

MINUTES OF A MEETING OF THE CABINET

MONDAY 24 APRIL 2023

Link to livestream:https://youtu.be/hUkp_Xcasgg

- Councillors Present:** Mayor Philip Glanville in the Chair
- Cllr Robert Chapman, Cllr Susan Fajana-Thomas, Cllr Christopher Kennedy, Cllr Guy Nicholson and Cllr Carole Williams
- Apologies:** Councillor Anntoinette Bramble, Councillor Mete Coban MBE, Councillor Clayeon McKenzie, Councillor Caroline Woodley and Councillor Sem Moema
- In attendance virtually:** Cllr Etti and Cllr McKenzie
- Officers in Attendance:** Dawn Carter-McDonald, Director of Legal, Democratic and Electoral Services
Ian Williams, Group Director Finance and Corporate Resources
Rickardo Hyatt, Group Director Climate Homes
Rabiya Khatun, Governance Officer
Tessa Mitchell, Governance Services Team Leader
Natalie Williams, Senior Governance Officer
Helen Woodland, Group Director Adults, Health and Integration
Keung Tsang, Senior Policy Officer
Robert Offord, Area Regeneration Manager
- Also in Attendance:** A member of the public

1 **Apologies for Absence**

- 1.1 Apologies for absence were noted from Deputy Mayor Bramble, Cllr Coban, Cllr McKenzie, Cllr Moema and Cllr Woodley.
- 1.2 Cllrs Etti and McKenzie joined the meeting virtually.

2 **Urgent Business**

- 2.1 There were no items of urgent business to consider.

3 **Declarations of Interest - Members to declare as appropriate**

3.1 There were no declarations of interest.

4 Notice of Intention to Conduct Business in Private, Any Representations Received and the Response to Such Representations

4.4 No representations were received.

5 Questions/Deputations

5.1 No questions were received.

6 Unrestricted Minutes of the Previous Meeting of Cabinet

6.1 The Mayor reported that the decision relating to CHE S179 Motorcycles Parking Permit Review had been called in and this decision was now being considered by the Scrutiny Panel meeting on 24 April 2023.

6.2 The following amendments were requested:

- The inclusion of Cllr Williams in the list of Councillors present.
- Paragraph 5.4, third line - the word 'small' to be amended to 'smaller'.

RESOLVED:

That the minutes of the previous meeting of Cabinet held on 27 March 2023 be agreed subject to the above amendments.

7 Unrestricted Minutes of Cabinet Procurement and Insourcing Committee

RESOLVED:

That the minutes of the previous meeting of the Cabinet Procurement Insourcing Committee held on 13 March 2023 were noted.

8 New items of Unrestricted Urgent Business

8.1 There were no new items of unrestricted urgent business to consider.

9 FCR S102 Capital Update and Property Disposals And Acquisitions Report

9.1 The Mayor introduced the report providing an update on the current position of the Capital Programme and seeking approval to proceed with the delivery of the schemes as outlined within the report.

9.2 The Mayor highlighted Hackney Council's investment into its parks and green spaces, programme to make public toilets free to use in Hackney, play area consultation, the acquisition of a single residential garage and the use of the site to deliver 20 new homes forming part of the delivery of 1000 council homes by 2026.

9.3 Cllr Kennedy referred to paragraph 3.1 within the recommendation of the report and requested that the words 'reliability of' be replaced by 'reliance on'.

RESOLVED:

1. That the scheme for Adult, Health and Integration as set out in section 11 be given approval as follows:

Hackney Mortuary (St John's Churchyard): Resource and spend approval of £814k in 2023/24 is requested to increase the existing budget for the refurbishment and remodelling works to modernise and upgrade the existing facilities to current standards and provide additional capacity to reduce the reliance on 'off-site' facilities.

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

Fairchilds Garden, Dalston Public Realm and Hoxton Public Realm:

Resource and spend approval is requested to fund the improvements in these three sites: £290k in 2023/24 for Fairchilds Garden, £429k in 2024/25 for Dalston Public Realm and £200k for 2024/25 for Hoxton Public Realm.

Haggerston Park Changing Places Toilet: Resource and spend approval of £47k in 2023/24 is required to reflect the grant award to meet part of the cost of the Changing Places Toilet Facility that has been installed in Haggerston Park.

Clissold House Park Toilets: Resource and spend approval of £250k in 2023/24 is requested towards the cost of refurbishing the Clissold House park toilets.

