



PUBLICATION OF DECISION LIST NUMBER 63/21-22

MUNICIPAL YEAR 2021/22

Date Published: 25 March 2022

This document lists the Decisions that have been taken by the Council, which require publication in accordance with the Local Government Act 2000. The list covers Key, Non-Key, Council and Urgent Decisions. The list specifies those decisions, which are eligible for call-in and the date by which they must be called-in.

A valid request for call-in is one which is submitted (on the form provided) to the Governance and Scrutiny Team in writing within 5 working days of the date of publication of the decision by at least 7 Members of the Council.

Additional copies of the call-in request form are available from the Governance and Scrutiny Team.

If you have any queries or wish to obtain further report information or information on a decision, please refer to:

– Claire Johnson (ext.1154)

INDEX OF PUBLISHED DECISIONS – 25 March 2022

List Ref	Decision Made by	Date Decision came/ comes into effect	Part 1 or 2	Subject/Title of Report	Category of Decision	Affected Wards	Eligible for Call-In & Date Decision must be called in by (If Applicable)	Page No.
1/63/21-22	Executive Director of Place	4 April 2022	Part 1	New Avenue Deed of Variation to the Development Agreement	Key Decision 5115	Cockfosters	Yes 1 April 2022	1-2
2/63/21-22	Cllr. Gina Needs Cabinet Member for Social Housing	4 April 2022	Part 1 & 2	Walbrook House	Key Decision 5449/ U241	Lower Edmonton	Yes 1 April 2022	5-7
DECISIONS								
For additional copies or further details please contact the Governance Team.								

LIST REFERENCE: 1/63/21-22

SUBJECT TITLE OF THE REPORT:							
New Avenue Deed of Variation to the Development Agreement							
Part 1 or 2 (relevant exempt Paragraph)	Wards affected by decision	Decision taken by	Date Decision comes into effect	Interest declared in respect of the Decision	Category of decision (i.e. Key, Non-Key, Council, Urgent)	Contact Details	Eligible for Call-in & Date to be called in by
Part 1	Cockfosters	Executive Director of Place	4 April 2022	None	Key Decision 5115	Paul White, Housing Development Manager	Yes 1 April 2022
DECISION							
<p>AGREED subject to not being called in:</p> <p>1. Approve entering into of a Deed of Variation to the Development Agreement for the New Avenue project.</p>							
OPTIONS CONSIDERED							
<p>If the Deed of Variation is not entered into before the financial year end, this will have an impact on Phases 2 and 3 starting on site and may also mean that the land receipt payable to the Council will be further delayed and will have to be renegotiated.</p>							
REASONS FOR PROPOSAL							
<p>Phase 1 at New Avenue is now complete with 127 housing units in total including 78 for the Council housing the 49 decanted tenants on social rents, 7 decanted leaseholders who have bought on a shared equity basis, 22 units to be rented on London Affordable Rents for tenants from the waiting list and 49 private sale units sold by Countryside. Prior to commencement of Phases 2 & 3, the Developer submitted a revised Section 73 planning consent to increase the total number of units on the project the Council.</p> <p>The s73 application was approved by the Local Planning Authority in November 2021. A deed of variation to the Development Agreement is required to formalise the variation to housing number, tenure and mix agreed by Planning Committee and will, regularise the land receipt calculation to take into account the increased number of private and shared ownership units to correctly deliver what is due to the Council at the end of the project, update the programme, and tighten clauses around Long Stop Dates, to enable the future phases to commence and deliver as per the agreed changes.</p> <p>If the Council is unable to complete the Deed of Variation before the end of March 2022 this not only presents a commercial risk but also prevents any slippage in the overall construction programme due to the need to renegotiate. The DoV will secure the Council's ability to accelerate future phases of the New Avenue regeneration scheme, release land receipt payable as forecast in the HRA business plan and close out risk of the Developer seeking to reopen negotiations</p>							

BACKGROUND

Please note that a copy of the Part 1 report is available on the Council's democracy pages.

Publication of Decision List 1/63/21-22
25 March 2022

LIST REFERENCE: 2/63/21-22

SUBJECT TITLE OF THE REPORT:

Walbrook house

Part 1 or 2 (relevant exempt Paragraph)	Wards affected by decision	Decision taken by	Date Decision comes into effect	Interest declared in respect of the Decision	Category of decision (i.e. Key, Non-Key, Council, Urgent)	Contact Details	Eligible for Call-in & Date to be called in by
Part 1 & 2 (Para 3)	Lower Edmonton	Cllr. Gina Needs Cabinet Member for Social Housing	4 April 2022	None	Key Decision 5449/ U241	Abigail Ellis, Investment and Resident Safety Programme Director Richard Sorensen, Head of Housing Advisory Service	Yes 1 April 2022

DECISION

AGREED subject to not being called in:

