and potential for a further 93 homes in Phase 2a.**
- VII. **Agreed to the disposal of the leasehold interests (shared ownership) as part of the Britannia project, in accordance with the Regeneration Sales and Marketing Framework agreed by Cabinet on 18 July 2016, subject to complying with section 123 of the Local Government Act 1972.**
- VIII. **Agreed to the disposal of the leasehold interests of the private units subject to complying with section 123 of the Local Government Act 1972.**
- IX. **Authorised the Group Director of Finance & Corporate Resources in consultation with the Cabinet Member for Finance to agree a framework for and the commercial terms relating to the disposal of the private units.**
- X. **Agreed to extend the Council's Regeneration Sales & Marketing Strategy to the disposal of the shared ownership homes delivered via the Britannia project including the use of Hackney Sales.**
- XI. **Authorise the Director of Legal and Governance to agree, settle and sign all necessary legal documentation to effect the disposals envisaged by this report.**

## **REASONS FOR DECISION**

### Britannia Masterplan Business Case Context

The business case for the Britannia Masterplan was signed off by Cabinet in April 2017. This was based on a self delivery model, where the up front delivery of social infrastructure and affordable housing was cross subsidised by the subsequent delivery of 400 private for sale homes directly delivered by the Council as part of Phase 2. This ensured that the maximum amount of public investment was routed into the social infrastructure, public realm enhancements and affordable housing, whilst recognising that central government funding was not sufficient to enable the delivery of this infrastructure without additional funding sources.

The decision to deliver the affordable housing on the Phase 2a site was driven by this being the first residential site to be available for vacant possession, and the earliest possible date for the delivery of the affordable housing. The Unilateral Undertaking set out a commitment to deliver this affordable housing in block H1 before more than 12 private for sale units were occupied - equating to the number of private for sale units delivered as part of the adjoining private for sale block (H2) of Phase 2a. This reflected yet again the Council's commitment to funding social infrastructure and housing ahead of the recovery of private for sale income.

As approved by Cabinet in April 2017, and updated on a number of occasions, whilst the private for sale housing cross subsidises the masterplan, the Council is still required, and has committed to, funding £41.8m to enable the delivery of the scheme. Further detail on the financial context and forecasts for the masterplan are set out in the financial implications section of this report.

### Britannia Phase 1 Delivery Update

Phase 1 of the masterplan, which consisted of the new BLC, secondary school, and enhanced public realm, has now been handed over and has already made a significant impact on the opportunities and facilities which are available to the local community.

The BLC opened to the public on 30 June 2021. Following its opening, BLC was operating in COVID Secure Operations. Following the move into Step 4 of the Government's Roadmap, most of these restrictions were removed. Despite this context, performance against pre-pandemic 2019 figures is extremely encouraging at this point, with an overall increase in usage of 241,373 visits (a 161% increase). Membership levels are also showing positive results. The highest ever membership base at the old BLC was 2,400 in 2018 - we have already reached 5,000+ in January 2022. Pay and Play Members have also increased significantly from 6,094 in October 2019 to 9,364 in December 2021.

The CoLASP opened in its new building on Hyde Road in June 2021, and features a dedicated sixth form centre, state-of-the-art science laboratories, music and theatre facilities, and a sports pitch on its roof. The new facility has been delivered through more than £40 million investment, half of which is direct Council funding, with the Council also providing a high-specification temporary facility while the new school was being completed. The school, which used more than 60 apprenticeships and work placements during its construction, will provide places for over 1,100 pupils, with a community use agreement in place so that the new facilities can be used by the wider community.

### Britannia Phase 2a Delivery Update

On 21 July 2021, our Section 77 application to use school land at the corner of Bridport Place and Penn Street to build new homes and a new Early Years Centre for SPSS was refused by the Secretary of State at the Department for

Education. The proposals in this application were part of a wider £7.1 million investment in improved facilities for SPPS as well as 81 affordable homes for social rent and shared ownership for local families. These plans were the result of extensive discussions between the Council and the school, to agree on the investment in the school in compensation for the loss of land.

While the Council maintains that these plans would have major benefits for SPPS, we have had to look at how we can deliver on our commitment for new Council homes as part of the Britannia project and continue to cross subsidise the considerable public investment which has already been made by the Council in the Phase 1 masterplan. This Cabinet paper updates on our proposals to achieve this, and to bring greater clarity on the future of the Phase 2 masterplan programme.