Clissold Park Old Paddling Pool: Resource and spend approval of £150k in 2023/24 is requested to deliver an alternative use for the old paddling pool site at Clissold Park.

Former Side-By-Side Site: Resource and spend approval of £300k (£150k in 2023/24 and £150k in 2024/25) is requested to fund the return of the former side by side nursery site into park use within Springfield Park.

Haggerston Park ATP Surface Replacement: Resource and spend approval of £600k (£30k in 2023/24 and £570k in 2024/25) is requested to replace the existing 3G pitch surface in Haggerston Park which is in a poor condition.

Parks and Green Spaces Green Building Fund: Resource and spend approval of £500k (£50k in 2023/24, £150k in 2024/25 and £300k in 2025/26) is requested to fund the work to replace carbon intensive boilers in the Council's Parks and Green Spaces Service's buildings (primarily its depots, toilets and other ancillary buildings) with sources of heat that produce less carbon.

Parks and Green Spaces Pathway Repair Programme: Resource and spend approval of £1,000k (£250k in 2023/24, £350k in 2024/25 and £400k in 2025/26) is requested to repair and resurface a significant number of the pathways that traverse the 58 parks and green spaces in the borough.

Parks and Green Spaces Depot Refurbishment - Phase 2: Resource and spend approval of £2,500k (£150k in 2023/24, £1,050k in 2024/25 and £1,300k in 2025/26) is requested to fund the Council's Park Depot Refurbishments Phase 2.

Play Area Phase 2 and Phase 3 Refurbishment: Resource and spend approval of £2,500k (£580k in 2023/24, £920k in 2024/25 and £1,000k in 2025/26) is requested to fund the Phase 2 of the Park Play refurbishments in Hackney Downs, Clapton Common, Stonebridge Gardens and Well Street Common and Phase 3 refurbishment of park play areas in the borough's parks.

3. To authorise the freehold acquisition of the residential garage at 26 Blackwell Close E5 shown for identification purposes edged red on the plan at Appendix 1 and 2.

4. To delegate authority to the Group Director Finance and Corporate Resources to agree all commercial terms relating to this acquisition.

5. To delegate authority to the Director of Legal, Democratic and Electoral Services to agree, settle and sign legal documentation to effect proposals contained in this report and to enter into any other ancillary legal documentation as required.

REASONS FOR DECISION

1. 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.

2. 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.

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

4. Proposed Acquisition of 26 Blackwell Close Garage: Approval is requested to acquire the freehold ownership of a single residential garage at 26 Blackwell Close, Clapton Park. Acquisition of the garage will consolidate the Council's ownership of a new housing regeneration site and secure the associated benefits.

5. This capital acquisition shall be funded from the £10m pre-development budget approved by Cabinet in December 2022 (of which £2.49m is allocated to Financial Years 2023-24) for the new Council house building programme.

6. To form the new programme, a comprehensive 'Asset Review' of all the Council's housing land was undertaken, identifying fifteen 'anchor' locations with the potential for new Council homes. The parameters of the review – to focus on Council owned land not requiring the demolition of existing dwellings, and with no net loss of green space - generally means that land acquisition is not expected to be required.

7. That said, of the fifteen locations identified, a modest piece of land assembly is proposed at the Blackwell Close garages location in Clapton Park Estate, Kings Park. The site comprises a plot of thirty three residential garages, all but one of which is owned by the Council. The remaining garage is owned by London & Quadrant Housing Trust (L&Q), forming part of their freehold title of the adjacent residential property at 26 Blackwell Close.

8. The garage extends out from the northern boundary of the site into the proposed development location. Whereas the remainder of the garages plot may hypothetically be able to be developed without the L&Q garage, it is highly desirable to acquire the garage. Acquisition will enable the site extents to be rationalised and the development capacity to be optimised in an economical new building form, along with surrounding public realm improvements creating an improved setting for existing and new residents.

9. This approach responds to the need to optimise Council housing development proposals, in the context of increasingly scarce developable Council-owned land and the increasing cost and complexity of residential construction.

10. It will also have the benefit of clarifying the public realm extent to enable high quality, accessible and safe improvements to the areas around the anticipated development. Particularly, proposals with a clear and rationalised site boundary will avoid the risk of space around the remaining garage becoming magnets for anti-social behaviour such as fly tipping, and prevent ongoing access to the garage compromising the proposed development layout.

11. This proposal supports the Council's priorities for social housing delivery, the creation of liveable and safe neighbourhoods, and making best use of Council resources.

