

CABINET MEMBER DELEGATED DECISION 6 OCTOBER 2021

Report title: Claremont East Environmental Improvements

Wards: Streatham Hill

Portfolio: Deputy Leader (Sustainable Transport, Environment and Clean Air: Councillor Claire Holland, Cabinet Member for Housing and Homelessness: Councillor Maria Kay

Report Authorised by: Bayo Dosunmu: Strategic Director, Resident Services

Contact for enquiries: Lesley Ambler, Housing Project Coordinator, Estate Service, 020 7926 5313

Report summary

On the 03 July 2017 the Council received £504,226.56, via a signed deed or release, from the sale of land on Claremont East Estate to Notting Hill Housing Association.

It was agreed, as part of the conditions of sale in 2012, that the funds will be used for environmental improvements to Claremont East Estate.

The proposed improvements include, but are not limited to, the following:

- Renewal of the roadway
- New bin stores
- Additional landscaping and planting
- Traffic calming measures
- Removal of Japanese Knotweed

Finance summary

£504.226.56 is available from capital receipts from the sale of land agreed in 2012 and completed in 2017. It is s agreed that these funds will be spent on environmental improvements to Claremont Estate East in consultation with the residents.

The project will be delivered within the Housing Revenue Account Capital Programme.

Details of the proposals for the estate are listed at 3.2 of this report.

Recommendations

- 1) That environmental improvements are carried out to Claremont East Estate, with £504,226.56 available funding, as per the conditions stated in the sale of land to Notting Hill Housing Association in 2012 and in accordance with consultation that took place with residents in 2012 and 2015.

- 2) That further consultation is carried with residents, ward councillors and other relevant stakeholders on the proposals for improvements, listed at 3.2 of this report, to be finalised on completion of the consultation.
- 3) Ensure transparency in use of the funds, by continued consultation with residents, ward councillors and other relevant stakeholders.
- 4) Carry out a feasibility study, to decide on the best use of the disused land adjacent to Balcombe House.
- 5) That a procurement exercise is conducted, in accordance with the Council's procurement processes and legal requirements, to appointment a contractor to complete the agreed work.

1. CONTEXT

- 1.1 In 2012, there was a land sale agreement between Lambeth Council and Notting Hill Housing Association. Land from Claremont East Estate was sold to developers to create a block of mixed tenure housing, including affordable and social housing. As part of this agreement, £500,000 was to be spent on carrying out a range of environmental improvements requested by residents. It was later agreed that this work would be carried out by Lambeth Living, later amended legally to Lambeth Council. This was to avoid the need for VAT allowing 20% extra to be spent on the estate. There have previously been three sets of consultation meetings where residents agreed priorities for the estate. Due to the delay in progressing this project, there will be further consultation with residents and ward councillors to consider proposals.

2. PROPOSAL AND REASONS

- 2.1 It is proposed to carry out the environmental improvements through a procurement process. The works will be managed by the Lambeth Estate Services team.
- 2.2 Funding is available from the sale of land to Notting Hill Housing Association. Failure to use these funds in the way that it has been agreed would have an adverse impact on the Council's reputation and could lead to complaints and legal challenges from residents.
- 2.3 The original proposal was that Notting Hill Housing carry out the work. This has been rejected as it would incur a management fee and the work would be subject to VAT. If the Council manages the work, an additional £100,000 will be available for improvements to the estate.
- 2.4 The proposals for the main work, include resurfacing of the estate roads and paths ways which are in a poor state of repair, with potholes, uneven surfaces and loose gravel and are beyond temporary patch repair. To take no action is not an option as the work is essential, and if not carried out using these funds would need to be funded from other budgets. In addition, failure to carry out these repairs will potentially put the health and safety of residents and visitors to the estate at risk and could lead to insurance claims against the Council, as well as a consequent adverse impact on the Council's reputation.
- 2.5 It makes sense to carry out other improvements at the same time as the main roadway resurfacing work. The proposals to introduce traffic calming measures, demolish redundant pram sheds, improved landscaping and provision of street furniture, is intended to contribute towards improving air quality, creating community cohesion and delivering on the Council's outcomes of creating

strong and sustainable communities by investing in parks and open spaces and enhancing streetscapes and open spaces.

- 2.6 Options are being considered to develop the disused land adjacent to the estate; this could be used for additional housing, the provision of a ball court or a residential communal space and growing area for residents. This area is a site of anti-social behaviour, including rough sleeping. Development of the land is needed to address the misuse of the area. It would also provide amenities for residents, making the area a more desirable place to live. Failure to do anything would only exacerbate the problem. Use of the land for new housing would contribute towards the Council's desired outcome of inclusive growth and the commitment to increase new homes for sale and rent, as outlined in Future Lambeth our borough plan – 2016 to 2021. It would also provide additional income to the Council that could be used for other improvements. If it is decided to use this space to provide a ball court or a communal space and growing area for residents, this is expected to contribute towards creating strong and sustainable communities by providing spaces where people can engage in sport or physical activity.