**9. General Exception - School Street (SS32) at Harrington Hill Primary School and Low Traffic Neighbourhood (LTN) on Mount Pleasant Lane (Experimental to Permanent) - Key Decision No. NH S075**

**RESOLVED:**

**That Cabinet:**

- I. Approved to make permanent the Harrington Hill Primary School School Street and Mount Pleasant Lane Low Traffic Neighbourhood experimental scheme on 25 March 2022, with amendments described in this report, and:**
- II. Authorised the Head of Streetscene to make and implement the necessary permanent traffic orders, subject to the requirements of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.**
- III. Authorised the Head of Streetscene to make minor adjustments to the proposals as required, following design development and feedback from key stakeholders and local residents.**
- IV. Authorised the Head of Streetscene to implement permanent features to replace the existing temporary planters to reinforce the existence of the restrictions, improve the aesthetics of the scheme and achieve greater compliance, subject to funding and feedback from stakeholders and local residents.**

**REASONS FOR DECISION**

This report contains the results of the monitoring and evaluation of the experimental scheme, including consultation responses and objections received for consideration.

Evidence from the monitoring and evaluation of the experimental scheme shows:

- Low traffic outside Harrington Hill Primary School at school opening and closing times, suggesting reduced congestion outside the gate
- Improved air quality by reducing transport emissions near the Harrington Hill Primary School entrance
- Increased road safety and accessibility for non-motorised users
- Increased walking and cycling to Harrington Hill Primary School for pupils and parents/carers
- Increased provision of space for social distancing outside the school gate and in the street/approach to the school
- Reduction of through-traffic using Mount Pleasant Lane to bypass traffic signals on Upper Clapton Road

Therefore, the proposals will help to make Hackney a more sustainable, greener and safer borough by encouraging more sustainable modes of transport, which in turn contributes to improving local air quality, reducing car dominance, reducing accidents and creating environments that prioritise walking, cycling and public transport.

The Council is also committed to its 2019 Climate Emergency Declaration to achieve a 45% reduction in emissions against 2010 levels and net zero emissions by 2040. Delivering School Streets and a reduction in the number of cars rat-running through our borough is seen as a key contributor to Hackney achieving this target.

Under the Traffic Management Act 2004, local authorities have a duty of care to all road users, including pedestrians and cyclists, and to facilitate a more sustainable and better use of road space.

**10. Voluntary And Community Sector Property Portfolio - Lettings Policy - Key Decision No. FCR S059**

**RESOLVED:**

**That Cabinet:**

- I. Approved the Voluntary and Community Sector Property Portfolio - Lettings Policy as set out at Appendix 1 of the published report.**
- II. Agreed to introduce and apply the Policy from April 2022.**

**REASONS FOR DECISION**

The VCS Property Portfolio and the associated VCS Lettings Policy were established in March 2011. The VCS Lettings Policy forms part of the Council's wider strategy and work to support a strong accommodation offer for VCS organisations in Hackney.

The VCS Strategy 2019 – 2022 set out a commitment to review and update the lettings policy in order to maximise the use of the property portfolio. The 10 year

old policy needs to be updated to ensure that it reflects the needs of the borough today.

The VCS Property Portfolio comprises a limited number of premises (46 currently) and the new VCS Lettings Policy should be seen in the context of wider work that promotes the availability of delivery space for the VCS. The Council takes a strategic approach to affecting or influencing the availability of property assets for use by VCS organisations. Within the Council this approach encompasses working collaboratively across departments that manage assets, set relevant policies and who are enablers, for example; Property Services, Community Halls Service, Housing, Education and Area Regeneration.

**11. Poverty Reduction Framework - Key Decision No. CED S063**

**RESOLVED:**

**That Cabinet:**

**Adopted the Hackney Poverty Reduction Strategic Framework.**

**REASONS FOR DECISION**

The Poverty Reduction framework has five areas of focus. Through these areas, the framework addresses both the immediate needs of people in poverty now and longer term actions which will prevent poverty for people in the future. Focusing exclusively on responding to the needs of those in poverty today would lack the ambition to reduce poverty while focussing only on longer term factors would neglect the needs of people in the here and now who are struggling financially.

**Delivery**

The framework is designed to be a live document which is flexible and adaptive to changing circumstances. Although accountability for the framework will sit within the Council, the framework will also guide partnership working.

The framework will be driven by Hackney's Corporate Leadership Team, which includes the Chief Executive and Group Directors. Directors will report to Cabinet Leads identified as leads for poverty reduction, who directly report to the Mayor.

**12. Residents' Charter - Key Decision No. NH Q78**

**RESOLVED:**

**That Cabinet:**

**Approved the Residents Charter as set out in Appendix 1 of the published report.**



## **REASONS FOR DECISION**

As Hackney is facing an unprecedented housing crisis, the Council is building new genuinely affordable homes across a range of sites in the borough to help meet housing demand, engaging and consulting with the local community and putting residents at the heart of any proposals for redevelopment.