12 L&Q have been engaged and a price has been negotiated subject to governance by both parties. The price is £30,000 plus costs estimated in the region of £5,000. This is in the context of a housing development with clear and tested potential to provide around 20 new homes and surrounding improvements, at an estimated total development cost in the region of £9.8m.

10 FCR S103 2022/23 Overall Financial Position Report - February 2023

10.1 Cllr Chapman introduced the report for 2022/23, which showed that as at February 2023 the Council had forecasted to have an overspend of £7.844m on the General Fund which was a decrease of £72k from the January forecast, and the acceptance of the UK Shared Prosperity Fund grant.

RESOLVED:

1. To note the overall financial position of the Council as at February 2023 as set out in this report.

2. To agree to accept the £1,804,824 of UK Shared Prosperity Fund grant and to enter into a grant agreement with the Greater London Authority regarding the governance of the expenditure.

REASONS FOR DECISION

1. To facilitate financial management and control of the Council's finances and to agree to the offer of UKSPF grant funding and enter into a grant agreement with the GLA to govern the expenditure.

11 CHE S183 Confirmation of Article 4 Direction to remove permitted development rights for change of use from Use Class E to residential in Hackney's CAZ, City Fringe, and Major Town Centres

11.1 Deputy Mayor Nicholson introduced the report which focused on the main economic centres in the borough which were Hackney's section of the Central Activities Zone, the City Fringe and Hackney's designated major town centres.

11.2 It was highlighted that the Article 4 Direction would allow the Council to retain its commercial spaces and to prevent uses within Class E to change to Class C3 dwellinghouse without the need for Planning permission.

RESOLVED:

1. To approve the confirmation of an Article 4 Direction (A4D) (Appendix 1) to withdraw the permitted development ("PD") rights granted by Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GDPO") for changes of use from Class E to a dwellinghouse (Class C3) in Hackney's CAZ, City Fringe, and Major Town Centres area (as shown in Appendix 2).

REASONS FOR DECISION

1. The Council considers that the PD right allowing change of use from Use Class E (commercial, business and services) to C3 (dwellinghouse) without planning permission may constitute a threat to the economy, jobs and amenities of the Borough and would be prejudicial to the proper planning of the Borough, in particular the Council's ability to prevent the loss of uses which contribute to the wider strategic aims for the area.

2. These A4Ds are considered necessary because the Council's employment and retail planning policies are based on robust evidence which establishes a need to protect employment and commercial uses to ensure the vitality and viability of Hackney's economy. The permitted development rights would undermine the operation of these policies and may impact negatively on the provision of employment spaces, commercial spaces and jobs in the Borough.

12 CHE S184 Confirmation of Article 4 Direction to remove permitted development rights for change of use from Use Class E to residential in the District Centres and Local Shopping Centres

12.1 Deputy Mayor Nicholson introduced the report seeking approval to confirm the non-immediate A4D to withdraw the PDRs for change of use of a building and any land within its curtilage from a use falling within Class E specifically within Hackney's District Centres and Local Shopping Centres.

RESOLVED:

To approve the confirmation of an Article 4 Direction (A4D) (Appendix 1) to withdraw the permitted development ("PD") rights granted by Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GDPO") for changes of use from Class

E to a dwellinghouse (Class C3) in Hackney's District Town Centres and Local Shopping Centres (as shown in Appendix 2).

REASONS FOR DECISION

1. The Council considers that the PD right allowing change of use from Use Class E (commercial, business and services) to C3 (dwellinghouse) without planning permission may constitute a threat to the amenities, economy and jobs of the Borough and would be prejudicial to the proper planning of the Borough, in particular the Council's ability to prevent the loss of uses which contribute to the wider strategic aims for the area.

2. These A4Ds are considered necessary because the Council's town centre, retail and employment planning policies are based on robust evidence which establishes a need to protect commercial and employment uses to ensure the vitality and viability of Hackney's town centres and economy. The permitted development rights would undermine the operation of these policies and may impact negatively on the provision of commercial spaces, employment spaces and jobs in the Borough.

13 Hackney Central Town Centre Strategy Adoption & Acceptance of Levelling Up Fund from the Department for Levelling Up, Housing and Communities (DLUHC)

13.1 The Mayor referred to the supplementary pack and introduced the report seeking adoption of Hackney Central Town Centre Strategy and approval for the Council to enter into a contract with the Government to draw down the £19m Levelling Up Fund investment for Hackney Central. He emphasised on the extensive engagement work undertaken with residents and businesses on this strategy

13.2 Deputy Mayor Nicholson added that this new strategy and investment, followed on from the work that was ongoing in Hackney Central, which had so far delivered more new homes and employment opportunities, upgraded infrastructure, new businesses and new workspaces. There remained more work to be done in the town centre.

