



Mayor and Cabinet

Building for Lewisham Update

Date: 9 July 2020

Key decision: Yes

Class: Part 1

Ward(s) affected: All

Contributors: Executive Director for Housing, Regeneration and Environment; Acting Chief Finance Officer, Director of Law

Outline and recommendations

It is recommended that Mayor and Cabinet:

Notes the programme update provided for the Council's housebuilding programme;

Agrees that Burnt Ash Garages and Mill Gardens Garages are removed from the Building for Lewisham Programme;

Agrees that the schemes at Drakes Court, Evelyn Community Centre, Former Fairlawn Nursery Annexe, Greystead Road, Hensford Gardens, Markwell Close and Walsham Road Garages are added to the Building for Lewisham Programme;

Agrees that Drakes Court, Greystead Road, Hensford Gardens and Markwell Close are to proceed from RIBA Stage 1 completion to construction contract tender;

Agrees that Fairlawn Nursery Annex and Walsham Road garages are to proceed from RIBA 1 completion to construction contract tender subject to the scheme viability meeting the required financial hurdles at completion of RIBA Stage 2; Notes that this report is accompanied by a Part 2 report outlining the financial parameters of the programme as well as requests for additional spend required in order to take the schemes forward;

Notes progress in relation to the new governance processes and procedures which will be used to monitor the programme;

Delegates authority to the Executive Director of Housing, Regeneration and Environment to initiate and carry out any s105 consultation required for schemes within the Building for Lewisham programme, at the appropriate time;

Notes that responses to any s105 consultation will be referred back to Mayor and Cabinet for consideration and approval to continue with the development;

Delegates authority to the Executive Director for Housing, Regeneration and Environment to approve the submission of proposals for planning permission and discharge of conditions, non-material amendments and section 73 applications, where applicable, for approved schemes within the Building for Lewisham Programme and authorises the Executive Director for Housing, Regeneration and Environment to instruct Lewisham Homes to act on behalf of the Council with respect to all of the above, subject to approval to continue with the development being given by Mayor and Cabinet following consideration of any s105 consultation required;

Notes that officers will return to Mayor and Cabinet to approve the allocation of budgets for the purpose of commencement of construction work;

Approve the allocation of funding which will be used by Lewisham Homes to appoint a contractor to deliver construction works for 32 new homes at the scheme known as Mayow Road, further details of which are included in Part 2;

Approve the allocation of funding which will be used by Lewisham Homes to appoint a contractor to deliver construction works for 6 new homes at the scheme known as Canonbie Road, further details of which are included in Part 2; and

Note the procurement strategy adopted by Lewisham Homes and the tender analysis they have undertaken to progress Mayow Road and Canonbie Road to this point.

Timeline of engagement and decision-making

Mayor and Cabinet, 11 July 2018 – New Homes Programme

Mayor and Cabinet, 15 January 2020 – Building for Lewisham Programme

Mayor and Cabinet, 11 March 2020 - Precision Manufactured Homes Programme Procurement

This report is a Key Decision, therefore any decision will be subject to scrutiny

1. Summary

- 1.1. Following the launch of the Building for Lewisham housebuilding programme in January 2020, further work has been undertaken to finesse the programme and ensure the maximum number of new homes can come forward whilst demonstrating best value for the Council.
- 1.2. Officers proposed in the January Mayor and Cabinet report to provide regular updates to Mayor and Cabinet on the delivery of the programme and to seek approvals as required to keep the programme on track. This report provides an update on progress as well as seeking a number of approvals to enable the ongoing delivery of the programme.
- 1.3. It was also noted in the January Mayor and Cabinet report that updated governance arrangements would be presented to Mayor and Cabinet to provide reassurance that the programme-level risks identified are mitigated sufficiently. Over the past few months, officers from both the Council and Lewisham Homes have been working on the governance arrangements. This work is ongoing and an interim update is provided within this report.

2. Recommendations

It is recommended that Mayor and Cabinet:

- 2.1. Notes the programme update provided for the Council's housebuilding programme;
- 2.2. Agrees that Burnt Ash Garages and Mill Gardens Garages are removed from the Building for Lewisham Programme;
- 2.3. Agrees that the schemes at Drakes Court, Evelyn Community Centre, Former Fairlawn Nursery Annexe, Greystead Road, Hensford Gardens, Markwell Close and Walsham Road Garages are added to the Building for Lewisham Programme;
- 2.4. Agrees that Drakes Court, Greystead Road, Hensford Gardens and Markwell Close are to proceed from RIBA Stage 1 completion to construction contract tender;
- 2.5. Agrees that Fairlawn Nursery Annex and Walsham Road garages are to proceed from RIBA 1 completion to construction contract tender subject to the scheme viability meeting the required financial hurdles at completion of RIBA Stage 2;
- 2.6. Notes that this report is accompanied by a Part 2 report outlining the financial parameters of the programme as well as requests for additional spend required in order to take the schemes forward;
- 2.7. Notes progress in relation to the new governance processes and procedures which will

- be used to monitor the programme;
- 2.8. Delegates authority to the Executive Director for Housing Regeneration and Environment to initiate and carry out any s105 consultation required for schemes within the Building for Lewisham programme, at the appropriate time;
 - 2.9. Notes that responses to any s105 consultation will be referred back to Mayor and Cabinet for consideration and approval to continue with the development;
 - 2.10. Delegates authority to the Executive Director for Housing, Regeneration and Environment to approve the submission of proposals for planning permission and discharge of conditions, non-material amendments and section 73 applications, where applicable, for approved schemes within the Building for Lewisham Programme and authorises the Executive Director for Housing, Regeneration and Environment to instruct Lewisham Homes to act on behalf of the Council with respect to all of the above, subject to approval to continue with the development being given by Mayor and Cabinet following consideration of any s105 consultation required;
 - 2.11. Notes that officers will return to Mayor and Cabinet to approve the allocation of budgets for the purpose of commencement of construction work;
 - 2.12. Approve the allocation of funding which will be used by Lewisham Homes to appoint a contractor to deliver construction works for 32 new homes at the scheme known as Mayow Road, further details of which are included in Part 2;
 - 2.13. Approve the allocation of funding which will be used by Lewisham Homes to appoint a contractor to deliver construction works for 6 new homes at the scheme known as Canonbie Road, further details of which are included in Part 2; and
 - 2.14. Note the procurement strategy adopted by Lewisham Homes and the tender analysis they have undertaken to progress Mayow Road and Canonbie Road to this point.

3. Policy Context

- 3.1. The Council's Corporate Strategy (2018-2022) outlines the Council's vision to deliver for residents over this four year period. Building on Lewisham's historic values of fairness, equality and putting our community at the heart of everything we do, the Council will create deliverable policies underpinned by a desire to promote vibrant communities, champion local diversity and promote social, economic and environmental sustainability. Delivering this strategy includes the following priority outcomes that relate to the provision of new affordable homes:
 - Tackling the Housing Crisis – providing a decent and secure home for everyone.
 - Building and Inclusive Economy – ensuring every resident can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
 - Building Safer Communities – ensuring every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.
- 3.2. Homes for Lewisham, Lewisham's Housing Strategy (2015-2020), includes the following priority outcomes that relate to the provision of new affordable homes:
 - Key Objective 1 – helping residents in times of severe and urgent housing need.
 - Key Objective 2 – building the homes our residents need.
 - Key Objective 4 – promoting health and wellbeing by improving our resident's homes.

4. Background

- 4.1. After nearly two years of development, the Building for Lewisham (BfL) programme

was launched formally in January 2020 following the Mayor and Cabinet's decision to approve a budget to tender for the first 5 new schemes to be delivered. This built upon the ongoing housebuilding programme which has been running since 2014.

- 4.2. In addition, Mayor and Cabinet also approved a budget to fund further feasibility studies on ten other sites in January 2020. These were schemes where further work was required in order to establish whether there was potential to move forward with a financially viable and deliverable scheme.
- 4.3. This report will provide an update on the above as well as updating on those sites where planning permission has already been granted and where construction work has started.
- 4.4. This report also provides an update on the Council's ongoing improvements to project management and governance procedures to ensure the successful ongoing delivery of the Building for Lewisham programme.

5. Building for Lewisham Packages

- 5.1. This section sets out the latest position for schemes within the Building for Lewisham Programme.

Schemes at construction tender stage, under construction or recently completed

- 5.2. Since 2014, the Council has been developing a programme of building new homes for our residents.
- 5.3. In July 2018, Mayor and Cabinet agreed a package of funds to take these sites into the construction tender stage. Working on behalf of the Council, Lewisham Homes have been working to progress these schemes since the grant of planning permission. As part of this progress the schemes at Kenton Court, Knapdale, Marnock Road, Grace Path and Silverdale have started construction in the past few months. Construction sites remain active in line with central government advice about Covid-19 and strict social distancing remains in place to ensure the safety of those working.
- 5.4. A full schedule of the 2014-2018 sub-programme can be found in the table below. This also contains the 112 Precision Manufactured Homes that were approved to enter into contract (subject to viability and further design work) by Mayor and Cabinet in March 2020.

2014-2018 PROGRAMME	CONSTRUCTION TENDER STAGE	SOCIAL RENT HOMES	TEMPORARY ACCOMODATION HOMES	TOTAL HOMES
Algernon Road	ON SITE	4	0	4
Bampton	ON SITE	39	0	39
Dacre Park North	ON SITE	5	0	5
Edward Street	ON SITE	0	34	34
Endwell Road	TENDERS RETURNED	9	0	9
Forest Estate, Knapdale Close	ON SITE	17	0	17
Grace Path	ON SITE	5	0	5
Hawke Tower (Warden's office)	ON SITE	1	0	1
Home Park	TENDERS RETURNED	31	0	31
Kenton Court	ON SITE	25	0	25
Marnock Road	ON SITE	6	0	6
Mayfield	PRE PLANNING	47	0	47
Pepys Office -Eddys' Tower	TENDERS RETURNED	5	0	5
Rawlinson House	ON SITE	1	0	1
Silverdale Hall	ON SITE	6	0	6
Wllington Close (Somerville)	TENDERS RETURNED	23	0	23
TOTAL		224	34	258

- 5.5. In January 2020, Mayor and Cabinet noted that the total number of homes to be delivered through this package reduced slightly as the development at Hillcrest in Sydenham ward had been removed and Bampton in Perry Vale ward had decreased in size. This meant that whilst spending remained within the approved funding envelope, the price per unit was now greater than initially expected.
- 5.6. Mayor and Cabinet noted this decision. However, a further approval is now sought to re-baseline the revised budget for these developments in line with current financial projections. This information is contained within Part 2 of this report.

Schemes approved in January 2020

- 5.7. Funding to take forward five new sites was approved at January's Mayor and Cabinet.
- 5.8. These were as follows:
- Mill Gardens
 - Elderton Road Garages
 - Burnt Ash Garages
 - Dacres Road Garages (phase 1)
 - Valentine Court (phase 1)
- 5.9. Since this time, consultation has taken place with residents to examine how the sites could come forward and learn more about the area from the people who know it best.
- 5.10. As a result of this process and following due diligence works, the developments at Mill Gardens Garages and Burnt Ash Garages are no longer being considered for development at this time and are recommended for removal from the programme. An update to the residents that have been engaged will be prepared following Mayor and Cabinet.
- 5.11. Further information is provided in part 2 of this paper.
- 5.12. The developments at Valentine Court and Dacres Road originally included second phases. As part of this paper, Mayor and Cabinet are recommended to combine these phases within the proposals for each site. This approach will enable more subsidy to be put into the Building for Lewisham programme earlier in the cashflow, reduce build costs and deliver more improvements for the existing estate.
- 5.13. Two schemes at Stainton Road Garages and Senate Street Garages were included as part of the additional feasibility budget granted in January 2020. However, these schemes will no longer be progressing following due diligence work as part of the feasibility stage.

New Schemes Proposed

- 5.14. A feasibility budget was approved at January Mayor & Cabinet and it is recommended that sites at Greystead Road, Hensford Gardens, Markwell Close and Drakes Court are formally added to the Programme and are taken from completion of RIBA stage 1 through to construction contract tender.
- 5.15. Two sites at Walsham House Garages and Fairlawn Nursery Annexe that were also considered through the feasibility budget will also be added to the Programme but at this stage, a budget will only be sought initially to progress from completion of RIBA Stage 1 to completion of RIBA stage 2 as both schemes require further investigation and review of the tenure brief for Fairlawn before a full budget to construction tender can be committed.
- 5.16. In addition, the Evelyn Community Centre redevelopment will be added to the programme from RIBA Stage 0 onwards to construction contract tender, subject to

viability. The scope of this project is still being defined but it is essential that it will come forward in collaboration with local residents, ward councillors and community centre users. This engagement will be led by Lewisham Homes.