To ensure that regeneration brings real benefits to local communities and opportunities are given to existing tenants, the Council has already developed and adopted Local Lettings Policies as well as the Leaseholder and Freeholder Options Document. Moreover, the Council follows the guidance provided in the 'Better Homes for Local People', the Mayor of London's Estate Regeneration Good Practice Guide. The latter sets out good practice and principles to deliver better homes for local communities, and encourages housing providers to openly engage with residents affected by a regeneration project, from its inception. Among the recommended principles of good practice is introducing a residents charter to set out specific and deliverable commitments.

The proposed Residents Charter clearly sets out the Council's principles underpinning its not-for-profit and Council-led approach to regeneration, and its key promises to the community, such as introducing ballots of directly affected residents and making decisions in response to residents' feedback.

The Residents Charter sets out Hackney Council's commitments to its community if a redevelopment proposal involves the demolition of existing residents' homes. The charter presents the Council's commitments toward specific groups of residents (Council tenants, resident leaseholders or freeholders, and non-resident leaseholders and freeholders) in a transparent and specific way, identifying each group's rights and options, by tenure, in case of regeneration projects involving the demolition of their homes.

### **13. Resident Ballots For Regeneration Projects In Hackney - Key Decision No. NH Q91**

**RESOLVED:**

**That Cabinet:**

**Approved the 'Resident Ballots for Regeneration Projects in Hackney' Policy Statement in Appendix 1 of the published report.**

## **REASONS FOR DECISION**

As Hackney is facing an unprecedented housing crisis, the Council is building new genuinely affordable homes across a range of sites in the borough to help meet housing demand, engaging and consulting with the local community and putting residents at the heart of any proposals for redevelopment.

To ensure that regeneration brings real benefits to local communities and opportunities are given to existing tenants, the Council has already developed and adopted Local Lettings Policies as well as the Leaseholder and Freeholder Options Document. Moreover, the Council follows the guidance provided in the 'Better Homes for Local People', the Mayor of London's Estate Regeneration Good Practice Guide. The latter sets out good practice and principles to deliver better homes for local communities, and encourages housing providers to openly engage with residents affected by a regeneration project, from its inception. The Mayor of London's Guide encourages the use of ballots when demolition is involved in a regeneration scheme in receipt of GLA funding (specific requirements for ballots are set out in the GLA's Capital Funding Guide).

If a regeneration scheme is in receipt of GLA funding, the Mayor of London introduced requirements for resident ballots in circumstances where there is large-scale regeneration and proposed demolition of any homes. The 'Resident Ballots for Regeneration Projects in Hackney' Policy Statement (Appendix 1 of the published report) defines how the Council intends to undertake voluntary resident ballots for future regeneration projects not in receipt of GLA funding and therefore not subject to the Mayor of London's requirements. It provides guidance for regeneration projects developed by the Council itself and will be promoted as a good practice example - via a Hackney Council-Registered Providers Compact - for regeneration projects undertaken by Registered Providers within the borough.

The 'Resident Ballots for Regeneration Projects in Hackney' Policy Statement sets out the Council's commitment to carrying out ballots of residents on future regeneration schemes that involve large-scale demolition where a formal decision was made after 18 July 2018. It reinforces Hackney Council's commitment to placing residents at the heart of decision-making on regeneration projects.

**14. Keeping Communities Together: Updated Local Lettings Policies For Woodberry Down - Key Decision No. NH Q79**

**RESOLVED:**

**That Cabinet approved:**

**The Local Lettings Policy for Woodberry Down, in as Appendix 1 of the published report, which included the following policy changes:**

- **that adult children (over 18) of tenants in future phases of a regeneration scheme are offered the opportunity to move to a home of their own that meets their needs ('split household moves'), and that a quota of moves is agreed annually for this purpose.**

- **In the final phase of the Woodberry Down regeneration programme or in a future phase built after all those eligible to be decanted or have a Right to Return have been housed, then split households who have already moved off the estate will be offered the Right to Return.**
- **Tenants with the Right to Return who have been decanted or who are in the current phase of regeneration will be able to give up to three preferences for the new properties on the estate they would like to be offered, subject to availability and the other rules set out in the Local Lettings Policy.**

## **REASONS FOR DECISION**

The LLP for Woodberry Down is an update of the existing LLP to reflect current practice on this estate, in order to avoid possible confusion and misinterpretation. It has been drafted in a way that gives greater clarity, which should be more helpful to tenants and their advisers, Council officers, and Members.