3. FINANCE

- 3.1 £504,226.56 is available from capital receipts from the sale of land agreed in 2012 and completed in 2017, to be spent on environmental improvements in consultation with the residents.
- 3.2 The project will be delivered within the Housing Revenue Account Capital Programme.

Proposed work	Estimated cost (£)
Options	
Option 1 – Clearance of disused land and provision of new ball court	£100,000.00
Option 2 – Clearance of disused land and provision of resident communal space and growing area	£30,000.00
Option 3 – Feasibility study – for the development of land for new housing	£15,000.00
Main work	
Japanese Knotweed excavation/route barrier	£40,000.00
Landscape architect fee/planning app	£10,000
Road surfacing and kerbs	£150,000.00
Speed tables	£43,000.00
New paving/pavements/removal and replacement of railings	£55,000.00
Street furniture	£50,000.00
Planting	£20,000.00
Tree surgery	£30,000.00
New bin stores	24,200.00
Demolition of existing pram sheds and creation of ramp to garden area	20,000.00
Cost of main works	442,200.00
Total Costs	
Option 1 - Clearance of disused land and provision of new ball court (incl. 5% contingency)	£551,560.00

Option 2 – Clearance of disused land and provision of resident communal space and growing area (incl. 5% contingency)	£488,060.00
Option 3 – Total cost (incl. 5% contingency)	£472,310.00

4. LEGAL AND DEMOCRACY

- 4.1 Section 13(1) of the Housing Act 1985 gives the Council the power to lay out and construct public streets or roads and open spaces on land acquired by them for the purposes of Part II of that Act. Claremont Estate is held within Part II of the Act.
- 4.2 As these improvements are being paid for from funds from a signed deed of release from the sale of land on Claremont East Estate to be used for environmental improvements to the estate, the expenditure are not costs being incurred by the Council as landlord, and therefore not a “relevant cost” for the purpose of section 18 of the Landlord and Tenant Act 1985. As such, the expenditure is not rechargeable to leaseholders on the estate as a service charge.
- 4.3 Section 149 of the Equality Act 2010 requires the Council in the exercise of its functions to have due regard to the need to:
- (a) Eliminate discrimination, harassment, victimisation and other form of conduct prohibited under the act; and
 - (b) To advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic (age, disability, gender re-assignment, pregnancy and maternity, race, religion and belief, sex, and sexual orientation) and persons who do not share it.
- 4.4 Having regard to the need to advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share it involves having due regard, in particular the need to:
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of the persons who share that characteristic that are different from the needs of persons who do not share it; and
 - (c) encourage persons of the relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 4.5 Compliance with the above public sector equality duties may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the Act.
- 4.6 The Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.
- 4.7 This proposed key decision was entered in the Forward Plan 09 August 2021 the necessary 28 clear days’ notice has been given. In addition, the Council’s Constitution requires the report to be published on the website for five clear days before the proposed decision is approved by the

Cabinet Member. Any representations received during this period must be considered by the decision-maker before the decision is taken. A further period of five clear days - the call-in period – must then elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

5. CONSULTATION AND CO-PRODUCTION

- 5.1 Residents have previously been involved in the decision making leading to this report. Consultation was carried out on three occasions; in 2012 when the sale agreement was drawn up, residents agreed a proposed list of environmental improvements; in 2015 on completion of the construction of new homes further consultation and engagement was carried out to amend the original proposed list of environmental improvements.
- 5.2 Due to the time lapse, it is agreed to carry out a further consultation exercise. The Council is preparing options for discussion with residents.
- 5.3 There is currently no Tenants and Resident Association on the estate, so engagement of residents is challenging. The Council will work with the Neighbourhood Working Coordinator to increase resident involvement on the estate. We intend to arrange online meetings with residents, ward councillors and other stakeholders to discuss options for improvements to the estate. The Council will contact all residents and other stakeholders, that we have email addresses for, via Gov.delivery; the Council will also post hard copy communications in all blocks on the estate. The Council intend to use QR codes to consult with residents and other stakeholders. As the project develops, we will keep residents and stakeholders up to date with regular newsletters and further online meetings. If possible, the Council will hold meetings in person. The Council will keep the cabinet member for housing briefed via cabinet member briefings and inclusion in communication to residents.

6. RISK MANAGEMENT

- 6.1 A risk assessment will be carried out prior to the start of the contract. There is a risk that the knotweed will damage the new buildings if left untreated. This work will therefore be included in the proposed works.

Item	Risk	Likelihood	Impact	Score	Control Measures	Risk Owner
1	Planning permission for development of the disused area refused	2	4	8	Pre-planning advice will be sought. Project to be planned so that development of the site is a separate phase and will not impact on the improvements not requiring planning permission	
2	Objections to planning permission impacting on the project	3	4	12	Pre-planning advice to be sought. Project to be planned so that development of the site is a separate phase and will not impact on the improvements not	

					requiring planning permission	
3	Insufficient resident engagement	3	2	6	Offer different types of resident engagement e.g Microsoft teams meetings and on-site meetings. Work closely with the Neighbourhood Coordinator and Resident Participation Officer to increase resident participation and interest in the project Widely publicise the project to residents on the estate, providing regular updates as the project progresses and coincide with significant timelines.	
4	Insufficient tenders received for the work providing a competitive tender	2	2	4	Widely publicise the tender opportunity. Invite expressions of interest in advance of the tender.	
5	Delays due to Covid-19 restrictions	3	4	12	Keep stakeholders informed; keep up to date with restrictions. Work closely with contractors to ensure that work can be carried out safely within restrictions. Carry out communications in accordance with Covid-19 restrictions e.g arrange online meetings.	