- 5.17. A feasibility budget was approved by Mayor and Cabinet to examine the sites at 5.14 to 5.16 in January 2020. Following this work, these schemes are able to progress as set out above.
- 5.18. The sites are being added to the programme as the result of work undertaken by the Council and Lewisham Homes to ensure that the developments are feasible.
- 5.19. A potential up to circa 250 new homes could be added to the Programme as result of these sites being added to the programme, however this is subject to further consultation, design work, financial viability reviews and Planning. A request for a budget to take these sites forward will be included in Part 2.
- 5.20. New sites will predominantly focus on the delivery of social homes. However, a proportion of other tenures will be provided as subsidy for the social homes.
- 5.21. The focus for the Council remains the provision of genuinely affordable homes at a social rent. However, some element of cross-subsidy from market sale and shared ownership homes is likely in order to deliver social rented homes. Whilst unit numbers are yet to be finalised, the Council remain on track to ensure that 50% of the programme will be for social rent.
- 5.22. Consultation forms a crucial part of how our developments will come forward; building upon the initial work undertaken by Lewisham Homes. The Council want to ensure existing residents are empowered to shape the way in which their neighbourhood develops and steps will be taken to ensure that seldom heard members of the community are given a chance to contribute.
- 5.23. Lewisham Homes are leading on engagement on behalf of the Council. Where development takes place on Council land and where there are changes to maintenance, management, improvement of homes or changes to the provision of amenities, a section 105 consultation will be required for tenants.
- 5.24. This report seeks approval of the Mayor and Cabinet to delegate authority to the Executive Director of Housing, Regeneration and Environment to initiate and carry out any section 105 consultation required for schemes within the Building for Lewisham programme, at the appropriate time. Where responses are received from secure tenants, officers will return to Mayor and Cabinet with a report to consider those responses.
- 5.25. It should be noted that where Mayor and Cabinet determine that a development will not proceed following section 105 consultation, all potentially abortive costs will be identified at that stage.

6. Mayow Road construction

Background

- 6.1. Mayow Road will provide 26 much needed good quality Temporary Accommodation (TA) homes and 6 Supported Living (SL) homes to enable those with learning disabilities and/or autism to live semi-independent lives with suitable care provided.
- 6.2. Council officers obtained planning permission for this scheme in November 2019 after which, the scheme was transferred to Lewisham Homes who created the Employer's Requirements for the scheme, undertook value engineering and procured and managed the demolition works to the vacant warehouse which was formally on site. Lewisham Homes will manage the construction phase to practical completion on behalf of the Council.
- 6.3. NHS England have provided grant funding for the 6 SL homes. This funding was

subject to construction work commencing by the end March 2020. This was achieved with the demolition contract procured separately. The grant has been received by the Council.

- 6.4. An Invitation to Tender for the main construction works was issued and the procurement and evaluation process has been concluded. Subject to approval, the main works contract will be entered into in August 2020, allowing contractor site possession thereafter with works commencing in November 2020. This will allow the scheme to complete by March 2022. However, it should be noted that Covid-19 may affect the programme should further restrictions be placed by the government and any other delays out of Lewisham Homes' control.
- 6.5. It should be noted that at present there is a discrepancy between the NHS grant drawdown dates and the estimated construction programme which could see some of the grant being returned to the NHS, making viability more challenging.
- 6.6. Officers are currently negotiating with the NHS to seek a way forward that would enable the development to progress with full funding from the NHS in place.
- 6.7. Resolution of this matter will be required prior to the main works contract being entered into by Lewisham Homes.

Procurement and tendering

- 6.8. This is contained in Part 2 of this paper.

Contract Management Arrangements

- 6.9. Lewisham Homes is a wholly owned subsidiary of Lewisham Council and operates as its housing development and management agent. The high level governance arrangements between the Council and Lewisham Homes are set out in a Management Agreement.
- 6.10. The intention is that Lewisham Homes will enter into a JCT Design & Build 2016 contract for the construction of the 32 homes.
- 6.11. Lewisham Homes will put in place arrangements to ensure the delivery of the building contracts on time, within budget and to the required quality. The Council will monitor this via its new development governance processes as detailed in Section 9 below.
- 6.12. The Lead Contract Officer for this contract will be the Head of Delivery at Lewisham Homes, with day to day management being completed by a Project Manager for the schemes.
- 6.13. Lewisham Homes have appointed an Employers' Agent, who will assist in the monitoring, reporting and management of the contract. A Clerk of Works will monitor the delivery of the quality of works on site.
- 6.14. The work of the Employer's Agent will involve monitoring project progress, risk, cost, quality, time and safety, with oversight provided by the Lewisham Homes' development team. They will be responsible for agreeing any variations, subject to authorisation by Lewisham Homes.
- 6.15. They will also review, agree and certify all contractor applications for payment, which will then be passed to the Lewisham Homes' development team for authorisation and payment. Payment will be made according to the amount of work that has been completed.
- 6.16. Regular site meetings and monthly progress meetings, with relevant stakeholders, will capture performance issues and achievements.
- 6.17. Oversight of these arrangements by the Council will be via the governance and monitoring arrangements already in place. Further work is also being done to strengthen these arrangements between the Council and Lewisham Homes and a Development Management Framework Agreement will shortly be in place.

- 6.18. Progress on the project as a whole will form part of the Council's routine Building for Lewisham programme update to the Mayor and Cabinet.

Risks and financial management

- 6.19. This is contained in part 2 of this report.

7. Canonbie Road construction

Background

- 7.1. Canonbie Road development will provide 6 much needed quality Temporary Accommodation (TA) homes.
- 7.2. Council officers obtained planning permission for this scheme in January 2020 after which, the scheme was transferred to Lewisham Homes who created the Employer's Requirements for the scheme and undertook value engineering. Lewisham Homes will manage the demolition and the construction phase to practical completion on behalf of the Council.
- 7.3. An Invitation to Tender for the main construction works was issued and the procurement and evaluation process has been concluded. Subject to approval, the main works contract will be entered into in August 2020, allowing contractor site possession thereafter with works commencing in November 2020.
- 7.4. This will allow the scheme to complete by March 2022. However, it should be noted that Covid-19 may affect the programme should further restrictions be placed by the government and any other delays out of Lewisham Homes' control.
- 7.5. This site forms part of a sub-programme of Temporary Accommodation homes with Mayow Road. This means that the financial performance of both schemes combined must deliver a positive Net Present Value (NPV) for the Council's General Fund. This has been achieved.

Procurement and tendering

- 7.6. This is contained in Part 2 of this report

Contract Management Arrangements

- 7.7. Lewisham Homes is a wholly owned subsidiary of Lewisham Council and operates as its housing development and management agent. The high level governance arrangements between the Council and Lewisham Homes are set out in a Management Agreement.
- 7.8. The intention is that Lewisham Homes will enter into a JCT Design & Build 2016 contract for the construction of the 6 homes.
- 7.9. Lewisham Homes will put in place arrangements to ensure the delivery of the building contracts on time, within budget and to the required quality. The Council intend to monitor this via a new development governance process as detailed in Section 9 below. This will be finalised in due course.
- 7.10. The Lead Contract Officer for this contract will be the Head of Delivery at Lewisham Homes, with day to day management being completed by a Project Manager for the schemes.
- 7.11. Lewisham Homes have appointed an Employers' Agent, who will assist in the monitoring, reporting and management of the contract. A Clerk of Works will monitor the delivery of the quality of works on site.
- 7.12. The work of the Employer's Agent will involve monitoring project progress, risk, cost, quality, time and safety, with oversight provided by the Lewisham Homes' development team. They will be responsible for agreeing any variations, subject to authorisation by Lewisham Homes.

- 7.13. They will also review, agree and certify all contractor applications for payment, which will then be passed to the Lewisham Homes' development team for authorisation and payment. Payment will be made according to the amount of work that has been completed.
- 7.14. Regular site meetings and monthly progress meetings, with relevant stakeholders, will capture performance issues and achievements.
- 7.15. Oversight of these arrangements by the Council will be via the governance and monitoring arrangements already in place. Further work is also being done to strengthen these arrangements between the Council and Lewisham Homes and a Development Management Framework Agreement will shortly be in place.
- 7.16. Progress on the project as a whole will form part of the Council's routine Building for Lewisham programme update to the Mayor and Cabinet.

Risks and financial management

- 7.17. This is contained in part 2 of this report

8. Programme Governance

- 8.1. Officers committed in the January 2020 Building for Lewisham (BfL) Mayor and Cabinet report to present an update on governance processes. As the BfL programme continues to be developed in detail and the process of delivering housing schemes (including undertaking lessons learnt reviews) continues, work has continued to progress with the focus being to shape and adjust the governance processes accordingly. It is proposed that further updates will be presented on an ongoing basis until the processes are finalised.
- 8.2. Local Authorities continue to re-establish their roles as developers of new council housing, and the pledge for Lewisham to deliver 1,000 new social homes (via both direct delivery by the Council through Lewisham Homes and partners) in 4 years is an ambitious target. The Council's provision of significant support to Lewisham Homes in order to deliver the number of homes required will assist in achieving this target. Lewisham Homes have upskilled and increased the size of their development team in order to efficiently and effectively deliver the homes our residents need. The Council will continue to provide strategic client support to Lewisham Homes throughout this programme.
- 8.3. As stated in the January 2020 Mayor and Cabinet report, there are decisions required by Mayor and Cabinet that are specific to the BfL programme and are required in order to maintain momentum in the programme delivery. Beyond the internal governance arrangements, officers acknowledge the vital role of Mayor and Cabinet on the progression of the programme. In order for a scheme to progress, officers confirm that proposals will be presented to Mayor and Cabinet at the following stages:
 - To agree a budget for feasibility beyond the limits of delegated authority;
 - To agree the inclusion of schemes listed in the BfL Programme and associated budgets required to progress to planning submission and construction procurement;
 - To approve the results of the S105 consultation and that the site can be developed subject to planning permission; and
 - To commit funding to appoint a construction contractor.
- 8.4. Lewisham Council and Lewisham Homes are continuing to forge a joint approach to governance, project monitoring and reporting to oversee the Building for Lewisham programme.
- 8.5. Standardised report templates and ongoing financial monitoring processes are being

established by the Council. In depth operational, financial and risk issues are discussed by both Lewisham Homes and Lewisham Council Officers on a scheme by scheme basis as part of governance procedures. Broader, cross-cutting themes are also now covered formally at officer-level as part of ongoing programme-level monitoring.

- 8.6. The Council and Lewisham Homes are also working on a Management Development Framework Agreement that will guide the partnership approach to delivering the Building for Lewisham Programme.

9. Financial implications

- 9.1. Financial Implications are contained in Part 2 of this report

10. Legal implications

- 10.1. The Council has a wide general power of competence under Section 1 of the Localism Act 2011 to do anything that individuals generally may do. The existence of the general power is not limited by the existence of any other power of the Council which (to any extent) overlaps the general power. The Council can therefore rely on this power to carry out housing development, to act in an “enabling” manner with other housing partners and to provide financial assistance to housing partners for the provision of new affordable housing.
- 10.2. Most of the proposals referred to in this report are at a very early stage of development. Detailed specific legal implications will be set out in subsequent reports to Mayor and Cabinet. Section 105 of the Housing Act 1985 provides that the Council must consult with all secure tenants who are likely to be substantially affected by a matter of Housing Management. Section 105 specifies that a matter of Housing Management would include a new programme of maintenance, improvement or demolition or a matter which affects services or amenities provided to secure tenants and that such consultation must inform secure tenants of the proposals and provide them with an opportunity to make their views known to the Council within a specified period. Section 105 further specifies that before making any decisions on the matter the Council must consider any representations from secure tenants arising from the consultation. Such consultation must therefore be up to date and relate to the development proposals in question.
- 10.3. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 10.4. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 10.5. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 8.3 above.
- 10.6. The weight to be attached to the duty will be dependent on the nature of the decision

and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

10.7. The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

10.8. <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

11. Equalities implications

11.1. All of the protected characteristics will be considered and assessed with the impact and implications assessed at a project level.

11.2. It should be noted that the Council is committed to ensuring our developments will be inclusive and feature accessible and adaptable homes that will meet the needs of our residents throughout their life.

11.3. Equalities implications will continue to be assessed as the schemes progress through the design, planning and construction process.

12. Climate change and environmental implications

12.1. There are no environmental implications arising directly from the recommendations set out in this report.

12.2. However, officers note that the Council has declared a climate emergency and will be ensuring the environmental performance of schemes are considered at a project level.

13. Crime and disorder implications

13.1. There are no direct crime and disorder implications arising from this report.

14. Health and wellbeing implications

14.1. There are no direct health and wellbeing implications arising from this report.

15. Background papers

15.1. Mayor and Cabinet, 11 July 2018

15.2. Mayor and Cabinet, 15 January 2020

15.3. Mayor and Cabinet, 11 March 2020

16. Report author and contact

16.1. Karen Barke, Head of Strategic Development (Karen.Barke@Lewisham.gov.uk)