

Mayor and Cabinet			
Report Title	Building for Lewisham Programme		
Key decision	Yes	Item No	
Wards	All		
Contributors	Executive Director for Housing Regeneration and Environment		
Class	Part 1	Date	15 January 2020

1 Summary

- 1.1 This report presents the Council's approach to delivering a package of sites that will form a significant proportion of the Council's objective of delivering 1,000 new council homes. This Part 1 report is accompanied by a Part 2 to note and agree a budget to procure design teams to progress sites through planning and technical design, including a budget for feasibility, as well as providing an updated budget for the previous package of sites which is now considered within the Building for Lewisham Programme.
- 1.2 If agreed, this report will enable the Council - in most cases via Lewisham Homes, the Council's development agent - to appoint consultant teams to carry out detailed design work, submit planning application (subject to s105 consultation), and seek Employers Agent services and specialist technical expertise. This will also include the preparation of tender information and soft market testing. Cost estimates have been developed following initial feasibility work, cost advice and detailed benchmarking.
- 1.3 The report also sets out the approach of our development agent, Lewisham Homes, in terms of acquiring land and packages of homes from the market in order to ensure a diverse and expedient delivery of homes.

The Part 2 report sets out budget and financial issues. In order to maintain this level of development, there is a need to set feasibility budgets for legal and technical due diligence on future schemes. This could be land-led schemes on sites owned by the Council or work to support a bid for a package of homes or land from a third party. Budgets for this are also requested. The Part 2 report also provides detail on the emerging sites and the result of the initial feasibility work undertaken by Lewisham Homes.

- 1.4 It is acknowledged that these reports require the Mayor and Cabinet to

approve a substantial undertaking, by committing to a programme of directly delivered Council homes. The key risks to the programme are also noted within this paper.

2 Policy Context

2.1 The Council's Corporate Strategy (2018-2022) outlines the Council's vision to deliver for residents over the next four years. 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

2.2 **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.

3 Recommendations

It is recommended that Mayor and Cabinet:

- 3.1 Notes the update provided for the Council's initial housebuilding programme;
- 3.2 Agrees that Lewisham Homes, in collaboration with officers of the Council, will consult with local residents, ward councillors, local amenity groups and other relevant stakeholders about the Council's intention to redevelop these sites within the Building for Lewisham Programme;
- 3.3 Agrees the scope of the Building for Lewisham Programme;
- 3.4 Notes that officers will return to Mayor and Cabinet to agree the addition or removal of specific schemes to/from the Building for Lewisham

Programme beyond feasibility;

- 3.5 Delegates authority to the Executive Director for Housing Regeneration and Environment to initiate and carry out any s105 consultation required on sites within the Building for Lewisham programme, at the appropriate time;
- 3.6 Notes that the result of the s105 consultation will be referred back to Mayor and Cabinet for consideration and approval to continue with the development;
- 3.7 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 - as part of the programme and authorises Lewisham Homes to act on behalf on the Council with respect to all of the above, subject to approval of any s105 consultation required;
- 3.8 Notes the request for feasibility budgets for:
 - 3.8.1 Acquisitions programme (via Lewisham Homes);
 - 3.8.2 Identified sites where some feasibility work has begun (via Lewisham Homes);
 - 3.8.3 Site identification as part of the Council's ongoing pipeline;
- 3.9 Notes the risks highlighted in this report with regard to the delivery of this programme and notes that a report will return to Mayor and Cabinet on a quarterly basis to monitor progress;
- 3.10 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 on rooftop extensions and Canonbie Road;
- 3.11 Notes that officers will return to Mayor and Cabinet to approve the allocation of budgets for the purpose of commencement of building work;
- 3.12 Notes that a number of other schemes sit within the programme but will be the subject of separate Mayor and Cabinet reports.

4 Building for Lewisham Packages

- 4.1 This section sets out the background to and the current position on different elements of the Building for Lewisham Programme.
- 4.2 A list of sites is included in Part 2 of this report.

Schemes currently at tender, on site or recently completed

- 4.3 Since 2014, the Council has been developing a programme of new council homes for our residents. In April 2018, the Council and its partners had

built, were on site or had submitted planning applications for 500 homes. This will now be included as part of the wider Building for Lewisham Programme.