Likelihood	Very Likely	4	Likely	3	Unlikely	2	Very Unlikely	1
Impact	Major	8	Serious	4	Significant	2	Minor	1

7. EQUALITIES IMPACT ASSESSMENT

7.1 An Equalities Impact Assessment will be carried out during the tender process.

8. COMMUNITY SAFETY

8.1 There are no community safety implications

9. ORGANISATIONAL IMPLICATIONS

Corporate Parenting

9.1 None

Environmental

9.2. The Council will be carrying out responsible procurement based on 70% price and 30% quality.

Staffing and accommodation

9.3. None

Procurement

9.4. This project will be subject to procurement board approvals and approval by democratic services. At this stage we are looking to agree to spend the capital investment

Health

9.5. None

10. TIMETABLE FOR IMPLEMENTATION

Including planning permission for a new ball court on disused land	
Approval by asset management group	September 2017
Approval of ODDR	June 2021
Include on the Forward Plan	July 2021
Business Case Approval	August 2021
Appoint landscape architect to draft plans	August/September/October2021
Prepare planning application	November/December 2021
Submit planning application	January 2022
Validation of planning application	February 2022
Consultation on planning application	March 2022 /April 2022
Assessment of planning application	April /May/June 2022
Planning application ctte	July 2022
Gateway 2	August 2022
Procurement Board Agreement	September 2022
Open tender	October 2022
Evaluate tenders	November 2022
Gateway 3	December 2022
Call in period	January 2023
Award contract	February 2023
Start on site	March 2023

Excluding planning permission for development of disused land	
Approval by asset management group	September 2017
Inclusion on the Forward Plan	9 August 2021
Business Case Approval	August 2021
Appoint landscape architect to draft plans	August 2021
Further resident consultation	August 2021
Gateway 2	September 2021
Procurement Board Agreement	October 2021
Open tender	November 2021
Evaluate tenders	December 2021
Gateway 3	January 2021
Call in period	14 October 2021
Award contract	March 2022
Start on site	April 2022

Audit Trail				
Consultation				
Name/Position	Lambeth directorate / department or partner	Date Sent	Date Received	Comments in paragraph:
Councillor Claire Holland	Deputy Leader (Sustainable Transport, Environment and Clean Air	21 July 2021	21 July 2021	
Councillor, Maria Kay	Cabinet Member for Housing and Homelessness	21 July 2021	21 July 2021	
Councillor, Liz Atkins	Ward Councillor for Streatham Hill	21 July 2021	21 July 2021	
Councillor Rezina Chowdhury	Ward Councillor for Streatham Hill	21 July 2021	21 July 2021	
Councillor, Ian Simpson	Ward Councillor for Streatham Hill	21 July 2021	21 July 2021	
Tim Fairhurst, Assistant Director, Neighbourhood Housing	Housing, Resident Services	17 May 2021	17 May 2021	
Neil Euesden, Director of Housing	Housing, Resident Services	17 May 2021	17 May 2021	
Linda Elliott, Head of Estate Services	Estate Services, Neighbourhood Housing	29 April 2021	29 April 2021	
Bayo Dosunmu	Resident Services	09 June 2021	21 July 2021	

Strategic Director for Resident Services				
Andrew Ramsden, Assistant Director of Finance	Neighbourhoods and Growth	29 April 2021	17 May 2021	
Michael O'Hara, Senior Contracts Lawyer	Legal and Governance	29 April 2021	30 April 2021	
Nazyer Choudhury, Democratic Services	Corporate Resources	29 April 2021	05. May 2021	

Report History	
Original discussion with Cabinet Member	15 September 2021
Report deadline	15 September 2021
Date final report sent	15 September 2021
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	Yes
Date first appeared on forward plan	09 August 2021
Key decision reasons	2. Expenditure, income or savings in excess of £500,000
Background information	Deed of Release – relating to estate improvement works at Claremont East Estate, Streatham London SW2 Agreement for Sale of Sites A & B Claremont East Estate, Streatham London, SW2 Future Lambeth: Our Borough Plan
Appendices	None

APPROVAL BY CABINET MEMBER OR OFFICER IN ACCORDANCE WITH SCHEME OF DELEGATION

I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board and taken account of their advice and comments in completing the report for approval:

Signature: _____ **Date:** _____

Post: Lesley Ambler
Housing Project Coordinator

I confirm I have consulted the relevant Cabinet Members, including the Leader of the Council (if required), and approve the above recommendations:

Signature: _____ **Date:** _____

Post: Councillor Maria Kay
Cabinet Member for Housing and Homelessness:

Any declarations of interest (or exemptions granted):

Any conflicts of interest:

Any dispensations: