

# MINUTES OF A MEETING OF THE CABINET

MONDAY 21 NOVEMBER 2022

6pm Council Chamber Hackney Town Hall

## Councillors Present:

Mayor Philip Glanville in the Chair Other Councillors  
Councillor Guy Nicholson Councillor Christopher Kennedy,  
Councillor Clayeon McKenzie,  
Councillor Susan Fajana-Thomas, Councillor Carole  
Williams, Councillor Caroline Woodley,  
Councillor Yvonne Maxwell,

## Present virtually:

Councillor Sem Moema

## Apologies:

Deputy Mayor Anntoinette Bramble (Vice-Chair)  
Councillor Mete Coban, Councillor Robert Chapman

## Officers in attendance:

Mark Carroll, Chief Executive  
Dawn Carter-Mcdonald, Director of Legal, Democratic and Electoral  
Services, Tessa Mitchell, Governance Services Team Leader  
Ian Williams, Group Director Finance and Corporate Resources  
Rickardo Hyatt, Group Director Climate Homes  
Jacquie Burke, Group Director Children and Education  
Gerry McCarthy, Head of Community Safety, Enforcement and  
Business Regulation, Sonia Khan, Head of Policy and Strategic  
Delivery

### 1. Apologies for Absence

Apologies were received from Deputy Mayor Bramble, Councillor Coban,  
Councillor Chapman.

### 2. Urgent Business

There were no items of urgent business.

### 3. Declaration of interest - Members to declare as appropriate

There were no declarations of interest.

### 4. Notice of intention to conduct business in private, any representations received and the response to any such representations

There were none.

## 5. Questions/Deputations

### Question received from Mr Vincent Stops

*I have submitted questions under the Environmental Information Regulations some months ago. The latest communication was from the FOI team on October 4 saying my question was being dealt with as a priority. I have asked via #GrillPhil as was told the answers have been completed, but I have not yet received. Can you also tell me why the delay?*

This question was responded to by Councillor Kennedy as summarised below:

Councillor Kennedy informed Cabinet that he had written to Mr Stops to convey his apologies and explained that the delay was due to sickness absence and bereavement leave by key officers. Councillor Kennedy also added that written correspondence had been sent out in response to Mr Stops.

The Mayor stated that the written correspondence dated 27 October 2022, which he had seen, was sent and awaited confirmation of receipt and that nothing was omitted.

The Mayor was keen to reassure members of the public and former Councillor Vincent Stops that the matter has been addressed.

## 6. Unrestricted minutes of the previous meeting of Cabinet held on 21 November 2022

The minutes of the previous meeting of the Cabinet held on 21 November 2022, were approved.

## 7. Capital Update And Property Disposals And Acquisitions Report - Key Decision No. Fcr S089 (Pages 27 - 50)

Mayor Glanville introduced the report.

### **RESOLVED**

- I. That the scheme for Climate, Homes & Economy as set out in section 11 be given approval as follows:

Parks Equipment and Machinery 2022/23: Spend approval of £75k in 2022/23 is requested to purchase equipment and machinery to carry out maintenance to the borough's parks.

**II.** That the s106 scheme set out in section 12 be noted:

The s106/CIL board meeting dated 6 July 2022 considered the following bids for resource and spend approval. As a result £643k (£404k in 2022/23 & £239k in 2023/24) of s106 capital funding will be spent in accordance with the terms of the appropriate s106 agreements.

**III.** That the re-profiling of the budgets as set out in Section 13 be given approval as follows:

The capital programme is re-profiled twice each year to ensure that the budgets reflect changes in the anticipated development and progress of schemes within the approved programme.

**IV.** That the capital programme adjustments as set out in Section 14 be given approval as follows:

Capital Programme adjustments are requested in order to adjust and reapportion the 2022/23 approved budgets to better reflect project delivery of the anticipated programme set out in Appendix 4.

**V.** Authorise the Council to grant a lease or leases of up to 125 years in respect of the commercial unit at Tower Court shown for identification purposes only in the Appendices 1-3 edged in red.

**VI.** Authorise the Group Director of Finance and Resources to negotiate and agree the commercial terms relating to the grant of the lease(s) of the commercial unit at Tower Court.

**VII.** Authorise the Director of Legal, Democratic and Electoral Services to prepare and sign the necessary legal documentation and any ancillary documentation required in order to implement the grant of the leasehold interest(s) in respect of the commercial unit at Tower Court.

**VIII.** Authorise the grant of the lease(s) and that each lease disposal is compliant with S123 of the Local Government Act 1972.

## **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.

**Proposed Disposal of D1 commercial unit at Tower Court:**

The potential options for the use of the space have been explored with colleagues in the Council's Area Regeneration, Planning, Strategic Property Services, Woodberry Down and Finance Teams to establish the most appropriate option. Use of the space for healthcare purposes was explored with the Clinical Commissioning Group (CCG) but they confirmed that they are not interested in using the space. The result of Hatzola withdrawing from the contract is that the scheme finances are now short of the lease payment anticipated from that source and a letting on commercial terms is necessary to help ensure the viability of this development and the overall Estate Regeneration Programme. Feedback from the Council's Strategic Property Services indicates that there will be more appetite for the space if a basic fit out beyond shell and core is undertaken. Given the nature and location of the space, a letting to a commercial organisation is possible but demand may also come from local charitable or community based organisations. Obtaining Cabinet authorisation to enter into a lease or leases of up to 125 years will give the greatest flexibility in the marketing of the space for commercial use and increase the likelihood of securing a suitable provider for the space.

**8. 2021/22 OVERALL FINANCIAL POSITION REPORT - SEPTEMBER 2022 - KEY DECISION NO. FCR S090 (PAGES 51 - 92)**

Mayor Philip Glanville introduced the report in the absence of Councillor Chapman.