- 4.4 In July 2018, Mayor and Cabinet agreed a package of funding for 167 homes over 10 sites. The Council, via Lewisham Homes, has been working to take forward the remainder of the directly delivered units since the grant of planning permission. This has included in depth survey work alongside necessary amendments to planning applications and discharging of planning conditions. A summary is appended to the Part 2 report. This has been restricted as scoping is not yet complete on all sites.
- 4.5 This, coupled with a volatile development market, has meant that some additional pre-contract works have been accrued and the final handover dates have slipped slightly in order to deliver homes of the quality our residents deserve.
- 4.6 Further to this, the tender packages granted at Mayor and Cabinet in July 2018 have been altered slightly to ensure that that the Council is achieving best value from the construction market. For the most part, the sites are now being taken forward independently as there are fewer adjacencies between the sites than initially anticipated.
- 4.7 In particular, the 22 unit scheme at Hillcrest has been taken out of the programme following a re-examination of the suitability of the proposed development in that location
- 4.8 In June 2019 the Mayor and Cabinet also approved that the development at Bampton in Forest Hill would be re-submitted to Planning at a reduced scale, going from 50 to 39 units.
- 4.9 This part of the programme is still under budget. However, the packaging of sites and the addition of the conversion units to the main programme has meant that this tranche of sites within this part of the programme will now deliver 141 homes and not 167 homes. All remaining sites are due to complete in 2022.
- 4.10 The shortfall of units will be made up from acquisitions made by Lewisham Homes during the previous administration and the surplus budget will now be transferred into the budget for the wider Building for Lewisham Programme.
- 4.11 A summary of the financial performance of developments is included in the Part 2 report.

New sites for housing

- 4.12 In March 2019, officers brought forward a proposal to Mayor and Cabinet to examine the feasibility of developing a tranche of sites for infill development that would contribute towards the Council's direct delivery of

new social homes.

- 4.13 This initial tranche has previously been referred to in some reports as *Package A* but it should be noted that these sites are within the overall Building for Lewisham Programme. They will contribute towards meeting the Council's target, with the majority of units scheduled to complete by April 2022.
- 4.14 The culmination of this intensive period of work has now been reached. Lewisham Homes in partnership with Council officers have undertaken detailed work to ensure that the schemes taken forward can meet the Council's ambitious target whilst keeping within strict financial parameters.
- 4.15 Officers are now requesting a budget to progress 5 sites to tender, subject to s105 consultation results being subsequently approved by Mayor and Cabinet.
- 4.16 The feasibility work initially considered over 20 sites. Following this work, the Council is now intending to progress 5 sites which will generate around 73 units. Further sites will be forthcoming following further due diligence. This could yield around a further 200 new units.
- 4.17 This programme will primarily consist of homes to be let at a social rent. However, in order to cross-subsidise the programme, some shared ownership and private sale units will also be included. Whilst unit numbers are yet to be determined on the 5 sites to be progressed, the Council will ensure that more than 50% will be for social rent.
- 4.18 As well building more homes, these schemes will also enhance existing neighbourhoods by improving and investing in underutilised or disused areas as well as creating high quality places for our residents. We are keen to promote more engaged communities and responsive environments.
- 4.19 This diversification of our portfolio will create more mixed and balanced communities whilst at the same time allowing the council to fund the delivery of the council-owned homes for social rent that our residents need.
- 4.20 Several sites initially proposed have been discounted; this has been for a number of reasons. The main ones being: concerns over the legal title for the land, topography, loss of green space and trees, access, impact on residential amenity and financial viability.
- 4.21 The sites to be taken forward under the Building for Lewisham Programme are contained in the Part 2 of this paper.
- 4.22 The site will, for the most part, be estate infill projects on land within the Housing Revenue Account. However, it is anticipated that a small percentage of sites may come forward on General Fund land.