13.3 The Mayor thanked all those in the Council, particularly Deputy Mayor Nicholson's leadership, key partners and stakeholders including Dame Meg Hillier MP for their work and support for this bid, and also paid tribute to Robert Offord for his role in leading on this work.

RESOLVED:

1. Adopt the Hackney Central Town Centre Strategy (as set out in Appendix 1) as the Council's regeneration framework for Hackney Central town centre.

2. Agrees to accept £19.04m of capital funding via the Levelling Up Fund (LUF) from the Department for Levelling Up, Housing and Communities (DLUHC) for Hackney Central in order to kickstart the delivery of the Town Centre Strategy and address the communities' ambitions for Hackney Central, and, to enter into a grant agreement with the Department for Levelling Up, Housing and Communities (DLUHC) for such funding on such terms as shall be agreed by the Group Director for Climate, Homes and Economy, the Group Director for

Finance and Corporate Resources, and the Director of Legal, Democratic and Electoral Services.

REASON(S) FOR DECISION

1. All town centres have experienced significant stresses recently, with the impact of covid, Brexit, the growth of online shopping, and inflation taking their toll. Hackney Central is both a Major Town Centre and a designated Area for Regeneration in the London Plan. It is a space that thousands of residents use daily as they seek to address their needs, the Council wants to take a proactive approach to respond to the issues that the community have identified in the town centre (such as poor air quality, road safety concerns, need for more affordable housing), to plan proactively and work collaboratively to deal with the challenges the area faces, and to ensure its future success.

2. Failure to positively and proactively plan for the future of Hackney Central will see the existing challenges continue to the detriment of the town centre and borough as a whole. By setting out a clear and shared vision for the future of Hackney Central, the strategy enables the Council to work together with communities, businesses, partners, landowners and other stakeholders to address these challenges.

3. The Town Centre Strategy (TCS) gives the Council what it needs to lead and shape the strategic direction of Hackney Central in the future in line with the objectives set out in;

3.1. the Council's Strategic Plan

3.2. the Local Plan (LP33), especially Place Policy 3 – Hackney Central and Surrounds, and

3.3. Hackney Council's Inclusive Economy Strategy (2019) – support local neighbourhoods and town centres to thrive and to be inclusive and resilient places.

4. The TCS sets out a clear evidence, and community engagement led approach to regeneration in Hackney Central, underpinned by significant quantitative and qualitative research concerning local challenges and opportunities. It is a cross-Council strategy which guides projects and priorities of wider Council services in the town centre. As such, the strategy is a critical structure for coordinating Council projects under a shared vision, and coordinating the efficient use of Council resources, ensuring that investment in the town centre is strategic and maximises local benefit.

5. The TCS provides a vision for the future of Hackney Central, and a plan for how to achieve this vision. This approach ensures the Council are leading future change in Hackney Central, ensuring high quality placemaking, attracting appropriate investment and influencing investors and landowners to bring forward sites and development in a way that most benefits the town centre and Hackney Central's communities.

6. The TCS will help the Council deliver the objectives of Local Plan 2033 (LP33), and will be a material consideration in planning decisions.

7. Having a clear regeneration plan in place for an area enables the Council to be able to make the best possible case to secure funding in what is an increasingly competitive financial environment. The strategy will also form critical evidence for consideration when applying for external funding, be that Central Government,

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Regional Government (GLA) or other independent funding organisations. This has been evidenced by the success of the Council's Levelling Up Fund (LUF) bid.

8. By deciding to accept the LUF funding the Council will be in a position to move forward many of the key projects identified in the TCS, and start to bring about significant improvements to the town centre.

9. The positive benefits brought about by accepting the LUF funding are detailed in paragraphs 6.17-6.21 of this report.

14 Exclusion of the Press and Public

RESOLVED:

That the press and public be excluded from the remainder of the meeting as the items below contain exempt information, as defined under paragraph 3 of Part 1, schedule 12A of the Local Government Act 1972.

15 Exempt Minutes of Cabinet Procurement and Insourcing Committee

RESOLVED:

That the exempt minutes of the previous meeting of the Cabinet Procurement Insourcing Committee held on 13 March 2023 were noted

16 New items of exempt urgent business

16.1 There were no items of restricted urgent business to consider.

Duration of the meeting: 6.00 - 6.35pm