**RESOLVED:**

**That the Cabinet:**

Note the update on the overall financial position for September covering the General Fund, HRA and Capital

Note that given the ongoing challenging financial situation, the Group Director of Finance and Corporate Resources in consultation with the Mayor, Cabinet Member of Finance and Corporate Leadership Team colleagues consider further spending control measures in recognition of the need to remain financially responsible and will update on these in the report to December's Cabinet.

**REASON FOR DECISION:**

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

**9. Strategic Plan - Key Decision No. CED S129 (Pages 93 - 146)**

Mayor Glanville introduced the report.

## **RESOLVED:**

### **That the Cabinet:**

Recommend to Full Council that the Strategic Plan be adopted.

Agree to an annual cycle of progress updates to Full Council in May of each year, linked to the Annual Meeting (AM).

## **REASON FOR DECISION:**

There is no statutory requirement for the Council to adopt a Strategic Plan. The Corporate Leadership Team considered the reasons for adopting one in April 2022 and agreed to the benefits as set out below:

### *Planning*

- To help understand external and internal needs, insights, strengths, trends and drivers (local, regional, national), in the context of our long term vision as set out in the community strategy;
- To appraise the Council's and partners' position in response to this, and against an understanding of what would make an impact;
- To prioritise the outcomes we want to achieve in the medium term (next four years) having appraised our position and the opportunities we want to harness;
- To identify the specific workforce strategy priorities, that are linked to the outcomes we want to achieve - plus equality objectives;
- To set out the ways we need to work and the change needed, through culture, ways of working and cross cutting change and transformation;
- To ensure that prioritised outcomes are tied to a balanced budget and medium term financial plan.

### *Delivery and risk management*

- To establish the "golden thread" between long term vision, cross cutting transformational programmes, service plans, ways of working and workforce strategy;
- To support the way we communicate our ambitions internally and externally;
- To set out the outcomes framework or theories of change for what we want to achieve, identifying long term impacts, outcomes and the intermediate measurable outcomes;
- To set out the role for partners - either formally or a call to action;

- To avoid mission drift away from the outcomes we want to achieve in an environment that continues to be challenging, unpredictable and complex.

*Review and evaluation*

- To review the impact of what is delivered against outcomes on periodic basis;
- To help reset direction, strategy and tactics as needed.

**10. HACKNEY SEND STRATEGY 2022-2025 - KEY DECISION NO. CE S139 (PAGES 147 - 164)**

Councillor Woodley introduced the report.

**RESOLVED:**

**That the Cabinet:**

Approve the SEND Strategy 2022–25.

**REASONS FOR THE DECISION**

Hackney commitment to ensuring that children and young people make positive outcomes both educationally and within the community. The SEND Partnership Board has set an ambitious programme to transform the experience of families and the delivery of high-quality services to achieve the best for our children and young people.

The decision is required to ensure that there is a transparent, co-produced strategy to continue to develop our local offer of services and support to meet the needs and deliver high quality outcomes for children and young people with special educational needs and disabilities.

**11. WICK WOODLAND, HACKNEY MARSHES AND OTHER AREAS PUBLIC SPACES PROTECTION ORDER - KEY DECISION NO. NH S147 (PAGES 165 - 282)**

Councillor Fajana-Thomas introduced the report.

**RESOLVED:**

**That the Cabinet:**

Approve the introduction of a Public Spaces Protection Order (PSPO) which would place controls on ASB caused by groups of people gathering, bringing

generators, lighting, sound systems and decorations in Wick Woodland, Hackney Marshes and surrounding areas, often consuming alcohol and other substances and 'partying' till the early hours.

Note that these acts cause nuisance and damage to the proposed prescribed areas. 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 set out in Appendix 1.

## **REASONS FOR THE DECISION:**

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. The proposed PSPO should ensure that Hackney has an effective response to ASB in the areas which it covers.

Councils can make a PSPO after consultation with the Police and other relevant bodies and communities. The legislation sets out a two-pronged test of which a Local Authority has to be satisfied on reasonable grounds before a PSPO can be made. These conditions are as follows:

- (1) *That the activities carried out in a public place have had a detrimental effect on the quality of life of those in the locality; or that it is likely that they will have such an effect.*
- (2) *That the effect or the likely effect of the activities:*
  - (a) *Is (or is likely to be) persistent or continuous.*
  - (b) *Is (or is likely to be) unreasonable.*
  - (c) *Justifies the restriction imposed by the notice.*

A PSPO must identify the public place in question and can:

- (a) prohibit specified things being done in that public place
- (b) require specified things to be done by persons carrying on specified activities in that place; or
- (c) do both of those things.

The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order to prevent or reduce the risk of the detrimental effect continuing, occurring or recurring.

Prohibitions may apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories.

The PSPO may specify the times at which it applies and the circumstances in

which it applies or does not apply.

Unless extended, the PSPO may not have effect for more than 3 years.

Breach of a PSPO without reasonable excuse is a criminal offence. The Police or a person authorised by the Council can issue fixed penalty notices, the amount of which may not be more than £100. A person can also be prosecuted for breach of a PSPO, and on conviction the Magistrates' Court can impose a fine not exceeding level 3 on the standard scale (currently £1000).

In deciding to make a PSPO the Council must have particular regard to Article 10 (Right of Freedom of Expression) and Article 11 (Right of Freedom of Assembly) of the European Convention on Human Rights ('ECHR').

The Council must also carry out the necessary prior consultation, notification and publicity as prescribed by s.72 of the 2014 Act.

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.

**Duration of the meeting:** 6.00 - 6.20 pm