- 4.23 No loss of existing homes are anticipated as part of this package of sites.
- 4.24 It should be noted that some of the schemes currently listed may be replaced as plans and consultation progress. Work on additional sites is ongoing and additional funding is required to undertake more in-depth feasibility. More information is provided in paragraphs 4.39-4.41 below.
- 4.25 The decision to approve a substituted a scheme will be taken by the Mayor and Cabinet and reported either as part of a quarterly paper noting progress on the Building for Lewisham Programme or as a standalone paper should the need arise.
- 4.26 A consultation strategy will now be prepared to empower communities to shape the way in which their neighbourhood develops. Lewisham Homes are leading on engagement on behalf of the Council. This will initially take the form of *Walk and Talk* engagement events and will be followed up by more detailed consultation on the emerging designs. 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.
- 4.27 This report seeks approval of the Mayor and Cabinet to undertake the s105 process. Officers will return with a report to agree the results of the s105 consultations and seek approval to progress with the developments.
- 4.28 It should be noted that where Mayor and Cabinet determine that a development will not proceed following s105 consultation, all potentially abortive costs will be identified at that stage.

Rooftop Development

- 4.29 Lewisham's reputation as an innovative housebuilder has enabled us to look at new ways of building the homes our residents need.
- 4.30 The Building for Lewisham Programme will consider a number of new opportunities in order to meet our targets. One such way could be via the use of rooftop development.
- 4.31 Lewisham Homes are examining how density on our estates can be increased without demolition or the loss of any existing homes.
- 4.32 As neither Lewisham Council nor Lewisham Homes have undertaken such developments in the past, it is imperative that an appropriate level of resource is applied to ensure that this is a solution that is fully evaluated will work for the Council and its residents.
- 4.33 Mayor and Cabinet are asked to approve a budget to investigate these works further.

- 4.34 Funding is required to appoint consultants to carry out due diligence and further capacity studies including architects, structural engineers, planning consultants, M&E consultants, solicitors amongst others to progress with site investigation, legal due diligence and initial designs.
- 4.35 Should a scheme pass the hurdles set by the Council after the feasibility has been undertaken, a formal decision to progress with the project will be requested of Mayor and Cabinet.

Acquisition Opportunities

- 4.36 Lewisham Homes are being approached by developers with opportunities in the borough. They are keen to work with the Council on a forward fund basis to deliver the schemes. Given the current market, there are more opportunities to purchase package price deals but Lewisham Homes are competing with Registered Providers of social housing and would need to negotiate more competitive offers. These schemes offer an opportunity to deliver more homes on an expedited timescale and potentially can provide cross-subsidy for the directly delivered sites within the Building for Lewisham programme.
- 4.37 Package price and turnkey opportunities are being explored with schemes that are already in the planning system or have planning permission and meet our design requirements to meet the corporate and political target of delivering 1,000 new social homes by April 2022.
- 4.38 Following negotiation with vendors, any final decision on the purchasing of land, packages or units will be agreed at Mayor and Cabinet.

Feasibility Budgets

- 4.39 A feasibility budget is required to allow Lewisham Homes to remain agile in examining proposed acquisitions. This will enable them to appoint consultants, conduct additional due diligence and support negotiations in line with the joint project Approval Process (referenced in Section 6 below). When a scheme is taken forward, the funds spent on its feasibility will be recycled back into this budget. However, it should be noted that abortive costs may be accrued if a scheme fails to meet the benchmarks which will be agreed between the Council and Lewisham Homes as part of governance arrangements.
- 4.40 In March 2019, a feasibility budget was established by Mayor and Cabinet to examine a set of sites that could be unlocked to deliver new homes by 2022. Whilst this work has helped to confirm 5 new sites that are to be progressed, there remains a strong possibility that a further 100-150 homes could yet come forward. As part of the evolution of the designs and more in-depth resident consultation it is anticipated that some of these opportunities could contribute towards the Council's housing targets.
- 4.41 Some of these sites have complex issues to be resolved such as services

diversions, ground conditions and planning designations, land ownership and covenants.

- 4.42 Prior to formal confirmation of up to a further 10 schemes, Lewisham Homes require an additional budget to continue to examine the feasibility of these schemes and ensure they deliver best value for the Council.
- 4.43 A further budget is also required to support the Council's Housing Growth Team. This will fund additional early feasibility work that will be necessary in order to ensure a pipeline of future sites is available to Lewisham Homes as and when an additional council-owned development site is required to support the programme. This expenditure will fund legal Reports on Title, measured surveys, topographical surveys, placemaking support and utilities searches and other reports as required.