1. Enter into formal consultation with the residents of Walbrook House on the future of the building and note that a further report on the outcome will be brought back to Cabinet.
2. Note that in tandem with this consultation, officers will seek to minimise spend on the district heating contract by negotiating with residents to vacate the building. Note that letters have been issued to residents progressing discussions about options to move.
3. Note officers' use of existing authority under the Housing Allocations Scheme to prioritise residents in Walbrook House for rehousing as an exceptional need to move.
4. Note existing authority (KD5129) to enter into a contract for the design and installation of District Heating and hot water at Walbrook House as urgent works. The installation element of the contract and associated enabling and building safety works will only be progressed subject to a review of progress on the issues outlined in this report.
5. Delegate authority to the Director of Housing and Regeneration, in consultation with the Cabinet Member for Social Housing to set the rates for homeloss, disturbance payments and other costs relating to the decanting of Walbrook House.
6. Agree to engage with leaseholders regarding the acquisition, on a voluntary basis, of all leaseholders' interests in Walbrook House.
7. Delegate authority to the Director of Housing and Regeneration, in consultation with the Director of Finance (Capital and Commercial), to agree the price and terms of each acquisition of leaseholder properties.
8. Delegate authority to the Director of Housing and Regeneration to enter into such contracts as necessary in order to ensure the continued security of vacant premises at Walbrook House.
9. Note that budgetary approvals will be required in the event that more than 25 households remain in Walbrook House in order to complete the associated district heating enabling works and essential safety works which could involve temporary housing.

10. To approve a virement of £0.8m from the approved fire safety capital budget to fund decant and initial works costs at Walbrook House in 2022-23.

11. Note the risk of capital expenditure incurred on this project (up to £3.2m to date) being de-capitalised and reverting to the Housing revenue account which will trigger a need for a review of the HRA business plan as part of the annual review cycle in the Autumn.

OPTIONS CONSIDERED

The cost of completing the essential works is currently estimated at £23m and it is not sensible to invest this level of expenditure without carrying out a full options appraisal.

REASONS FOR PROPOSALS

The Council has been served notice of termination of the gas supply by Cadent, the gas carrier. As such, the Council must take steps to remove the gas service and provide an alternative source of heating and hot water to the 126 households and community space in Walbrook House or empty the block. The notice expires on 19th July 2022, and (unless an alternative arrangement is agreed with Cadent) the gas supply will be disconnected on this date. The Council has already made steps to reduce demand on the gas supply at Walbrook House by removing all gas cookers. For safety reasons additional gas boiler checks are being made on a monthly basis.

This block was already identified for priority building safety works. As part of this programme a district heating solution had been recommended and has been procured. Authority to award the contract is covered in KD5129. Due to market conditions and further work arising through the construction management approach to this complex project, overall project costs have increased so officers are reviewing options for the building.

The timeline for putting in the alternative source of heating and hot water for the block is subject to negotiation with the provider. The electrical supply to the block is insufficient to enable electrical heating and hot water for all the flats. Subject to design, the current electrical infrastructure can support a number of flats (up to twenty-five) with fully electric heating and hot water.

Section 105 of the Housing Act 1985 places a statutory duty on the council to consult its secure tenants on matters of housing management. The proposal to move secure tenants out of Walbrook, carry out works or demolish the building are matters of housing management that require consultation under section 105. We are therefore proposing to begin formally consulting with residents on the future of Walbrook House in parallel with progressing voluntary rehousing of residents or temporary housing should this be required to comply with the gas notice.

The Section 105 consultation will take the form of a letter to Walbrook residents letting them know that the Council is carrying out an options appraisal and how they can make their views known. This will be followed up with face to face meetings with residents to discuss their individual circumstances, views and options. The consultation process will help to inform the options appraisal process. No decision regarding the future of the block will be made until the outcome of the consultation is understood.

Two options will be pursued in parallel with the consultation.

The first option is to rehouse most residents from Walbrook House by 18th July 2022. This would enable the Council to either expedite the building safety works more quickly and with less disruption to residents' lives or to be ready to deliver an alternative solution for the site depending on the options appraisal.

The second option, if this proves necessary, is to move forwards with the design and installation of district heating for the block. The contract is due for award for the works although the first phase to design the new system is underway. Should we decide to abort the works, the extent of liability will be limited to the design and preparation works for the in-building element.

Should significant progress have been made in rehousing residents and the Director of Housing and Regeneration is confident that the Council will have moved most households out of Walbrook by 18th July then the installation of the district heating system will be postponed pending the outcome of the options appraisal and a temporary solution for electrical heating and hot water will be installed for any residents remaining in occupation, although to match the timings, the procurement, design and spec must be initiated before end of March 2022.

BACKGROUND

Please note that a copy of the Part 1 report is available on the Council's democracy pages. As the part 2 appendix contains exempt information it will not be available to press and public.

Publication of Decision List 2/63/21-22
25 March 2022