In most cases, the updates are simply changes in wording, intended to clarify matters or to set out current practice in as clear a way as possible. However, a small number of policy changes have been made in the policy document for Woodberry Down, and these are listed in the recommendations to this report. In particular, the policy changes are intended to give the adult children of tenants who will be decanted in the course of these regeneration schemes additional opportunities to move to a home of their own (known as ‘split household’ moves). This reflects the length of time it will take to complete the regeneration, which began when many of these children were younger and would have been expected to remain in single family households, but now they are more likely to be young adults starting families of their own.

### **15. Response To The Children And Young People Scrutiny Commission’s Exclusions Review Cabinet Report (Non Key Decision - CE S068)**

#### **RESOLVED:**

**That Cabinet:**

**Agreed to Hackney Education’s response, found in Appendix 1 of the published report, to the Children and Young People Scrutiny Commission Review on Exclusions. Officers have responded to all the recommendations, indicating how the council is able to move these forward.**

## **REASONS FOR DECISION**

Hackney Council is required to produce a response to the Children and Young People Scrutiny Commission Review on Exclusions. The response draws on

work underway and is in line with principles, values and priorities held by Hackney Council.

**16. Trinity Court N1 5TH - Assignment Of Decant Status - (Non Key Decision No. CES045)**

**RESOLVED:**

**That Cabinet:**

- I. Awarded decant status to all secure tenants living at Trinity Court, as shown in the plan at Appendix 1 of the published report, and to start the decant process for those residents.**
- II. Agreed to serve and publish an Initial Demolition Notice for Trinity Court and to publish and serve a Final Demolition Notice in the event of securing planning consent for the redevelopment proposals.**
- III. Authorised the preparation and service of any necessary legal and ancillary documentation required to secure possession of the residential dwellings and business units at Trinity Court in accordance with Schedule 2 of the Housing Act 1985 and Section S30(1) of the Landlord and Tenant Act 1954.**
- IV. Authorised the Director, Regeneration and the Director of Legal & Governance to deal with all necessary arrangements to enable the serving and publication of the Notices set out in this report and to complete the resident decant and demolition process.**

**REASONS FOR DECISION**

Trinity Court comprises six maisonette flats and five business units (two of which have been knocked into one), as shown in the plan at Appendix 1 of the published report. One maisonette has recently been bought back from the leaseholder, returning it to council ownership. The remaining five households are Hackney Council tenants. Redevelopment of the Trinity Court site will enable the Council to provide around 40 new homes and nearly 600 square metres of non-residential space in its place, as part of the second phase of development at the De Beauvoir Estate (DB2). This would result in an improved scheme, as it will replace a tired building at the entrance of the estate and facing directly on to Downham Road.

The new building will make more efficient use of space through provision of a new, modern block that will provide an anticipated additional 34 homes compared to the current one. It will also create a new, live frontage to the entrance and internal route through the estate by replacing the current row of blank rear yard walls, with new commercial space and a communal entrance and glazed hallway at ground floor level.

Assigning decant status to Trinity Court will enable the Council to continue to

engage with the households impacted by this proposal through the established decant (rehousing) process. This includes: carrying out a future housing needs assessment, discussion of the range of rehousing options available and access to an independent tenant advisory service throughout the process. Residents will also receive home loss payment and be reimbursed for their reasonable moving costs. The terms of the Council's offer were set out to residents in a Landlord Offer document, attached for information at Appendix 2 of the published report, prior to conducting the ballot.

Placing an Initial Demolition Notice (IDN) on Trinity Court will suspend any current and future Right to Buy (RTB) applications by the five Council tenant households living in Trinity Court. Tenants can still make a RTB application, but the Council is not obliged to take the application forward during the Notice Period, and the tenant's claim ceases to be effective if a Final Demolition Notice (FDN) is placed on the block. The Council can set the IDN period up to a maximum of seven years. Schedule 5A of the Housing Act 1985 as inserted by clause 182 of the Housing Act 2004 and amended by the Housing and Regeneration Act 2008 provides the Council with the authority to place the IDN and FDN on the block.

A Final Demolition Notice will be issued to secure tenants and business occupiers if planning permission is granted for the redevelopment scheme. This notice can last up to two years.

## **17. Appointment of Local Authority School Governors**

**RESOLVED:**

**That Cabinet:**

**Approved the following nomination:**

<b>Governing Body</b>	<b>Name</b>	<b>Date Effective</b>
St Dominic's Catholic Primary	Wayne Brennan	14 March 2022