Mayow Road and Canonbie Road

- 4.44 As well as the schemes listed above, Mayor and Cabinet is asked to agree a small extension of the existing budget for the Mayow Road Warehouse and Canonbie Road schemes. This funding is required to progress the schemes from planning to tender. Officers will then return with a full construction budget at that point
- 4.45 Mayow Road was granted planning permission in November 2018 for 26 Temporary Accommodation units and 6 Supported Living units to be built on the site of the former Mayow Road warehouse. Work is due to start on site in the spring of 2020, subject to confirmation of grant funding from the NHS, and should be complete early in 2022.
- 4.46 The proposed development at Canonbie Road consists of six 2 and 3 bedroom homes for Temporary Accommodation. A planning application has been submitted and will be determined by committee in January 2020. Costs requested for the next phase of the project are dependent on the successful granting of planning permission.
- 4.47 Mayow Road remains on budget. However, there is a requirement for an extension to the budget for Canonbie Road. Details are contained in Part 2 of this report.

Additional Schemes within the Building for Lewisham Programme

- 4.48 As well as the schemes listed above, a number of other priority developments are under development and form part of the Building for Lewisham programme.
- 4.49 The Council has accounted for a number of other priority developments in the programme. These are as follows:
- Achilles Street Estate
 - Former Ladywell Leisure Centre Site

- Re-location of PLACE/Ladywell
- Catford Regeneration (Phase 1)
- Edward Street Modular development

5 Timescale and Programme

- 5.1 In order to build these homes by 2022, the Council must now act quickly. The majority of sites in Package are required to have been submitted for planning permission by summer 2020 so that practical completion can be achieved in early 2022.
- 5.2 It should be noted that some strategic sites such as Catford and Achilles Street Estate will have an extended programme beyond 2022.
- 5.3 The use of acquisitions could assist the speed at which homes are delivered through the pipeline. Many of the sites have planning permission so are in a more advanced position meaning that social homes can theoretically come forward with an expedited programme.
- 5.4 A detailed delivery programme is included in Part 2 of this report.
- 5.5 In order to meet the programme aims within the financial parameters a degree of flexibility has been incorporated that will allow the Council to adjust its portfolio to rebalance the split of units between acquisitions and direct delivery on Council-owned land.
- 5.6 In effect, this will mean that a decision at some point in the future will need to be taken as to whether to progress with further acquisitions, look to take forward more directly delivered sites on Council-owned land or consider alternative options. If required, this decision will be taken by the Mayor and Cabinet at the appropriate time.

6 Risk Management

A. Financial

- 6.1 Developing new homes at this scale comes with significant financial exposure. Officers across the Council have been working diligently to ensure that this risk is mitigated and managed accordingly.
- 6.2 It is anticipated that regular consolidations of the entire programme will be used to ensure that the financial performance remains on track and reported accordingly.
- 6.3 Broadly, this programme will take up a significant amount of headroom within the Housing Revenue Account and will limit the Council's ability to take forward new proposals in the future, should the current approach of direct delivery for new build schemes be maintained.
- 6.4 In order to limit the Council's financial risk, a series of financial

assumptions have been prepared that will be used to model and assess the viability of the developments. This considers the impact to both the Housing Revenue Account and any prudential borrowing for sites in the General Fund. The assumptions have been established using benchmarking from other housebuilders and local authorities in order to provide a realistic financial projection of the performance of the schemes.

- 6.5 The housing market in Lewisham does not reflect some of the inflated prices experienced in the Prime Central market. This means that cross-subsidising a predominantly social rented pipeline housing through the use of intermediate and private sale products is not straightforward. In most cases, non-affordable homes will not return sufficient capital to fully subsidise an equivalent social rented unit.
- 6.6 The Council has developed a set of market assumptions based on industry norms and market intelligence within which the programme level finances have been produced. For the most part, these are reasonably conservative in order to de-risk any significant fluctuations in the market.
- 6.7 The Council does not currently maintain a stock of Shared Ownership properties so has developed a bespoke set of assumptions based on the schemes in other London Boroughs and Registered Providers.
- 6.8 A bespoke set of assumptions have also been used in order to devise an appropriate set of parameters for acquisitions and forward funded opportunities. At present, very few authorities are taking this approach and this naturally comes with some risks. However, the assumptions agreed are shaped so as to ensure that the Council is not exposed unduly to a heightened level of financial risk.
- 6.9 Finally, it is noteworthy that the Lewisham, like most other councils in London, is only in this position of being able to deliver new social homes directly thanks to the intervention of the Greater London Authority. In late 2018, the Building Council Homes for Londoners grant funding programme allocated £37.7m to the London Borough of Lewisham at a rate of just under £100,000 a unit. This will be used to cross-subsidise the Building for Lewisham Programme. Whilst this still only represents a fraction of the cost of housebuilding in the 2020s onwards, it would have been far more challenging without this significant financial support.

B. Governance

- 6.10 Local authorities are only now re-establishing their roles as developers of new council housing, and building 1,000 social homes - 500 via direct delivery by the Council and Lewisham Homes - 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 with this risk. 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.

- 6.11 Lewisham Council and Lewisham Homes are finalising and trialling a joint approach to project management, governance and project approval processes to oversee the Building for Lewisham programme.
- 6.12 Officers aim to present the finalised governance processes for the Building for Lewisham (BfL) Programme to Mayor and Cabinet in March 2020. However, there are decisions requested of Mayor and Cabinet in this report that are specific to the programme and required in order to maintain momentum in the programme.
- 6.13 Beyond the internal governance arrangements, officers acknowledge the vital role of Mayor and Cabinet in the progression of the programme. In order for a scheme to progress, officers confirm that proposals will come to Mayor and Cabinet at the following stages:
- i. To agree a budget for feasibility beyond the limits of delegated authority;
 - ii. To agree the inclusion of schemes listed in the BfL Programme and associated budgets required to progress to tender (subject to stage iii below)
 - iii. To approve the results of the s105 consultation and that the site can be developed subject to planning permission
 - iv. To commit funding to procure a main works contractor.

C. Programme

- 6.14 There remain a number of factors outside of the control of the Council and Lewisham Homes that may slow down delivery. Planning and design is critical as is the ability to successfully deliver procurement processes in line with regulations.
- 6.15 The Council and Lewisham Homes are jointly and routinely monitoring progress and are looking at innovative solutions - such as our approach to acquisitions and investigating the prospect of undertaking roof-top development – to ensure delivery of the homes in line with our target.
- 6.16 The Council also maintains a strong reputation as a champion of Modern Methods of Construction, such as those used at PLACE/Ladywell. The Council is committed to examining ways of building more homes in this way in order to maximise the time savings from more efficient means of construction.
- 6.17 In line with this innovative approach, the Council's approach towards the acquisitions is not one that many authorities have adopted. However, due to the current market conditions, the time has never been better to look at this procurement. Whilst some risks around quality will need to be managed and mitigated, acquiring units in this method has the significant benefit for expediting the delivery of homes, required less intensive project

management and should enable a greater number of units to be delivered within the programme dates.

D. Reputational

- 6.18 Failure to deliver the programme both on time and on budget will have significant impact on Lewisham's reputation as a trustworthy and reliable developer of social housing
- 6.19 Officers will be judging success not just on these indicators but importantly on the quality and performance of the homes we build.
- 6.20 To date, most residents in new Lewisham-built developments are proud of their new homes and are pleased with their environmental performance. We must ensure that we continue to deliver homes to this high standard and only work with contractors and partners who share this ambition.
- 6.21 A stringent set of parameters and benchmarks are being evolved that will allow us to monitor our success and continually learn lessons and evolve our standards. The Council has developed a set of design parameters and a Design Guide which Lewisham Homes have taken forward and will use to update their Employers Requirements in order to ensure our residents have well designed, well build and easy to maintain homes. This will be kept under constant review and will evolve as more schemes are developed.

7 Financial Implications

- 7.1 The financial implications are contained with Part 2 of this report.

8 Legal Implications

- 8.1 This report sets out the current position on delivery of the Building for Lewisham Programme and seeks decisions on certain points.

Delivery approach and risks

- 8.2 The current version of the Management Agreement between the Council and Lewisham Homes has been in place since 2016. This says that Lewisham Homes will be the Council's 'Development Agent'. Delivery of the Building for Lewisham Programme will be carried out in line with the Management Agreement, in particular Schedule 7 'Development Schedule'; and in line with more detailed governance arrangements which have been developed between the Council and Lewisham Homes.
- 8.3 The report seeks decisions from Mayor and Cabinet on making funds available to support aspects of the Programme. The report sets out that there various risks and issues arising from this Programme both in relation to individual schemes and at a Programme level. The report sets

out the current approach to how those risks and issues are to be addressed.

Powers to undertake the Building for Lewisham Programme

- 8.4 The Council has various powers which it may use in undertaking the Building for Lewisham Programme.
- 8.5 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. If the Council invokes its powers under Section 1, if the Council is viewed as acting for a commercial purpose it must carry out that activity through a company in order to comply with Section 4 of the Localism Act 2011.
- 8.6 The Council has a specific power under Section 9 of the Housing Act 1985 to provide housing accommodation by erecting houses (which includes flats) on land acquired (which includes appropriated) for the purposes of Part 2 (HRA land). The Council can therefore use this power for all schemes where the Council is building housing on HRA land. The Section 9 power also enables the Council to dispose of housing it has erected, subject to compliance with Section 32 of the Housing Act 1985 in relation to that disposal which requires Secretary of State’s consent to any disposal of housing land (which may be express or under a general consent).
- 8.7 Where land is held in the General Fund, Section 2 of the Local Authorities (Land) Act 1963 gives the Council a specific power to erect any building and construct or carry out works on land, but this power may only be used where the development of buildings/works is for the benefit or improvement of its area. If the Council is to rely upon the 1963 Act to develop properties in the General Fund, its primary purpose must be to benefit or improve its area and this would have to be expressly considered in the context of the development proposed.
- 8.8 Section 122 of the Local Government Act 1972 allows the Council to appropriate land to a new purpose if the land is no longer required for its current purpose (i.e. immediately before the appropriation). This would enable forming General Fund land to be appropriated to the HRA for the purpose of the provision of housing accommodation. However, the Council's decision-making process will need to formally include consideration of the need for the existing use of the land. This would include public need within the area for the existing use. Therefore, decisions on appropriation must be taken at the start of each scheme and before any

development takes place. It should also be noted that the cost of market value has the potential to skew viability on individual schemes.

- 8.9 Some 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. In particular, the appropriate power to undertake development will need to be considered on a case by case basis and will be dependent upon the purpose for which the land in question is held and, the nature of the development being undertaken. This is also the case where appropriation of land is proposed.
- 8.10 Section 105 of the Housing Act 1985 provides that the Council must consult with all secure council 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.

Equalities issues

- 8.11 In taking this decision, Mayor and Cabinet will wish to take into account that the Council has a public sector equality duty (the equality duty or the duty - The Equality Act 2010, or the Act). 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. 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.
- 8.12 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 above. 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 decision maker, bearing in mind the issues of relevance and proportionality. The decision

maker must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. 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.

8.13 The Equality and Human Rights Commission (EHRC) has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance. The Council must have regard to the statutory code in so far as it relates to the 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 on the EHRC website.

8.14 The EHRC has issued five guides for public authorities in England giving advice on the equality duty. The 'Essential' guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice.

9 Crime and disorder implications

9.1 The design for any new homes will incorporate recommendations from the police via the Secured by Design principles.

10 Equalities implications

10.1 There are no equalities implications arising directly from the recommendations set out in this report. However, it is noted that the all of the protected characteristics will be considered and assessed with the impact and implications assessed as part of any decision to allocate a budgets for the commencement of building work.

10.2 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 Environmental implications

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

11.2 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.

12 Background Documents and Report Originator

12.1 If you have any queries relating to this report, please contact the Director of Regeneration and Place on x43914.